

CITY COUNCIL
CITY OF NEW YORK

----- X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON HEALTH

----- X

January 29, 2020
Start: 10:18 a.m.
Recess: 1:40 p.m.

HELD AT: 250 Broadway, Committee Room,
16th Floor

B E F O R E: Mark Levine
Chairperson

COUNCIL MEMBERS: Mark Levine
Alicka Ampry-Samuel
Inez Barron
Andrew Cohen
Mathieu Eugene
Robert F. Holden
Keith Powers

A P P E A R A N C E S (CONTINUED)

Carolyn Olson
Assistant Commissioner
Bureau of Environmental Surveillance and
Policy

Liam Kavanaugh
First Deputy Commissioner
Department of Parks and Recreation

Paula Rogovin and Children from PS-290

Brian Shapiro
New York State Director for the Humane
Society of the United States

Patricia Wood
Executive Director
Grassroots Environmental Education

Jay Feldman
Executive Director
Beyond Pesticides

Ellen Weininger
Director of Educational Outreach
Grassroots Environmental Education

Jay Archer

Eric Weltman
Food and Water Action

Randall Wilhite
Attorney
Richmond Law Group

Jack Einstein
Richmond Law Group

Daniel Clay
Gardener
New York City Parks and Recreation

Dr. Kenneth Spaeth
Chief of Occupational and Environmental
Medicine
Northwell Health

Allie Feldman Taylor
President
Voters for Animal Rights in Brooklyn

Kathy Mizzari
Voters for Animal Rights

Bruce Rosen
United For action

Maya Shetreat, M.D.
Pediatric and Adult Neurologist

Jessica Haller
Hazon

Emily Walker
Director of Outreach and Programs

New Yorkers for Parks

Mitchell Cohen

Coordinator

No Spray Coalition Against Pesticides

Kirsten Strickland-Beshares

Joel Kuferman

Environmental Justice Initiative

1
2 Sound check for the Committee on Health,
3 January 29, 2020, being record by Israel Martinez,
4 taking place 16th Floor Committee Room, 250 Broadway,
5 scheduled for 10:00 a.m.

6 CHAIRPERSON LEVINE: Good morning,
7 everyone. Welcome. I am Mark Levine, chair of the
8 City Council's Health Committee. We're back for the
9 second day in a row. Yesterday's Health Committee's
10 hearing we were focusing on the danger of detox teas
11 and weight loss candies. Look it up online. And
12 today we're focusing on the dangers of pesticides. I
13 am very happy we are joined by fellow Health
14 Committee members, Alicka Ampry-Samuel and Bob
15 Holden, and other folks are going to be coming in and
16 out today. Ah, I myself will have to move at some
17 point quickly because we have many hearings happening
18 all around City Hall. I am thrilled, as I mentioned,
19 that we are focusing today on the critical topic of
20 protecting the people and animals of this city from
21 dangerous exposure to pesticides. The City Council
22 has been active on this topic for almost 15 years,
23 passing landmark legislation in 2005. Local Law 37,
24 sponsored by then-Council Member Jim Gennaro, which
25 prohibited the use of pesticides on city-owned

1
2 property in cases in which the substances were
3 classified as toxic by the federal government or the
4 State of California. Local Law 37, while
5 representing a major step forward for our city,
6 nonetheless has unfortunately allowed the continued
7 use of glyphosate, otherwise known as the weed killer
8 Roundup. In 2016, when I served as chair of the
9 council's Parks Committee, we held a hearing focused
10 on the threats focused by the continued use of this
11 chemical in our city's parks. We passed two
12 important bills, sponsored by Council Members Cohen
13 and Rosenthal, to expand the city's reporting on the
14 use of these harmful chemicals. But the fight to ban
15 them continues. So I am pleased today that we'll be
16 hearing Intro 1524, sponsored by Council Member Ben
17 Kallos, who will be joining us shortly. I'm pleased
18 to serve as a cosponsor of this legislation, which
19 would take Local Law 37 a step further by requiring
20 city agencies, with some exceptions, to exclusively
21 use biological pesticides, which are safer for humans
22 and animals than chemical equivalents. The dangers
23 of glyphosate have been established by a body no less
24 respected than the World Health Organization's
25 International Agency for Research on Cancer, which

1 listed the chemical as "a probable human carcinogen"
2 in 2015. Independent research has linked the weed
3 killer to antibiotics resistance and hormone
4 disruption. And California declared glyphosate a
5 carcinogen in 2017 and added it to its Proposition 65
6 list, which requires warnings on consumer products
7 deemed to pose a health risk. The leading voice in
8 opposition to bans on Roundup, you guessed it, is
9 Bayer, the company which manufactures this chemical.
10 Bayer bought Monsanto, the long-time maker of this
11 product, in 2018. But as a measure of the scale of
12 the threat that even Bayer tacitly acknowledges is
13 posed by Roundup, the company is now close to
14 settling more than 75,000 cancer claims related to
15 the use of the weed killer. Considering the known
16 risks of this chemical and the emergence of safer
17 organic alternatives, it is indeed time that we
18 finally once and for all ban the use of Roundup in
19 our parks and other public properties. I look
20 forward to a robust discussion with the
21 administration on this critical topic. I look
22 forward to hearing from members of the public and
23 especially young people who will be joining us, and
24 I'm now going to ask our committee counsel, Sarah
25

2 Liss, to swear in our first panel, our
3 representatives of the administration. Please.

4 COMMITTEE COUNSEL: Please raise your
5 right hand. Do you affirm to tell the truth, the
6 whole truth, and nothing but the truth in your
7 testimony before this committee and to respond
8 honestly to council member questions? Thank you.
9 You can begin.

10 ASSISTANT COMMISSIONER OLSON: OK. Good
11 morning, Chairman Levine and members of the Health
12 Committee. I am Carolyn Olson, assistant
13 commissioner for Environmental Surveillance and
14 Policy at the New York City Department of Health and
15 Mental Hygiene. I am joined today by my colleagues
16 from the Department of Parks and Recreation. On
17 behalf of Commissioner Barbot, thank you for the
18 opportunity to testify on the department's role in
19 monitoring pesticide use on city-owned and leased
20 property and on Introduction 1524. In 2005 New York
21 City enacted groundbreaking legislation to control
22 pesticide use. With Local Law 37 we became the
23 largest city in the US to regulate pesticides used on
24 city-owned and leased property. The law prohibits
25 the application of certain pesticides, requires

1 public notification of pesticide use, and mandates
2 that city agencies annually report all pesticide use
3 to the health department. Local Law 37 prohibits all
4 pesticides classified as Toxicity Category 1 by the
5 United States Environmental Protection Agency, or
6 EPA. Pesticides categorized by the EPA as possible,
7 probable, likely, or known human carcinogens as of
8 2005 and pesticides considered a developmental
9 toxicant by California as of 2005. The law provides
10 limited exemptions for certain pesticides, including
11 biological pesticides, and exemptions for use at
12 particular locations, such as professional sports
13 playing fields. In addition, the law allows city
14 agencies to seek a waiver from the health department
15 for the use of prohibited pesticides when necessary.
16 When deciding whether to grant a waiver, Local Law 37
17 directs the health department to consider the
18 magnitude of the pest infestation, the threat to the
19 public health, the availability of effective
20 alternatives, and the likelihood of human exposure.
21 New York City is a uniquely dense urban environment
22 where many New Yorkers contend with cockroaches and
23 other pests, making pesticides necessary to protect
24 public health. The health department aims in its own
25

1 pesticide use and in working with other agencies to
2 balance the concerns about both the potential links
3 between pesticide exposures and disease and the
4 health risks presented by pests. Mice and roaches
5 are asthma triggers. Rats can contaminate food and
6 transmit disease. Mosquitos are vectors for the West
7 Nile virus and bedbugs can interrupt sleep and
8 negatively impact mental health. Safe pesticide
9 application to address harmful pests is focused on
10 minimizing human exposure through careful limited
11 use. Scientific evidence of health effects
12 associated with pesticides is constantly advancing.
13 Each year the health department is mandated to report
14 to City Council on pesticides that have been added or
15 dropped from the EPA and California lists. Our goal
16 is to encourage sparing and safe use of all
17 pesticides. Local Law 37 requires agencies to
18 annually report pesticide use data to the health
19 department, which we consolidate into a public report
20 that includes trend analyses of use across city
21 properties. The most recent report submitted to
22 Council last July shows success in city efforts to
23 limit pesticide use, with reductions in many types of
24 pesticides since reporting began in 2008. For
25

1 example, use of herbicides to maintain the city's
2 parks has declined 60% and is now strategically
3 targeted towards specific outcomes, including
4 wildfire prevention and natural area restoration, or
5 to address public safety concerns at specific
6 locations, such as right-of-way green streets.
7 Additionally, city agencies are constantly
8 investigating safer alternatives to prohibited
9 pesticides. For example, pre-emergent pendimethalin
10 is listed as a possible carcinogen by the EPA and has
11 been used to maintain and reduce injury risk in
12 hardscapes like sidewalks. After requesting waivers
13 while exploring potential alternatives for a few
14 years, the Parks Department discontinued use of
15 pendimethalin. Similarly, in the context of the
16 continued public discourse regarding glyphosate the
17 city has since decreased its use by more than 80%
18 since 2012 and Parks conducts limited glyphosate
19 applications to areas that are not conventionally
20 accessible to park visitors. The city's pesticide
21 use statistics also show increasing use of best
22 management practices aimed at reducing potential
23 human exposure to pesticides by pairing their limited
24 use with alternative measures of pest control. For
25

1 example, a major aim of Local Law 37 is to shift the
2 city's approach to rodent and insect control away
3 from relying only on pesticides and towards
4 integrated pest management, or IPM. IPM focuses on
5 not only targeted low-risk pesticide use but also the
6 elimination of underlying conditions that support
7 pest infestation, for example by containing garbage
8 in order to deny pests food, repairing leaks to
9 reduce pest access to water, eliminating nesting
10 areas, and repairing holes in ceiling, cracks, or
11 gaps that allow pests to freely move about. The
12 health department uses IPM in our own pest control
13 work, limiting pesticide use as much as possible, and
14 encourages best management practices at other
15 agencies. Recognizing that the city accounts for
16 only a small fraction of all pesticides used in New
17 York City, the health department also publishes
18 educational materials and provides free training to
19 building professionals and members of the public on
20 implementing IPM in a variety of settings. The
21 health department's use and promotion of IPM is
22 critical to our effort to reduce health disparities
23 when combating pests in and around New Yorkers'
24 homes. The presence of residential pests is tied to
25

1 housing quality and the residents of color and those
2 living in high-poverty neighborhoods bear a heavier
3 burden of pest infestations and pest-related health
4 conditions, such as severe asthma. Judicious
5 application of pesticides and the implementation of
6 other strategies through IPM have been critical to
7 promoting healthier environments for all New Yorkers.
8 The health department also mandates IPM for pest
9 infestations in the homes of children and adults with
10 severe asthma, further extending IPM beyond the
11 city's own pest management work to address
12 neighborhood health and housing inequities. I will
13 turn now to Intro 1524, which would authorize the use
14 of only biological pesticides except in the case of
15 applicable exemptions or with the health's department
16 issuance of a waiver with a shortened timeframe of
17 two weeks. The health department appreciates the
18 intent of this bill to further reduce pesticide use
19 on city property, a goal which we share. We are
20 concerned, however, that the proposed change to ban
21 use of all synthetic pesticides would hamper the
22 city's ability to rapidly respond to and control
23 certain pest conditions. Both biological and
24 synthetic pesticides can be toxic when not used
25

1 safely, and in some cases there are no biological
2 alternatives to effectively control certain pests
3 with significant public health impacts, including
4 roaches, bed bugs, and mosquitos. However, we
5 recognize that the science around the health impacts
6 of certain pesticides has evolved since Local Law 37
7 was passed in 2005 and we would be happy to join
8 discussions around whether there are additional
9 pesticides that should require a waiver for use on
10 city-owned or leased property. Currently waivers are
11 issued for limited, highly controlled use of a
12 prohibited pesticide to treat a specific pest problem
13 where there is no viable alternative. Agencies
14 develop a detailed application describing the need
15 and specific circumstances for use of the prohibited
16 product, which is reviewed and sometimes after a
17 discussion with the agency applying either approved
18 or denied by the health department's waiver decision
19 committee. A small number of waivers have been
20 granted for only a few weeks, while most are granted
21 for a season or year. Short-timeframe waivers
22 usually target an acute severe infestation of pests,
23 like termites, while other pest problems are
24 intermittent over a longer period, like mosquitos
25

1 identified through surveillance as carrying West Nile
2 virus. In some cases, pesticides need to be
3 available when monitoring parks and botanic gardens,
4 when monitoring in parks and botanic gardens suggests
5 a possible fungal infestation like Dutch elm disease.
6 The new prohibition set out in Intro 1524 would
7 create unnecessary redundancy in the waiver review
8 process, making it harder for city agencies to
9 provide needed pest control. For example, a waiver
10 for potential West Nile virus mosquito control would
11 have to be issued every two weeks from June through
12 October. Intro 1524 would also add waivers for
13 synthetic pesticides without evidence of human health
14 risks. We look forward to working with the council to
15 find ways to further reduce overall pesticide use by
16 the city while balancing the need to protect the
17 health of New Yorkers. Thank you for the opportunity
18 to testify. I would be happy to take questions.

19
20 CHAIRPERSON LEVINE: Thank you,
21 Commissioner Olson. Um, we have been joined by
22 fellow Health Committee member Ben Kallos, excuse me,
23 fellow Health Committee Keith Powers and the lead
24 sponsor of our bill today, Ben Kallos, and I'm going
25

1
2 to cue Council Member Kallos if he'd like to make an
3 opening statement.

4 COUNCIL MEMBER KALLOS: Thank you very
5 much. Good morning. I'm Council Member Ben Kallos.
6 I learned something in kindergarten. I learned that
7 parks should be for play, not pesticides. It wasn't
8 my kindergarten, but it was the kindergarten students
9 at PS-290 who learned about them from their teacher,
10 ah, Paula Rogovin. They even taught me a chant,
11 which was, ah, ban toxic pesticides, use only
12 nature's pesticides, ah, and they that chant until
13 eventually they hit their punch line, which was of
14 course pass a law. Now that was five years ago, in
15 2015. When we were ready to introduce the
16 legislation in 2016 the World Health Organization had
17 just announced that glyphosate, a neuro disrupter
18 and, ah, if you don't know it, this is, ah, this is
19 the poison right here. It's Roundup, ah, and, ah,
20 yeah. There's the poison right there. Ah, they,
21 they announced like glyphosate a neuro disrupter and
22 the active ingredient in Monsanto's Roundup was a
23 likely carcinogen. In fact, it's banned in so very
24 many countries and, according to a report of Local
25 Law 37 in 2005 by Council Member James Gennaro, the

1
2 city's most heavily used liquid herbicide is
3 glyphosate, sold as Roundup, which represents over
4 50% of the pesticides used by city agencies and was
5 sprayed 1365 times in 203, and as far as I understand
6 you're talking about hundred of gallons of the stuff,
7 if not thousands of gallons of the stuff, ah, and
8 this is the, ah, this is one of the, this is a, an
9 enlargement of the type of sign that goes up in our
10 parks. It says pesticide application, do not enter.
11 There's a, there's a picture of the child and the dog
12 on the grass, and do not enter, do not remove sign
13 for 24 hours, with the date and the time of
14 application. Ah, in all reality, if I recall the
15 last time I saw one of them it's very, very some and,
16 ah, you wouldn't even notice it. You'd have to be
17 very lucky if you were going to find the entrance to
18 the park where they decided to post it because many
19 parks have many entrances. The Black Institute just
20 released a study that found that glyphosate is used
21 more heavily in low-income communities of color. Of
22 50 Manhattan parks treated with Roundup in 2018, 42
23 were in Harlem. Idlewild Park, located in a
24 predominantly African American Queens neighborhood,
25 ah, was found to have Roundup contamination levels

1 that were one hundred times higher than the normal
2 levels. I still don't know what normal is, because I
3 think it should be zero. Ah, and I want to thank the
4 Black Institute for their groundbreaking report and
5 actually going to the length of actually doing the
6 soil sample studies. Now, as for Monsanto, the
7 company that marketed glyphosate as Roundup and which
8 has since by acquired by Bayer, they've been ordered
9 to pay 78 million dollars by a San Francisco court to
10 Duane Johnson, a former school groundskeeper who is
11 terminally ill with cancer that a jury determined was
12 caused in part by the use of Roundup. In a second
13 lawsuit in March of 2019 a jury ordered Bayer to pay
14 80 million dollars to Edwin Hardeman, whose cancer
15 was determined to have been caused in part by use of
16 Roundup on his own property. In spite of all the
17 facts, our legislation to ban pesticides in our parks
18 has languished for years. I want to thank you
19 members of this committee, Council Member Carlina
20 Rivera, who is a co-prime sponsor, Council Member
21 Keith Powers, who is a co-prime sponsor, and so very
22 many people. Ah, and I'll tell you, bills pass the
23 City Council every day with one sponsor or a handful.
24 This bill got a super majority of the council, 34
25

1
2 sponsors to get this hearing. Ah, and I just want to
3 thank the advocates. This would not have happened
4 without you. It's time to stop spraying poison in
5 our parks. It's time to protect our children. It's
6 time to protect our animals. It's time our
7 employees. It's time to protect our environment and
8 it's time to pass Intro 1524 and finally ban toxic
9 pesticides from our parks. Thank you for the chance
10 to read this opening statement.

11 CHAIRPERSON LEVINE: Thank you, Council
12 Member. Um, and thank you, again to the
13 administration. I want to acknowledge we've been
14 joined by fellow Health Committee member Andy Cohen,
15 who himself has been very active on this issue, and I
16 know you have a bill focusing on the danger to golf
17 courses, ah, which is Intro...

18 COUNCIL MEMBER COHEN: 622 [inaudible].

19 CHAIRPERSON LEVINE: OK, well, hopefully
20 we can hear that in the future soon.

21 COUNCIL MEMBER COHEN: I would appreciate
22 that.

23 CHAIRPERSON LEVINE: This may be a
24 question for, ah, Commissioner Kavanaugh. When did
25 the Parks Department start using Roundup?

2 FIRST DEPUTY COMMISSIONER KAVANAUGH: Hi.
3 I can't say specifically when the Parks Department
4 started using Roundup. I can say that we have been
5 using for decades.

6 CHAIRPERSON LEVINE: OK. Do you know
7 what the Parks Department used prior to its adoption
8 of Roundup?

9 FIRST DEPUTY COMMISSIONER KAVANAUGH: Um,
10 our, um, weed control program was largely based on
11 using pre-emergent herbicides, as the testimony
12 mentioned. It was a variety of products. They were
13 applied in the early spring before the seeds
14 germinate. That was the, ah, the focal point of our
15 weed control program using herbicides for many years.
16 Ah, and when that product was no longer available
17 under Local Law 37 we began using Roundup in larger
18 quantities than we had before, ah, to treat the weeds
19 after they germinated and grew.

20 CHAIRPERSON LEVINE: Based on the remarks
21 that Commissioner Olson offered and what I've heard
22 in other settings, the Parks Department has sought to
23 reduce its reliance on Roundup. Is that accurate?

24 FIRST DEPUTY COMMISSIONER KAVANAUGH:
25 Yes.

1 COMMITTEE ON HEALTH 21
2 CHAIRPERSON LEVINE: Why? Why has the
3 Parks Department done that?

4 FIRST DEPUTY COMMISSIONER KAVANAUGH: Um,
5 for a number of reasons. Clearly there are products
6 that come onto the market that we want to try and,
7 and use, and if they, ah, you know, and if they are
8 effective we want to adopt them into our, ah, into
9 our tools, our toolkit. Ah, but, you know, the fact
10 of the matter is regardless of, you know, ah, whether
11 or not you, you know, you ascribe to, ah, the
12 toxicity levels that people ascribe to Roundup, ah,
13 there are people who are very concerned about the use
14 in public parks and it has begun to create a barrier
15 to use. And we don't want people to have any
16 barriers to using their parks. So we have been
17 systematically reducing the amount of Roundup we
18 apply in parks. In this gear, ah, we adopted, ah, a
19 policy where we did not apply it in parks in general,
20 except in very specific instances. In natural area
21 restorations, where it's virtually impossible to
22 control invasive species without the use of
23 herbicides, ah, and in right-of-way green streets.
24 These are green streets in the middle of roadways
25 where unchecked vegetation can inhibit the ability of

1
2 a driver to see oncoming traffic, and where we don't
3 want to have our staff repeatedly working in, in
4 moving traffic. Ah, the only other instance is when
5 there is a definite public health hazard and that is
6 something like poison ivy, which can be extremely
7 damaging to individuals, including our employees, and
8 we don't want to have to repeatedly treat for poison
9 ivy. Other than that, we have essentially eliminated
10 use within parks. But I do want to say whether it
11 was the pre-emergents that we used for years or
12 Roundup, we never sprayed it in playgrounds, in dog
13 runs, in active use areas. Ah, that was never our
14 practice.

15 CHAIRPERSON LEVINE: What are the numbers
16 today? How many applications citywide on an annual
17 basis?

18 FIRST DEPUTY COMMISSIONER KAVANAUGH: If
19 you have it handy?

20 ASSISTANT COMMISSIONER OLSON: So, um, I
21 have that for, for, across, across the city for, um,
22 for the use of glyphosate, which includes the Parks
23 Department and a couple of other agencies. There
24 were approximately, um, 200 gallons used, um, across
25 about 850 applications and that is a decline over the

1
2 past ten years of almost 80%. And there is an
3 additional decline of 17% just between 2017 and 2018.
4 So we're seeing a huge reduction.

5 CHAIRPERSON LEVINE: Can you break down
6 those 850 applications? How many were natural areas?
7 How many were in traffic medians? How many were, ah,
8 used for poison ivy and perhaps more heavily
9 trafficked locations?

10 FIRST DEPUTY COMMISSIONER KAVANAUGH: We
11 can definitely break it down by location, including
12 natural areas, parks, green streets, and things like
13 that. I don't know if our, ah, if our overall
14 resources would indicate where it was used for poison
15 ivy control. That would be continued in the
16 individual pesticide applicator's reports, and we can
17 certainly look at that as well, but that's a more
18 time-consuming process. But we do have the
19 information for where it was employed.

20 CHAIRPERSON LEVINE: As best as you can
21 estimate, knowing the system as well as you do, could
22 you give us an approximate sense of the portions that
23 are used in natural areas, for example, and median,
24 traffic median areas?

2 FIRST DEPUTY COMMISSIONER KAVANAUGH: Um,
3 so, based in 2018, for 2018, rather, ah, in what we
4 call developed parkland, those are, you know, the
5 parks and playgrounds that are, that are in every
6 community in this city, ah, we used approximately,
7 ah, about half of the applications occurred in those
8 settings and, ah, 41% occurred in natural areas, and
9 11% occurred in what we call the right-of-way green
10 streets.

11 CHAIRPERSON LEVINE: Got it.

12 FIRST DEPUTY COMMISSIONER KAVANAUGH:
13 That was for 2018.

14 CHAIRPERSON LEVINE: OK, so almost 50%
15 you said were used for poison ivy and more...

16 FIRST DEPUTY COMMISSIONER KAVANAUGH: No.

17 CHAIRPERSON LEVINE: Oh, sorry.

18 FIRST DEPUTY COMMISSIONER KAVANAUGH:
19 This was 2018. This was before we adopted the policy
20 of only treating natural areas, right-of-way green
21 streets, and poison ivy or health threats with, with
22 Roundup.

23 CHAIRPERSON LEVINE: So the number you
24 cited of 850 applications was from 2018?

25 ASSISTANT COMMISSIONER OLSON: Yes.

2 CHAIRPERSON LEVINE: So how different
3 would you expect the 2019 numbers will be? You said
4 it's an 80% reduction since then, or were the 2018
5 numbers..

6 FIRST DEPUTY COMMISSIONER KAVANAUGH:
7 Not, not from 2018 to 2019, we don't have the numbers
8 for 2019 yet. Um, sort of, applicators have to
9 report their use to both the health department and
10 the state Department of Environmental Conservation.
11 I think the deadline is February 1 and after those
12 individual applicator reports are submitted we
13 compile the report for all use within the park
14 system.

15 CHAIRPERSON LEVINE: Right. I mean, I'm
16 more concerned with the current policy than the
17 historic policy, but I do want to understand the
18 perspective here. So it does sound like you effected
19 a fairly dramatic change in 2019...

20 FIRST DEPUTY COMMISSIONER KAVANAUGH:
21 Yes.

22 CHAIRPERSON LEVINE: ...to limit the scope
23 of application.

24 FIRST DEPUTY COMMISSIONER KAVANAUGH:
25 Yes.

2 CHAIRPERSON LEVINE: When was that
3 effective, January 1, 2019?

4 FIRST DEPUTY COMMISSIONER KAVANAUGH:
5 Yes, it was before the, the herbicide application...

6 CHAIRPERSON LEVINE: Which is in the
7 spring, yeah, or pre-spring.

8 FIRST DEPUTY COMMISSIONER KAVANAUGH: It
9 begins in the spring, yes.

10 CHAIRPERSON LEVINE: Understood. Um,
11 when we will know numbers for 2019?

12 FIRST DEPUTY COMMISSIONER KAVANAUGH: I
13 would estimate by the end of February.

14 CHAIRPERSON LEVINE: By the end of
15 February. And you may not have seen those numbers,
16 that might not have been tabulated yet, but do you
17 expect it they will show substantial change in the
18 total number of uses?

19 FIRST DEPUTY COMMISSIONER KAVANAUGH:
20 Yes, it will show a substantial change in total
21 number of uses. It may not show a substantial change
22 in the volume of material applied because again our
23 work in natural areas is very much project-specific.
24 It's driven by a number of factors, ah, contract
25 funding, um, opportunities, partnerships we have with

1
2 different organizations, so the volume may not change
3 substantially. The number of applications will.

4 CHAIRPERSON LEVINE: Got it. Focusing on
5 your use in sensitive cases like poison ivy, which
6 can occur anywhere in the park system, how would you
7 handle a case where poison ivy occurred adjacent to a
8 playground?

9 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
10 again, when it's poison ivy adjacent to a playground
11 we would not apply the herbicide directly to the
12 plant. We would cut the plant and paint the stump
13 with the herbicide to prevent it from resprouting.

14 CHAIRPERSON LEVINE: OK. But, ah, could
15 a child not still encounter that area?

16 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
17 it's, it's highly unlikely that you would come in
18 contact with a cut stump. I can't say that it's
19 impossible, but it's not something that is readily
20 accessible, ah, in a playing or in an active use
21 park, and we don't see a lot of poison ivy in
22 playgrounds, I have to say, or in play spaces.

23 CHAIRPERSON LEVINE: Where do you see it?

24 FIRST DEPUTY COMMISSIONER KAVANAUGH: You
25 see it in, in, and of course in, ah, in parks that

1
2 have landscapes, of course, ah, that, ah, that have,
3 you know, more naturalistic features. You do see it
4 in invasive areas along fence lines and often in sort
5 of degraded places that are not maintained where, you
6 know, poison ivy can establish itself and grow very
7 quickly. Ah, but, you know, we, we maintain our
8 parks on a regular basis and it would be unusual to
9 see something like poison ivy become established in
10 an active use park.

11 CHAIRPERSON LEVINE: There have been some
12 very exciting developments in the field of organic
13 alternative pesticides. You have been using some of
14 these new products. Could you tell us about that?

15 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
16 we have tried a variety of products over the year.
17 In the last year, ah, we used up to eight different
18 products. Not all of them are biological. In
19 general, we have found that, um, so far that they
20 require repeated treatments in order to gain control
21 and in some cases, you know, we're not able to gain
22 what we consider to be sufficient control of the weed
23 or the plant that we're trying to eradicate.

24 CHAIRPERSON LEVINE: Could you identify
25 one or two of the most promising new products?

2 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
3 I guess, you know, one product that, you know, we
4 have used and it is EPA-exempt is something called
5 Burnout 2. It's a combination of clove oil and
6 citric oil. Ah, it does leave a very noticeable
7 fragrance behind, but that's OK. Ah, but it, you
8 know, and it can kill a weed but again so far, ah, in
9 our use of it it does require repeated applications
10 in order to gain control. Another device that we
11 purchased this year is a machine called a foam
12 stream. It uses hot foam to kill weeds. It does
13 kill weeds, but it's a very slow process and it
14 doesn't prevent them from regenerating. Ah, but we
15 have used, we have purchased...

16 CHAIRPERSON LEVINE: What is the foam,
17 what constitutes the foam? Is there a chemical
18 there?

19 FIRST DEPUTY COMMISSIONER KAVANAUGH:
20 There is, I can't recall, it's not a regulated
21 chemical that is used as the foaming, it's a foaming
22 agent.

23 CHAIRPERSON LEVINE: OK.

24 FIRST DEPUTY COMMISSIONER KAVANAUGH:
25 It's basically hot water with a foaming agent.

2 CHAIRPERSON LEVINE: OK.

3 FIRST DEPUTY COMMISSIONER KAVANAUGH: The
4 foaming agent itself is not what kills the plant,
5 it's the hot water essentially.

6 CHAIRPERSON LEVINE: Right. OK. We
7 would like to learn more about that. Perhaps if you
8 can get us some more details, that sounds promising.
9 Local Law 37 does allow for waivers, which you
10 discussed in your opening statement. Presumably the
11 legislation we're considering today would in some
12 cases allow for waivers. Ah, these include threat to
13 public health, availability of effective
14 alternatives, likely human exposures. Those are the
15 factors that are considered in granting a waiver.
16 Um, given that you would still have the ability to
17 pursue a waiver when there is serious and compelling
18 cause what's wrong with moving forward with a
19 stronger law on this?

20 FIRST DEPUTY COMMISSIONER KAVANAUGH:
21 Well, the Parks Department has no objection to a
22 waiver provision for the use of any regulated
23 pesticide that we use. We don't object to that in
24 any way. We of course would like any waiver
25 provision to, ah, not, you know, be a bureaucratic

1
2 burden that doesn't add value either to our operation
3 or, you know, to citywide oversight of our
4 operations.

5 CHAIRPERSON LEVINE: Right. Um, I think
6 from the perspective of, of the council if, ah, new
7 legislation allowed for easy granting of waivers for
8 Roundup use it would defeat the whole purpose of this
9 undertaking. Can you assess the likelihood that
10 under the provisions of this legislation, ah, waivers
11 for Roundup use might be granted?

12 FIRST DEPUTY COMMISSIONER KAVANAUGH:
13 While, I think we have established, ah, at least from
14 a practice perspective, a sound approach for use of
15 Roundup in public spaces. Ah, we're limiting it to
16 natural areas where control of invasives is very
17 difficult and would be an enormous setback to our
18 program of restoring natural areas if we did not have
19 the ability to use that product. Similarly, in
20 traffic areas where plant material can cause
21 accidents if not managed proposal and where we don't
22 want our employees to be repeatedly treating weeds in
23 those situations. We think that could be a
24 legitimate area where, ah, a waiver might applicable
25 or appropriate, and then for clearly public health

1
2 purposes. You know, if the legislation permitted use
3 on those basis, on the basis of those three criteria
4 we think it would be something that we could
5 certainly adapt.

6 CHAIRPERSON LEVINE: I appreciate that.
7 It is in fact the Health Department that, ah, makes
8 the assessment on granting of waivers, correct?

9 ASSISTANT COMMISSIONER OLSON: Yes,
10 that's correct.

11 CHAIRPERSON LEVINE: Would the standards
12 that you laid out for waiver granting, ah, do you
13 expect that Roundup would still be cleared for usage
14 in some cases?

15 ASSISTANT COMMISSIONER OLSON: We, we
16 take the waiver process very seriously and so what we
17 would do is if this became, or for any, any addition
18 to the prohibited list we would ask for a clear
19 application from the Parks Department or anybody else
20 who wanted to use this, that outlines what the threat
21 is, and also how they are minimizing the potential
22 for human exposure. And so the use of glyphosate
23 already in the city, as the Parks Department has
24 already spoken about is already focused on minimizing
25 that exposure. We would evaluate that with our team

1 of experts in exactly the same way that we do all
2 other pesticides that are prohibited.

3
4 CHAIRPERSON LEVINE: OK. Um, I do want
5 to give you all a chance to go on the record in your
6 assessment of the danger of this chemical. What,
7 what is the administration's position? Do you accept
8 the World Health Organization's labeling of this as a
9 possible human carcinogen?

10 ASSISTANT COMMISSIONER OLSON: I'll
11 start. From the health department, I mean, we
12 certainly understand and hear the concerns around the
13 use of glyphosate and, um, and we're very much
14 closely following the science around exposure and the
15 risks of this, of this chemical and we definitely,
16 this, that is exactly why we're seeing the decline in
17 use that's happened in the city. So we definitely
18 are, are following the science. We're very focused
19 on, on how that's evolving and, and are paying
20 attention to exactly where we're seeing this on
21 lists.

22 CHAIRPERSON LEVINE: I appreciate that
23 you're responding to people's concerns. But we also
24 feel that there's enough compelling evidence out
25 there to, ah, outweigh the benefits that this

1
2 chemical might provide to the city and that when
3 weighed against the risks to humans and animals that,
4 ah, that the city should take the safest route and
5 prohibit the use of this chemical. That is our
6 position. I'm sorry to see you not more firmly, ah,
7 accepting the risks that we believe are inherent,
8 which is why we're forcing this on the agenda with
9 this hearing and this legislation. Um, I'm gonna
10 pause now and, and turn it over to Council Member
11 Kallos for questions.

12 COUNCIL MEMBER KALLOS: Thank you the
13 Health Committee chair for your exhaustive line of
14 questioning. I will note that this has a veto-proof
15 majority, and so like many other bills this one is in
16 a position for us to move forward whether or not the
17 mayor agrees. But in this case I do believe there is
18 support from your side of the table and the mayor
19 and, ah, I also want to note we do have a group of
20 children coming who would like to testify and so for
21 those reason I'm asking that if folks can keep their
22 questions short and on topic for my part rather than
23 asking lots of questions. I think I have about just
24 three questions I want to focus on. The first is the

1 results of the Black Institute report, ah, and so
2 have you had a chance to review the report at all?

4 FIRST DEPUTY COMMISSIONER KAVANAUGH:

5 Yes, we saw some of the report. I haven't seen the
6 entire report.

7 COUNCIL MEMBER KALLOS: They, they've,
8 they found that there are 50 parks in Manhattan that
9 were treated with Roundup in 2018 and 42 were in
10 Harlem. This seems to counter the idea that it is
11 only being used outside of active parks. Ah, can you
12 just respond to that.

13 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
14 I, I don't know the, the information from which they
15 drew those conclusions. I can say two things. One,
16 the, ah, the practice that we instituted, ah, of not
17 treating parks, broadly speaking, started in 2019,
18 not 2018, and according to our information in 2018 we
19 applied glyphosate products in 33 park properties in
20 Manhattan, only 10 of which were in Harlem.

21 COUNCIL MEMBER KALLOS: OK, so you have
22 different data, but you're saying in 2018 that you
23 were in active places. Now as of 2019, ah, you are
24 giving your guarantee, your word under oath that you
25 are not spraying in active parks in the city.

2 FIRST DEPUTY COMMISSIONER KAVANAUGH:

3 That is our policy, yes.

4 COUNCIL MEMBER KALLOS: OK. So is there
5 any glyphosate being sprayed in Central Park?

6 FIRST DEPUTY COMMISSIONER KAVANAUGH: In
7 Central Park? I don't know the numbers for 2019. In
8 2018 there was glyphosate applied in Central Park.

9 COUNCIL MEMBER KALLOS: I'm talking about
10 2019 'cause we're, we're in this awkward situation
11 where we have this legislation. Um, you support the
12 intent of it. You're saying that you're not going to
13 spray it, which means we should be in a place where,
14 so I guess just, would, would you support legislation
15 that just says we're not going to use glyphosate in
16 our active parks in the city, on our playgrounds, on
17 our dog runs, just none of it, none of those places?

18 FIRST DEPUTY COMMISSIONER KAVANAUGH:

19 Yes.

20 COUNCIL MEMBER KALLOS: That is amazing.

21 That is a step in the right direction. Ah, and so,
22 ah, thank you. That is incredibly helpful and so
23 that's your current policy and, great. Ah, thank
24 you. For the health department you shared a concern
25 about the, so for the health department are you OK

1
2 with banning glyphosate from being used in our active
3 parks, ah, throughout our city, our playgrounds, our
4 dog runs?

5 ASSISTANT COMMISSIONER OLSON: We, we
6 support that.

7 COUNCIL MEMBER KALLOS: Great, so, um,
8 that sounds like that is really good news in terms of
9 moving forward. Now, in terms of banning the use of
10 all synthetic pesticides I think you shared a concern
11 about it. Portland, Maine has a specific definition
12 in their legal text relating to how they define
13 synthetic. Ah, is that a definition you'd be willing
14 to, ah, work with?

15 ASSISTANT COMMISSIONER OLSON: We're,
16 we've, we've also been looking at different,
17 different ways that, um, other municipalities are,
18 are thinking about, um, reducing use of pesticide use
19 on city properties. Um, that's, that's a very
20 interesting one. There are others as well, and we're
21 very interested in working with Council and thinking
22 about the ways that we can expand the, the law to be
23 even, um, even more careful around how we're applying
24 pesticides, for sure.

2 COUNCIL MEMBER KALLOS: And so our
3 legislation is looking at the World Health
4 Organization and other standards-based bodies because
5 we feel that the EPA, would you concur with us that
6 especially in this current administration the EPA is
7 not a strong steward of our environment and that,
8 that we do need to go further than the chemicals that
9 they are currently, ah, seeing as hazardous.

10 ASSISTANT COMMISSIONER OLSON: All right,
11 we, we certainly are very, very glad that New York
12 City has Local Law 37 and we have taken into our
13 control municipally, um, how we're using pesticides
14 for sure. That gives us a lot of strength and we
15 want to see that law continued to be used and
16 strengthened.

17 COUNCIL MEMBER KALLOS: Great. And so,
18 and so you're OK looking at World Health
19 Organization and adding additional standards-based
20 and then also being in a position to additional
21 prohibited items to that listening tour?

22 ASSISTANT COMMISSIONER OLSON: Yeah,
23 we're definitely open to discussing how we can, we
24 can expand and, and think more about what's
25 prohibited in the city.

2 COUNCIL MEMBER KALLOS: And then I will
3 ask my last question so we can get to the kids 'cause
4 quite honestly, ah, they're the reason I introduced
5 this legislation. They asked me in my district.
6 Anyone can draft legislation so if you're older than
7 kindergarten, if you got past kindergarten and you
8 still haven't drafted legislation you might be an
9 underachiever in my district, but it is not too late
10 to introduce legislation. But, so you mentioned the
11 waiver process in your testimony. The chair had
12 questions about it concerning that this legislation
13 if it included a waiver process could be undermined
14 by just getting that as a rubber stamp. Ah, if you
15 can do very briefly, do you rubber stamp every waiver
16 you get? Are they rejected? What does the process
17 look like? And if, if I'm a person who likes who
18 likes to trust but verify where can I find these
19 waivers that are granted?

20 ASSISTANT COMMISSIONER OLSON: Thank you
21 for asking that question. We very much feel this is
22 not a rubber stamp process. We take it very
23 seriously. All waivers that are granted are
24 available on our website so that they can be
25 reviewed. Um, we have denied waivers in the past and

1
2 we very much work with agencies when they submit
3 those applications. They have, must provide very
4 detailed information about what is the pest problem
5 that they are dealing with, what pesticides they want
6 to use and how they are going to do that in the
7 safest possible way, and they must show that there is
8 not a viable alternative in order to deal with that
9 problem. And then we work with the agencies and talk
10 through them about how that's going to be done. So
11 this is not a rubber stamp process. It is very
12 transparent. We're happy to provide waivers, and we
13 very much think that it is an important part of the
14 law so that we can also be dealing with the pest
15 problems that cause public health issues.

16 COUNCIL MEMBER KALLOS: Thank you. With,
17 with your partnership we will be able to make these
18 signs a thing of the past, that folks won't see going
19 to a day in the park thinking that they want to play,
20 but it says do not enter for 24 hours, and, ah, we
21 can make this a thing of the past and, ah, make it
22 something that the City of New York just doesn't use
23 because it's a carcinogen. Thank you.

24 FIRST DEPUTY COMMISSIONER KAVANAUGH:
25 Council Member, if I may, ah, we use, we also use

1
2 that sign for rodenticide applications, so you may
3 still see it in parks.

4 COUNCIL MEMBER KALLOS: I think for me
5 there's a difference between, ah, rodenticide and,
6 and the pesticides we're talking about. I will take
7 weeds in my park over cancer any day, but I've been
8 advised by almost everyone working with that it is
9 very, that, ah, parks like Battery Park, ah, not,
10 sorry, the Battery Park Conservancy are able to do a
11 lot of work without using any synthetic pesticides
12 and I once said on radio oh, actually look for the,
13 ah, the daisies and the other weeds to make sure it's
14 somewhere safe for my daughter to play, and I
15 actually go down there to bring my daughter so she
16 can play safely and, ah, they actually called to say
17 where did you see the weed because we, we are
18 concerned about that 'cause we do a very good job.
19 So I've never actually seen any weeds, ah, in the
20 Battery Park Conservancy, so I know it can be done.
21 Thank you.

22 CHAIRPERSON LEVINE: Thank you, Council
23 Member Kallos, and now I believe Council Member
24 Powers has a question.
25

2 COUNCIL MEMBER POWERS: Thank you. Ah,
3 thanks for the testimony. Um, how many applications
4 for a waiver were received last year by the
5 Department of Health?

6 ASSISTANT COMMISSIONER OLSON: Um, last
7 year, um, we approved, um, nine waivers.

8 COUNCIL MEMBER POWERS: How many
9 applications?

10 ASSISTANT COMMISSIONER OLSON: And, yeah,
11 and there were nine applications.

12 COUNCIL MEMBER POWERS: So you, a hundred
13 percent were applied?

14 ASSISTANT COMMISSIONER OLSON: Yes
15 [inaudible].

16 COUNCIL MEMBER POWERS: Can you tell us
17 the stats for the year before that?

18 ASSISTANT COMMISSIONER OLSON: Um, you
19 know, I don't know the stats off the top of my head.
20 It's usually, the number of waivers that we, um, that
21 we end up approving is usually around eight to 10,
22 but it varies from year to year depending on the
23 issues.

24 COUNCIL MEMBER POWERS: When was the last
25 time one was rejected?

2 ASSISTANT COMMISSIONER OLSON: Um, I'm
3 not sure what date it was rejected, but we certainly
4 have rejected, um, rejected...

5 COUNCIL MEMBER POWERS: Year?

6 ASSISTANT COMMISSIONER OLSON: ...ah,
7 rejected waivers in the past.

8 COUNCIL MEMBER POWERS: Can you give us
9 the last year one was rejected?

10 ASSISTANT COMMISSIONER OLSON: I don't
11 have that information in front of me.

12 COUNCIL MEMBER POWERS: You'll get that
13 information to us?

14 ASSISTANT COMMISSIONER OLSON: But I can
15 certainly get it to you. We can provide you with
16 examples of the...

17 COUNCIL MEMBER POWERS: You mentioned,
18 um, eight different replacement products were I guess
19 tried out last year. Can you give us the breakdown
20 of how many were biological, how many were synthetic?

21 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
22 I think two of them were, were biological, five of
23 them were synthetic, and one of them was a, was a
24 mechanical device, not regulated, ah, by the EPA.

2 COUNCIL MEMBER POWERS: And any of those
3 present as most promising in terms of a replacement
4 for Roundup?

5 FIRST DEPUTY COMMISSIONER KAVANAUGH: I
6 don't think we have enough experience with them to
7 make that conclusion yet. It's an ongoing process.
8 You know, there's a lot of factor that go into weed
9 control that are not necessarily dependent on the
10 product. There is the timing of the application, you
11 know, the conditions that occur after the application
12 is made, the nature of the weed itself, so we still
13 have more research to do before we draw final
14 conclusions.

15 COUNCIL MEMBER POWERS: And what are the
16 cost differential between the different products, or
17 mechanics?

18 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
19 the, the, both the synthetic alternatives and the
20 biological controls that we have experimented are
21 significantly more expensive per gallon than
22 glyphosate and, and person hours, of course, when you
23 have to do repeated applications.

24 COUNCIL MEMBER POWERS: Gotcha. Do, um,
25 do conservancies for parks have input into what is

1 used in their parks? We talked about Central Park,
2 but obviously there's a number of conservancies in
3 the city. Do they have input or is this a Parks
4 Department decision?
5

6 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
7 well, it's ultimately a Parks Department decision.
8 Ah, but yes, they all comply with Local Law 37 and
9 the, ah, New York State Department of Environmental
10 Conservation rules and regulations about pesticide
11 applications and they also report that pesticide use
12 both as applicators directly to the Department of
13 Health and to the Parks Department. We include them
14 in our annual report to the health department.

15 COUNCIL MEMBER POWERS: OK. And the, um,
16 how many, so there's parks that are not using Roundup
17 today, right? Is that correct?

18 FIRST DEPUTY COMMISSIONER KAVANAUGH:

19 Yes.

20 COUNCIL MEMBER POWERS: OK, because they
21 don't have, they don't have the spaces where you're
22 using it, is that [inaudible]?

23 FIRST DEPUTY COMMISSIONER KAVANAUGH:

24 Yes. There's a variety of reasons why we would not.

25 We are able to control whatever weeds occur using

2 manual methods or other control devices, ah, or there
3 simply isn't, ah, weed issues that rise to the level
4 of treatment.

5 COUNCIL MEMBER POWERS: OK. Got it. And
6 are there, the eight products you talked about were
7 used in 2019?

8 FIRST DEPUTY COMMISSIONER KAVANAUGH:
9 Yes.

10 COUNCIL MEMBER POWERS: OK. Are there
11 other products you're anticipating looking at in 2020
12 or already starting to look at in terms of
13 replacement products?

14 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
15 there are some products, I couldn't identify them
16 specifically right now, that we have learned of, you
17 know, through our contacts in the industry that look
18 interesting and that we are looking to try.

19 COUNCIL MEMBER POWERS: OK. Um, I think
20 Council Member Kallos and Levine answered my other
21 questions, or helped answer my other question, ask my
22 other questions. You helped answer them, but, um, so
23 thank you. Thanks.

24

25

2 CHAIRPERSON LEVINE: Thank you, Council
3 Member Powers. Ah, next up we have Council Member
4 Cohen.

5 COUNCIL MEMBER COHEN: Ah, thank you,
6 Chair. Ah, thank you for your testimony. Ah, I also
7 want to thank Council Member Kallos 'cause I think
8 that the dialogue here has been, ah, very helpful and
9 productive. Ah, you know, I'm, I don't like the fact
10 that I'm not a sponsor of this legislation, but I
11 have some concerns and just to, ah, draw a contrast,
12 Commissioner, how many acres of Forever Wild are on
13 the Upper East Side?

14 ASSISTANT COMMISSIONER OLSON: None.

15 FIRST DEPUTY COMMISSIONER KAVANAUGH:
16 None.

17 COUNCIL MEMBER COHEN: None. Ah....

18 ASSISTANT COMMISSIONER OLSON:
19 [inaudible].

20 FIRST DEPUTY COMMISSIONER KAVANAUGH:
21 That's not the Upper East Side.

22 COUNCIL MEMBER COHEN: Ah, in, you know,
23 Van Cortlandt Park, for instance, my, my district is
24 as you know, approximately a third parkland and I
25 have a significant number of acres that are Forever

1 Wild, and the fight against invasive species in Van
2 Cortlandt Park and Riverdale Park, um, is really a
3 challenge and I think, you know, I encourage my
4 colleagues, you know, and it's a testament to the
5 work of the Parks Department, if you take the West
6 Side Highway to the Henry Hudson Parkway and as you
7 cross from my district into Westchester County you
8 will see a dramatic and dispositive impact of
9 invasive species on, on trees and on [inaudible].
10 It's just, as you cross the Westchester line Yonkers
11 is covered in, I think it's, um, porcelain berry.
12 It's totally wiping out every tree there. Ah, so,
13 ah, the, I mean, you know, the impact here is very
14 important. Can you talk about how you would fight
15 invasive species in the Northwest Bronx and what the
16 impact would be if you couldn't use these, like, I
17 forget how you say, but you know.

19 UNIDENTIFIED: Glyphosate.

20 COUNCIL MEMBER COHEN: Yes, thank you.

21 FIRST DEPUTY COMMISSIONER KAVANAUGH: It
22 would, it would limit our ability to, ah, address
23 invasive species significantly and delay our
24 restoration program for natural areas specifically,
25 Forever Wild areas. Ah, exactly how much it's hard

1
2 to say. We estimate that, ah, it might take three to
3 five mechanical applications to replace one
4 successfully application of a properly used and
5 targeted herbicide.

6 COUNCIL MEMBER COHEN: Well, that won't
7 be a problem 'cause you have the resources to do
8 that, right?

9 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
10 no, we could not initially replace, you know, the,
11 provide those resources. Ah, the reality is we would
12 do fewer treatments and remove fewer invasives.

13 COUNCIL MEMBER COHEN: Ah, I appreciate
14 that. Um, I just, I don't know if they're here to
15 testify, but I think Council Member Kallos got a
16 letter that I was cc'd on from the Van Cortlandt Park
17 Alliance, and we could make that part of the record,
18 stating their concerns about the impact of this piece
19 of legislation as drafted on my district, so. I
20 really do appreciate, you know, the dialogue. I've
21 supported legislation in the last term. I have my
22 own legislation trying to limit the use of pesticides
23 and herbicides when they would come into exposure
24 with people, ah, but there are other interests that I
25 just hope that we're all aware of and we try to

1
2 navigate this in a way that, ah, preserves our parks
3 and makes them safe for people and for native
4 species. So, thank you, Chair.

5 CHAIRPERSON LEVINE: Um, is there anyone
6 here from DOT? Do they conduct their own spraying?
7 They do, correct? Are they adhering to the
8 guidelines that the, the Park Department is laying
9 out and in what, and in what circumstances is it
10 DOT's job to spray and not Parks?

11 ASSISTANT COMMISSIONER OLSON: Um, so I
12 don't want to speak for the DOT, but they do use, um,
13 much smaller amounts, but they do use glyphosate in
14 some of the maintenance of highways so they're,
15 they're using it, um, in the same way that DOT is,
16 ah, sorry, the Parks Department has talked about the
17 maintenance of, of streets and sight lines of
18 traffic, so that's, that's how they're using those.
19 And so that's in, just to be clear, those are in
20 places where people are not walking and children are
21 not playing.

22 CHAIRPERSON LEVINE: Understood, but I,
23 I, I'm sorry DOT's not here. Ah, we would, we would
24 need them to adhere to exactly the same standards
25 that we are, ah, hoping to apply to the Parks

1
2 Department, um, and we don't, we don't want any
3 variation amongst agencies, certainly include,
4 including DOT. And one more quick clarification
5 because pesticides are a threat to animal health as
6 well as human health. Dog runs are considered, ah,
7 for purposes of this discussion, to be covered by
8 this legislation, ah, and to be the kinds of heavily
9 trafficked areas, um, that, that you would support,
10 ah, the cessation of use in, is that correct?

11 FIRST DEPUTY COMMISSIONER KAVANAUGH:

12 Yes, but I, I would point out that we've never used
13 herbicides within dog runs.

14 CHAIRPERSON LEVINE: OK, well, we hope
15 that continues.

16 FIRST DEPUTY COMMISSIONER KAVANAUGH:

17 Yes.

18 CHAIRPERSON LEVINE: And Council Member
19 Holden, please.

20 COUNCIL MEMBER HOLDEN: Thank you Chair,
21 and thank you, Ben Kallos, for this legislation, this
22 bill. Um, I just, ah, Commissioner Kavanaugh, I just
23 want to ask a couple of questions, and I know the
24 kids are outside, right? So, um, the use of Roundup-

25

1 COMMITTEE ON HEALTH
2 like products on our athletic fields, when did that
3 stop?

4 FIRST DEPUTY COMMISSIONER KAVANAUGH: Ah,
5 I don't think we ever used them on athletic fields.
6 Roundup is a non-selective herbicide, ah, and it
7 would basically kill everything. Ah, the only times
8 I think that we would use it is if the entire complex
9 was closed for a full renovation, where all of the
10 existing turf cover was being removed and replaced.

11 COUNCIL MEMBER HOLDEN: Well, I can say
12 it has been used and it was used on, on athletic
13 fields and on the warning track of the field that I
14 adopted we had to get, um, we had to get somebody
15 trained from Parks to, to use, but the warning track
16 was covered with, um, weeds and, um, we suggested
17 that we rototill it and try to tear up the, ah, the
18 weeds. But, however, they said they couldn't do
19 that. So we had to wait until somebody was trained
20 to use a Roundup-like product, and they were using
21 it, and I witnessed the spray. And it was quite
22 windy that day and it's been used multiple times over
23 the years, and not just, ah, ah, on the baseball
24 fields or athletic fields. So I just think if you
25 have this product in your possession in the Parks

1
2 Department it will be used and it will be abused, and
3 that's why, waivers aside, you can't control all that
4 and, um, I'm concerned about my health and obviously
5 the children that played on the field because we were
6 using this. This was allowed. Ah, this was allowed
7 when I adopted the fields back in the early 2000s.
8 As you know, I was part of that, ah, the complex in
9 Juniper Valley Park. We took care of the fields
10 every day. I mowed the lawn twice a, or three times
11 a week. And this was, this stuff was used, I can
12 attest to that, not only by the Parks Department, by
13 people who adopted the fields, we never heard any
14 problems. We only heard at one point the that the
15 person installing this, or putting this on the fields
16 had to be trained. Yet I wasn't, I didn't know about
17 the training, nobody told anybody about you have to,
18 you know, you have to know all the limitations. And,
19 again, I just want to caution everyone here that if
20 this exists in the Parks Department or in city
21 agencies, no doubt it will be abused, and I've seen
22 it. So if you're saying it wasn't applied, I'm going
23 to say that's not true because I witnessed it. Large
24 barrels, I've seen machines spraying it with six-
25 foot, ah, reach and this would actually run off into,

1 ah, into storm water. So this is a very dangerous
2 product. You read the, the labels, you can see that.
3 So I, I support this legislation and we will pass it,
4 by the way, so I think the agencies have to get used
5 to the fact that this, let's be cautious, but this
6 will be abused if we have it any city agency. Thank
7 you, Chair.

9 CHAIRPERSON LEVINE: Thank you. Just to
10 clarify, other than DOT and Parks what are the
11 agencies? Could you give us that list.

12 ASSISTANT COMMISSIONER OLSON: Sure, um,
13 in 2018, um, only, the only other agencies that used,
14 um, glyphosate were, um, in very small amounts, were
15 CUNY, the Department of Environmental Protection, and
16 NYCHA as part of property maintenance.

17 CHAIRPERSON LEVINE: OK. Um, by
18 definition any NYCHA property is gonna be near
19 humans, presumably CUNY as well. So we would be very
20 concerned that the kind of standards we're laying out
21 here are adhered to by those agencies as well.
22 Council Member Ampry-Samuel, please.

23 COUNCIL MEMBER AMPRY-SAMUEL: Speaking of
24 NYCHA, right, perfect timing. Um, I am a little
25 disappointed that there is no one here to speak on

1
2 behalf of NYCHA and I was told, um, that um, that you
3 would not be able to speak at all on any questions
4 related to NYCHA today. And, um, so I do have
5 questions so this is just for the record, clearly.
6 Um, I understand there is a pest action plan with
7 NYCHA and because of even in your testimony today
8 where it states the presence of residential pests is
9 tied to housing quality and residents of color and
10 those living in high-poverty neighborhoods, that's
11 all of NYCHA. And so because of that I want to make
12 sure that while we're having this conversation NYCHA
13 is definitely included, and so I would like to know,
14 um, from the administration and NYCHA according to
15 the latest annual reports, um, we see that there was
16 a reduction in, um, rodents in the applications in
17 2018, but I would like to know how, um, that
18 happened, you know, what's being reported, and
19 because of the, um, action plan with the federal
20 monitor, um, I think it's critical that we ask these
21 questions in the later hearing or some type of round
22 table discussion with DOHMH, the federal monitor,
23 NYCHA, admin, to address the direct concerns because
24 thank you, Council Member Kallos, um, for your
25 legislation as well as bringing up the Black

1
2 Institute report, because that is extremely
3 disturbing and I just wish that we were able to have
4 a conversation and, um, have some questions answered
5 related to families in the NYCHA developments. So
6 that will be all for me.

7 CHAIRPERSON LEVINE: Thank you, Council
8 Member. And I believe Council Member Kallos has some
9 follow-ups.

10 COUNCIL MEMBER KALLOS: I just have one
11 question 'cause I do hear the kids getting a little
12 bit, ah, anxious outside. As I mentioned in my
13 opening one of the lawsuits, ah, that was successful
14 for 78 million dollars was in the city of San
15 Francisco. It involved a city employee, ah, Duane
16 Johnson, ah, who had terminally, was terminally ill
17 with cancer, ah, over and beyond the concerns of
18 difficulties having to apply and reapply. I just
19 want to say to my colleagues at the table that if, if
20 and when we pass this, but when we pass this we do
21 need to make sure that you have sufficient budget to
22 do it the right way. But I guess what are the
23 impacts on the Parks' employees. What is our
24 ligation risk for any potential harms we are exposing
25 our employees to and how do we prevent that, beyond

1
2 just, I think is there any other answer than like we,
3 we can't put a carcinogen in the city's employees
4 hands and then say that's OK. We don't, like, think
5 we have to do something for our city employees.
6 They're the ones being exposed to it.

7 FIRST DEPUTY COMMISSIONER KAVANAUGH: Of
8 course all pesticide applications are provided by
9 certified pesticide applicators. They have gone
10 through extensive training. They pass tests that
11 are, ah, given by the Department of Environmental
12 Conservation. They have requirements to record and
13 report all of their use of any pesticide, not just
14 herbicides, and they are provided with the personal
15 protective equipment that's required by the label,
16 ah, on whatever product they're using.

17 COUNCIL MEMBER KALLOS: I think the, so I
18 guess if a Parks employee was told to go spray the
19 park in Robert Holden's district, ah, wear your
20 protective stuff. But it's windy. Can the employee
21 say I'm not gonna do my job today, it's windy?

22 FIRST DEPUTY COMMISSIONER KAVANAUGH:
23 Yes, they should. The label directions and best
24 practices require that you do not...

2 COUNCIL MEMBER KALLOS: We will require
3 the pesticide applicator not to do their job that day
4 because it is windy or raining?

5 FIRST DEPUTY COMMISSIONER KAVANAUGH:
6 Absolutely.

7 COUNCIL MEMBER KALLOS: That is, that is
8 good news to hear. It sounds like it didn't happen.
9 But I guess, the thing is I'd just like to highlight
10 is not only are we talking about our residents, not
11 only are we talking about our children, not only are
12 we talking about our animals, but we're also talking
13 about our city employees and in San Francisco at
14 least one of them is terminally ill and, and, ah, it
15 was found by a jury that it was caused in part by
16 Roundup. Thank you.

17 CHAIRPERSON LEVINE: Thank you, and I
18 think we have concluded our questioning. Thank you
19 to the administration. And now, very exciting, we
20 get to call as our first panel of public witnesses
21 from PS-290, as well as their teacher, Paula Rogovin.
22 And here they are, right on cue. Please take it away
23 when you are ready.

24 UNIDENTIFIED: [inaudible] over there.
25 [inaudible] told them to spray we have to do it.

1 COMMITTEE ON HEALTH 59
2 CHILDREN: No way, don't spray, ban toxic
3 pesticides. No way, don't spray, ban toxic
4 pesticides.

5 CHILD 1: When my kindergarten class
6 studied foods we discovered that many of our foods
7 contain pesticides. Pesticides are chemicals that
8 prevent insects, weeds, and fungi from damaging
9 crops. Companies spray pesticides to control the
10 growth of food in several different ways. Farmers
11 use them to increase the amount of crops they are
12 able to produce in a shorter amount of time. We
13 learned that these pesticides are very bad for our
14 health. During our studies we also learned that some
15 of the most dangerous chemicals are sprayed in our
16 parks here in New York City. We eat organic foods
17 because we know pesticides have been shown to cause
18 diseases, but we are still being exposed every time
19 we go to the park. These harmful pesticides also get
20 into our water systems. I want a safe place to play
21 without being exposed to dangerous chemicals. I eat
22 organic foods and want to play in organic parks
23 without toxic chemicals. This is the reason that,
24 this is the reason why our class with Paula's help
25

1
2 and guidance has continued our seven-year fight to
3 get this bill passed.

4 MS. ROGOVIN AND CHILDREN: No way, don't
5 spray, ban toxic pesticides. House Intro 1524,
6 that's what we are fighting for. No way, don't
7 spray, ban toxic pesticides. House Intro 1524, that's
8 what we are fighting for.

9 MS. ROGOVIN: In the year 2013-2014 the
10 students from that class at PS-290, Manhattan New
11 School, we were doing research about foods in our
12 school lunchroom. While answering their questions
13 about tomatoes and how they were grown they learned
14 about pesticides and the dangers of toxic pesticides.
15 They interviewed people. They read books. They did
16 roll plays, um, they, of gardeners and workers who
17 used Roundup and other toxic pesticides on their
18 tomato crops to help remove insect pests. They
19 pretended to scratch the rashes on their legs and
20 arms as they picked tomatoes. The children were
21 angry to learn about this and the pesticides get into
22 the food and the water. They learned that some
23 pesticides can make people sick. We read books about
24 children, what the children called nature's
25 pesticides, praying mantises, ladybugs, and even

1 marigold plants. The children were angry, angry
2 about the pesticide issue and I don't like to leave
3 children angry. I don't believe in that. Especially
4 they were in my kindergarten class. I don't believe
5 in letting them remain angry. So we talked about
6 what we could do to solve this problem, to deal with
7 this problem. They interviewed two grandparents, who
8 happen to be here today, Iris and Jerry Balsam, and
9 they came in from Long Island to tell what they were
10 doing in their area to stop the use of, ah, toxic
11 pesticides. Ah, while we interviewed Jerry and Iris
12 Balsam they taught us step by step what they did,
13 calling their legislators, writing letters, meeting
14 with their legislators and when that didn't work
15 marching. We don't want to march today. We're here
16 with some good legislation that, um, we really,
17 really hope you will pass. When Councilman Ben
18 Kallos, who represented the school district, PS-290,
19 when he was visiting the school in 2014 the children
20 told him about their research. And he was quite
21 interested and he invited them to City Hall. And
22 when we went they were so excited because there was
23 no one else in the room so we got, they got to kind
24 of dance and prance around the council chambers and
25

1 sit where you sit up in the front there, and, um,
2 when, while we were there you asked if there were any
3 questions they had, you answered their questions, and
4 then Councilman Kallos looked at the children very
5 seriously said is there anything you want me to do
6 and they shouted some words that were in a play they
7 had written for their parents and other family
8 members and for the whole school. And so they said
9 to him, looking at him very seriously, ban toxic
10 pesticides, use only nature's pesticides, pass a law.
11 And they said that to him and he looked back at them
12 very seriously, as you can do, and he said I promise
13 I'll try. And, you know, I, sometimes politicians do
14 keep their words, they do try, and we were so lucky
15 because during that year the World Health
16 Organization had made a, issued a statement saying
17 that glyphosate, which is in Roundup, is a
18 carcinogen, it's cancer-causing, it's very dangerous,
19 and then in 2015 Councilman Kallos called this
20 school, asked if he could, he and the other council
21 members, could have a press conference in the
22 schoolyard and the, the next day they introduced
23 Intro 0800. That is now, ah, Intro 1524, which is
24 before your committee. Um, my subsequent

1
2 kindergarten classes did research about various foods
3 and how they're grown. They interviewed on Skype a
4 friend of the class, one of the class families, an
5 organic farmer outside of New York City, learned
6 about what they did to deal with insect pests and to
7 deal with weeds. Um, we even had the joy of
8 interviewing Julia Chavez Rodriguez, and you might
9 recognize the Chavez in the middle. She is the
10 granddaughter of Cesar Chavez, and I happened to meet
11 her and invited her to our classroom, and she came
12 from Washington, D.C., where she was working in the
13 Obama White House at the time, and, um, we
14 interviewed her, we did a skit for her, and, um, she
15 talked about what she had done with her siblings,
16 with her whole family, in supporting the farm workers
17 in their fight against pesticides. And, ah, that was
18 one of the great joys of my 44 years of teaching, um,
19 interviewing Julia Chavez, Julie Chavez Rodriguez.
20 Um, in, so, ah, last April Intro 0800 was
21 reintroduced and is now 1524, as you know, and I'm
22 hoping with all my heart, with all my heart, that you
23 will help these young children see their hard work
24 come to fruition with the law. You know, I am sure
25 there are other laws that will have to be passed in

1
2 the future because of, you know, other issues
3 relating to pests and so on, but this law, this bill
4 is really, really important and I want more than
5 anything, we want more than anything, to see this,
6 ah, bill passed through your committee and on to the,
7 the full, ah, City Council, with all my heart. I, I
8 plead with you to, to make this law, into a law, help
9 make it into a law, and I thank you so, so much.

10 [applause]

11 CHAIRPERSON LEVINE: Thank you so much,
12 kids, that was wonderful, and very meaningful to
13 have you. We are here for you. So your voice is the
14 most important of any that we're gonna hear from
15 today and, ah, I want to thank all of you for coming,
16 and thank you, Ms. Rogovin, for making this possible.
17 I was very worried you weren't going to find a rhymed
18 with 1524. But you did it.

19 MS. ROGOVIN: That's what we are fighting
20 for.

21 CHAIRPERSON LEVINE: What incredible
22 lyrical skills you have. Thank you again so much to
23 the students of PS-290. [applause]

24 COUNCIL MEMBER KALLOS: It's not too late
25 to enroll in kindergarten at PS-290. You will learn

1
2 a lot. I want to thank Paula and the kids, ah, this
3 is, this is what we do this for and, again, if you
4 haven't written legislation or passed it into law yet
5 by kindergarten it's still not too late and, ah, we
6 hope we can this done for them. Thank you.

7 CHAIRPERSON LEVINE: And our next panel,
8 ah, includes Brian Shapiro, Ellen Weininger, Jay
9 Feldman, Patricia Wood, and James Archer. As I
10 mentioned earlier, this is a day of many committee
11 hearings around City Hall. I'm going to have to very
12 quickly step out to attend the Transportation
13 Committee, but you're going to be in the capable
14 hands of my fellow Health Committee member, Bob
15 Holden, and I'll be back in a few minutes.

16 COUNCIL MEMBER HOLDEN: OK, whoever wants
17 to start, yeah. Make sure the button is pressed,
18 thank you.

19 BRIAN SHAPIRO: Thank you, sir, my name
20 is Brian Shapiro. I'm the New York State director
21 for the Humane Society of the United States, and I
22 want to state that it's an honor to be here. This
23 committee has accomplished such great work, ah, for
24 animals and for the people of New York City, and the
25 HSUS does recognize that. I'm here today to speak in

1 favor of NT 1524. There's an abundance of wildlife
2 in New York City and the use of common pesticides
3 results in a cost to this wildlife. The use of
4 pesticides grew exponentially following World War II
5 and by 1962 with the publication of Rachel Carson's
6 book, *Silent Spring*, it was understood that pesticide
7 use could result in unforeseen impacts on human and
8 natural landscapes. Presently municipalities,
9 schools, and universities across the United States
10 are restricting the use of toxic pesticides to
11 protect public health and the environment. The
12 extensive use of pesticides exposes animals in urban,
13 suburban, and rural areas to unnecessary risks,
14 resulting in sublethal and lethal effects. Wildlife
15 of all species can be impacted by pesticides through
16 direct or indirect application. Pesticide drift,
17 secondary poisoning, runoff into local water bodies
18 and/or groundwater contamination. It is possible
19 that some animals could be sprayed directly, while
20 others consume plants or prey that have been exposed
21 to pesticides. The Humane Society of the United
22 States encourages cities, communities, and
23 individuals to reduce, eliminate, and/or find
24 alternatives to pesticides, herbicides, and other
25

1 chemical-laden fertilizer that can be harmful, not
2 only to wildlife but to pets and children as well.
3 Pesticide exposure has been linked to cancer,
4 endocrine disruption, reproductive effects,
5 neurotoxicity, kidney and liver damage, birth
6 defects, and developmental changes in a wide range of
7 species. Both short-term and long-term exposure to
8 pesticides can also alter an organism's behavior,
9 impacting its ability to survive. In birds, for
10 example, exposure to certain pesticides can impede
11 singing ability, making it difficult to attract mates
12 and reproduce. Pesticides can also affect birds'
13 ability to care for offspring, causing their young to
14 die. The HSUS supports Intro 1524 and urges city
15 agencies to reduce overall pesticide use to the
16 greatest extent practicable. Thank you.

18 COUNCIL MEMBER HOLDEN: Thank you.

19 PATRICIA WOOD: Thank you very much to
20 the Committee.

21 COUNCIL MEMBER HOLDEN: Press the button.

22 PATRICIA WOOD: Can you hear me now?

23 COUNCIL MEMBER HOLDEN: Yeah.

24 PATRICIA WOOD: OK, thank you very much,
25 um, and to Councilman Ben Kallos, um, who has

1 introduced this bill. I am the executive director of
2 Grassroots Environmental Education. Grassroots is a
3 nonprofit, science-based environmental health
4 organization working in New York State. We educate
5 and inform the public and decision-makers about the
6 links between common environmental exposures and
7 human health using science-driven arguments for clean
8 air, clean water, and a safe food supply, and for
9 stricter regulation of chemical toxins. Few
10 environmental subjects arouse the concern of the
11 public as much as pesticides, especially as they
12 relate to the health of our children. Rachel
13 Carson's 1962 book, *Silent Spring*, started the
14 process of raising awareness of the hazards
15 pesticides pose to humans, wildlife, and ecosystems
16 as we simultaneously integrated them more and more
17 into our private and public spaces. Today it is hard
18 to find green spaces that do not display the
19 ubiquitous yellow pesticide application warning sign.
20 However, such spaces do exist at all New York State
21 public, parochial, and private schools, including
22 daycare centers. This is because New York State
23 lawmakers past the groundbreaking Child Safe Playing
24 Fields Act in 2010, which prohibited the use of
25

1 pesticide on school grounds. But New York City's
2 children do not benefit from these protections that
3 children in the suburbs and rural areas enjoy because
4 they play not on school fields but on city-owned
5 parks. New York City's children already have a
6 higher body burden of toxic environmental exposures
7 living in this urban environment. Intro 1524 will
8 address this injustice. Everyday encounters with
9 pesticide products currently used in our parks can
10 affect our health through three routes of exposure -
11 oral ingestion, dermal absorption, and inhalation.
12 Young children are a greatest risk because they play
13 close to the ground and engage in typical hand to
14 mouth behavior. They also take in more pesticides
15 relative to body weight when compared to an adult.
16 In addition, tracking pesticides into apartments and
17 homes add another risk, as many pesticide products
18 are designed to break down through sunlight and rain
19 and microbial activity, none of which are present
20 inside our homes. This makes some pesticides more
21 persistent once they present indoors. Pesticides
22 have been leaked with an increased risk of certain
23 types of cancer, neurological and endocrine
24 disruption problems, asthma, and birth defects. A
25

1 meta analysis conducted by researchers at Harvard
2 University and published in the journal *Pediatrics*
3 found that children's exposure to herbicides was
4 associated with an increased risk of leukemia. Adult
5 exposure to herbicides, especially the chemicals
6 contained in Roundup, has been linked to non-
7 Hodgkin's lymphoma, as you've heard here previously.
8 The American Academy of Pediatrics noted that
9 children encounter pesticides daily and have unique
10 susceptibilities to their potential toxicity. Acute
11 poisoning risks are clear and understanding of
12 chronic health implications from both acute and
13 chronic exposures are emerging. Moreover, the
14 compelling and growing science on endocrine-
15 disrupting chemicals, which are found in many
16 pesticide products, including glyphosate, reveal
17 important windows of vulnerability during child
18 development, especially puberty, when the rapid
19 growth of body systems can be disrupted from even
20 extremely low-level exposure to toxins. This
21 proposed ban of the use of pesticides at parks where
22 our children play is a critically important component
23 of working to ensure the health of our very youngest
24 citizens. We have worked as an organization with the
25

1
2 New York State Department of Environmental
3 Conservation. We helped write the language for that
4 bill that prohibited pesticides on school grounds and
5 so we work with them, providing training seminars and
6 non-chemical land management across the state. And
7 we have many resources that we can make available to
8 New York City personnel and others responsible for
9 maintaining fields and parks that we would make
10 available with the passage of this bill. I just
11 wanted to clarify a couple of things that were said
12 previously. Just the designation of glyphosate by
13 various bodies, the World Health Organization's, ah,
14 research, ah, their cancer research arm, IARC, which
15 is the International Agency on Research for Cancer,
16 has actually concluded that it is probably
17 carcinogenic to humans, not possibly, and then
18 California recently listed it as a known human
19 carcinogen. You may recognize this paper, Jay, as it
20 was a Beyond Pesticides publication. Also, I wanted
21 to mention that Commissioner Olson had spoke about
22 IPM and how they've been integrating this pest
23 management program into some of their city
24 departments or agencies, and IPM is, was originally,
25 um, was originally a pesticide industry program. It

1
2 was called Integrated Pesticide Management, not
3 Integrated Pest Management. It is fully supported by
4 the pesticide industry. IPM dictates that we use the
5 least-toxic methods first, including botanicals and
6 mechanical traps, heat methods, and so on, but it
7 also allows the use of even the most toxic pesticides
8 within that program. So it is really only as good as
9 the person administering that program, and we heard
10 from, from you, I believe, that it's very difficult
11 to manage what's going on out in the field, you know,
12 in a place as big as New York City and its five
13 boroughs.

14 COUNCIL MEMBER HOLDEN: Well, we've seen
15 that and I've witnessed it. They had it in their
16 storage rooms. Somebody grabs it, it's sitting right
17 there. It's not under lock and key. Ah, so any
18 waiver is meaningless. If somebody is around they
19 can use it and wants to take care of problems, weeds
20 in the parks, or, so this, this is something that
21 I've seen, I witnessed, and sorry to say that I was
22 breathing this in a lot, so I'm concerned. Ah, but
23 our children who were playing on the fields would
24 dive, you know, on the warning track and come up and
25 wipe it off their, their face, and you could see that

1
2 there was a definite hazard, but if it's in the parks
3 storage room it will be used, and waiver or not, and
4 that's what I've seen, it's what I witnessed, and
5 that's, that's why I'm one of the cosponsors for this
6 bill.

7 PATRICIA WOOD: The other thing that I
8 wanted to mention is that pesticides never stay where
9 they have been applied.

10 COUNCIL MEMBER HOLDEN: Of course.

11 PATRICIA WOOD: But they move through the
12 soil, they move through the air, they move through
13 groundwater, um, and so by saying we're only using
14 these pesticides in these very specific areas, which
15 are not used by the public, doesn't mean that that,
16 that those glyphosate residues are not migrating into
17 those areas as well.

18 COUNCIL MEMBER HOLDEN: Yeah, we don't
19 know, and that's the thing. We, we're playing
20 Russian roulette here with the lives of park users.
21 So, again, I thank you for your testimony. It's
22 wonderful that you all came out.

23 JAY FELDMAN: Thank you. I'm Jay
24 Feldman, executive director of Beyond Pesticides.
25 Ah, I have been working on these issues since the

1
2 late '70s, originally looking at farm worker exposure
3 to pesticides. It became very clear over the years
4 that there are vulnerable population groups,
5 especially workers, in terms of their high level of
6 exposure, but children are among the most at risk
7 given the intake relative to body weight of toxics,
8 as Patty said, through ingestion, through dermal
9 absorption, and so the, this bill is very important
10 to us and we urge swift passage. I'd like to request
11 that the full text of my comments be submitted for
12 the record. And you'll find the appendices of the
13 back of that document will basically provide the
14 background on the science and the regulatory failures
15 that I think inform this bill and inform the
16 importance of this bill. Um, I'd also like to note
17 that I served, um, under the Obama administration as
18 an appointee to the National Organic Standards Board,
19 which is a stakeholder board of those working in the,
20 ah, organic community, from farmers to consumers to
21 conservationists to certifiers to scientists, and
22 that also informs, I think, where our support is
23 coming from in terms of the importance of shifting
24 to, ah, various system, alternative systems that do
25 not rely on pesticides. Before I get to that, 'cause

1
2 I want to end on that note and address some of the
3 issues that were raised by the Parks Department and
4 Health Department today, um, we have to consider both
5 toxicity and exposure when we're looking at pesticide
6 questions. And so when someone says to you we're
7 using it in natural areas and people aren't exposed,
8 we have to really understand that pesticides move, as
9 Patty said. They move off the target site. They
10 move through drift, they move through air currents,
11 they volatilize, they also run off, they run into
12 waterways. So exposure is, has to be addressed in
13 the context of the community, not an individual site
14 in which it is used, and that's, that's something
15 keep in mind. And there are numerous studies, um,
16 both cited in this document, but elsewhere on that
17 issue. But there are also issues of toxicity and if
18 we were sitting here 15 years ago I don't think you
19 could have found many people who wouldn't have stood
20 up in the industry, the Parks Department, the
21 chemical industry, who wouldn't have said this is the
22 safest chemical on the market, glyphosate, Roundup.
23 And because that's what people believed at the time.
24 And they believed that because we have a deficient
25 regulatory system. The system that exists, which we

1
2 rely on here in New York City, um, is a regulatory
3 system that looks at industry data that's developed
4 by the chemical industry, yes, under protocol
5 required by EPA. But that data is presented to EPA
6 by the chemical industry and that that data is then
7 evaluated. That's all EPA has to go on at that
8 point. They don't have independent scientific
9 literature. They don't have the experience of use.
10 You know, the Park commissioner said they've been
11 using it for 25 years. None of that experience
12 existed. And so here we are 25 years later and we
13 all principally agree that this chemical is hazardous
14 and is toxic, and three juries now have awarded over
15 2 billion dollars, ah, in judgments against, ah, Bayer
16 Monsanto because of this. You know, there is the
17 issue of direct toxicity and, you know, a community
18 like New York City or any community, for that matter,
19 that is trying to make a judgment on science,
20 difficult to do, you're not scientists. That's why
21 you have groups like ours that review the scientific
22 literature and you can point to the fact that there
23 are deficiencies in the regulatory system. It was
24 noted earlier that we're living in a time where
25 there's true dismantling of that regulatory system

1 going on and we have to take that into account, too.
2 Um, the *New York Times*, January 1, front page story,
3 identified scientific advisory board members
4 appointed by the current administration saying that
5 we have disbanded science. We are not looking at
6 science when we are looking at these issues. OK, so
7 I want, I want to address the questions of certified
8 applicators applying chemicals that are dangerous.
9 That is not what we're discussing here today. We're
10 discussing the use of those chemicals and whether
11 they're necessary in a management system, not who's
12 handling the chemistry. Because that implies that
13 the chemical can be used safely. Only if they're
14 trained, and, and that's not the issue on the table.
15 That's a diversion from the, the key issue here. And
16 so keep that in mind as well, please. Let's get to
17 the key issue here. For you, I think, as leaders in
18 the community we want, we want parks that people
19 enjoy. We want playability on our playing fields.
20 We want an environment that is aesthetically pleasing
21 in our parks and landscapes. How do we get that
22 without these toxic chemicals? If you listened to
23 some of the testimony today the implication is we
24 can't control invasives without it. We can't have
25

1 the quality we want without it, and, and that, that
2 is simply not, not the case. And the experience that
3 we're having with organic, it was interesting that
4 Paula, in her experience talking about organic
5 agriculture, is exactly what we should be hearing
6 from, ah, today when we talk, ah, when we talk about
7 management. If you take glyphosate and you apply it
8 as a spot treatment, or you use it in a natural area
9 on invasives, what you're doing is you're killing all
10 life in the area where that's applied. You're
11 killing soil biology. You're killing, ah, organisms
12 that are important to ecological balance. And what
13 we're doing, and this is why this chemical has
14 continued to be used for 25 years, because we're
15 working on a treadmill. This bill helps us get away
16 from that. It says we're gonna use chemicals, we're
17 gonna allow chemical use, but there are chemicals
18 that are compatible with soil biology and living
19 systems. And when you take an approach like we heard
20 this morning, which was what am I going to replace
21 glyphosate with? I'm gonna look for another product.
22 And we refer to that in, in our work as a product
23 substitution approach. What this bill is doing is
24 it's incentivizing. By taking away the toxics it's
25

1 incentivizing an approach, a comprehensive approach.
2 And keep in mind, it's glyphosate today. It will be
3 another chemical tomorrow. So we're looking for a
4 comprehensive approach. You've heard of
5 neonicotinoids, the chemicals that are killing bees.
6 That, too, was presented as a safe chemical to us.
7 So we need to work towards a comprehensive approach
8 and like grassroots education, environmental
9 education, we, we offer our services to work with you
10 all to bring the technical skills of a
11 horticulturalist, a management plan, a soil biology
12 plan, to look at the full range of biological
13 alternatives, to look at issues like managed goat
14 grazing for your invasives, um, and to put in place a
15 system, a systems approach, that treats soil biology,
16 as Rachel Carson taught us, how many years ago in
17 *Silent Spring*, that we are part of a complex
18 biological community. And if we ignore that and
19 continue to throw chemicals indiscriminately at that
20 ecology then we're working against cross, cross-
21 purposes. Thanks so much.

23 CHAIRPERSON LEVINE: Thank you. I do
24 just want to acknowledge we've been joined by fellow
25

1 Health Committee member, Council Member Inez Barron.
2 Thank you. Please.

3
4 ELLEN WEININGER: Thank you. My name is
5 Ellen Weininger. I'm director of educational
6 outreach in Grassroots Environmental Education.
7 Today I'm here, ah, to speak on behalf of Dr. Sarah
8 Evans, ah, assistant professional, department of
9 environmental medicine and public health, ah,
10 Children's Environmental Health Center at the Icahn
11 School of Medicine at Mount Sinai. I am going to
12 read excerpts from Dr. Evan's testimony and her
13 written testimony has been provided for you. "Thank
14 you for the opportunity to submit testimony in
15 support of Intro 1524. As pedestrians and scientists
16 at the Children's Environmental Health Center of the
17 Icahn School of Medicine at Mount Sinai, we strongly
18 support measures that protect the youngest New
19 Yorkers from exposures to potentially harmful
20 pesticides. Children's vulnerability to chemical
21 pesticides is further magnified by the rapid growth
22 and development of their nervous systems and other
23 bodily organs, as well as by their immature
24 detoxification mechanisms, which make it difficult to
25 break down and excrete pesticides. These factors

1 place infants and children at increased risk for
2 harmful effects of pesticide exposures, which may be
3 permanent and irreversible. Additionally, because of
4 their young age children have more future years of
5 life and that's more time to develop chronic diseases
6 that may be triggered by early environmental
7 exposures. Pesticides can pass from mother to fetus
8 during pregnancy and breastfeeding. The exquisite
9 vulnerability of the fetus to pesticide exposure is
10 highlighted by recent studies showing associations
11 between pesticide exposure during pregnancy and
12 increased risk of autism, learning disabilities, and
13 childhood cancers. Health effects of pesticide
14 exposure in children are well documented. Acute
15 exposure to pesticides can lead to asthma
16 exacerbations, cough, shortness of breath, nausea,
17 vomiting, eye irritation, and headaches. Exposure
18 early in life is associated with increased risk of
19 certain cancers, birth defects, reproductive defects,
20 asthma, and cognitive and behavioral problems.
21 Notably, the exposure levels measured in these
22 studies are similar to those detected in the general
23 public, indicating that even low levels of exposure
24 from household use can be detrimental. Evidence
25

1 indicates the toxicity of specific pesticides
2 commonly applied by city agencies for cosmetic
3 purposes of particular concern is the nonselective
4 broadleaf herbicide glyphosate, the active ingredient
5 in Roundup, and the most heavily herbicide in New
6 York City. Studies demonstrate the ability of
7 glyphosate to promote the growth of breast cancer
8 cells, suggesting that it may disrupt hormonal
9 signaling and contribute to breast cancer risk. And
10 human studies show associations between glyphosate
11 exposure and spontaneous abortion, and certain
12 cancers in occupational settings. You've already
13 heard about the length between glyphosate exposure
14 and risk of non-Hodgkin's lymphoma with increased
15 risk of up to 43% in workers who apply the chemical."
16 Finally, "Greater than 95% of most synthetic
17 pesticide formulations consist of inert ingredients.
18 Recent studies suggest that these inactive compounds,
19 such as the synergist piperonyl butoxide, may in fact
20 be more toxic than the active ingredient. Because
21 inert ingredients are not listed on the label and
22 testing to assess safety is minimal, the health
23 effects of these compounds are difficult to evaluate.
24 Health hazards of pesticide exposure can be
25

1 prevented. The adverse effects that result from
2 pesticide exposures are highly preventable, and while
3 we were pleased that New York City Local Law 37 has
4 resulted in reduce application of certain potentially
5 toxic pesticides and herbicides, it does not go far
6 enough to protect the health of New Yorkers."

7 Finally, "A 2005 analysis calculated that pesticide
8 use in the United States resulted in 10 billion
9 dollars in total damages annually, of which an
10 estimated 1.1 billion could be accounted for by
11 impacts on public health. These indirect costs
12 greatly outweigh the expense of integrated pest
13 management and other nontoxic lawn care methods."

14 Finally, "Children are at risk for pesticide
15 exposures at schools, parks, playing fields,
16 playgrounds, and other public areas in New York City
17 where pesticides are routinely applied, a risk that
18 could easily be mitigated by strengthening
19 legislation that restricts the use of synthetic
20 pesticides in favor of biological pesticides proven
21 to be safe and effective. We urge you to take steps
22 to protect the health of your constituents by
23 supporting Intro 1524." And I will just reiterate,
24 Dr. Evans could not be here today. She sends her
25

1
2 regrets and indicates that she welcomes any questions
3 that you may want to reach out to her with, and thank
4 you again for the opportunity to provide her
5 testimony to you today.

6 CHAIRPERSON LEVINE: Thank you, Ms.
7 Weininger. I neglected to mention that we have been
8 joined earlier by fellow Health Committee member,
9 Council Member Dr. Mathieu Eugene, who I believe will
10 be rejoining us shortly. And, please, sir. Sorry.

11 JAY ARCHER: Good morning and thank you
12 for this opportunity for speaking on this critically
13 important issue. My name is Jay Archer, and in
14 addition to my work in landscape ecology, design, and
15 environmental education, I've been making my living
16 in the professional turf and landscape management
17 business for over 30 years. I'm one of the guys that
18 sprays that pesticides in the past. That's what I
19 started to do with my career. I currently hold a
20 commercial pesticide license and business license,
21 and I'm a certified organic land care provider. And
22 I'm a gardener, and I'm also one of these people that
23 we're mostly in the frontline and exposed to the
24 pesticides. As an applicator and in the field, ah,
25 I'm sure I reduced my life by about 10 years. This

1
2 isn't like smoking. This is guaranteed more damaging
3 than that and I never smoked. And I can tell you
4 still today I spend most of my time, almost all my
5 time, passionately, ah, involved in plants and
6 creating environmental landscapes and ecological, um,
7 environments, and ecosystems. But I have to go to
8 nurseries and pick out the plants myself, and I touch
9 them and they are covered with fungicides and
10 pesticides. And there's really no avoiding that. So
11 I guess I'm not done with my exposure to pesticide.
12 Ah, luckily I do get exposure to nature and that's
13 great. Um, I'm here today to testify that Roundup
14 and lawn care chemicals and pesticides are absolutely
15 not essential to landscape management. In fact, they
16 don't work. So the more that we spray things, we
17 still have to come back and kill them again. There's
18 no end, and just because you have to reapply some
19 things instead of glyphosate, glyphosate you say
20 works. Oh, it works because it kills something so
21 you don't have to go back and kill it a couple more
22 times. But as long as what you don't want to grow is
23 coming up you didn't solve the problem. So let's not
24 kid ourselves and identify what the issue. Um, so
25 what do they, what do pesticides do? They suppress

1 and eliminate biological diversity. But we're
2 already in danger of losing more diversity in our
3 landscapes, in our lives. We're already losing more
4 precious species, more life on earth. The largest
5 percentage of weeds and insects on earth are either
6 beneficial or benign. They're not pests threatening
7 our health or offending our sensibilities, not for
8 the most part. But we indiscriminately target them
9 all. We keep making the same mistakes over and over
10 again. Pesticides don't work as advertised. They're
11 ecologically counterproductive to environmental and
12 human health. And they're inefficient in terms of
13 resource management. Desirable beneficial organisms
14 can't read the labels. So let me remind you in the
15 context of the past practices that we thought were
16 such a good idea in my lifetime when we used
17 chlordane or we used DDT to eliminate malaria, and we
18 put in wallpaper in children's bedroom because we
19 thought that was a good idea. Because the
20 manufacturer told us that was OK. I lived through
21 that time. And so did we all. So considering
22 pesticides as the miracle drugs, now we know better.
23 What's it gonna take for us to know better? Are we
24 ever gonna know how life works, how biology works by

1
2 stomping and killing more of it? Not only did we not
3 solve our landscape management issues, we created new
4 ones. We didn't create artificial balance in the
5 landscape. We created more conflict and disruption
6 in the natural processes. Our green spaces in the
7 parks, which were originally designed for pleasure
8 and relaxation, are now desperately needed to provide
9 ecological services. That's what they need to do.
10 That's what they need to do. Not maybe do. Our, we
11 need biologically diverse ecosystems, not only to
12 conservative, preserve, and protect our precious
13 natural resources, but to clean the water, the soil,
14 the air, provide oxygen and sequester carbon. We
15 need to restore and encourage life and biodiversity
16 in every nook and cranny of our urban spaces. Why do
17 we embrace cultural and ethnic and racial diversity
18 in our society but not biodiversity in our parks,
19 where our children grow and breathe? What is
20 fundamentally wrong with us that we can't wrap our
21 mind around that. And what message does that send to
22 our children? Would you want your children spraying
23 Roundup or other pesticides? Read the labels on the
24 rest of the stuff. It's all worse. Or do you just
25 want other spraying it, like me? We can't do

1 without them a little bit. It's just like a little
2 bit of heroin. We can't just do that a little bit.
3 We need to commit to better landscape ecology.
4 Presently the New York City Parks and Planning is
5 very progressive in terms of ecology and design.
6 Increasing diversity with native plants and improved
7 horticultural practices, we have a fabulous
8 opportunity within our grasp. Why not make New York
9 City a model of parks as ecosystems to support human
10 health and well-being? That would elevate the
11 quality of life for all in this great city. It's
12 already happening in Brooklyn Bridge Park. If you
13 haven't gone to see the birds and the butterflies yet
14 and no pesticide and cross-contamination, you could
15 breathe the air and you could touch the water and you
16 could take your kids there. It's right there. And
17 it's little parts of it cropping up all over New
18 York. It's all over Canada. It's in parts of
19 Massachusetts. It's coming to an area near you, if
20 you guys keep up that good work. So we need, our
21 landscapes are rapidly changing. Have you paid
22 attention? How many inches of rain did you get last
23 year? Um, the weather, the climate, storm water,
24 everything is changing, whether we want it to or not.
25

1
2 We need to adapt. We need to change, requiring new
3 skills. We have no choice. The technology is here,
4 by the way. OK, there's no excuse anymore. I know,
5 because I practice that. Um, so when we look into
6 our children's eyes and see our children and our
7 great-grandchildren there, what will we leave them?
8 Will there still be birds and bees and butterflies?
9 We are nature and we're part of nature. We should be
10 better guardians for our children's future. We
11 should work together for a better tomorrow today. So
12 I vote for life, OK? Ban toxic pesticides. Um, we
13 only have to change one thing. That's basically
14 everything. That would be us. I changed my world
15 for me, for my children. So I thank you very much.
16 [applause]

17 CHAIRPERSON LEVINE: Thank you very much,
18 Mr. Archer and to this whole panel. And I believe
19 that Council Member Kallos has some questions.

20 COUNCIL MEMBER KALLOS: Yes, please. I
21 want to thank everyone on this panel for your years
22 and years of work, ah, and we're now at hour three
23 into our day, but we're gonna keep on going. So I
24 just thank you. I wanted to start with Patricia
25 Wood. Patty, thank you for helping us to get to 34

1 sponsors, ah, and you can sell the secret sauce of
2 how to get everyone onto a bill to get to a veto-
3 proof majority any time you need to. Ah, but I know
4 you will volunteer and provide that to all others.
5 Integrated pest management programs have been
6 criticized because they permit even the most toxic
7 pesticides and leave decisions about children's
8 exposure in the hands of, ah, maintenance personnel
9 who are not necessarily emerging, ah, familiar with
10 emerging science. Can you comment on this? And make
11 sure your mic is on.

13 PATRICIA WOOD: Ah, yep. Um, we have, we
14 have seen, um, we have actually seen, um, this whole
15 sequence. First we were just using a lot of
16 pesticides in our, in our school environments and our
17 parks and municipalities and so on. And then we saw
18 the introduction of integrated pest management, and
19 it really took off because, um, it was just, ah, it
20 was something that everybody could get behind,
21 including the industry. And, ah, our problem of it,
22 with it, was that, as you said, um, it was only as
23 good as the person who was administering it. And
24 it's always easier to just pick up a can than it is
25 to research how you might be able to, um, remediate,

1
2 ah, an infestation of wasps or, you know, whatever it
3 is that you're, that you're dealing with, ah, and so
4 that is basically what really has happened in reality
5 with IPM programs, is that it's basically business as
6 usual. And, ah, we are, we are, um, you know, we are
7 really very involved in this in the town of North
8 Hempstead out on Long Island. We actually adopted
9 what's called an organic pest management program, or
10 OPM, instead of IPM, and that was passed by the town
11 and, um, it was a very similar bill to the one you're
12 looking at now, which is that only biological
13 controls were allowed under that. Um, and I just
14 wanted to mention also, I know you didn't ask me
15 about this, but we actually, um, do provide, um, this
16 *Digest of the Independent Science* on turf pesticides
17 and children's health, which we've been putting
18 together over the years and we have the index for
19 everyone on the, on the committee here.

20 COUNCIL MEMBER KALLOS: Ah, I'm gonna
21 ask, I'm going to ask if our Sergeant at Arms can
22 bring a copy. Do you have a digital version of this?

23 PATRICIA WOOD: I do, I do have a digital
24 version. I can send it to your office.

2 COUNCIL MEMBER KALLOS: Could you send it
3 to us today, if possible, and we'll enter...

4 PATRICIA WOOD: Yes.

5 COUNCIL MEMBER KALLOS: ...it into the
6 record. I'll just ask the Sergeant at Arms to bring
7 it. They get grumpy if you [inaudible] 'cause that
8 is...

9 PATRICIA WOOD: Here's a hard copy and I
10 will, I will send you that.

11 COUNCIL MEMBER KALLOS: Thank you. Tell
12 me about what's in that giant binder?

13 PATRICIA WOOD: That's it.

14 COUNCIL MEMBER KALLOS: Oh, can, can I
15 see the giant binder for...?

16 PATRICIA WOOD: This is, this, yeah.

17 COUNCIL MEMBER KALLOS: Sorry. There we
18 go. These are, ah, these are, so what I'm doing here
19 is...

20 PATRICIA WOOD: So you, you can see by
21 the categories what's in there.

22 COUNCIL MEMBER KALLOS: But these are,
23 this isn't just like a blog somebody wrote. This is
24 the *International Journal of Cancer*, ah, which is a
25 peer-reviewed medical journal.

2 PATRICIA WOOD: Yes.

3 COUNCIL MEMBER KALLOS: So this is...

4 PATRICIA WOOD: All of them are.

5 COUNCIL MEMBER KALLOS: So this is just a
6 book of just everything on neurological effects,
7 endocrine, asthma, and other reports, many of which
8 are, are peer-reviewed journal articles and, and
9 that's the highest possible standard.

10 PATRICIA WOOD: That's correct.

11 COUNCIL MEMBER KALLOS: Thank you for
12 sharing this. We will, ah, enter that, enter this
13 into the record. Ah, I'm gonna keep this here on my
14 growing list of, growing display of everything from
15 the signs to the literal poison itself. Ah, I guess
16 the next question I have is just, um, for Jay Feldman
17 and then I'll turn to James Archer, but so, ah, you
18 saw the back and forth with the Parks Department
19 about the, the, the spraying and what-have-you. But,
20 ah, so you're saying that, um, we, we shouldn't be
21 putting our city employees in this position of being
22 exposed to these carcinogens.

23 JAY FELDMAN: Yeah, you know, part of
24 what we're asking here, ah, as Mr. Archer said, is a
25 change in mindset really. Because most of what we

1 heard this morning, although I don't question
2 anyone's good will and with all due respect to the
3 good work of the Parks Department, we have to change
4 the culture around how we deal with, ah, the ecology.
5 We're dealing with, ah, complex biological systems.
6 I love the fact that, you know, everything thinks
7 Rachel Carson's book was about DDT. Um, but she was
8 in the same situation I think we're in right now as
9 we're having this conversation. But we're talking
10 about glyphosate. Glyphosate is the poster child of
11 a failure to think holistically and comprehensively
12 about integrated systems, soil biology, biological
13 life that contributes to a healthy ecosystem the we
14 need as humans to survive, and the organisms that are
15 in that system need protection and nurturing. So,
16 yes, workers are the first in line of exposure, but
17 all those workers, and I'm sure some of these
18 practices are used, but they're not necessarily used
19 as part of a systems approach because an IPM system,
20 as Patty mentioned, um, is really, had become, has
21 become a produce substitution approach that doesn't
22 take into account biological systems. It doesn't look
23 at soil biology. And so whereas if I'm an IPM
24 manager working for the Parks Department, I'm an

1
2 employee, I'm told to go spray a pesticide, I spray
3 that pesticide because I see that weed. I haven't
4 been doing all the work necessary to, to address the
5 biology of the situation to prevent that weed in the
6 first place. It was mentioned this morning in
7 testimony from the Parks Department that some of the
8 problems we're seeing are in distressed areas, like
9 the poison ivy. So why are they distressed and what
10 can we do to correct that situation? That's, you
11 know, when you talk to a park, in my experience, you
12 talk to employees of parks departments and you have
13 that conversation they get excited. They get as
14 excited as Mr. Archer is about how they can relate to
15 the environment and what role they can play in
16 managing the environmental system so that it prevents
17 the problems associated, ah, with the problem with
18 that that has been identified. So the key to this
19 bill and, you know, we really appreciate your work,
20 Mr. Kallos, on this, um, you know, it does take a lot
21 of fortitude and you've got it, man, and that's
22 really been a pleasure to watch. But the, the key
23 here is that we are changing our approach and in the
24 bill, and this is why this legislation we've, you've
25 defined what is allowable in the context of

1
2 compatible materials, materials that are compatible
3 with biological systems. And that's the reference to
4 the organic national list of, um, allowed and
5 prohibited substances, and it's the pesticide EPA-
6 exempt list. So kudos to you. Thank you again for
7 your great leadership. And thank you to the members
8 of the committee. I think, you know, you framed it
9 very well in the beginning that, you know, this is a
10 health issue, ah, Chair, ah, Mr. Levine, that this is
11 a health issue and what we're really doing as a
12 community in adopting this I think is relating health
13 to the ecosystem in which we live and depend on.

14 COUNCIL MEMBER KALLOS: Thank you, and,
15 and I really deserve very little credit. It's about
16 you, your expertise, and the children. A question
17 for James Archer. I am inspired by you, ah, and I
18 have a million questions for you. I'd love to learn
19 about, ah, when you went from the, the synthetic
20 spray, the poison, to like save the planet? I don't
21 think we have time for that. The question I'd like
22 to ask just, ah, is, um, out of concern for one of my
23 colleagues who is dealing with an invasive species in
24 his district, that I will disclose I, I am not
25 necessarily dealing with, ah, which is, so, so Parks

1
2 Department is sharing concern that they prefer one
3 application to multiple applications [inaudible] you
4 actually might have to do more than one application,
5 but, and you're talking about the fact that usually
6 you have to kill things more than once. So I guess
7 my question is just you're, you're taking care of, of
8 gardens and parks and what-have-you. Is it one of
9 those where like the care of a park is you plant
10 stuff in the beginning of the season and then you
11 come back at the end? How often should we have our
12 Parks workers in our parks to maintain it? What does
13 maintenance look like? Is it just like, again, once
14 a season and then you're done, or do you come back
15 once a week and while you're there once a week you
16 can take care of, ah, any invasive species while
17 tending for other materials, ah, or is it, or is it
18 really like they should only have to come every now
19 and then to deal with certain invasive species? I
20 guess what is the, the right balance, 'cause the idea
21 of them not being able to come a park three or four
22 times in the city is kind of scary to me.

23 JAMES ARCHER: That's a great question.
24 How much time do I have for that?

25

2 COUNCIL MEMBER KALLOS: If you could keep
3 it to a minute or two that would be amazing.

4 JAMES ARCHER: Yeah, I'll tell you, I
5 worked in Westchester County parks as a contractor.
6 Um, I battled maintenance in 13 nature preserves and,
7 and parks. And I can't tell you how often we went
8 out with Roundup in gloved applications or, um, what
9 you call wick applications and Rodeo, which is
10 glyphosate for wetlands, just another bad label for
11 the same thing, and there's no magic wand or button
12 that we can press. We're Americans. So we love that
13 instant gratification. I know, because I love that,
14 too. But you're not getting that in nature. Um, so
15 we're working with natural systems. So how many
16 times you go back, unless you have something to
17 replace those invasive species they will come back.
18 So, for instance, there's areas where there are vines
19 dominating the parkways in Westchester County.
20 They're eating the hydrocarbons. That's what they
21 live on. They're killing the trees. If you think
22 you're gonna fix that problem, I'm sorry to say
23 you're probably gonna have to let that one go. OK?
24 You're gonna have to decide what you can fix and what
25 ecosystems you can make so productive ecologically

1
2 that they can help us through climate change and give
3 us the things that we need biologically. If you look
4 at the wetlands in the Meadowlands. Oh, it's
5 predominantly a monoculture of Phragmites. Oh, we'd
6 like to eradicate that. Except it eats dioxin. So
7 unless you want to go swim through dioxin maybe we're
8 gonna have to let that go, too. So we have to pick
9 our battles. So you need better strategies. So you
10 have to figure out, are you gonna replace some of
11 those invasive species with something that's
12 aggressive enough to live? Then you'll be
13 successful. Then you won't have to come back like
14 every month and garden. So you're not, you can't
15 garden parks like you would garden a, you know, your
16 home landscape. But you need a better strategy.
17 That, that takes planning. Actually, New York City
18 does a pretty good job on that. You got a lot of
19 young people. I was in Brooklyn yesterday and
20 there's, you know, 200 people, standing room only, to
21 hear Rebecca speak about, ah, Brooklyn, you know, the
22 park, ah, the Brooklyn Bridge Park. Wow. It's
23 coming, it's coming, it's coming. Twenty to 40 years
24 from now we won't be doing the same stupid thing
25 that's not working. The kids are smarter than we

1
2 are. They're already doing it. You go to
3 Massachusetts, to Canada, to everywhere else. We're
4 doing it. We're doing it on small scales. You let
5 us do into big scales. Sometimes we gotta sacrifice
6 one thing to work on something else. No easy answer.
7 But, you know, you can do it.

8 COUNCIL MEMBER KALLOS: I think you
9 raised a very valid point and I'm gonna ask if the
10 committee counsel can pass onto the Parks, so
11 Phragmites is one of the, ah, invasive species that
12 Parks has highlighted as a problem that they want to
13 use pesticides specifically, glyphosate and others,
14 to deal with it. Your point is that these are,
15 they're growing in place that have mercury and
16 dioxin, which are straight-up toxic. There is no
17 debate there and that, it sounds like it's actually a
18 good thing to have some of these species there, ah...

19 JAMES ARCHER: Unless you got a better
20 idea.

21 COUNCIL MEMBER KALLOS: Unless we can
22 find another species that is less invasive. So that
23 is enlightening and we need an expert like you here
24 to tell us 'cause I didn't know that and now the
25 Parks hopefully will and we'll pass the [inaudible].

1 COMMITTEE ON HEALTH 101
2 JAMES ARCHER: We spend, we spend
3 collectively millions of dollars trying to remove
4 Phragmites, dug it out in barges, treated it with
5 pesticides, beat it with a stick. On small,
6 manageable park levels you could actually stunt it by
7 cutting it about this high. Do that a couple a times
8 a year, that's very effective organic management
9 strategy. So that can be doable on a small level.

10 COUNCIL MEMBER KALLOS: But the
11 Phragmites is actually absorbing the dioxin
12 [inaudible]?

13 JAMES ARCHER: It's serving a purpose,
14 it's serving a purpose. Before you remove something
15 from an environment put something better in.

16 COUNCIL MEMBER KALLOS: Thank you. Thank
17 you.

18 UNIDENTIFIED: All right.

19 CHAIRPERSON LEVINE: Thank you to this
20 outstanding panel. Thank you for your testimony and,
21 more importantly, for your advocacy. [applause] And
22 we're gonna call the next panel, consisting of Dan
23 Clay, who's president of Local 1507, Randall Wilhite,
24 Jack Einstein, and Eric Weltman of Food and Water
25 Action. We, because we want to make sure that every

1
2 single person who came to testify has that
3 opportunity, we are unfortunately going to have to
4 put folks on a clock at this point. Um, we will,
5 would you like to kick us off?

6 ERIC WELTMAN: Sure. My name is Eric
7 Weltman. I'm a Brooklyn-based organizer with Food
8 and Water Action. First of all, I want to thank
9 Council Member Kallos for his incredible, you know,
10 commitment to moving this bill. I also want to thank
11 you, Chairman Levine, for hosting this hearing today.
12 Um, again, I'm an organizer with Food and Water
13 Action, a nonprofit environmental organization whose
14 mission is to oppose corporate control and abuse of
15 our most vital resources, the water we drink, the
16 food we eat, the air we breathe, the climate we rely
17 upon, and ensure that government fulfills its
18 obligation to protect our health and safety. I'm
19 also the father of a 12-year-old son, Zack, and his
20 future and that of his entire generation I fear is in
21 grave danger from assaults on democracy and human
22 rights here at home to the threat of climate change.
23 Our children need safe spaces, ah, places where they
24 can play, learn, grow up. It's our parks, it's our
25 schools. It's our neighborhoods. And our most

1
2 fundamental responsibility is to do our utmost to
3 protect them from harm, to eliminate or diminish as
4 much as possible any risks to their health and well-
5 being. I just want to, you know, close by making two
6 points. First of all, I really want to thank, you
7 know, Paula Rogovin and all the advocates who have
8 been working so hard on this bill for so many years.
9 Ah, they're such an inspiration. And I finally just
10 want to urge the council to pass this bill without
11 any further delay and for Mayor de Blasio to grab his
12 pen and sign it and protect our communities from,
13 from toxic pesticides. I have some more substantive,
14 you know, written testimony that I'll, I'll hand
15 over.

16 CHAIRPERSON LEVINE: Amen, and thank you,
17 ah. Technically we want you actually to give to the
18 sergeants, just procedure. But we appreciate your
19 remarks and, more importantly, your work on this
20 issue. And I am gonna, ah, ask one more panelist to
21 join us if they're able to, which is Ken Space from
22 Northwell Health. Thank you. Please.

23 RANDALL WILHITE: Good afternoon. My
24 name is Randall Wilhite. I'm an attorney with
25 Richmond Law Group. I'm joined here, ah, down at the

1
2 end of the table, ah, by my colleague, Jack Einstein,
3 who's a policy fellow with our office. We're pleased
4 to be here to testify in support of Intro 1524. Ah,
5 we thank the committee for having us and we applaud
6 you for holding the hearing. Ah, when it comes to
7 the biocide glyphosate we are gambling with our
8 children's health and therefore with our own future.
9 Much attention has lately been drawn through high-
10 value personal injury litigation to the role of
11 glyphosate-based herbicides, or GBHs, in the
12 development of cancers, including non-Hodgkin's
13 lymphoma. While this attention is welcome, it may
14 also distract from the truly widespread and
15 pernicious effects of GBHs. In contrast to other
16 nations, the United States does very little to
17 regulate glyphosate on a federal level. We have
18 grown to accept that our crops contain glyphosate,
19 even at harvest. As a result, the biocide can be
20 found in the digestive tract and immune system of
21 virtually every American. For years Richmond Law
22 Group, a litigation-based social action B corp has
23 sought to protect the food supply by tackling
24 marketing misrepresentations, such as manufacturers'
25 selling their products as natural or pure despite the

1
2 presence of glyphosate residues. This bill brings
3 another important tool to the fight for our health,
4 the protection of children from running, playing, and
5 relaxing in GBH-treated parks. By now most Americans
6 have heard of the groundbreaking jury verdicts
7 finding that GBH non-Hodgkin's lymphoma in those who
8 used or handled the products regularly. Just this
9 week Monsanto, the manufacturer of the GBH Roundup,
10 asked to delay the start of another non-Hodgkin's
11 lymphoma case in a Missouri state court as Monsanto
12 seeks a global resolution to thousands of similar
13 pending cases. In some ways, although these cases
14 have raised awareness of the dangers of GBHs, they
15 may be creating a false sense of security. New
16 Yorkers...

17 CHAIRPERSON LEVINE: It's OK, please
18 continue.

19 RANDALL WILHITE: Thank you. Ah, New
20 Yorkers may believe that if they are not the ones
21 applying GBHs daily they will not be affected. The
22 health effects of glyphosate, however, extend far
23 beyond non-Hodgkin's lymphoma and affect the
24 population at large, not just those who handle GBHs
25 daily. Glyphosate is bio-accumulative. Even

1
2 seemingly low doses of, even seemingly low-dose
3 exposures, parts per million, may affect human and
4 animal health over time. While the science continues
5 to develop, glyphosate is now implicated in health
6 concerns, including alteration of the gut biome and
7 antibiotic resistance. Additionally, the adjuvants
8 used to deliver glyphosate and GBHs increases
9 glyphosate's potency. Richmond Law Group views
10 environmental exposure to glyphosate as a pending
11 crisis, if not a crisis that has already arrived,
12 tied to rising levels of chronic health issue in
13 children. For years RLG has sought to draw attention
14 to the pervasiveness of glyphosate in the American
15 food supply and to push back against manufacturers
16 who attempt to mask glyphosate residues in food with
17 marketing terms like natural and pure. RLG's
18 glyphosate-related litigation on behalf of nonprofit
19 organizations is necessitated by a lack of sufficient
20 legislative or administrative actions and touches all
21 corners of the human and animal food supply.
22 Examples include the Organic Consumers Association
23 versus Twining North America litigation concerning teas
24 labeled as pure and natural despite testing showing
25 residues of glyphosate and other synthetic biocides.

1
2 Beyond Pesticides, ah, earlier you heard from Jay
3 Feldman, the executive director of Beyond Pesticides,
4 versus General Mills, ah, ligation concerning granola
5 bars as made with 100% natural oats despite
6 glyphosate residues allegedly brought to the product
7 through oats. Clean Label Project Foundation versus
8 Panera, ligation concerning a restaurant selling food
9 marketed as clean, despite testing showing presence
10 of glyphosate residues. GMO-Free USA versus [pray
11 manjay] ligation concerning a restaurant advertising
12 "natural food" when testing found trace glyphosate in
13 several of its items, as well as Toxin-Free USA
14 versus the J.M. Smucker company ligation concerning
15 pet food advertised as natural, despite appearing to
16 contain glyphosate residues and other trace chemicals
17 harmful to pets. And I'll pass it off to Jack.

18 JACK EINSTEIN: I'll be continuing, just
19 to speak about our nonprofit work.

20 CHAIRPERSON LEVINE: Please.

21 JACK EINSTEIN: For years RLG's nonprofit
22 clients have been active in the fight for awareness
23 for glyphosate's dangers while actively promoting
24 legislative controls for its use. For example, GMO-
25 Free USA sponsors regular independent testing of

1 consumer food products, which have found, which have
2 been found in the highest levels of glyphosate in
3 whole grain and multigrain foods. The Clean Label
4 Project educates consumers by using scientific data
5 to identify toxins such as pesticides, BPAs,
6 antibiotics, heavy metals, and other harmful
7 substances in consumer products, including pet food
8 and baby food. Moms Across America, which also found
9 a national toxin-free town and glyphosate-free
10 shopping, launched a glyphosate testing campaign in
11 2013. And Beyond Pesticides provides information on
12 safe and effective alternatives to chemical
13 herbicides and insecticides, and regularly takes part
14 in advocacy efforts. Richmond Law Group has also
15 been a support of The Black Institute's work on the
16 Poisoned Parks report. The report details the
17 disproportionate use of GBHs in black and brown
18 neighborhoods in New York City and has also been
19 submitted as written testimony. RLG answered
20 questions and provided TBI with site checking and
21 background research for the report. RLG appears now
22 in support of this legislation and with a broad
23 coalition of interested parties, including The Black
24 Institute, Beyond Pesticides, Grassroots
25

1
2 Environmental Education, Reverend Billy and the Stop
3 Shopping Choir, voters for animal rights, and many
4 others. New York City children are already exposed
5 to glyphosate and GBHs through their food, even
6 products purportedly natural, clean, or pure. The
7 effects are only compounded when children and their
8 pets play in GBH-sprayed fields and playgrounds,
9 touching, breathing, and carrying with them a bio-
10 accumulative substance that can threaten their
11 health. We urge passage of this bill and protection
12 for the parks and public spaces upon which New
13 Yorkers, young and old, depend for recreation and
14 socializing. Thank you.

15 CHAIRPERSON LEVINE: Thank you very much.
16 And now we'll ask, ah, sorry, here we good. With Mr.
17 Clay, if you please.

18 DANIEL CLAY: [inaudible] that's my name,
19 it's Daniel Clay. I'm a gardener for New York City
20 Parks and Rec and I have been for the past, ah,
21 almost 15 years. And, um, I, I'd just like to, you
22 know, say that I really do appreciate this
23 discussion, this pressure even, but, um, the thing is
24 that, you know, like anything the most important
25 thing is to find the right balance, the right balance

1
2 of, ah, practices and laws, and ecology is what I
3 was, the point I'm getting at, ecology, because, um,
4 the, ah, invasive species that we combat with some of
5 these chemicals, um, that's the indiscriminate thing.
6 These things could wipe clean, you know, entire
7 ecosystems here and there. And that's something that
8 we all should keep in mind. Um, and that's all I
9 have to say. And, ah, the other thing is, I mean,
10 you know, I could dig a tree, a good-sized tree, but
11 I'm not catching all those insects that could kill
12 these trees, all right? Thank you.

13 CHAIRPERSON LEVINE: Thank you, Mr. Clay,
14 for the work that you and your fellow members do to
15 make our parks beautiful and safe, and we know that's
16 not easy work, but we're grateful for it, and we care
17 about your welfare...

18 DANIEL CLAY: My pleasure.

19 CHAIRPERSON LEVINE: ...ah, that, that
20 underlies our discussion today in every way. Maybe
21 we could ask one of our panelists to swap a seat for
22 Mr. Spaeth, so we, or Dr. Spaeth, so that we can hear
23 from him as well. And if you could hit the on button
24 to the mike.

25

2 DR. KENNETH SPAETH: That helps. Thank
3 you. So thank you for letting me speak and good
4 afternoon to everybody. Ah, so my name is Ken
5 Spaeth. I am chief of occupational and environmental
6 medicine at Northwell Health. Um, I trained in
7 international medicine right up the road at St.
8 Vincent's Catholic Medical Center back in the day,
9 ah, and then went on to become a specialist in
10 occupational and environmental health at Harvard
11 School of Public Health, and now serve as medical
12 director of clinics which treat people exposed to a
13 variety of environmental hazards, including
14 pesticides. So I, I heard some of the testimony
15 earlier and I certainly don't want to repeat a lot of
16 what was said. But I think there are a few things
17 that are worth mentioning. To begin with, ah, I
18 think this all really boils down to some simple, ah,
19 concepts. The science is very clear on this. There
20 are no safe pesticides. Pesticides are designed, ah,
21 are claimed to be targeted at specific, um, end
22 points, but the truth is that they are not limited to
23 those end points. The, ah, species of interest are
24 never, ah, the sole, um, toxic target, ah, and that
25 includes, unfortunately, ah, people. Among those,

1
2 um, most vulnerable, as you know, are pregnant women,
3 ah, infants, young children, etc., and of course the
4 workers who are, um, who are dispensing these. And,
5 you know, the thing I think that you should try to
6 keep in mind as you hear the different sides of this
7 is a) the science is very clear about this. Um, the
8 concepts of low-dose, nontoxic, etc., are buzzwords.
9 Um, they are not evidence-based. So even though, for
10 example, ah, I can tell you that in my clinical
11 practice, where I have seen hundreds, literally
12 hundreds of pesticide-exposed individuals, including
13 those exposed to glyphosate, ah, the refrain that I
14 hear from the patients is always the same, which is
15 that they told me this was safe, they told me this
16 was low-dose, they told me that the levels of the way
17 it was distributed, that the amount that was used
18 would pose no risk. Ah, this is simply a falsehood.
19 There really is no, there's no established safe
20 levels on any of these, um, and I think that, you
21 know, when you consider that this is a, this issue is
22 really around public use of it, ah, without that
23 science to demonstrate the safety, um, I think we're
24 all well served in protecting the health not only of
25 the vulnerable populations we talked about, ah, the

1 workers, the children, ah, but also the public health
2 generally. And, and I would just also mention, I
3 haven't heard this mentioned so I think it is worth
4 mentioning that, that many pesticides, ah, including
5 glyphosate, are known to causes changes to our DNA,
6 which are then, ah, inheritable, meaning that once
7 exposed that, ah, consequence gets passed onto
8 subsequent generations. So this isn't just about a
9 moment in time. This is about, you know, what
10 happens moving forward. And the last point I think,
11 I think is worth making, is that many of these
12 pesticides demonstrate what we call endocrine-
13 disrupting properties, so they disrupt cellular
14 metabolism, and what we know about the chemicals that
15 do that, including pesticides, is that they're
16 actually been shown to be more potent at lower doses
17 than higher doses. Now the science to explain that
18 is interesting and I'm happy to discuss it if you'd
19 like. But the larger point, again, is that the idea
20 that there are safe ways to administer these
21 pesticides is simply, ah, mythological. So with that
22 I will, ah, finish up, and thank you.
23
24
25

2 CHAIRPERSON LEVINE: Thank you, Doctor.
3 It reminds me of the challenge with lead poisoning.
4 There's no safe level of lead in the blood.

5 DR. KENNETH SPAETH: Correct, and, you
6 know, I will, on that point I would say that the
7 history of public health and the history of
8 environmental health is littered, pardon the pun,
9 with, with stories of the next great thing, asbestos,
10 lead, all of which were promises of tremendous
11 benefit to society and many of which turn out to be
12 things that we look back and we shake our heads and
13 say how did we let this happen. Ah, and, you know, I
14 would say the same is, is building for many of these
15 pesticides, including glyphosate.

16 CHAIRPERSON LEVINE: OK. Thank you, and
17 I believe Council Member Kallos has questions.

18 COUNCIL MEMBER KALLOS: I want to thank,
19 ah, Dr. Kenneth Spaeth for, for making it and taking
20 time. Ah, so your testimony, you are a medical
21 doctor?

22 DR. KENNETH SPAETH: That's correct.

23 COUNCIL MEMBER KALLOS: And what is your
24 area of practice?

2 DR. KENNETH SPAETH: Occupational and
3 environmental medicine.

4 COUNCIL MEMBER KALLOS: Ah, and so this
5 falls within your area of practice?

6 DR. KENNETH SPAETH: Yeah, this is
7 exclusively, ah, my clinical practice, treating
8 individuals exposed to hazardous environmental
9 substances, such as pesticides.

10 COUNCIL MEMBER KALLOS: And you've,
11 you've had patients you've had to treat who have been
12 exposed to pesticides like glyphosate?

13 DR. KENNETH SPAETH: I have seen, ah,
14 hundreds of patients exposed to pesticides over the
15 years, some, ah, some of whom are workers, some of
16 whom are people who were exposed in their homes, some
17 of whom were exposed elsewhere, some as children but
18 developed health defects as adults, um, and um, and
19 including glyphosate. Specifically, I've had
20 probably several dozen patients at this point,
21 including those who have developed non-Hodgkin's
22 lymphoma.

23 COUNCIL MEMBER KALLOS: I'm so sorry to
24 hear that, and thank you for your work. So in your
25 expert opinion as a medical doctor who practices in

1
2 this field, ah, we should not be applying this
3 chemical or these toxic pesticides in our parks or on
4 city property?

5 DR. KENNETH SPAETH: That's correct. No
6 one, no one should, and that would include
7 [inaudible].

8 COUNCIL MEMBER KALLOS: In terms of the
9 workers that you're working with, did they use
10 protective gear, did they have protective training
11 when they were applying?

12 DR. KENNETH SPAETH: Well, there's no
13 adequate protective gear, frankly. Um, there is
14 standard equipment that is often given out. It, the
15 use of it is, um, is selective and depending on the
16 circumstances, but it's not, it doesn't offer full
17 protection. That's, that's really the problem. And
18 I would also add to that point that, you know, when
19 we put the onus of protection on workers we're doing,
20 ah, a disservice to them. Because that's not, that
21 is not who should be responsible for safety. It
22 should be at a higher level from a regulatory and
23 policy standpoint to protect workers and, for that
24 matter, ah, the public health.

1 COMMITTEE ON HEALTH 117
2 COUNCIL MEMBER KALLOS: I'd like to, if
3 you can switch seats again with Eric Weltman from,
4 ah, Food and Water Action. I just was hoping, there
5 is a paragraph in his testimony that really spoke to
6 me that he did not get to speak, which was, ah, from
7 the second paragraph from the second page, ah,
8 starting with Monsanto long advertised Roundup as
9 environmentally friendly. If you could just, ah,
10 read that paragraph.

11 ERIC WELTMAN: Sure, happy to oblige.
12 Um, Monsanto long advertised Roundup as
13 environmentally friendly and practically nontoxic to
14 fish, birds, and mammals, until they were sued in
15 1996 by New York's attorney general for false
16 advertising. But environmental exposure to Roundup
17 can be toxic to wildlife. One study observed the
18 impact on frog populations by spraying the
19 recommended application rate in a controlled setting,
20 including a pond with tadpoles, simulating natural
21 wetlands or flooded field depressions, and surface
22 land with juvenile frogs. Ninety-eight percent of
23 tadpoles in the pond died within three weeks.
24 Seventy-nine percent of juvenile frogs on land died
25 within one day. Additional studies found harmful

1 effects on fish, even at levels several times below
2 typical concentrations.
3

4 COUNCIL MEMBER KALLOS: And, and so what
5 type of research was cited for that? I noticed in
6 the piece, ah, was it a news article? Was it a
7 informal piece, or was it two journal articles in
8 peer-reviewed journals?

9 ERIC WELTMAN: Yeah, you know, our entire
10 testimony is well cited, um, and they are both peer-
11 reviewed journals. Ah, *Ecological Applications* and
12 *Marine Environmental Research*.

13 COUNCIL MEMBER KALLOS: OK, and I guess
14 my last question is I just want to thank Daniel Clay
15 from Local 1507 of DC37. I'm a union side labor
16 lawyer and I've spent much of my career doing my best
17 to protect, ah, employees from management and, ah,
18 situations where they would otherwise try to exploit
19 folks and force them into dangerous positions. Ah,
20 so I guess, ah, have you seen the reduction that
21 Parks has indicated in 2019 in the use of the
22 pesticides in the city parks?

23 DANIEL CLAY: Absolutely have. Um, the
24 stories I've heard from, before I started working for
25

1
2 Parks are, are pretty scary. And things nowadays are
3 very different, very difference.

4 COUNCIL MEMBER KALLOS: OK. So, so,
5 first, thank you for your 15 years of service. So
6 before you started, if you can give us like 30
7 seconds on it, versus where we are today with
8 limiting the use in our active parks?

9 DANIEL CLAY: Yeah, the regulations on,
10 ah, where you can use chemicals, what you have to
11 wear while using these things, the, the equipment you
12 use to pump to, to apply the chemicals, they are,
13 it's like reckless, it's crazy, compared to how
14 careful we are nowadays and the training we go
15 through. Ah, that's the other thing, too, is I've
16 been to trainings that were an hour long, years ago,
17 I'm talking 20 years ago in, ah, my first job as a
18 teenager. But nowadays our trainings are weeks long.
19 Sometimes they are, once a week for, I don't know, a
20 month, two months, something like that. Other times
21 they're every day for two weeks straight. Um, it's
22 very, very intensive. We're very careful and things
23 are getting much more safe, and, ah...

24 COUNCIL MEMBER KALLOS: Thank you, and I
25 guess, ah, if we're able to work with Parks, and it

1
2 seems like we already just got a commitment that they
3 wouldn't spray, ah, they wouldn't use it in active
4 parks, ah, they wouldn't use it on dog runs, they
5 wouldn't use it on playgrounds, I think we're still
6 going to work with them around what to do with the
7 Forever Wild locations, which theoretically shouldn't
8 be accessible to anyone, but we also have
9 environmental concerns, but, um, would that be a
10 positive for our workers?

11 DANIEL CLAY: To, ah, ban it entirely?
12 Oh, absolutely.

13 COUNCIL MEMBER KALLOS: No, yeah.

14 DANIEL CLAY: To spray anything nearby a
15 playground is not done, that's crazy. The warning
16 track on the baseball fields, I, I mean, I suppose I
17 could understand that, not understand that, but I've
18 heard of, I don't know, I could see somebody doing
19 that, you know.

20 COUNCIL MEMBER KALLOS: Great. And, and
21 I guess the other piece is you'd be the one doing the
22 work so we had James Archer testifying, but would you
23 be open to if, if you're dealing with a, a garden or
24 a park where, um, the city says, you know what, we
25 think that instead of spraying something where you

1
2 have to wear the protective gear and you have to do
3 all this training and it might be carcinogenic, or it
4 is carcinogenic that we're gonna just have you come
5 in and do the manual things, and they talked about
6 the different pieces. So you might need to have
7 more, more people in the organization, more hours.
8 Would you be open to that if it meant more safety for
9 your workers as well as for, ah, people in the public
10 [inaudible]?

11 DANIEL CLAY: Absolutely, especially me,
12 um, yeah.

13 COUNCIL MEMBER KALLOS: Thank you so very
14 much for coming out.

15 DANIEL CLAY: Thank you for having me.

16 CHAIRPERSON LEVINE: Thank you to another
17 great panel [applause]. All right. We are going to
18 pass on to our next panel, including Allie Taylor
19 from Voters for Animal Rights, as well as Kathy
20 Mizzari from VFAR, ah, Jessica Haller, Bruce Rosen,
21 and Dr. Maya Shetreat. Would you like to kick us
22 off, Allie?

23 ALLIE FELDMAN TAYLOR: Sure.

24 CHAIRPERSON LEVINE: Great.

25

1
2 ALLIE FELDMAN TAYLOR: Hello. Good
3 afternoon, everybody. My name is Allie Feldman
4 Taylor and I'm the president of Voters for Animal
5 Rights in Brooklyn. Thank you, Chairman Levine, for
6 holding this hearing. Thank you, Council Member
7 Kallos, for introducing and leading on this bill.
8 And thank you to my council member on the Health
9 Committee, Alicka Ampry-Samuel, for cosponsoring this
10 legislation in our district. We actually have 21
11 locations in Bed-Sty that have been sprayed with
12 these dangerous chemical. VFAR supports the passing
13 of Intro 1524. We know the health hazards to human
14 lives of this toxic pesticide. It's been reported to
15 increase the risk of non-Hodgkin's lymphoma and other
16 cancers by 41% in humans. But it is a lesser-known
17 fact that glyphosates also impact wildlife and the
18 ecosystem. Its use at levels deemed safe by the EPA
19 has actually been linked to a whole host of health
20 risks for wildlife, amphibians, birds, insects, and
21 aquatic animals, including fish. These include
22 cancer, endocrine disruption, cognitive impairment,
23 decreased motor skills and coordination,
24 neurotoxicity, kidney and liver damage, birth
25 defects, slower metabolism and growth, altered

1
2 microbiomes, weakened immune systems, biological
3 mutations, and reproductive issues, including
4 infertility in animals. Some of these changes have
5 led to fatal consequences. Three years ago the NIH
6 proved that the presence of glyphosate could alter
7 the composition of algae, the base of the food chain,
8 which could have profound ecologic effects on all
9 life. Some researchers suspect we don't yet know the
10 full and far-reaching impacts of this herbicide and
11 for these reasons we urge the council to pass Intro
12 1524. We also ask that you not include an exemption
13 for rat poison for two reasons. One, DOH has gotten
14 better results with prevention policies and programs
15 rather than extermination, and two, we run the risk
16 of dogs, squirrels, birds, and other animals living
17 in New York City being posed to, being exposed to and
18 possibly poisoned by, ah, rodent killers. Again,
19 thank you for this important measure in protecting
20 the health of all New Yorkers.

21 CHAIRPERSON LEVINE: Thank you, Allie,
22 for your impeccable timing. Um, Kathy, did you want
23 to continue on behalf of VFAR?

24 KATHY MIZZARI: Sure, thanks. Good
25 afternoon, Chairman Levine, members of the Health

1
2 Committee, and Councilman Kallos. I'm Kathy Mizzari,
3 board member of Voters for Animal Rights. Thank you
4 for the opportunity to voice our support of Intro
5 1524 and urge the council to pass this important
6 legislation. As we've already heard, the use of
7 glyphosate have unintended consequences which can be
8 fatal, not only to humans, as evidenced by the more
9 than, ah, I think that's 40-something thousand
10 lawsuits against the manufacturers, but also to the
11 city's wildlife and even the dogs who walk in our
12 streets and our parks. Wildlife and our dogs can be
13 impacted both directly by consuming a food source
14 that was exposed, or indirectly by wind drift,
15 runoff, carried by rain, ground water contamination,
16 or in the soil they walk on, dig in, and play on.
17 Glyphosate is also responsible for the huge decline
18 in bee and monarch butterfly populations. Both are
19 crucial to pollination. We must do what we can to
20 protect these species or risk losing major components
21 of our food supply. And let's not forget that some
22 of these, some of the plants they live on causalities
23 of this toxic chemical, help capture carbon, a vital
24 step in mitigating our climate crisis. It is
25 essentially that action be taken now. While DDT was

1
2 banned in 1972 for its toxic and deadly effects, it
3 is still detected in some marine mammal species,
4 including dolphins and whales, who can live up to
5 nearly 100 years old, 90 years old. Um, scientists
6 do not know how long glyphosate remains in the soil
7 or in living beings. These dangers are why its use
8 has been banned in cities and entire countries around
9 the world. VFAR also asks that you not include an
10 exemption for rat poison, which is lethal to at least
11 14 species of birds. I'm almost finished. The risk
12 to companion animals, squirrels, birds, and other
13 animals who may accidentally ingest it is too great,
14 and the success of the Department of Health's
15 prevention program points to that being a better
16 solution than any extermination methods. Again, we
17 thank you for your time and ask that you pass Intro
18 1524.

19 CHAIRPERSON LEVINE: Thank you, Kathy.
20 And Mr. Rosen, please.

21 BRUCE ROSEN: Bruce Rosen, lifelong New
22 Yorker, retired city planner for the city, um, member
23 of the grassroots United for Action. Um, I've been
24 involved in various ways in environmental issues. I
25 was an undergraduate intern at Mayor Lindsay's EPA,

1
2 now DEP and Sanitation, when President Nixon signed
3 into law the creation of the EPA. Um, there are a
4 number of things that were brought up about holistic
5 approaches and the like. But New York has a long
6 tradition of that and I would point to the Brooklyn
7 Institute of Arts and Sciences, which dates back to
8 something in the 1820s called the Apprentice Library,
9 created the second-largest public art collection, The
10 Brooklyn Museum, the planet's first museum for
11 children, The Brooklyn's Children Museum, The
12 Brooklyn Botanic Gardens, BAM, and Cold spring Labs,
13 where the author of *Silent Spring* did her work. Um,
14 that's important because this kind of, you know,
15 approach of what you bring from one place to another,
16 um, is critical. I sat in on a state legislative
17 committee, environmental committee, on fracking,
18 which accidentally made me a fractivist. When
19 hearing a 30-year-plus petroleum geologist say, um,
20 he had no trust in his own industry, which always
21 promised to be a good steward. So with Bayer, the
22 creators of what was mentioned by early panelist,
23 heroin. It was a marketed drug. They created that
24 and of course they also created Zyklon B. So I would
25 sort of wonder about that creation. We have the

1
2 ability to do things right. When the Parks
3 Department had to deal, um, with, um, um, the blight
4 that hit Robert Moses' London plane trees, from
5 sycamores, they couldn't use fungi, so what was the
6 easiest thing to do that worked? Just rake up the
7 leaves. If we have a problem of things coming over,
8 um, from elsewhere, from the north, and you've had
9 people from Westchester, well the first big property
10 is Hill View Reservoir and that's hours, that's part
11 of our system, um, of waters. I'm concerned about
12 the carve-outs for, for, for, um, the Housing
13 Authority for the environmental, for the Economic
14 Development Corporation, um, for DOT, for NYCHA and
15 anything that like, wherever you don't have
16 oversight, as Elizabeth said, anything can be done.
17 So I thank you very much.

18 CHAIRPERSON LEVINE: Thank you very much.
19 And we're going to pass on to Dr. Shetreat.

20 DR. SHETREAT: Thank you very much. I'm
21 a pediatric and adult neurologist. I practice in New
22 York City. I'm also a resident of Riverdale and, um,
23 I spend a lot of time in the parks and have actually
24 watched pesticides be sprayed there, spoken with the
25 workers, and seen actually how it's done and how this

1
2 so-called very directed, very limited spraying is not
3 often that at all, but is huge [inaudible] swaths of
4 like let's say the woods right by my house in
5 Riverdale. Um, you know, I understand that people
6 are trained, but it's done in a very broad way very
7 often. And I talk to the people as well about the
8 health problems they've experienced. Um, I want to
9 speak more directly to two things. I'm the author of
10 a book called *The Dirt Cure*, which looks at the gut-
11 immune-brain connection in neurological issues, both
12 in children and in the general population. And, um,
13 I want to speak, I just want to be as brief as
14 possible, because I know there are other people who
15 have spoken about this before I was here. Um, so
16 first of all, I want to say that there are very clear
17 benefits to being in nature that nothing can replace.
18 There's no pill, there is not treatment that does the
19 things that nature has done. There is evidence to
20 support increased focus, attention, executive
21 function, better sleep, less depression, better mood,
22 better scores on standardized tests, and actually
23 increased production of anticancer proteins and
24 natural killer cells in the body, um, lower levels of
25 cortisol and stress hormones. This is all documented

1 broadly. And for many New Yorkers and especially
2 children, the New York City parks are the one place
3 they can go to get these benefits. Um, I treat
4 children and pregnant women, and children, especially
5 in their brains, are particularly vulnerable to the
6 chemicals that are designed to deter insects and
7 weeds. Um, a study of over a thousand US children
8 that represented the overall population showed that
9 with higher, um, organophosphate pesticide
10 metabolites in their urine they were twice as likely
11 to have ADHD, any number of the conditions that you
12 will see that pesticides are a huge risk for are now
13 at epidemic levels. Low birth weight, ADHD, autism,
14 learning disabilities, asthma, infertility,
15 Alzheimer's and dementia, Parkinson's, and cancer.
16 There's data to support every single one,
17 particularly Parkinson's, particularly learning
18 disabilities, particularly cancer, and actually I
19 think now the lawsuits against Bayer are at 70,000.
20 Um, so this is actually a huge legal issue beyond
21 just the issues directly of health. Um, this isn't
22 actually a controversial issue at all in terms of the
23 risk factor that's involved and, um, industry
24 science, I don't know if anyone is aware of the
25

1
2 Monsanto Papers, I have a link to a published paper
3 that covers that, um, that there's a lot of actually
4 funded science that was, and it's a, you know, it's a
5 huge part of the lawsuit against, against Monsanto
6 and Bayer now, that there was a lot of, um, paid
7 science. So we have to be very, very careful when we
8 see anything about safety to know that a lot of that
9 science was influenced by money, by big money, um,
10 and that has come out very much in the lawsuits that
11 have been going on. Um, children in particular are,
12 are vulnerable because, um, they have higher rates of
13 cell division, they have lower body weight, they
14 spend more time on the ground, they put their hands
15 in their mouth more, they have greater skin surface
16 so more exposure than adult have. They have higher
17 respiratory rate. Um, so they are, and they have
18 more contact with floors, lawns, playgrounds, and so
19 on. Um, there's one point, ah, because we've heard
20 about epigenetics and the fact that, um, the way that
21 that our genes are read, it doesn't change your
22 actual DNA sequence, that's very hard to change
23 typically, but it does change how your DNA is read,
24 your epigenetics, and that is why we see studies that
25 show four generations after the fact the biggest

1 impact. So what's happened two generations ago,
2 that's what we on the ground as doctors are seeing
3 right now in epidemic proportions. The last thing I
4 want to say is that, um, pesticides actually do not
5 solve the problem of invasive species and a lot of
6 the work I do in the Train Institute, which is an
7 institute that I founded, um, that connects our
8 bioterrain, our inner terrain, to the ecoterrain, the
9 world around us, and I train doctors, I train
10 entrepreneurs, I train politicians in how to, um,
11 look at that connection, OK, and what we know is that
12 glyphosate actually depletes nutrients from the soil.
13 It acts as an antibiotic as well, which kills the
14 microbiome. It creates less diversity. It creates
15 an environment that is less effective for growing
16 healthy plants. The better approach, and this I can
17 liken to exactly the human, the human body. We know
18 now that we were giving antibiotics, antibiotics,
19 antibiotics. That was actually destructive because
20 we have a microbiome that is very biodiverse. The
21 more biodiverse your microbiome the healthier you
22 are. So what we're doing to soil right now is we're
23 damaging the microbiome almost irreversibly, and what
24 would be much more effective would be to plant more
25

1 plants and actually have people go into the parks and
2 help to harvest things. Because, for example,
3 Japanese knotweed, which is an invasive, is actually
4 edible. And many people, if they were educated about
5 that, might, let's say, every year we have a big
6 initiative in the park to say come and harvest
7 sustainably Japanese knotweed. This is an edible
8 plant. Or we, you know, donate it to shelters or
9 food pantries. There are ways to plant more plants,
10 create a richer microbiome, and actually that is the
11 best way to, ah, deal with the problem of invasive
12 plants. Thank you very much.

14 CHAIRPERSON LEVINE: I look forward, I
15 look forward to my first knotweed salad.

16 DR. SHETREAT: [laughs] Come on over.

17 CHAIRPERSON LEVINE: And on a more
18 serious note, ah, I think there is even more than
19 70,000 lawsuits against Bayer now. We actually had
20 it at 75,000 and they are reportedly looking to
21 settle, which is a tacit admission that they know the
22 weakness of their own case. But we appreciate you
23 bringing some science into the discussion. Thank
24 you. Jessica, please, continuing on, on the
25 Riverdale team.

1
2 JESSICA HALLER: Thank you, Riverdale
3 team. Thank you, ah, Council Member Kallos on, and
4 members of the committee, ah, for the ability to
5 submit this testimony. I'm here on behalf of Hazon.
6 Hazon is a New York City faith-based environmental
7 organization where I serve as vice chair and chair of
8 the Hazon Seal of Sustainability. There are more
9 than 50,000 members across the US and 75 communal
10 institutions, many of them here in the New York City
11 area, and many participate in the Seal of
12 Sustainability. Hazon means vision, and the vision
13 is to create and support healthy and sustainable
14 communities. As such, the Seal of Sustainability
15 program has always, um, recommended the banning of
16 pesticides in all the institutions that it plays
17 with. Ah, this legislation, and I want to bring up
18 two points that I don't think have been brought
19 today. Ah, it's exceptional not only for its ban on
20 pesticides but also because it actually implements
21 the precautionary principle, ah, by banning these
22 probable, likely, and possible human carcinogens. So
23 often in this country, ah, the burden of proof falls
24 on the citizens and the mothers in the playground to
25 defend their kids and their health. Most people

1
2 assume that the government uses the precautionary
3 principle, which has not been the case in this
4 country. I applaud the council for ensuring that
5 this important concept is part of the legislation.
6 So thank you. And now I'm gonna go off book from my
7 submitted written testimony to address, ah, Riverdale
8 Park, our one-third wild and invasive species. For
9 eight years I have been a volunteer teacher at a
10 local school, taking children as low, as young as
11 nursery school, but mostly like 6-year-olds into the
12 woods. It's called Into the Woods. The kids love
13 going into the woods. When we enter the woods and we
14 see those yellow signs, um, it's scary, because I
15 have taught the children leaves of three, let it be,
16 they know how to avoid the poison ivy. But when I
17 walk in and see the wood sorrel, which is an invasive
18 little, pretty little yellow flower, but still
19 invasive, all along the edge and I see the yellowing,
20 wilted leaves, I know that there has been a
21 tremendous amount of spraying in the area and I don't
22 know what to do with the 6-year-olds. So the Forever
23 Wild areas are areas where kids roam free, where we
24 want them to do that, where we want them to be in
25 nature, um, and where we also, the dogs roam free and

1
2 the animals are, too. I did a wood sorrel invasive
3 species, ah, action at Wave Hill, which is the local
4 natural area. Um, I sat on a slope and pulled out
5 the little yellow flowers 'cause the scientists there
6 figured out if that if you pull the little yellow
7 flowers that each year there will be fewer, and the
8 woman I met sitting next to me was actually the
9 executive director of Wave Hill. And she I did that
10 together for a full Sunday. Um, to echo everyone
11 else, it is totally possible to address this, um,
12 manually, and children are in the Forever Wild areas,
13 and I just want to make sure that we all understand
14 that. Thank you.

15 CHAIRPERSON LEVINE: Thank you. I
16 believe that Council Member Cohen has a question.

17 COUNCIL MEMBER COHEN: I really, ah, just
18 want to say thank you. You know, I know intimately
19 that it's not easy to come down from Riverdale, it's
20 a long trip. Ah, I think that everybody here agrees
21 that obviously it would be best if these, if we
22 weren't using these chemicals and, you know, as
23 people who, you know, live in the district I serve,
24 it's we need to work together to find, because it's
25 nice to say that, but, again, we are all intimately

1
2 aware of the tremendous, ah, impact that invasive
3 species are and can have on a district, so we need to
4 strike the right balance so that we can fight that
5 and make sure that we are good stewards, ah, of our
6 parks and that there are trees to protect in the
7 future. And, like I said, we can all just look into
8 the City of Yonkers and see a very scary tale of, you
9 know, when, when this fight is lost. And I think one
10 of the other people testified, too, like, ah, I'm
11 gonna pick and choose my battles, but my battles are
12 for my parks, so, ah, you know, I look forward to
13 working together to try to fight this fight.

14 JESSICA HALLER: I'm happy to do that.

15 COUNCIL MEMBER COHEN: Thank you.

16 CHAIRPERSON LEVINE: Thank you. Before I
17 pass it to Council Member Kallos, just a quick
18 question for either Allie or Kathy. We've talked a
19 lot about human health and lot about the flora of our
20 park system, but there's also extensive wildlife
21 throughout our park system, actually especially in
22 the wilderness or natural areas, um, but not
23 exclusively, and I wonder if you could add some
24 perspective on the impact of pesticides on the
25 wildlife in our park system.

1
2 KATHY MIZZARI: Thank you, Councilman
3 Levine. I think Allie really hit the nail on the
4 head with listing all of the, um, the biological, um,
5 problems that we've, that have been evidenced, um,
6 and well documented. In fact, we can send you the
7 references that we used, um, when we were putting
8 our, um, testimony together. Did that answer your
9 question?

10 CHAIRPERSON LEVINE: Well, sure. I just
11 want to know, that we have, ah, literally thousands
12 of species of wildlife, um, some that are large that
13 people see, like deer, ah, many, ah, winged animals,
14 obviously, and, um, and others that perhaps New York
15 is not aware of and, ah, we just want to be mindful
16 of what it would mean for any of those animals to
17 consume or be exposed to these kinds of chemicals.
18 Ah, it could be fatal, um, and that definitely, ah,
19 factors into our push to protect parks. Please, Mr.
20 Rosen. Oh, Allie, sorry, Allie wanted to add and
21 then we'll pass it.

22 ALLIE FELDMAN TAYLOR: Just exactly what
23 you guys said. We live in an urban jungle and
24 there's over eight million people here and a lot of
25 times being in an urban jungle we forget that we're

1 actually sharing the city with literally thousands
2 and thousands of species, whether it's raccoons or
3 deer, um, squirrels, coyotes even. Um, they are out
4 there and we may not see them all the time, but
5 they're absolutely a part of the city. And so when
6 they're spraying these kinds of chemicals in our
7 parks it absolutely has a very, very traumatic effect
8 on the animals. We don't, you know, just yesterday
9 actually David Cropkin, um, who's our wildlife
10 advisor, he couldn't be here today, um, he actually
11 rescued a hawk that had crashed into a building
12 yesterday. It actually crashed into the, the
13 Brooklyn US attorney's office yesterday, and um, you
14 know, when we took the hawk to the Wild Bird Fund
15 they said this was likely because of poisoning, and
16 certainly we don't know if it was poisoned because of
17 glyphosate or anything else. But the point is that
18 what we as humans put into the city here has an awful
19 effect on our city's wildlife.
20

21 CHAIRPERSON LEVINE: Well said, and thank
22 you, Allie. And thank you, please, yes.

23 KATHY MIZZARI: Can I just quickly add,
24 um, there are also feral cat colonies and we have no
25 idea if they're being exposed to these toxins and

1 what that impact can have on the colonies. Also,
2 with dogs, people walking their dogs in parks, if the
3 dogs are exposed we don't know if that exposure will,
4 um, inflict humans, or infect humans. We have no
5 idea.
6

7 CHAIRPERSON LEVINE: OK. All excellent
8 points. Did you want to add, Mr. Rosen, and then Dr.
9 Shetreat.

10 BRUCE ROSEN: Yes. The, the use of, of,
11 um, Roundup for non-agricultural purposes is
12 geometrically higher than farm use, which we have a
13 problem with to begin with. But we have a whole
14 system which is not clear to me of what are
15 effectively parklands or publicly accessible greens
16 that are not under the city's Parks Department nor
17 obviously what you can't relate to what state or
18 federal privately owned public spaces for which we
19 can designate, um, the, the number and caliber of
20 trees and, and the linear feet of seeding and what-
21 not. Um, Rails to Trails, the famous one is in the
22 sky along the west side of this island. Um, all of
23 the open spaces of, of NYCHA. Um, the playing fields
24 of the Department of Education, which not only affect
25 children but adults. They're very popular. There

1
2 are so many soccer teams and, and the like that use
3 those. So the, the system is much bigger that has to
4 be paid attention to, and of course which I think you
5 had said is going to be taken up in another bill.
6 Um, all of the golf courses are on public, um,
7 parkland. Um, and the only reason that golf courses
8 use this stuff is because it's easy. It's not
9 because they have no alternatives. It's because this
10 is the easiest thing, and easy is not always the best
11 thing. So that's it.

12 CHAIRPERSON LEVINE: Sure. Doctor?

13 DR. SHETREAT: I just wanted to make one
14 last point about this idea of songbirds and other
15 wildlife, because there's an issue in nature which is
16 that everything is connected and everything is
17 dependent on the health of everything else. So to
18 have a healthy tree with this idea of we have to
19 poison the invasive species, it's very very wrong-
20 headed, because we need the birds, we need the bee,
21 we need the insects, we need all of these different
22 plants. It doesn't mean we don't pay attention when
23 there's a huge, you know, overgrowth of a particular
24 plant, but actually by killing birds, insects, and

25

2 other species we're actually damaging the health of
3 the trees that we may be trying to rescue here.

4 CHAIRPERSON LEVINE: OK. Council Member
5 Kallos.

6 COUNCIL MEMBER KALLOS: Allie, it is good
7 to see you. Ah, for those who don't know, Allie
8 Feldman Taylor and I kind of came up in politics
9 together and, ah, Kathy, nice to meet you. Ah, when
10 Voters for Animal Rights walked in and I saw your
11 testimony I said OK, now I have almost complete faith
12 we will get this done, because you have been very
13 good at getting things done...

14 ALLIE FELDMAN TAYLOR: Thank you.

15 COUNCIL MEMBER KALLOS: ...in our city,
16 particularly in protecting our horses, and we just
17 passed new legislation with your, ah, leadership, ah,
18 to make sure we protect our horses when it is
19 incredibly, ah, hot outside and the equine heat index
20 is above, in a place which it would put strain on
21 these animals. So that is incredibly amazing. A lot
22 of your members spent a lot of time with me, ah...

23 ALLIE FELDMAN TAYLOR: OK.

24 COUNCIL MEMBER KALLOS: ...spent a lot of
25 time we me.

2 ALLIE FELDMAN TAYLOR: OK.

3 COUNCIL MEMBER KALLOS: Ah, we do our, we
4 do First Fridays in my office, ah, the first Friday
5 of every month, if you're watching this. You can
6 join me 8:00 a.m. to 10:00 a.m. The next one will be
7 February 7th. Um, I'd like to invite you or Kathy.
8 Would you like to join us for First Friday?

9 ALLIE FELDMAN TAYLOR: Sure.

10 COUNCIL MEMBER KALLOS: It's all
11 residents in my district. There's any where between
12 five, 40, maybe 100, but usually very few folks who
13 just come to talk about and just share two minutes on
14 this work that you're doing and what-have-you, and I
15 guess on the issue of specifically, ah, rat poison
16 and other chemicals that we are using to, to
17 literally poison animals in our parks. I, I do
18 agree, what works is making sure that they can't grow
19 to begin with, ah, and they can't form colonies.
20 Would Voters for Animal Rights be willing to put your
21 considerable political power to working with our
22 Health Committee chair and the Parks Department to
23 protect this and make sure that it is included in the
24 legislation?

25

1
2 ALLIE FELDMAN TAYLOR: Of course. Um, I
3 didn't want to get us sidetracked by bringing the
4 rats, but since it was a part of the bill we did feel
5 it was important to bring it up, especially 'cause
6 recently in New York City there's been a lot more
7 discussion about the best way to deal with, um,
8 rodent prevention, especially in public housing, as
9 Alicka talked about earlier. Um, yeah, it's
10 something we absolutely want to continue to have a
11 conversation on. Um, you know, nobody in this city
12 should have to live with the indignity of having a
13 home that's infested with vermin. We agree. Ah, we
14 love rats, we think they're cute, but we totally get
15 it that you don't want to have them in your home.
16 Um, but in order to do that you have to have a
17 comprehensive plan that prevents them in the first
18 place and that means trash management. It means
19 better building management. It means better
20 management on construction sites, and killing the
21 rats doesn't really do anything in the long run. It
22 just kind of, it might look like a quick Band-Aid
23 solution in the short term to say, oh, look at how
24 many rats we've exterminated, but it does nothing to
25 solve the problem, um, over a long, like [inaudible]

1
2 periods of time. So, sure, we'd love to work on that
3 with you.

4 COUNCIL MEMBER KALLOS: Thank you very
5 much. Ah, Bruce, in terms of any concerns you have
6 about carve-outs, if you can pass those along to
7 policyatbenkallos.com and if you, it seems like you
8 may already know the chair, but if you're also able
9 to work with the Health Committee chair and our
10 committee counsel, ah, I would like to be as strong
11 and as wide and as, I would like to cover as much as
12 possible. Ah, so if you're able to assist us in
13 that, um, I'm 100% on board. Are, are you on board?
14 I need a...

15 BRUCE ROSEN: Sure.

16 COUNCIL MEMBER KALLOS: I need you to say
17 so on the record in the mic so that we can hold you
18 to it.

19 BRUCE ROSEN: Yes.

20 COUNCIL MEMBER KALLOS: Great. Ah, I
21 want to turn to Dr. Maya Shetreat. Your testimony I
22 think was incredibly vital today because, um, so, I
23 guess, I think in terms of what you're talking about
24 with the Terrain Institute, between you and what
25 James Archer is saying is people may want to just

1
2 spray Roundup or glyphosate just, just once because
3 it kills everything and then what-have-you, but
4 nature abhors a vacuum and life will find a way, so
5 it sounds like, based on your research it's actually
6 causing, ah, depletion and a collapse that is leading
7 to more invasive species and so the best thing we can
8 actually do is cultivate species to thrive in places
9 where there would be weeds, so that they don't have a
10 place to, they don't have a vacuum and a hole to
11 fill. Is that an accurate assessment of both your
12 testimony and Dr., sorry, not a doctor, but James
13 Archer's, and if you want to just restate it for the
14 record?

15 DR. SHETREAT: Yeah, absolutely. Um,
16 yeah, it's just, you know, again, I liken it to what
17 happens in the gut in a human is, we, we give people
18 probiotics now, right? And before, there was a time
19 when we thought giving people bacteria was very
20 harmful. Now we know that adding in bacteria is
21 actually helpful. With soil and with the parks
22 adding in compost and planting and cultivating
23 species and creating more biodiversity actually makes
24 them, by having that biodiversity no one plan, no one

2 species is likely to grow out of control, because the
3 terrain is a healthy terrain.

4 COUNCIL MEMBER KALLOS: In the testimony
5 that you did not get to read, on paragraph five I was
6 just curious if you could just read that one
7 paragraph for us, ah, beginning with "every year,
8 several times per year."

9 DR. SHETREAT: Ah. "Every year, several
10 times per year, there will be a sign that I shouldn't
11 enter the park near my house for 24 hours because
12 glyphosate or some other pesticide has been sprayed,
13 and oftentimes patients of mine that I recommend get
14 into nature express that they are reluctant to spend
15 time in parks because they're worried about pesticide
16 residue."

17 COUNCIL MEMBER KALLOS: Ah, is the park
18 you are reference an active park?

19 DR. SHETREAT: It is a very active park.

20 COUNCIL MEMBER KALLOS: What is the name
21 of the park, if you don't mind?

22 DR. SHETREAT: It's, um, Riverdale Park.
23 It's along the...

24 COUNCIL MEMBER KALLOS: And is it...
25

2 DRIVER SHETREAT: It's not a playground,
3 but it's a wild park.

4 COUNCIL MEMBER KALLOS: And, and I guess,
5 have you been seeing those in 2019?

6 DR. SHETREAT: I have, and I actually
7 have, I take pictures and post it on Instagram every
8 time. [laughs]

9 COUNCIL MEMBER KALLOS: Would you, would
10 you be willing to tag me and the Parks Department on
11 it and we will work with you to hold them to their
12 word from this hearing?

13 DR. SHETREAT: I would be delighted to do
14 that.

15 COUNCIL MEMBER KALLOS: And, ah, to
16 Jessica, thank you for your work in Hazon. Ah, I'm,
17 I, I go way back with your organization. I'm a big,
18 ah, big, big fan. Um, in terms of it, can you just
19 tell me a little bit on the second page of your
20 testimony, you talked about some of the work that you
21 did, ah, at Ewen Park?

22 JESSICA HALLER: Yes.

23 COUNCIL MEMBER KALLOS: And if you give
24 us 30 seconds to a minute just on like...

25 JESSICA HALLER: Sure.

1 COMMITTEE ON HEALTH 148
2 COUNCIL MEMBER KALLOS: ...the work you
3 did there, the local coverage and, and what happened
4 then and where we are today?

5 JESSICA HALLER: So my friend happens to
6 be sitting next to me. I had no idea she would be
7 here today, and I wrote the story about Ewen Park.
8 She's a pediatric neurologist. I have a degree in
9 environmental science and policy, and our other
10 friend works in the environmental sphere and she's...

11 COUNCIL MEMBER KALLOS: There, there are
12 no accidents in life, there is only, ah, [inaudible].

13 JESSICA HALLER: There are no, I agree.
14 [laughs] Ah, she saw signs, this was 10 years ago,
15 but still living in my Yahoo email box. Um, she
16 called us up. She got us together and said there
17 were signs that they were going to be spraying in
18 Ewen Park. Three kids, a dog, we all activated. At
19 the time we got in touch with Speaker Quinn, Council
20 Member Koppell, the press, State Senator
21 Schneiderman, the governor, and in 36 hours we
22 managed to stop the spraying. Um, it stopped in Ewen
23 Park that one time. That was 10 years ago, May 2010,
24 but it, it just felt like we were thimbling out of
25 the Titanic. I mean, it just felt like it kept

1
2 coming. Um, so I wrote a note, this story needs to
3 be told, this is from my email from 10 years ago, ah,
4 and the community needs to be alerted to the fact
5 that the parks we spend time in, where our dogs roam,
6 and our kids roll in the grass can be subject to
7 spraying of such a virulent herbicide. In light of
8 the president's report on cancer, 10 years ago, and
9 our friend's recent diagnosis of AML, um, he's since
10 passed away, this story is timely and important. So
11 I am, I am, I am sad that it took you five years, but
12 heartened that 10 years later, ah, we wanted to do
13 this again.

14 COUNCIL MEMBER KALLOS: I am sorry for
15 your friend's loss, and I am grateful that you have
16 been doing this for a decade. It shouldn't have
17 taken a decade. It shouldn't take me five years.
18 That being said, today's just the hearing. So, um, I
19 think that between Hazon, between you and your friend
20 and the research, I mean, literally the research,
21 peer-reviewed, not funded by, like peer-reviewed real
22 science that if, if everyone at this, who's been here
23 today so far and with, ah, the FAR I'm feeling much
24 better than I did at the beginning of today. Thank
25 you very much.

2 UNIDENTIFIED: Thank you.

3 UNIDENTIFIED: Thank you. [applause]

4 CHAIRPERSON LEVINE: We have Emily Walker
5 from New Yorkers for Parks, Ed Power, Joel Kuferman
6 from the Environmental Justice Initiative, Monica
7 Ridsporn, and Mitchell Cohen. How many more? OK, I
8 know we're losing folks. I think we may be able to
9 call up some additional witnesses, um, if they're
10 still here. Ah, Kirsten Brashars, sorry if I'm
11 mispronouncing that name. Flandaja Jones, again, I
12 apologize if I'm mispronouncing. Carol Rafis, again
13 maybe mispronouncing. OK. We, we can get a seat for
14 you at the table and then, ah, and then maybe Emily,
15 you could kick us off?

16 EMILY WALKER: Good afternoon. My name
17 is Emily Walker and I'm the director of outreach and
18 programs at New Yorkers for Parks. I want to thank
19 the Committee on Health for letting us testify at
20 today's hearing. We are testifying today to express
21 concerns with Intro 1524 as written. NY for People
22 believes the legislation as written would be
23 overly restrictive and would have adverse impacts
24 on management techniques used by NYC parks,
25 particularly in natural areas and park properties

1 that present safety challenges for manual control of
2 weeds and invasive species. While we agree with the
3 spirit of the legislation as it relates to lessening
4 the use of pesticides in our parks, we do feel that
5 an outright ban on non-biological pesticides will
6 create maintenance challenges that threatens some of
7 our most unique open space assets, especially in
8 light of consistent underfunding for permanent full-
9 time Parks maintenance workers citywide. All of the
10 parks mentioned earlier today that do not rely on
11 synthetic pesticides also happen to enjoy robust
12 private funding from maintenance and operations
13 crews, which is not a luxury that is currently
14 afforded by our city budget for our park system
15 citywide. Even with the historic involvement of 44
16 million dollars in the expense budget for NYC parks
17 in the FY20 city budget, the agency currently still
18 lacks the manpower that would be needed to
19 effectively manage the control of invasives in our
20 important natural areas and planted medians that
21 exist in the midst of active roadways and right-of-
22 ways. Um, additionally, some of the areas that would
23 be targeted for invasive species removals in natural
24 areas that are receiving restoration work currently
25

1
2 include fragile native plantings that are new and
3 which could be destroyed or compromised by soil
4 compaction and trampling by maintenance workers.
5 These are very real considerations that we ask the
6 council to take into account as it weighs this
7 legislation. We do agree that synthetic pesticide
8 use should be limited as a management means of last
9 resort and not used near playgrounds or active use
10 spaces. But we still understand that there are
11 management needs in our park system that require
12 their use for control, effective control, of invasive
13 species. Um, I think it's also important to note
14 that current management techniques for the control of
15 Dutch elm disease and emerald ash borers, which I
16 haven't heard mentioned today, both require the use
17 of synthetic pesticides that would be banned by the
18 legislation. As we seek to protect these invaluable
19 and vulnerable members of our urban canopy, we fear
20 that the legislation would have the unintended
21 consequence of impeding the very real progress that
22 has been made in the city, too, in recent years to
23 protect our American elm and ash tree populations.
24 In an ideal scenario, synthetic pesticides would not
25 be needed to help maintain our parks and green

1 spaces. But we don't yet have a full suite of
2 management options on hand that make it feasible for
3 agencies like NYC Parks to effectively or completely
4 manage invasive species and pests. Again, especially
5 in light of the chronic underfunding of NYC Parks as
6 an agency. We were pleased to hear the council refer
7 to the City of Portland, Maine's pesticide ordinance
8 that was passed in 2018, which takes an approach of
9 dramatically minimizing the use of synthetic
10 pesticides, while also finding a balance of allowing
11 the use of them in certain instances where few other
12 options exists, especially as it relates to
13 controlling plant or insect species officially
14 designated as invasive and that plants that present a
15 physical hazard to city workers or park users, like
16 poison ivy. We believe this ordinance, um, provides
17 a useful template for the council to consider. Um,
18 again, we appreciate the council's intent in making
19 the city and agencies take a more thoughtful and
20 restrictive approach in their use of synthetic
21 pesticides, but we also believe the bill as written
22 leaves little room for important management
23 considerations. Um, so we would ask the council to
24 consider some slight revisions to the legislation to
25

1
2 account for some of these changes. Thank you for
3 allowing me to speak today. I'm happy to answer
4 questions the council may have.

5 CHAIRPERSON LEVINE: Thank you very much,
6 Emily, for that perspective. Could I just clarify
7 something? What, what is the chemical used in some
8 of the tree-based diseases you described?

9 EMILY WALKER: That's a good question.
10 I'm probably not the best suited to answer it.

11 CHAIRPERSON LEVINE: OK, not Roundup
12 though?

13 EMILY WALKER: Um, I don't believe it's
14 glyphosate.

15 CHAIRPERSON LEVINE: Right.

16 EMILY WALKER: Um, but I think the
17 legislation as written includes all synthetic
18 pesticides. So I know we've been talking a lot today
19 about glyphosate, but I think that's an important
20 distinction.

21 CHAIRPERSON LEVINE: But perhaps you can
22 circle back later and provide us, ah, those kind of
23 details? Because as you say...

24 EMILY WALKER: I could certainly try,
25 yes.

2 CHAIRPERSON LEVINE: ...ah, it is an
3 important distinction.

4 EMILY WALKER: Yes, and I think the, I
5 want to point out that the Portland ordinance does
6 include, um, a carve-out for the, the similar needs
7 that we have in terms of protecting emerald, ah, our
8 ash tree populations from emerald ash borers as well
9 as Dutch elm disease, um, and Asian longhorn beetles,
10 which I think we've successfully eradicated in New
11 York City, but, um, again, these are considerations
12 that we think are important as we talk about the
13 ecology of our city.

14 CHAIRPERSON LEVINE: OK. And now we get
15 to hear from a best-selling author, Mitchell Cohen.

16 MITCHELL COHEN: Thank you. Nobody yet
17 has talked about using goats and sheep to eat poison
18 ivy.

19 CHAIRPERSON LEVINE: Actually, we've done
20 that in Riverside Park in your district, yeah.

21 MITCHELL COHEN: And in Park Slope and
22 Prospect Park, and in other places based on the
23 proposals that the No Spray Coalition made 15 years
24 ago, and we were laughed out of the room by the
25 city's biologist and representatives, and yet the

1
2 goats worked perfectly fine, and kids love it, and it
3 creates a different relationship with nature and a
4 different way of thinking about it. So I'm, my name
5 is Mitchell Cohen. I'm coordinator of the No Spray
6 Coalition Against Pesticides. My book just came out
7 this year, *The Fight Against Monsanto's Roundup, the*
8 *Politics of Pesticides*, and in it I talk about our
9 fight in New York City in 2000 through 2008 against
10 the spraying for supposedly West Nile virus to kill
11 mosquitos, of all sorts of poisons in the air, the
12 pyrethroids and piperonyl butoxide, which was
13 mentioned earlier by another speaker, by, by Sarah
14 Evans or by the person reading for her. And these
15 are cancer-causing and neurological causing and all
16 sorts of other types of diseases and I'm glad to see
17 this legislation, the proposed legislation, reduce
18 drastically the exemptions. The exemptions were used
19 pro forma, and not only by Parks but by the
20 Department of Health to grant themselves exemptions
21 every year so they could spray for a whole year at a
22 time, and then when that ran out they just did it
23 automatically for the next year. They didn't have
24 any hearings about it. They didn't require testimony
25 about it. They just went ahead and sprayed. And so

1
2 this is great to narrow it down to two weeks. That's
3 a really big improvement. I hope this legislation
4 passes. It's great legislation. I do, would like to
5 see an amendment happen here where it, where you take
6 out the references to golf courses, where you exempt
7 golf courses from this whole legislation and, ah,
8 number 17205, where it goes, "Number 3, pesticides
9 applied to professional sports playing fields, golf
10 courses, are used in maintaining water supply and
11 swimming pools." I think that's a real error to keep
12 that in there. Golf courses are the leading, or one
13 of the leading sources of poisoning, not only for the
14 courses themselves but to the surrounding area, and,
15 and also, um, I know that Mr. Trump owns a few golf
16 courses here in New York City and he would love to
17 keep using the pesticides and surely we would like to
18 give him a different message than that.

19 CHAIRPERSON LEVINE: We're trying to get
20 him out of that golf course. That's another topic.
21 And Council Member Cohen, who had to leave, has an
22 introduction, I believe it's 664, that actually
23 specifically bans the use in golf courses. We hope
24 to have a hearing on that soon. But you are right,
25

1
2 we need to cover them as well. Thank you very much,
3 Mr. Cohen. Please.

4 KIRSTEN STRICKLAND-BESHARES: I would
5 like to start by thanking the New York City Council
6 for inviting here today. My name is Kirsten
7 Strickland-Beshares and I'm the cofounder and former
8 executive director of a nonprofit organization
9 dedicated to children's environmental health in the
10 New York City public schools. However, I'm here
11 today not as a representative of any organization,
12 but rather as a New York City resident and parent of
13 four New York City public school kids. I've devoted
14 considerable time to studying the issues surrounding
15 environmental toxins and I'm deeply concerned that
16 New Yorkers and their pets who use are parks, as well
17 as the wildlife that live in them, are being exposed
18 to toxic pesticides that pose a meaningful threat to
19 their health. While I applaud New York Parks for
20 reducing their use of toxic chemicals, the time has
21 come to eliminate them, in particular and most
22 urgently, glyphosate-based herbicides and other
23 chemically based pesticides, and to switch to safer
24 methods. For an understanding of the threat posed by
25 these pesticides, I would urge everyone to read to

1
2 Carey Gillam's book *Whitewash*, a meticulously
3 researched study which was the winner of the Society
4 of Environmental Journalists Rachel Carson
5 Environmental Book Award in 2018. This widely cited
6 and scientifically responsible book explains why we
7 do not have but gravely need better policy regarding
8 glyphosate-based herbicides. As we reflect on
9 history, we now know that the use of the toxins like
10 DDT, Agent Orange, PCBs, asbestos, lead, and the so-
11 called forever chemicals in the P phos family should
12 have been discontinued as soon as we learned of their
13 devastating health effects. The scientific evidence
14 is demonstrating that similarly damaging toxins are
15 being used today and it's crucial that we do not make
16 the same mistakes again. Thank you for being on the
17 right side of history and voting yes on bill 1524 and
18 in so doing protecting the citizens, pets, and
19 wildlife of New York City. Thank you for your time.

20 CHAIRPERSON LEVINE: Thank you very much.
21 Um, I do want to correct, ah, something I just said.
22 The introduction number of Councilman Cohen's bill
23 related to golf courses is Intro 622, in case anyone
24 would like to look that up. Please, sir.

1
2 JOEL KUFERMAN: Joel Kuferman,
3 Environmental Justice Initiative, was the lawyer on
4 the case that Mitchell Cohen got us to, to push the
5 city. And I think it's really important to see what
6 happened after that case. We were in court for seven
7 years and one of the things that we had to force upon
8 the city is the, the EPA, when they were good, and
9 the state to come in and recommend, to make
10 recommendations. And now that EPA is out I think
11 it's important that this state and the city rise to
12 the occasion. I think, my, my questions now might
13 make your legal counsel do a little bit of research.
14 The scholarship in terms of knowing how bad the
15 effects are was heard today over and over again and
16 legally we've all been put on notice, and we know
17 it's bad. You guys admitted that it was bad. To
18 leave an exemption, such as the golf courses, the
19 first thing that's gonna happen is what are those
20 people in the golf courses working that's gonna,
21 that's been hit, is gonna join the 15,000 lawsuits
22 that are out there now and there's lawyers on the web
23 basically saying, you know, come sue. So the first
24 thing we're gonna ask is that by carving the carve-
25 out are we increasing the city's liability,

1
2 especially after this hearing, and I don't see any
3 reason why it cannot just be removed from the bill
4 today or tomorrow. The second thing is what does the
5 City Council, what are you guys gonna do now that your
6 deputy parks commissioner stated that Roundup is not
7 used in playgrounds? It definitely was, it
8 definitely is, not now, but with thousands of parks
9 or whatever I didn't hear anything from you guys
10 questioning him. I really think that this should,
11 you know, this should be a point of contention. Um,
12 how could we trust the Parks Department that's
13 telling where and where they are not spraying. I
14 don't think that's a minor thing. I think that's a
15 major red flag that hit me in the face, and I guess
16 one of the questions I posed to you is I think you
17 should do an investigation of what happened and how
18 someone of that stature, and I'm putting my,
19 [inaudible] work at the Parks Department riskier but
20 how could you accept a statement like that? The
21 playgrounds was the worst place for it, you know, to
22 happen. And I just want to say that part of the
23 problem with the playgrounds is that we haven't
24 removed all of the areas, you know, um, the product
25 that's there. And the second thing when he, when

1
2 they kept on mentioning the applicators are, are
3 being trained, their fellow workers are not. Mr.
4 Kavanaugh told us that they weren't, the workers were
5 sent in to pick up the, um, the dead leaves, the dead
6 plants, or whatever. They're not being treated. And
7 by leaving the golf course exemption in you're
8 basically leaving those workers at risk and everyone
9 else that's there. So I implore you to remove that
10 now, and there's no reason why you can't do it, and
11 not to rely on another bill, OK? So I think just in
12 for terms of, not just protecting the health and, and
13 the environment, it's the city's treasury that's at
14 risk and you should consult with the law department
15 that the city's risk now is definitely up, you know,
16 and there's, there's, to keep those golf courses
17 going you're risking millions of millions of dollars'
18 worth of liability. You know, it might be a good
19 bill for the city law department to defend, but I
20 don't think it's good for anyone here, including City
21 Council.

22 CHAIRPERSON LEVINE: We actually tried to
23 hear Intro 622 today and there were some challenges
24 to make that happen. But we, we agree with you on
25 the importance of including golf greens.

1
2 JOEL KUFERMAN: But, also, what do you do
3 when you, when you, when a city official gives a
4 false statement? I, I, if we just pass this on, I
5 don't know about anyone else in the room but I'm
6 beginning to lose faith in the system where I've been
7 urging City Council from the original spray case to,
8 to 9/11 and whatever that City Council should be, you
9 should be really discerning and not, where there's a
10 problem we always seem to get the commissioners and
11 not, you know, the people below. So I think this is,
12 this is a direct challenge to you guys...

13 CHAIRPERSON LEVINE: Joel, but we...

14 JOEL KUFERMAN: ...that I'm making now
15 that I, I think there should be like a commission of
16 inquiry or something, or ask for retraction of his
17 statement. If you let that statement, you know,
18 remain on, on the record you guys are complicit, all
19 right? I don't want to be the curmudgeon in the
20 room, all right? But I had to serve that role many,
21 many years, all right? You know, I think it's very,
22 very serious. And just one more thing, a little
23 information.

24 CHAIRPERSON LEVINE: OK, quickly.

2 JOEL KUFERMAN: It doesn't take a year
3 and a half...

4 CHAIRPERSON LEVINE: We do want to
5 respond.

6 JOEL KUFERMAN: He told us it takes a
7 year and a half to tell us what's, what's being
8 sprayed. I can't believe that no one even challenged
9 him [inaudible]. When they, when they, they
10 [inaudible] the contracts out to hire people, all
11 right, we gotta make sure that we know what's going
12 on a week or two weeks afterwards. When we got
13 approached by the sprayers that were given one mask
14 for the first spray case, they're the ones that told
15 us that the company was lying. We pushed DEC and
16 they gave a million-dollar fine, OK? That didn't
17 take a year and a half later. The city has to know
18 what their contractors doing.

19 CHAIRPERSON LEVINE: OK. We, we hear
20 you. We asked many questions to the administration,
21 which, of course, they were under oath and on the
22 record, and we asked many questions about playgrounds
23 specifically, um, and we would take any false
24 information, as we always do, extremely seriously,
25 um, and we, we appreciate your input on this.

1
2 MITCHELL COHEN: So where do we send to
3 you? I have a whole list of things that Kavanaugh
4 said that, that were total likes.

5 CHAIRPERSON LEVINE: OK. Well...

6 MITCHELL COHEN: Where do I, where do I
7 go to with that?

8 CHAIRPERSON LEVINE: You, you can send it
9 to my office or to Council Member Kallos' office...

10 MITCHELL COHEN: OK.

11 CHAIRPERSON LEVINE: Or to both,
12 actually, to all of us. We would, we certainly need
13 to see that. And, ah, I will pass it off to Council
14 Member Kallos, who I know has questions.

15 COUNCIL MEMBER KALLOS: I think that if
16 anyone is watching at home or in the audience and
17 they have, they want to participate in the
18 conversation, feel free to tweet me @benkallos and,
19 ah, our chair's Twitter handle is...

20 CHAIRPERSON LEVINE: @marklevinenyc.

21 COUNCIL MEMBER KALLOS: Ah, and beyond
22 that feel free to email at policy@benkallos, ah, and
23 in terms of including the exemption for, ah, golf
24 courses, I'm completely open. The process in the
25 council is that once a member has introduced a bill

1
2 on something we tend not to integrate it into others.
3 So I am hoping we can hear Intro 622. I've already
4 actually added myself as a sponsor, and literally the
5 only thing 622 does is it just deletes the word golf
6 and courses from the legislative text, so both bills
7 could pass together and, ah, if, if for whatever
8 reason we didn't want to do a hearing on that I am, I
9 am open on to including it in my legislation, but I
10 think we should pass both bills together, ah, or at
11 least pass one, then the other, if, if you think that
12 that would be satisfactory.

13 JOEL KUFERMAN: The magic word is
14 integrated. So you said integrated into the bill, or
15 that's not the city policy?

16 COUNCIL MEMBER KALLOS: No, so
17 basically...

18 JOEL KUFERMAN: I'm just saying it's
19 extreme conditions now and I think it's incumbent
20 upon you to change the normal course of procedure
21 that you can remove [inaudible].

22 COUNCIL MEMBER KALLOS: Our current bill
23 is three or four pages long and it includes this, ah,
24 section three, and what Andy Cohen's bill 622 does is

1
2 just removes the two words, golf courses, from the
3 section of law.

4 JOEL KUFERMAN: But you're not, but not
5 removing it now you're specifically condoning it. I
6 understand what you're saying, so...

7 COUNCIL MEMBER KALLOS: So to be very
8 clear...

9 JOEL KUFERMAN: Go ahead.

10 COUNCIL MEMBER KALLOS: Sometimes we do
11 more than one bill to edit the same section so they
12 can pass together and do that. One can pass and then
13 the next one can pass two weeks later, and they can
14 have...

15 JOEL KUFERMAN: And it might not pass.
16 So why can't we do it now? I, I don't understand the
17 [inaudible] of...

18 COUNCIL MEMBER KALLOS: I agree, I want,
19 I want your energy and I need your help to get it
20 passed.

21 JOEL KUFERMAN: But with, with the
22 exemption. I mean, that's why I, I'm here and I just
23 really want to push that point, that there's no
24 reason why you can't propose right now and just say
25 remove it. I've been here when you guys have worked

2 on bills and the good environmental stuff was removed
3 by the time it got upstairs. So I just want to say
4 we want you to take a leadership position...

5 COUNCIL MEMBER KALLOS: We've got it.

6 JOEL KUFERMAN: I totally appreciate what
7 you've done in the past, but I'm calling on, right
8 now, to basically say you can change the procedure.
9 We don't, I think we're above being told that it's
10 customary...

11 COUNCIL MEMBER KALLOS: You're good.

12 JOEL KUFERMAN: They, it was the custom
13 of the city to, you can cut me off...

14 COUNCIL MEMBER KALLOS: [inaudible] I
15 would like to pass 622 as soon as possible. Ah, now
16 to Mitchell Cohen, ah, a quick question for you. It
17 sounds like the book you initially wrote ended in,
18 ah, in 2008. By way of time, would you be
19 interested...

20 MITCHELL COHEN: Ah, it was just
21 published this year.

22 COUNCIL MEMBER KALLOS: Are, are, do you
23 have a second book in you to chronicle our current
24 journey and hopefully a successful journey?

2 MITCHELL COHEN: I think I did it before
3 it even happened [laughs].

4 COUNCIL MEMBER KALLOS: Very, very good.
5 Well, I...

6 MITCHELL COHEN: A few things about the
7 future.

8 COUNCIL MEMBER KALLOS: Fair enough. And
9 so my real line of questioning is to New Yorkers for
10 Parks, who worked very closely with you at, ah, I, I
11 have a goal. Ah, when I got elected I think I had
12 one conservancy in my district and my goal has been
13 to start a conservancy in every single park in my
14 district, and I think we are one park short. Ah, so
15 I really value your partnership. Ah, do you have any
16 objection to no longer spraying glyphosate in active
17 playgrounds where children play and dog runs and in
18 active parks?

19 EMILY WALKER: Um, no, and as I stated in
20 my written testimony...

21 COUNCIL MEMBER KALLOS: Perfect.

22 EMILY WALKER: ...we, um, we are in
23 agreement on that and I am also a mother and a
24 pregnant person, so um, you will hear no objection
25 from me on that one.

2 COUNCIL MEMBER KALLOS: Congratulations.
3 That is great.

4 MITCHELL COHEN: Can I just make one, I'm
5 sorry, one correction. It's not just glyphosate,
6 it's Roundup that we're talking about. Roundup
7 contains POEAs and it contains, now we found out,
8 arsenic, and that's what part of the poisoning. Not
9 only the glyphosate. So it has all sorts of other
10 things in there.

11 COUNCIL MEMBER KALLOS: Fair enough. Ah,
12 would you support banning the Roundup, too?

13 EMILY WALKER: I thought I just said
14 yes, but yes.

15 COUNCIL MEMBER KALLOS: It was noted that
16 I used the word glyphosate instead of Roundup.

17 EMILY WALKER: OK, great.

18 COUNCIL MEMBER KALLOS: Ah, so that is
19 good. Ah, and then it seems like both DOH and you
20 have shared concern about our definition of toxic,
21 sorry, of synthetic in our legislation, but it seems
22 both you and Parks would be open to the definition
23 found in Portland, Maine's, ah, legislative text.

24 EMILY WALKER: Correct.
25

2 COUNCIL MEMBER KALLOS: OK. Um, and then
3 I guess the last piece is, um, in terms of any other
4 synthetics in between, ah, Roundup or things that may
5 come afterwards, ah, are you, are you persuaded by
6 some of the testimony we've heard today that if we,
7 that using Roundup-type kill 'em chemicals actually
8 hurts the ecosystem, it depletes the ecosystem, and
9 it makes it more likely for invasive species to be
10 able to take hold and that we do need to take a more,
11 ah, integrated, full-systems approach to make sure
12 that if we are removing a beetle or removing a vine
13 or removing Phragmites that we are finding something
14 that can take its place instead of just coming back
15 once a year to kill it?

16 EMILY WALKER: Yes, I mean, I think
17 that's something we would agree with. It probably
18 would come as no surprise to you and your colleague
19 on the council that my counterpoint to that, that
20 would be funding. That takes funding and that's
21 something that we year after year, as you well know,
22 and as vocal supporters of our Play Fair campaign
23 know that we need more staff that are full time and
24 permanent who are trained to do this work. We need
25 to have a park system that isn't as reliant on

1
2 seasonal workers, um, who can't have necessarily the
3 full suite of training that they need to be able to
4 do this work, and I think also when we're talking
5 about incorporating plantings that help keep
6 invasives at bay that actually is in a lot of ways a
7 capital line item and that's something that we don't
8 also see a lot of dedicated funding for. So I think,
9 um, we would love to see that in an ideal scenario,
10 it's just we're not seeing, um, necessarily from the
11 administration and City Hall the funding that we
12 would need to make that happen. So we would, we
13 would love that. But we also know it takes funding,
14 and so, as you know, we will continually be pushing
15 for that.

16 COUNCIL MEMBER KALLOS: When, when it
17 comes to funding, ah, I've been proud to work with
18 the co-chair of the East River Esplanade Task Force,
19 Congress Member Carol Maloney. We have secured 257
20 million dollars for the parks in my district from
21 50th Street all the way up actually outside my
22 district to 125th street, and, ah, when it comes to
23 capital I'm, I'm not sure who, if anyone has ever,
24 has done more, but I would love to have New Yorkers
25 for Parks helping us, because I don't think 275

1 million is enough, I'm actually aiming to double it.
2 I would like to see a two-thirds of a billion-dollar
3 investment in parks, at least for my district while I
4 represent it. I'd love to see the same investment
5 throughout our city, and then in terms of parks
6 workers, we've been fighting on the Governmental
7 Operations Committee for my entire previous term.
8 We'd love to have you involved, but we need more
9 workers, we need more DC-37 workers, we need more
10 workers in our parks. You get no argument from me
11 and, ah, I think the interesting piece that we've
12 actually been able to do in our district is, ah, as
13 part of our capital programs we've also created a
14 requirement for people to put in, ah, funding for,
15 ah, perpetual care. So there are parts of my
16 district that now have trust funds to take care of
17 them for the rest of eternity.

18
19 EMILY WALKER: [inaudible]

20 UNIDENTIFIED: You should also look into,
21 the Parks Department policy now, Gardener 1, in order
22 to become a supervisory gardener, they're forcing
23 gardeners to take pesticide application training so
24 there's a lot of money that's being misspent by the
25 Parks. You might want to look into that.

2 COUNCIL MEMBER KALLOS: [inaudible] can
3 get this bill, once we get this bill passed I think
4 we will have a good argument to make and we can work
5 with our brothers and sisters to see if we can remove
6 that impediment to their, ah, successful promotion.
7 Thank you. [applause]

8 CHAIRPERSON LEVINE: This concludes our
9 hearing. Thank you to this panel and to everyone who
10 testified. [gavel]

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 11, 2020