

CITY COUNCIL
CITY OF NEW YORK

-----X

TRANSCRIPT OF THE MINUTES

of the

COMMITTEE ON PARKS AND RECREATION

-----X

April 15, 2010
Start: 10:35am
Recess: 12:15pm

HELD AT: Council Chambers
City Hall

B E F O R E: MELISSA MARK-VIVERITO
Chairperson

COUNCIL MEMBERS:
Elizabeth S. Crowley
Julissa Ferreras
Vincent J. Gentile
James Vacca
Daniel Dromm
James G. Van Bramer

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

Therese Braddick
Deputy Commissioner for Capital Projects
Department of Parks and Recreation

Nancy Clark
Assistant Commissioner for Environmental Disease
Prevention
Department of Health and Mental Hygiene

Celia Petersen
Director of Specifications and Estimating Unit
Department of Parks and Recreation

Jonna Carmona-Graf
Chief of Capital Program Management
Department of Parks and Recreation

Peter Johnson
4512 11th Street, Hunter's Point
Long Island City

Mark Costello
Tribeca

Albert Huang
Attorney
Natural Resources Defense Council

Cheryl Huber
Deputy Director
New Yorkers for Parks

Geoffrey Croft
President
New York City Park Advocates

Gavin Carney
Director of Environmental Justice Program
New York Lawyers for the Public Interest

SERGEANT AT ARMS JERRY STAFFIERI:

April 15th, year 2010, the Committee on Parks and Recreation. Recorded by Jerry Staffieri.

CHAIRPERSON MARK-VIVERITO: We're going to get started. I want to first of all apologize. I really try to make a habit to start on time but I did have another hearing that I had to be at to at least check in, since I am a member of that committee. So my apologies. So today we are--I want to just say good morning. I'm Counsel Member Melissa Mark-Viverito, Chair of the Parks and Recreation committee. I'd like to recognize that Councilmember James Vacca was here earlier. I want to thank Councilmember Danny Dromm for being here, and I know that Councilmember Van Bramer is across the street on his way over as well. And I'd like to thank all of you for being here this morning. I'm very pleased that today we will be discussing Intro 123, which is a piece of legislation that I have introduced, which seeks to create a process around the introduction of new surface materials into our playgrounds and playfields. Clearly the ability to fully take advantage of our city's playgrounds and playfields

1 is critically important to so many New Yorkers.
2
3 However, a number of concerns have been raised
4 around synthetic turf and other surface materials
5 in our public parks, including both safety risks
6 due to the heat retention, and negative
7 environmental impacts. And obviously the health
8 risks that this may pose. Under this legislation
9 each time Parks seeks to use a surface material
10 that has never before been used in a public
11 playground or playfield, an advisory committee
12 would be formed to study the potential safety and
13 environmental issues, and to make recommendations
14 to the Parks Commissioner as to the use of the new
15 material. And that would then be made public.
16 The Commissioner would either accept these
17 recommendations or provide a report to the City
18 Council detailing the reasons the recommendations
19 were not accepted. I really believe that this
20 bill represents an important step forward on this
21 issue. I look forward to hearing from testimony
22 today and I know that this issue has been
23 important in my district in particular with
24 regards to Jefferson Park, what happened there
25 with having to remove the turf that was there and

1
2 replace it due to some environmental concerns.
3 But it brought up the whole conversation in
4 general about the possible safety/unsafety of the
5 turf that is used. And I know that is still up
6 for discussion although Department of Health has
7 ruled on that, so to speak. But with that I
8 really would like to welcome the Department of
9 Parks representatives that are here and also from
10 the Department of Health and Mental Hygiene. So
11 with that I would ask if we could start your
12 testimony. Thank you very much for being here.

13 THERESE BRADDICK: Thank you. Good
14 morning, Chair Mark-Viverito and members of the
15 Parks Committee. My name is Therese Braddick and
16 I'm the Deputy Commissioner for Capital Projects
17 at the Department of Parks and Recreation. Thank
18 you for giving me the opportunity to comment on
19 Introduction 123 and the issue of surfacing
20 material in New York City. Parks' Capital
21 Division is responsible for building and
22 rebuilding playgrounds, green areas, nature
23 centers, and recreation centers in parks across
24 the city. Technical. That one's not on. Okay.
25 We have an excellent team of architects,

1
2 engineers, landscape architects, and other
3 professionals dedicated to improving parks for all
4 New Yorkers. New York City is in the largest
5 period of park expansion since the Robert Moses
6 era of the 1930s. With a capital budget of almost
7 \$2 billion over the next four years, we are
8 building innovative parks and facilities at an
9 unprecedented scale across the city. Parks takes
10 seriously its responsibility to provide the safest
11 places for New Yorkers to play and recreate, and
12 we are happy to see that the Council is joining us
13 in our efforts. We have an obligation to keep our
14 playgrounds and playing fields safe, and while we
15 thank the Council for expressing their interest
16 and concern on this issue, we cannot support the
17 bill as currently drafted. Before I give specific
18 comments on Introduction 123 of 2010, I'd like to
19 take a moment to just explain our current
20 practices when we install new surfaces in our
21 parks. The Parks Department takes great efforts
22 to ensure that we're installing the safest
23 materials at all of our park sites throughout the
24 cities, and this is actually our number one
25 priority. We are fortunate enough to employ

1 professional staff, who, along with other experts
2 around the country, have been at the forefront in
3 establishing national standards for certain
4 products like safety surfacing, synthetic turf,
5 and play equipment. For many years members of our
6 staff have served on various committees and as
7 such are voting members of the American Society
8 for Testing Materials--ASTM International. The
9 purpose of these committees is to write standards
10 for materials, products, systems, and services.
11 This technical expertise and familiarity with
12 industry standards is applied directly to Parks
13 Department's projects. We're constantly looking
14 for innovative yet safe ways to improve play
15 environments, especially for children. We access
16 various consumer publications, engineering briefs,
17 industry periodicals, and studies, which explore
18 new materials. If a new product is proposed for a
19 use in a landscape design, our Specifications and
20 Estimating Unit is called upon to research
21 technical studies and reports, and review
22 guidelines from the ASTM, the American National
23 Standards Institute--known as ANSI--and the
24 Consumer Product Safety Commission. This is all
25

1
2 done to help ensure that all of our products meet
3 all the relevant requirements. In addition, our
4 staff consults with medical practitioners and
5 other experts from private firms and public
6 agencies across the country. I also really would
7 like to highlight that we work very closely and
8 have a collaborative partnership with the
9 Department of Health and Mental Hygiene in
10 researching, assessing, and recommending new
11 materials. The Health Department has been an
12 instrumental in guiding Parks on testing
13 protocols, given us information on new and
14 existing materials, helping us with the New York
15 State Department of Environmental Conservation
16 Standards and Research Studies, also that we at
17 Parks know that we are providing safe and healthy
18 environments for all New Yorkers. We are in
19 constant contact with the Health Department,
20 sharing ideas and asking for advice on health
21 related issues. We feel very fortunate to have
22 such a great partner. In addition to extensive
23 research on new products, we also require that
24 materials installed in parks are tested according
25 to the strict ASTM standards. For example, for

1
2 our pre-molded mats we require four different
3 tests prior to installation. These include first
4 a shock absorbency test, which must ensure that a
5 surface can absorb a shock force of 200 times the
6 acceleration of gravity in order to protect
7 against debilitating head injuries. We also
8 require an accelerated weathering test that
9 subjects the material to consistent freeze/thaw
10 cycles and sustained heat exposure. After this
11 test the material is once again tested to make
12 sure the material has not lost its ability to
13 protect against head injuries. We also require a
14 slip-resistance test that ensures the material is
15 not slippery when wet, and last a flammability
16 test to ensure that the material does not catch on
17 fire. For synthetic turf, prior to installation
18 our contractors are required to test the material--
19 both the infill and the fibers themselves--for
20 lead, chromium, and zinc. None of the heavy metal
21 levels can exceed the EPA accepted levels. After
22 installation the contractor must engage an
23 independent lab to perform a field test to ensure
24 that the turf meets the ASTM standards for head
25 injury, as I just mentioned. A second test is

1
2 then performed during the guarantee period to make
3 sure that the field still meets all those
4 requirements. To address some of heat issues we
5 have we're also installing misting stations on our
6 fields and all playground rule signs that are
7 located at the entrance points notify park users
8 that no bare feet are allowed in order to protect
9 against hot surfaces. As mentioned previously,
10 Parks strictly follows ASTM and CPSE standards
11 when designing and procuring equipment, and
12 welcome input from outside experts. Additional
13 input from a committee or a task force could
14 further assist the Parks Department in evaluating
15 new materials. Despite our support for the
16 creation of this type of advisory group, however,
17 we have several concerns about Introduction 123 as
18 it is proposed. First, and most importantly, this
19 bill would significantly delay the Parks
20 Department's ability to renovate existing parks
21 and playgrounds by halting work on design and
22 procurement pending a predefined timetable and
23 recommendation of the task force. Our efforts to
24 take advantage of new and emerging technologies
25 and provide the latest, safest, more cost

1 effective protection to our park users will be
2 hindered by the prescribed, potentially lengthy,
3 review and recommendation process, outside of the
4 agency. According to the bill it appears that any
5 use of new materials first requires a review by
6 the Department of Health and Mental Hygiene,
7 although that review is not clearly defined. The
8 Health Department will then share its review with
9 the advisory committee, which may meet as rarely
10 as twice a year. Once the advisory committee
11 issues its recommendations, Parks will then have
12 60 days to issue a response to those findings.
13 Finally, the bill appears to require that Parks
14 wait an additional 60 days after issuing its
15 response before actually using the materials.
16 These mandatory timeframes will undermine our
17 ability to take advantage of emerging technologies
18 and new products, which, after having gone through
19 a lengthy review process, may no longer be the
20 most optimal product on the market, thus dating
21 the value of the advisory committee's opinion.
22 When Parks designs any new or renovated any park
23 or playground, we have to be very specific about
24 what type of surfacing will be included in the
25

1 contract before it is actually bid out. If we
2 have to wait for the completion of this proposed
3 review process in order to get approval on the use
4 of any new type of surfacing, it could take months
5 after we've completed the design of a project
6 before we could even start construction and
7 install the new product. Delaying needed repairs
8 and installations will leave the public with fewer
9 opportunities to access higher quality
10 recreational materials and equipment. Our second
11 concern is that the bill does not require the
12 members of this advisory committee have any
13 particular technical or scientific expertise. If
14 an independent review of new materials is to have
15 any real value or use, it must be conducted by
16 unbiased professionals who review the materials on
17 an empirical basis. The bill's failure to require
18 that is problematic. In fact there are almost no
19 standards for participation in this committee,
20 including its composition, the length of terms of
21 its members, or its leadership. We would be very
22 happy to work with the Council to come up with
23 recommended qualifications for the committee.
24 Finally, Parks' construction projects fully comply
25

1
2 with environmental review requirements under state
3 and local law. Manufacturers of playing surfaces
4 are required to meet standards of the USPC, ASTM,
5 or building codes, and Parks reviews the
6 specifications of products before purchase to
7 assure that relevant standards are met. Parks
8 also reviews materials for other health and safety
9 concerns, such as lead in synthetic turf carpet
10 fibers as these become known. While we support
11 measures that promote safe and healthy play
12 environments for our children, we believe
13 Introduction 123 adds an unprecedented
14 environmental review component to the city's
15 contracting process. The bill overlooks the
16 importance of the CPSC and ASTM in setting
17 nationally recognized standards for determining
18 what materials are properly used in city parks and
19 playgrounds. In conclusion, the Parks Department
20 shares with the Council the goal of doing all that
21 we can to make sure our safety materials are safe.
22 We look forward to working with you on this and on
23 other issues. I'd now like to introduce Nancy
24 Clark, the Assistant Commissioner for
25 Environmental Disease Prevention for the

Department of Health and Mental Hygiene.

NANCY CLARK: Thank you. Is this on?

THERESE BRADDICK: I think I'm going to move.

NANCY CLARK: Yeah.

THERESE BRADDICK: Maybe I'll move this.

NANCY CLARK: Yeah. This one doesn't seem to work. Thank you. All right.

Good morning, Chairperson Mark-Viverito and members of the Parks Committee. My name is Nancy Clark and I am the Assistant Commissioner for Environmental Disease Prevention Bureau at the Department of Health and Mental Hygiene. On behalf of Commissioner Farley I thank you for the opportunity to discuss Intro 123 and the importance of evaluating new surface materials for playgrounds and playing fields. We support the spirit of Intro 123 and the formation of an advisory committee to assist the city in its ongoing identification and evaluation of new surfacing products using in playgrounds and playing fields. However, we share some of the

1
2 same concerns described by Deputy Commissioner
3 Braddick and cannot support the bill as proposed.
4 For the past few years the Health Department has
5 been actively engaged in assessing potential
6 health and safety concerns related to synthetic
7 playing surfaces and providing ongoing technical
8 assistance to the Parks Department. We have
9 issued two reports on synthetic turf and
10 environmental issues. The first detailed a
11 comprehensive review of the scientific literature
12 on rubber infill synthetic turf, and the second
13 described air quality at synthetic turf playing
14 fields. These reports, while identifying the
15 presence of contaminants, found that the degree of
16 exposure through ingestion, skin contact, or
17 inhalation, is likely to be too small to increase
18 the risk for any health effect. Subsequent
19 studies by other researchers have found similar
20 results. However, we did identify the potential
21 for heat stress exposure at synthetic playing
22 fields and recommended that heat mitigating
23 strategies be implemented to prevent heat related
24 illness. We have developed a strong partnership
25 with the Department of Parks and Recreation's

1
2 planners and continually provide input on
3 surfacing material, laboratory test methods to
4 assess potential contaminants, recent scientific
5 research, and recommendations for safe use of
6 playing surfaces. We remain committed to this
7 partnership and to promoting safe and healthy
8 opportunities for children and adults to
9 participate in physical activities in parks and
10 playgrounds. We agree that an advisory committee
11 can be an important asset for the city's
12 assessment and use of new playing surfaces,
13 however, it's important that members of such a
14 committee be designated for their expertise in
15 relevant scientific and professional fields.
16 Without appropriate expertise and experience, the
17 advisory committee's ability to offer factual and
18 useful input would be greatly limited. We
19 recommend that membership on the committee include
20 environmental health scientists, safety and
21 medical professionals, landscape architects and
22 park planners, athletic directors, and physical
23 exercise professionals, as well as representatives
24 from user groups. In addition to providing
25 recommendations on new playing surfaces, an

1
2 advisory committee could also provide a forum for
3 information exchange about playing surfaces and
4 feedback from parent groups and users of
5 playgrounds and playing fields. Recommendations
6 and input from the advisory committee can promote
7 selection of the best technologies, address areas
8 of concern, develop public information on safe and
9 healthy use, and give community members who use
10 city playgrounds or playing fields a chance to
11 voice their opinion. The role of the advisory
12 committee should be formulated to provide relevant
13 expertise and stakeholder input without
14 duplicating effort or introducing unnecessary
15 barriers to selecting and installing playing
16 surfaces. Opportunities for active recreation and
17 physical activity have never been more important
18 in our city. Over the past 20 years obesity
19 levels have doubled in the United States and in
20 New York City obesity is epidemic. More than half
21 of adults and nearly half of young children in New
22 York City are either overweight or obese.
23 Unhealthy weight gain, even during childhood, is
24 related to diabetes, heart disease, asthma, and
25 depression. Supporting better nutrition and

1
2 extending opportunities for physical exercise are
3 the best ways to promote healthy weight and
4 prevent chronic health problems related to
5 obesity. We live in a densely populated city with
6 limited open space and sports fields are in short
7 supply. It is critical that we promote, not
8 impede, the use of innovative products that can
9 provide greater access to safe and healthy
10 recreation in our parks. I thank you for the
11 opportunity to discuss this important issue and we
12 look forward to continuing our work with the
13 Council towards the goal of making New York City a
14 better, safer, and healthier city. Thank you.

15 CHAIRPERSON MARK VIVERITO: Thank
16 you very much to both of you for your testimony,
17 and I think that there are some very good
18 recommendations that are made. Ms. Clark, I think
19 you've really kind of indicated the importance and
20 the value that an advisory committee can really
21 play in this. And I heard solid recommendations
22 that we definitely would be willing to look at. I
23 think that there's a real value in having sort of-
24 -although the individuals as recommended right now
25 by the bill is to have them appointed by both the

1
2 Mayor and the Speaker, there is a level of
3 independence that I think that an advisory
4 committee can provide into the conversation.
5 Although the Department of Health has said that
6 synthetic turf is safe, there is still a large
7 sector of the scientific and health communities
8 that have questions and concerns about the health
9 risks of synthetic turf. So I believe that in
10 this particular case an advisory committee that
11 would be made up of experts--definitely that is
12 the vision. It's not laypeople here. It's people
13 that really can inform and advise, and we can talk
14 about maybe making the legislation more specific
15 to that end. But really considering the level of
16 still controversy that is in that field in
17 particular, having another entity to kind of
18 really review what policies, procedures, and
19 decisions both Parks and Department of Health have
20 made with regards to that I think would better
21 inform us to ensure, once again, that we are
22 creating surfaces and play areas that are really,
23 truly safe for our constituents and for the City
24 of New York. And I understand that sometimes
25 adverse positions that maybe an advisory committee

1
2 could take may have some cost impacts, but I think
3 ultimately the health and safety of our
4 constituents is more important in some cases, and
5 being really diligent to that end I think is
6 really what we're aiming at here. So I want to
7 thank you for that. I know the Department of
8 Parks, your testimony, Ms. Braddick, was very much
9 about considering the additional time and delay
10 that this kind of advisory committee may have, but
11 how often are new materials introduced by the
12 Department of Parks? And specifically in kind of
13 like the areas that we're talking about when it
14 comes to playing fields and playing surfaces. Is
15 it such a turnaround, maybe every year? Is it
16 something that--when was the last time that you
17 introduced a new material, so to speak?

18 THERESE BRADDICK: I'm going to ask
19 the woman sitting to my right here, Celia
20 Petersen, and she's the Director of our
21 Specifications and Estimating Unit, and she is the
22 person who is our gatekeeper on a new project.

23 CHAIRPERSON MARK-VIVERITO: If you
24 could also identify yourself for the record,
25 please?

1
2 CELIA PETERSEN: Yes. For the
3 record my name is Celia Petersen. I'm a
4 registered landscape architect in the State of New
5 York and I work as a technical advisor and
6 Director of Specifications and Estimating in the
7 Capital Division of Parks and Recreation.

8 Regarding the frequency of use of new materials, I
9 believe we've used a lot of new materials already.
10 I don't anticipate having that many new materials
11 in the future. So I don't know if that answers
12 your question.

13 THERESE BRADDICK: Can you speak to
14 the [off mic]?

15 CELIA PETERSEN: The infill for the
16 synthetic turf, we have discontinued use of crumb
17 rubber so that eliminates that issue. Regarding
18 the incident at Thomas Jefferson Park, I believe
19 that was tires that may have come from another
20 country or something where it's very atypical.
21 And then the new materials that we're using would
22 not have any chance of having any heavy metals or
23 lead.

24 CHAIRPERSON MARK-VIVERITO: I
25 appreciate that but I think a lot of the attention

1
2 that was--and the decisions that ultimately Parks
3 made was, I think, because advocacy community
4 really raised concerns. Also there was a level of
5 diligence, I believe, on Parks' part as well. But
6 I think, again, that's an example of how I believe
7 an advisory committee could help inform and really
8 be more proactive along with Parks and the
9 different agencies, and Mental Health--Department
10 of Health, to really look and try to anticipate
11 some of these issues so that we don't have those
12 kinds of factors. Obviously the use of crumb
13 rubber was discontinued because there were
14 concerns that possibly it may have a health impact
15 and it may be detrimental to the health of people
16 that were playing on the area. So again, I think
17 that based on these experiences, the purpose of
18 this legislation is to try to be more proactive
19 and look ahead to prevent situations like that.
20 And that may ultimately have an adverse impact,
21 again, on the health and the safety of those that
22 are using the fields. I have a couple questions
23 but I know that, since we were across the street,
24 Councilmember Van Bremer said he had questions so
25 I want to make sure that I allow him an

1
2 opportunity. So with that I want to welcome my
3 colleague Councilmember, Jimmy Van Bramer, and if
4 you want to have some questions.

5 COUNCILMEMBER VAN BRAMER: Thank
6 you very much, Chairwoman Mark-Viverito. I have a
7 few questions. One, you just mentioned that you
8 thought the problem was because some of the
9 materials were from another country. When did you
10 find that out?

11 CELIA PETERSEN: You know, we never
12 really got to the bottom of where the source was,
13 but we believe it was a foreign source because
14 American tire manufacturers typically do not have
15 any lead in their tires. And so we believe that
16 it was a foreign source.

17 COUNCILMEMBER VAN BRAMER: And is
18 there not, or was there not, a process where you
19 would have detected the presence of those
20 materials before you actually laid the field?

21 CELIA PETERSEN: We have a process
22 now, which is testing for lead on every single
23 site. At the time this was not unique to New York
24 City. There were certainly other places around
25 the country that experienced similar issues such

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

as New Jersey. So--

COUNCILMEMBER VAN BRAMER: Right.

CELIA PETERSEN: --we try our best to stay ahead, but there are some things you just can't anticipate.

COUNCILMEMBER VAN BRAMER: Sure.

There's a very large synthetic field that's being proposed for Hunter's Point South, which will be a new and beautiful park in my district, and some residents--some of whom are here today in the audience--have great concerns about that field and so I wanted to ask you a couple of questions. We sort of acknowledge, and you acknowledged, that there are issues with heat with these fields, and more research needs to be done. And so I wonder why we acknowledge that there are heat issues--there are signs up right in some parks warning of this--if, while there is still lots of research to be done, should we be going forward? Particularly in light of--I think you just said that there really are no new materials, there are no new methods right now. Does it make sense to keep going forward while we realize we have a problem, more research needs to be done to learn how to

1
2 mitigate it. Right now there are no new materials
3 sort of in the pipeline and yet we are moving
4 forward with--certainly in Hunter's Point South--a
5 massive synthetic field.

6 CELIA PETERSEN: Well, one of the
7 things in terms of the heat for all of our
8 synthetic turf fields, as I mentioned in the
9 testimony, is that we do install misting stations
10 on all of our new turf fields to try to address
11 and mitigate some of those heat issues.

12 CHAIRPERSON MARK-VIVERITO: I'm
13 sorry, you said new fields. How about existing
14 fields?

15 CELIA PETERSEN: We are trying to
16 also put them in on our existing fields as well.
17 But it is a requirement for all new fields.

18 COUNCILMEMBER VAN BRAMER: I think
19 it just further points out the need for this
20 committee because the warning signs were in fact a
21 Council initiative as well, and I think we need to
22 continue to make sure that there's meaningful
23 input. And I would just--I know that you've
24 expressed some concerns about the committee in
25 general and then about the membership of the

1
2 committee more specifically. I certainly would
3 like to see more grassroots community involvement
4 and participation, because if we're going to put a
5 very large synthetic field in a community, I
6 certainly think it's really critically important
7 that we have meaningful community input and
8 involvement in that process, which sort of gets to
9 another question. I went out with our Queens
10 Commissioner Lewandowski to look at St. Michael's
11 Field where I played baseball as a kid and where
12 they have a very nice looking synthetic field. We
13 did that in an absolute downpour and saw some
14 ponding. Obviously you'd see some ponding on a
15 dirt field or a grass field, but one of the
16 improvements that I've been told we get with
17 synthetic fields is that there's no ponding. And
18 I saw very significant ponding at St. Michael's
19 ball field. So I just wondered if you could
20 comment on that?

21 CELIA PETERSEN: I'm not familiar
22 with that one particular site, Jonna. One of my
23 staff members--

24 COUNCILMEMBER VAN BRAMER: Sure.

25 CELIA PETERSEN: --will introduce

1
2 herself.

3 COUNCILMEMBER VAN BRAMER: Who does
4 know St. Michael's Field.

5 CELIA PETERSEN: Who does know St.
6 Michael's.

7 JONNA CARMONA-GRAF: My name is
8 Jonna Carmona-Graf. I'm the Chief for the Capital
9 Program. On that particular day that you did
10 visit it happened to be one of significant
11 rainfall in a reduced period of time. One of the
12 other aspects of our designs for synthetic turf
13 fields incorporates a reduction to the storm water
14 overflow to the City's sewer system, and so we are
15 required to comply with the DEP regulations and
16 attempt to reduce the amount of water that would
17 discharge into the system during such a heavy
18 storm. So the ponding that you witnessed there
19 was in fact an effect of that practice. So the
20 fields have significant under-drainage, which
21 could not obviously address the needs of that
22 particular storm. The grounds were saturated. It
23 happened to be during that period where the city
24 had significant storms back-to-back, and we
25 haven't noticed significant ponding in subsequent

1
2 storms.

3 COUNCILMEMBER VAN BRAMER: Okay.
4 And so going forward with new construction are
5 there improvements that would make significant
6 ponding less likely?

7 JONNA CARMONA-GRAF: Well, yes--

8 COUNCILMEMBER VAN BRAMER: Even in
9 instances--and we held the meeting in that
10 torrential storm, I just want you to know.

11 CELIA PETERSEN: Yes, you did.

12 COUNCILMEMBER VAN BRAMER: We did
13 it anyway with Commissioner Lewandowski and myself
14 getting absolutely soaked. But is there anything
15 that we can do to prevent that going forward?

16 JONNA CARMONA-GRAF: Well, again,
17 we do consult and all of our synthetic turf field
18 drainage systems have to be reviewed and approved
19 by the DEP prior to installation. So we've talked
20 to our engineers about that and incorporating and
21 perhaps can look again at how we calculate the
22 runoff. But it is according to the DEP standards.
23 We do have to obtain their approval for this
24 drainage prior to construction.

25 COUNCILMEMBER VAN BRAMER: Sure.

1
2 Thank you.

3 JONNA CARMONA-GRAF: You're
4 welcome.

5 COUNCILMEMBER VAN BRAMER: I have
6 another question because I certainly understand
7 the rationale even if I don't agree necessarily
8 with the conclusion that in very high use athletic
9 fields synthetic surfaces can allow for playing
10 time and perhaps more comfortable playing time if
11 a grass field is not reduced to a dirt and dust
12 bowl. But what's being proposed in Hunter's Point
13 South is much more of a recreational oval, which I
14 believe it very likely to be a place where people
15 sunbathe and the family goes out and brings the
16 young children, they can run around and kick a
17 ball around. So if not necessarily anticipated to
18 be St. Michael's ball field or soccer field, and
19 so I wonder if you have put synthetic turf already
20 in the city and in non-high use athletic fields,
21 but really more recreational and passive areas,
22 which the oval at Hunter's Point South is likely
23 to be used.

24 CELIA PETERSEN: We do, actually.
25 There are a number of play areas throughout the

1
2 city that are not technically designated as a
3 playing field or as a soccer field or a ball
4 field, that are just used for recreation. Jonna
5 is just reminding me South Oxford in Brooklyn, but
6 I know we have a number of sites which I'd be
7 happy to share with you.

8 COUNCILMEMBER VAN BRAMER: Sure.

9 CELIA PETERSEN: That are just used
10 for a kind of a general recreation as opposed to
11 organized sports.

12 COUNCILMEMBER VAN BRAMER: Right.
13 So let's just, you know, one more question on that
14 issue. If in fact the oval at Hunter's Point
15 South, which is going to have an amazing view of
16 Manhattan--we have the best views--

17 CELIA PETERSEN: You do.

18 COUNCILMEMBER VAN BRAMER: --in
19 Long Island--

20 CELIA PETERSEN: You do.

21 COUNCILMEMBER VAN BRAMER: --City.

22 CELIA PETERSEN: Yes.

23 COUNCILMEMBER VAN BRAMER: And
24 people want to sit out there on a beautiful summer
25 day, as we've seen in the Gantry Plaza at the

1 state park, which was expanded this past summer.
2 This amazing grass--natural grass park, which we
3 love, and people were sitting out there all summer
4 long sunbathing and whatnot. Very interesting to
5 campaign in that situation, I have to say, in the
6 parks. So this coming field I think will be
7 similarly used. Everyone wants to sit back, enjoy
8 the day, look at Manhattan, look at the boats
9 going by. If heat is an issue and we know in this
10 particular park people are going to be laying on
11 the surface--the one thing is with an athletic
12 field, soccer players, they're running up and
13 down, running up and down, running up and down.
14 And I mean obviously you have some children, you
15 don't want their feet and hands to burn. But in a
16 park like this where we know that one of the uses
17 is going to be prolonged sitting and laying on the
18 surface in the summer on those hottest and most
19 beautiful of summer days, that exactly when you
20 want to go out there. Not myself, but others,
21 want to go out and lay on the field. That's a
22 real concern, particularly if we haven't
23 completely come to a resolution on how we mitigate
24 these heat issues.
25

1
2 CELIA PETERSEN: I'm not quite sure
3 how to--I mean I'm not quite sure if there's a
4 question in there as opposed to obviously you're
5 just speaking--

6 CHAIRPERSON MARK-VIVERITO: I mean
7 I think he's clearly saying that if the plan for
8 Department of Parks is to look at artificial turf,
9 that's of concern to him because of the fact that
10 there's unresolved issues with regards to, again,
11 despite the fact that the Department of Health has
12 said otherwise, that there is still issues about
13 the synthetic turf and the use of the materials.
14 And probably that that would have to be revisited
15 and hopefully that would be something that could
16 be looked at.

17 CELIA PETERSEN: Yes.

18 CHAIRPERSON MARK-VIVERITO: His
19 concern--the concerns that the Councilmember
20 raises.

21 CELIA PETERSEN: Okay.

22 COUNCILMEMBER VAN BRAMER: Thank
23 you, Madam Chair. And I just want to recognize
24 that there are some Long Island City residents
25 here who have come all the way down to 250

1
2 Broadway. I want to thank them for their concern
3 for their neighborhood and their future parks.
4 And that's all I have. Thank you, Madam Chair.

5 CHAIRPERSON MARK-VIVERITO: Thank
6 you, Councilmember Van Bremer. I wanted to just
7 follow up on a couple of questions. Considering
8 the decision on the elimination of the use--of the
9 stop of use of the crumb rubber based on the
10 experience with Jefferson Park, what is the
11 Department of Parks or Department of Health doing
12 to kind of really reflect back on existing
13 materials in parks and maybe do some level of
14 analysis or study on existing materials to find
15 out their safety?

16 CELIA PETERSEN: Well, we did
17 perform a thorough analysis of all of our
18 synthetic turf fields at that point in time, and
19 so every single turf field, whether it was a, as I
20 said, a field for organized sports or whether it
21 was just a smaller play area, every single field
22 was tested during that time for the lead levels.
23 And all of those results were publicly published.
24 They were available on the Parks Department's
25 website. And the only field that had a problem

1
2 that was above levels, unfortunately, was Thomas
3 Jefferson. And, again, all of those results were
4 available online and to the public.

5 CHAIRPERSON MARK-VIVERITO: Okay.
6 And in your testimony you talked a little bit
7 about the current vetting process that you have.
8 Is that process codified in some way or is it just
9 a standard practice? Is it something that is in
10 regulation? Is it something that is--or is it
11 just a practice that you're implementing?

12 THERESE BRADDICK: It's codified
13 internally within we have manuals of design
14 directives that every single architect and
15 landscape architect within the Parks Department is
16 mandated to follow. So it is codified, yes--

17 CHAIRPERSON MARK-VIVERITO: So it's
18 a written--

19 THERESE BRADDICK: --in a manual.

20 CHAIRPERSON MARK-VIVERITO: --out
21 policy step-by-step that you are expected to
22 follow with regards to every use of--of the way
23 you go about with the implementation of new
24 materials?

25 THERESE BRADDICK: Yes. And that

1
2 is really the main role and the function of our
3 Specifications Unit is to be that gatekeeper for
4 any new products. And, Celia, I don't know if you
5 would like to add anything to that, but she is the
6 person that, when new materials are even brought
7 up, she's the person that vets and then speaks
8 with manufacturers and scientists and the
9 Department of Health. And--

10 CHAIRPERSON MARK-VIVERITO: Which
11 is my next question, is what is the decision-
12 making process by which you come and arrive at
13 what materials you will look at using or
14 implementing in construction?

15 CELIA PETERSEN: We often issue
16 design directives to designers to keep them from
17 using materials that we might consider unsafe, and
18 encourage the designers to always come to my
19 office of Specifications and Estimating so that we
20 can review the products that they're proposing,
21 and discourage them from using ones that may be
22 questionable. And so that process is in place at
23 the moment. And when they ask us about new
24 material that we may not know about, we embark on
25 a research project, which would entail possibly

1
2 talking to the Department of Health, possibly
3 talking to other members of the ASTM. I happen to
4 belong to an ASTM committee on playing surfaces
5 and so I do have contacts nationally whom I can
6 tap into for information. And--

7 CHAIRPERSON MARK-VIVERITO: So let
8 me just ask about that. So then with regards to
9 any possibility of recommendation of use of new
10 materials, that could either come internally from
11 somebody maybe doing research or coming across
12 information, does it also come from contractors?

13 CELIA PETERSEN: Possibly.

14 CHAIRPERSON MARK-VIVERITO: Meaning
15 when you contract for a project that maybe they
16 come back to you and say, well, this is--I mean
17 you delineate that contractors are expected to do
18 some level of testing. Assistant Commissioner--
19 I'm sorry, Deputy Commissioner, you did indicate
20 that in your testimony, that there is some level
21 of expectation that contractors are going to test--
22 -

23 THERESE BRADDICK: Well, they're
24 required to test the materials that we have
25 already previously specified in the contract that

1
2 was bid out. The contractor does not--once that
3 product is agreed upon, the contractor doesn't
4 have the authority or the ability to come back to
5 us and say, hey, wait a minute. We would like to
6 recommend some other type of material to use in
7 this particular instance. They're required by
8 law--unless the Parks Department makes the
9 recommendation to make a change, they're required
10 by law to stick to the terms of the contract.

11 CHAIRPERSON MARK-VIVERITO: Well,
12 there are always changes that can be made, no?

13 THERESE BRADDICK: Not without our-

14 -

15 CHAIRPERSON MARK-VIVERITO: Right.
16 Change orders, but they have to be approved.
17 Understood. But--

18 THERESE BRADDICK: They would have
19 to be approved but I actually cannot think of an
20 instance where a contractor ever came to us and
21 asked us to--

22 CHAIRPERSON MARK-VIVERITO: Okay.

23 THERESE BRADDICK: --and asked us
24 to switch out a material and we said okay. That
25 just doesn't--

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CHAIRPERSON MARK-VIVERITO: Okay.

THERESE BRADDICK: --that's--you should just, though, also that the Specifications and Estimating Office is not something new to the Parks Department. It has been in the Capital Division for decades, and so this system has been in place for decades.

CHAIRPERSON MARK-VIVERITO: I'm going to ask my colleague, Councilmember Dromm. He has a couple questions.

COUNCILMEMBER DROMM: Thank you. I had a Parks Town Hall meeting last night in my neighborhood where more than 250 people showed up, proving that our communities are deeply interested in parks and what happens. And that's why I appreciate the piece of community involvement in terms of the decision-making process about what goes on and what materials are selected and used for parks as well. So my questions really are about--because I see that you say that the timeframe around the advisory committee is what concerns you in terms of the implementation of that. And I'm just curious, how far out from the beginning of a project, let's say, or the

1
2 contracting of a project, do you determine what
3 materials you're going to use?

4 THERESE BRADDICK: The materials
5 are actually--we decide what to use during the
6 design process. So it's not that you're deciding
7 what those materials are before you initially sit
8 down and decide what the scope of work is. It's
9 usually decided throughout, kind of, within that
10 design process. And I would say usually about at
11 50, maybe about 50% of design, it's at that point
12 in time that you're actually focusing on what
13 specific materials, what furnishings, that kind of
14 thing. When you're getting into the detail of
15 that.

16 COUNCILMEMBER DROMM: Is there a
17 specific group of contractors that the Parks
18 Department uses that has these materials
19 available? I mean how many people actually make
20 Astroturf? You know what I mean? That you
21 actually can buy from.

22 THERESE BRADDICK: We cannot--we
23 have to bid according to the city's PPB rules. We
24 bid all of our contracts out, so it is whoever
25 meets the requirements of that contract and is the

1
2 lowest qualified bidder gets the award. What we
3 have been finding, however, particularly with a
4 lot of our safety surfacing material, the ones
5 that we feel comfortable using, is there's a very
6 limited number of manufacturers and manufacturers
7 who actually make it.

8 COUNCILMEMBER DROMM: Well, that's
9 the point that I'm trying to get at. So if
10 there's a very limited number of manufacturers and
11 the problem is making sure that the public is
12 comfortable with the materials that they're
13 providing, wouldn't it be possible to know who
14 those manufacturers are and to know the materials
15 that they're providing far enough out in advance
16 that the public would have an opportunity to
17 examine the safety record of those materials
18 before you bring them in, because maybe it's,
19 what, five or six companies that would be possible
20 that people would be dealing with? And therefore
21 if we know those companies in advance, then the
22 timeframe piece of this would not really be a
23 problem.

24 CELIA PETERSEN: When the lead
25 issue started, which was basically in New Jersey,

1
2 it came to the attention, of course, of the
3 manufacturers of this synthetic turf fibers, and
4 they're located in Dalton, Georgia, which is
5 basically the carpet capitol of the United States.
6 And so they went to work right away at that point
7 to analyze the problem, which was discovered to be
8 a coloring agent that they used that had too much
9 lead in it. And so they discontinued that right
10 away. And so we, along with the rest of the
11 country, benefited from the trials and
12 tribulations of the New Jersey field. And the
13 industry has eliminated that problem completely.

14 COUNCILMEMBER DROMM: I'm not sure
15 if that actually answered the question, though,
16 that I was getting at, which is if there's only a
17 certain number of companies and we know that the
18 contractors are going to be working with them, and
19 you can only purchase from five--let's say ten
20 companies around the country or whatever--the we
21 know basically what materials these companies are
22 using and couldn't there be a process put in place
23 where we know that these are the ten companies
24 that any contractor's going to have to work with,
25 and we could vet the materials prior to the

1
2 contractors purchasing that material, so therefore
3 the public would then have some input into the
4 selection of what contractors can use before they
5 lay those materials down.

6 THERESE BRADDICK: I don't know
7 that that's--I mean I think that's definitely a
8 possibility. What I think is really important,
9 though, is that you don't want that process to
10 preclude us from looking at new materials, and you
11 also have to--I worry a little bit when you say
12 that about the cost implications of that, of
13 creating the market that we say these are the--you
14 can't say we can only use these five
15 manufacturers.

16 COUNCILMEMBER DROMM: Well, I'm
17 only saying it in this way because that might be a
18 way that we can deal with it for now and then as
19 new materials are developed we can go back to the
20 advisory committee and say to the advisory
21 committee, here are new materials that we're
22 looking at and you can start the process over
23 again to be able to look at the safety of those
24 upcoming and newer materials, but not only
25 limiting it to--

CHAIRPERSON MARK-VIVERITO: Right.

COUNCILMEMBER DROMM: --the materials that we've dealt with in the past. And I think, if I'm not mistaken, that's the intent of what it was that we're trying to do here. Not impede your decision-making process, but to really make sure that the public is comfortable, really, with what's going down on those fields. And I just think that would be a way to make sure the public is. So that's my suggestion.

THERESE BRADDICK: I'm not the expert on the PPB rules. I think it's something that we're definitely open to as long as it's not in violation in any way of, obviously, procurement rules in the city.

COUNCILMEMBER DROMM: And I just hope you would look at that advisory committee piece of it again because, as I found out--and I mean I knew it actually going into my meeting last night--people take parks very, very, very seriously. It's a good thing for us park lovers--

THERESE BRADDICK: Yes.

COUNCILMEMBER DROMM: --but the public definitely wants to have a say in what goes

1
2 on in their parks.

3 THERESE BRADDICK: And we
4 appreciate that.

5 COUNCILMEMBER DROMM: Okay.

6 CHAIRPERSON MARK-VIVERITO: Yes, I
7 can attest to that first-hand based on Randall's
8 Island. That was just always my issue about
9 access and people having an ability to have an
10 impact. Let me just ask you a couple of
11 questions. Just to close the loop on the
12 Jefferson Field, because I know that that really
13 has kind of opened the door and I have a couple
14 more questions. There were always concerns about
15 the elevated levels of lead, and that's one of my
16 questions is about what else you test for other
17 than lead. Just to close the loop on the Thomas
18 Jefferson Field, have you come to kind of full
19 circle on exactly what caused those elevated lead
20 levels? Because it doesn't seem like there really
21 was kind of a conclusion to the--

22 THERESE BRADDICK: There was not--

23 CHAIRPERSON MARK-VIVERITO: --
24 study.

25 THERESE BRADDICK: --a final

1
2 conclusion about where those contaminants came
3 from.

4 CHAIRPERSON MARK-VIVERITO: Right.
5 And it's been fully remediated. I know it's--

6 THERESE BRADDICK: Completely.

7 CHAIRPERSON MARK-VIVERITO: Yeah.
8 I've seen--

9 THERESE BRADDICK: We've
10 completely--

11 CHAIRPERSON MARK-VIVERITO: --the
12 field and--

13 THERESE BRADDICK: It's a brand new
14 field.

15 CHAIRPERSON MARK-VIVERITO: --
16 walked on the field.

17 THERESE BRADDICK: It's a brand new
18 field.

19 CHAIRPERSON MARK-VIVERITO: All
20 right, so then just going back to the testing,
21 what else do you test for other than lead?

22 CELIA PETERSEN: On synthetic turf
23 fields in particular?

24 CHAIRPERSON MARK-VIVERITO: Mm-hmm.

25 CELIA PETERSEN: Well, the ASTM

1
2 requires us to do the Gmax testing, which
3 basically is a guard against head injuries from
4 sports participation. So we take precautions to
5 make sure that there's resiliency in the product--

6 CHAIRPERSON MARK-VIVERITO: Right.

7 CELIA PETERSEN: --so that if you
8 were to fall you would not have a head injury.

9 CHAIRPERSON MARK-VIVERITO: But
10 that's in the testimony, but I'm saying in terms
11 of other than lead, what other chemicals do you
12 test for?

13 CELIA PETERSEN: Chemicals.
14 Chromium and zinc. Lead, chromium, and zinc.

15 CHAIRPERSON MARK-VIVERITO: That's
16 it?

17 CELIA PETERSEN: That's it.

18 CHAIRPERSON MARK-VIVERITO: Okay.

19 CELIA PETERSEN: We could possibly
20 test for more, but at this point that's what we
21 test.

22 CHAIRPERSON MARK-VIVERITO: Is that
23 because it's what's mandated? Not in a mandated
24 as a word, in terms of these committees that you
25 say that you're guided by. Is it because of that?

1
2 NANCY CLARK: I would just add that
3 I believe that the--

4 CHAIRPERSON MARK-VIVERITO: Okay.
5 Is--

6 NANCY CLARK: Oh, I'm sorry, ma'am.

7 CHAIRPERSON MARK-VIVERITO: Is the
8 mic on?

9 FEMALE VOICE: Oh, this mic, yes.

10 CHAIRPERSON MARK-VIVERITO: Okay,
11 yeah. It's on.

12 NANCY CLARK: Is that okay? Can
13 you hear me now? Great. The reason that the
14 heavy metals are tested, it really goes back to
15 that problem being recognized as a potential
16 contaminant, and it's one that we're always very
17 concerned about lead in the environment for young
18 children. So the Health Department supports
19 testing products for lead. Chromium is tested
20 because it's often associated with lead in the
21 green color pigment. It goes with it. It's a
22 lead chromate that we worry about on the lead.
23 And the zinc is really an ecological endpoint
24 having an impact on plant life. All of the
25 studies that we've done and a kind of a constant

1
2 review of scientific literature, those were the
3 substances that have been identified as potential
4 that we've been more concerned about. So, as with
5 any material, there may be other contaminants, but
6 from our review we didn't identify contaminants
7 that were present at a high enough level or that
8 there were exposure opportunity that would cause
9 concern and need to test for those. At the
10 federal level both Consumer Product Safety
11 Commission, which is the federal agency standards
12 and have actually looked also at synthetic play
13 materials and turf materials in particular, as has
14 the EPA. So we watch very carefully for their
15 recommendation. They have far more resources than
16 we have in the city, so we look, as I said, very
17 keenly to their advice on these issues.

18 CHAIRPERSON MARK-VIVERITO: Okay.
19 I'm just trying to get to the essence of it. So
20 when you're looking at testing of materials, are
21 you saying that you're only guided based on when
22 it's raised as a concern? I believe in
23 proactivity and not being reactionary, so to
24 speak, and so speak, and so I'm trying to get at
25 the essence of what tests you make and what you

1
2 test for? Is it you're testing for specific
3 chemicals based on what you're hearing are
4 concerns, or not because you just want to make
5 sure that we're safe and just testing for all of
6 these chemicals in synthetic turf. Since it
7 continues to be a questionable matter still out
8 there. It's still for discussion, it's still up
9 for review. You've taken a certain position on
10 it, but, again, the scientific and health
11 community overall still has expressed some
12 concerns. Some cities have banned the use
13 completely. I mean there's all different types.
14 So in terms of how are you guided and what moves
15 you as an agency to decide what to test for.

16 NANCY CLARK: We are currently
17 testing beyond what ASTM is recommending. ASTM
18 recommends currently testing for lead only. So by
19 testing for the chromium and--

20 CHAIRPERSON MARK-VIVERITO: Okay.

21 NANCY CLARK: --the zinc--

22 CHAIRPERSON MARK-VIVERITO: And
23 zinc.

24 NANCY CLARK: --that is beyond what
25 nationally is being tested for.

1
2 CHAIRPERSON MARK-VIVERITO: So I'm
3 just going to ask two more quick--I know these
4 people have been waiting. I really do want the
5 advocates and other people here that have signed
6 up to testify to testify. But speaking of
7 advisory committees, because this is what the--I'm
8 sorry. We've been joined by my colleague,
9 Councilmember Vincent Gentile from Brooklyn. Oh,
10 and Elizabeth Crowley on my right over here. So
11 thank you. Just with regards to advisory
12 committees, have your agencies respectively, each
13 of you, have you dealt with advisory committees in
14 the past and how has that been, or for what
15 purpose?

16 NANCY CLARK: I can speak to two
17 ways that the Health Department, that we
18 participated in advisory committees or stakeholder
19 groups. I, for one--and not just myself, but
20 others in the Health Department participate on
21 federal advisory committees, which are actually
22 guided by federal legislation as to how those
23 committees are made up. And those are broad
24 stakeholder groups that might advise a particular
25 agency or office of an agency. We participate in

1
2 lead poisoning advisory groups, and those groups
3 are kind of large and they have both scientists--
4 environmental health scientists, medical
5 professionals, as well as users or advocates or
6 community health folks. So you actually, on the
7 federal level, very often those committees range
8 from both the technically, professional,
9 scientific, to people who are users and who may be
10 impacted. And I think that that model provides
11 kind of a richness for people to share many points
12 of view about whatever the issue is. Here in New
13 York City we also have a bedbug advisory group
14 that's set up by the mayor and the Council, and on
15 that committee it also has a range of
16 participants, from pest control companies, to
17 community health advocates, and to others. That
18 committee has been formed. I believe their
19 recommendations are about to come out, if they
20 haven't. It's not my area so I may not be
21 completely up on bedbugs. But they will be
22 releasing their recommendations and then that
23 committee will be sunset.

24 CHAIRPERSON MARK-VIVERITO: Well, I
25 guess, I mean the purpose of the advisory

1
2 committee is to help inform the Department of
3 Health on these matters, correct? And maybe--

4 NANCY CLARK: Absolutely.

5 CHAIRPERSON MARK-VIVERITO: Right.

6 And--

7 NANCY CLARK: Absolutely.

8 CHAIRPERSON MARK-VIVERITO: Okay,

9 so I think--

10 NANCY CLARK: Absolutely.

11 CHAIRPERSON MARK-VIVERITO: --we've

12 all recognized--and you've mentioned about the
13 federal advisory committees. What's the purpose
14 of the federal advisory committee that you are a
15 part of? To inform what agency or--

16 NANCY CLARK: Absolutely.

17 CHAIRPERSON MARK-VIVERITO: --to

18 perform what purpose?

19 NANCY CLARK: Well, it's

20 multipurpose. Sometimes the agency may say to
21 their group, group we're really interested in
22 where schools are sited, for example. Can you
23 give us some input from the stakeholders that you
24 represent? What are the things that you care the
25 most about?

CHAIRPERSON MARK-VIVERITO: And
also experiences that maybe particular--

NANCY CLARK: Exactly.

CHAIRPERSON MARK-VIVERITO: --
cities or--

NANCY CLARK: Exactly.

CHAIRPERSON MARK-VIVERITO: So I
think--

NANCY CLARK: So it's a broad
range--

CHAIRPERSON MARK-VIVERITO: You've
just made my case and my argument as to--

NANCY CLARK: Yeah.

CHAIRPERSON MARK-VIVERITO: --the
importance and the value of an advisory committee--
-

NANCY CLARK: Oh, we--

CHAIRPERSON MARK-VIVERITO: --in
terms of helping inform and best practices, so to
speak, and--

NANCY CLARK: Totally.

CHAIRPERSON MARK-VIVERITO: --the
decision-making, so to speak.

NANCY CLARK: Totally. We totally

1 support the formation of an advisory group. I
2 think as our testimony had, we're--and I think we
3 can work out issues on how the committee is--

4 CHAIRPERSON MARK-VIVERITO: That's
5 perfectly--

6 NANCY CLARK: All of those things,
7 but--

8 CHAIRPERSON MARK-VIVERITO: Yes.

9 NANCY CLARK: --no, I think we see
10 that as a total value for the city. We--

11 CHAIRPERSON MARK-VIVERITO: Well, I
12 want to thank you, Assistant Commissioner, because
13 you seem to be very much embracing the idea, so I
14 appreciate that very much. But, yes, ma'am.

15 THERESE BRADDICK: The one
16 committee that I can think of that has been
17 incredibly valuable to us is our ADA advisory
18 group, which is--we have members of the public, we
19 have experts, and so forth. And I have to say
20 that it is really informed a lot of our park
21 design and it's been a very, very positive
22 experience, and we'd like to see something like
23 this happen with this group as well.

24 CHAIRPERSON MARK-VIVERITO: Thank
25

1
2 you. And then my colleague, Councilmember
3 Crowley, has a question.

4 COUNCILMEMBER CROWLEY: Good
5 afternoon. I'm sorry. There was a lot of traffic
6 getting here from Queens so I apologize for being
7 late. I have a question as it relates to cost and
8 cost savings. Is there a reason for these
9 synthetic fields that you're installing, whether
10 it be the soccer field or a baseball field, are
11 you installing these because you see some type of
12 cost savings?

13 THERESE BRADDICK: No. Cost
14 doesn't really enter into the decision-making.
15 It's more of a durability and the fact that
16 there's such a demand for use of fields on a year-
17 round basis. There isn't a cost implication.

18 COUNCILMEMBER CROWLEY: Based on--

19 THERESE BRADDICK: You--sorry.

20 - -

21 COUNCILMEMBER CROWLEY: --such a
22 cost factor.

23 THERESE BRADDICK: Well, the cost
24 factor--operationally it costs a lot more to
25 maintain a natural turf field than it does a

1
2 synthetic turf field, and so that's also a huge
3 issue for the Parks Department.

4 COUNCILMEMBER CROWLEY: And are you
5 putting the synthetics just in areas where people
6 are using it for sports activities?

7 THERESE BRADDICK: That question
8 actually came up before, whether or not we have
9 any other smaller play areas where it's not a
10 designated as an official field, and there are a
11 number of areas around the city where it is just
12 for, I'm going to say, general recreation. So it
13 is in both types of areas, although the
14 predominant number of synthetic turf fields are
15 for organized sports. I actually have--what I'm
16 showing right now is, I think, the number of play
17 areas. It's pretty small. It's probably about
18 ten to twelve on a city-wide basis. So not that
19 many.

20 COUNCILMEMBER CROWLEY: But there
21 are plans for many more? Well, there's a \$2
22 billion--

23 THERESE BRADDICK: There are plans
24 for other--

25 COUNCILMEMBER CROWLEY: --to do it

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

over the next four years.

THERESE BRADDICK: Plans for many other synthetic turf fields?

COUNCILMEMBER CROWLEY: Question. Yeah.

THERESE BRADDICK: There are plans for other synthetic turf fields, yes.

COUNCILMEMBER CROWLEY: Do you know how much--

THERESE BRADDICK: Some are--

COUNCILMEMBER CROWLEY: --of the budget will be spent on these fields?

THERESE BRADDICK: I do not know that number, no. I don't think anyone here would know that number.

CELIA PETERSEN: I think that a large majority of our project funding comes from the Council directly as it refers to requests from their individual constituents. So the majority of our funding comes from you and your colleagues, and our project base is only known as those fiscal year appropriations occur. So I'm not certain what's coming up in the next year. The initial -
- president funding doesn't show a large number of

1 funding going towards new synthetic turf fields
2 for fiscal '11.

3
4 COUNCILMEMBER CROWLEY: So for the
5 next four years you have approximately \$2 billion
6 capital--

7 CELIA PETERSEN: Yes.

8 COUNCILMEMBER CROWLEY: --for
9 Parks?

10 CELIA PETERSEN: Yes.

11 THERESE BRADDICK: Yes.

12 COUNCILMEMBER CROWLEY: Not a large
13 fraction of that will be used towards synthetic
14 fields?

15 THERESE BRADDICK: At this point in
16 time the current plan does not show a high
17 percentage of money appropriated for synthetic
18 turf fields, no.

19 COUNCILMEMBER CROWLEY: Okay.

20 Thank you.

21 CHAIRPERSON MARK-VIVERITO: I would
22 like to thank Assistant Commissioner Clark and
23 Deputy Commissioner Braddick for your testimony
24 and the recommendations and suggestions that
25 you've made. Definitely we will take those into

1
2 account. And thank you for your time this
3 morning. We're going to call now the others that
4 are here to testify as we wait. The first three
5 that I will call on is Mark Costello, Peter
6 Johnson, and Tom Payne?

7 TOM PAYNO: Payno.

8 CHAIRPERSON MARK-VIVERITO: Payno.

9 And then after that we have NRDC, New Yorkers for
10 Parks, and New York City Park Advocates. After
11 this panel. I guess somebody probably--whoops.
12 Oh, my god. I just dropped my coffee. I guess
13 somebody left. Peter Johnson, Mark Costello, and
14 Tom--who was here?

15 PETER JOHNSON: Tom Payno.

16 CHAIRPERSON MARK-VIVERITO: Okay.

17 PETER JOHNSON: I'm with Tom Payno,
18 who's--

19 CHAIRPERSON MARK-VIVERITO: Got
20 you.

21 PETER JOHNSON: --not here at the
22 moment. But I have his statement.

23 CHAIRPERSON MARK-VIVERITO: Okay.
24 You can start. Any one of you could start.

25 PETER JOHNSON: Thank you. All

1
2 right. I'm Peter Johnson. I live at 4512 11th
3 Street, Hunter's Point, Long Island City.

4 Precious little pervious surface exists in my
5 neighborhood of Hunter's Point, Long Island City,
6 and few parks or playgrounds grace this

7 neighborhood. I live across the street from the
8 John Murray playground that occupies a full city

9 block, and over the years I have observed its use
10 by children, young adults, the elderly, bag lunch
11 eaters from City Court or high-rise building, and

12 joggers. It's an intensely used area throughout
13 the week. When the neighborhood learned of Parks'

14 intention to cover about a quarter of it with

15 plastic grass, we were deeply concerned. But Park
16 authorities chose to ignore these reservations.

17 Specifically I wish to address the impervious

18 nature of plastic grass and the implications for

19 the physical realities of the John Murray

20 Playground. The area hosts at least 280 resident

21 feral pigeons, with that number swelling to over

22 300 on some days, at least 50 Ring-billed gulls,

23 and European starlings in various quantities from

24 a few dozen to over a 100. All defecate

25 substantial quantities of fecal material in

1 concentrated areas of John Murray Park, including
2 the existing playing field. Feral pigeons have
3 long been identified as principle contributors to
4 Cryptococcus neoformans and other diseases, all of
5 which can, and do, cause severe health problems.
6 In addition is rat fecal material. These
7 dangerous organisms are very likely to remain
8 stuck to the surfaces of the plastic grass,
9 awaiting rainfall or players stepping or sliding
10 on the surfaces to remove them. Real grass
11 enables a continual action of bi-bacterium, fungi,
12 microorganisms, and earthworms to break down the
13 excreta. That is impossible to occur without
14 access to the living soil, sunlight, and air.
15 Plan NYC 2030, also known as a greener, greater
16 New York, published in 2007, does not recognize
17 the presence or the implication of the avian and
18 rat populations on the sanitary condition of
19 playing fields, and by direct extension, the
20 health of all those touching those surfaces. The
21 neighborhood is keenly aware. Ask any parent who
22 has had to scrub off bird excreta from playground
23 equipment before allowing a child to use it. Only
24 high-powered washing with frequency will render
25

1
2 the playing fields safe for use, and obviously
3 Parks lacks the personnel and fiscal resources to
4 do that. The proposed legislation points the city
5 in the right direction. Anyone looking at Central
6 Park's beauty knows that not all parks are
7 created, or treated, with as much care and concern
8 for the neighborhood. I hope that far greater
9 attention is given to the localized knowledge of
10 those living in the neighborhood. Those
11 neighborhoods, I might add, that are scheduled for
12 plastic grass, as mentioned earlier in earlier
13 testimony, because each site is distinctive and
14 one solution cannot solve all problems.

15 MARK COSTELLO: Good morning.

16 Madam Chairperson, distinguished members of the
17 committee, my name is Mark Costello. I'm a parent
18 in Tribeca and a past president of Downtown
19 Manhattan Little League. I testify today on
20 behalf of a group of Manhattan youth leagues and
21 summer camp providers serving more than 2,000
22 annual registrants in Manhattan. On behalf of all
23 our families, coaches, volunteers, and sponsors,
24 and most of all, of course, the kids, I thank the
25 Committee for the opportunity to speak. Our

1
2 collective 13 years experience with synthetic all-
3 weather fields, from the crude and early carpet
4 technologies to the sophisticated organic in-fills
5 that are now coming onto the market, has proven--
6 both the challenges and the transformational
7 importance, and the popularity of these unique and
8 year-round sports facilities. Without all-weather
9 fields our organizations would be forced to
10 shorten our seasons by months per year and turn
11 away hundreds of kids. The effect across the city
12 of reduced or delayed access to these fields,
13 where they're appropriate and where the local
14 community wants them, would be enormous. But
15 health concerns are critical and the environmental
16 advocates took the lead in raising these issues,
17 and as a parent I thank them. An advisory body to
18 help evaluate new-to-market turf materials could
19 certainly play a productive role in building
20 better sports facilities. But in our view it's
21 important that the activities of any such group
22 not be structured in a way that impedes or
23 discourages innovation by the city. The synthetic
24 turf industry is constantly improving its
25 products, often in ways that are specifically

1 responsive to environmental and/or safety
2 concerns. Fields being designed and built today
3 in Europe and at cutting edge locations in the
4 United States are greener, safer, more durable,
5 and therefore more cost-effective over an extended
6 life of heavy service, and even the best products
7 of three years ago, and certainly this crumb
8 rubber stuff is yesterday's technology. It would
9 be unfortunate if the result of legislation were
10 to stick the city with second-rate designs and
11 yesterday's technology or to delay the
12 construction of these badly needed fields.

13 Instead, an advisory panel should be structured to
14 provide the best possible assistance to the Parks
15 Department in its ongoing efforts to improve our
16 hugely popular and heavily used community sports
17 facilities. Any advisory committee should provide
18 a forum to bring forward the combined expertise of
19 park users, sports providers, educators,
20 environmental scientists, and experts in safety
21 and health. The group should not be inserted into
22 the already elephantine procurement process in a
23 way that penalizes new designs or hinders rational
24 decision-making. We do believe that Parks will
25

1
2 listen to responsible and practical input from the
3 full range of stakeholders in our public sports
4 facilities, and we think that's a win for
5 everyone. Thank you so much.

6 CHAIRPERSON MARK-VIVERITO: Thank
7 you both for testifying. I really appreciate when
8 constituents come down, especially during the day,
9 and take the time to kind of provide their input.
10 So it's very much appreciated and I think
11 Councilmember Van Bramer wanted to make a comment.

12 COUNCILMEMBER VAN BRAMER: First of
13 all I just want to say hi, Peter, and thank you
14 for coming down. And let Tom know I have his
15 testimony in hand and have read it as well. As
16 you know, I think the two of you are tremendous
17 advocates and I did meet with Commissioner
18 Lewandowski last week and we did talk about Murray
19 quite a bit. So you and I and Tom should talk
20 about that a little bit later. But there's still
21 things in motion and you both raise great points
22 about rat and pigeon droppings, and the health
23 issues that come from that. And I think the
24 overall theme of both of your testimonies--and you
25 heard me mention it earlier--is meaningful

1
2 community input into our parks. And you guys live
3 across the street from the park so it's really,
4 really important that you have meaningful input
5 into a place that you're literally feet from. So
6 I just want to thank you both for testifying and
7 for caring so much about Long Island City Hunter's
8 Point.

9 PETER JOHNSON: Do you want his
10 read into the record or not?

11 CHAIRPERSON MARK-VIVERITO: If you
12 give it to us a copy, it will be submitted.

13 PETER JOHNSON: Okay. Yes.

14 CHAIRPERSON MARK-VIVERITO: Okay.
15 Thank you very much. Councilmember Gentile.

16 PETER JOHNSON: I also have from--

17 CHAIRPERSON MARK-VIVERITO: You've
18 got to talk into the mic, sir, please.

19 PETER JOHNSON: Oh. I have
20 collected, earlier this week, this bag of material
21 from the plastic grass of a park three blocks away
22 in Hunter's Point. And this is what children are
23 playing on top of, plus the artificial turf. And
24 it seems to be part of the turf so I'm not sure
25 what it is, but it's three blocks away, and of

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

course it ultimately becomes airborne. And maybe I'll leave this with you for--

CHAIRPERSON MARK-VIVERITO: That might be considered was the--I guess the infill? There's something that's thrown--

MALE VOICE: It's crumb rubber infill.

CHAIRPERSON MARK-VIVERITO: --on top of the--

MALE VOICE: It's crumb rubber infill.

CHAIRPERSON MARK-VIVERITO: It is crumb rubber infill?

MALE VOICE: Absolutely. Of the sort that's all over the city.

PETER JOHNSON: The park was--this part was finished six months ago.

COUNCILMEMBER VAN BRAMER: Thank you--

CHAIRPERSON MARK-VIVERITO: It was finished six months ago? The park? So you're saying--but Parks said that they're not using it anymore in terms of material.

[Off mic]

1

2

CHAIRPERSON MARK-VIVERITO: Okay.

3

If you want to speak into the mic, that way it

4

won't be in the transcript.

5

PETER JOHNSON: It's the sports

6

field of Queens West.

7

CHAIRPERSON MARK-VIVERITO: Okay.

8

Thank you. Thank you. Oh, sorry. Councilmember

9

Gentile, you can--

10

COUNCILMEMBER GENTILE: Thank you.

11

CHAIRPERSON MARK-VIVERITO: --sit a

12

minute, please. Thank you.

13

COUNCILMEMBER GENTILE: Mr.

14

Costello, if I hear you correctly, what you're

15

saying here is that we are really chasing the

16

wrong target here. That we're really going after

17

the older technologies for the concerns that those

18

technologies had--those carpet technologies, as

19

you described them. And we're really, in doing

20

that, limiting the ability to take advantage of

21

the newer, better technologies that are now coming

22

to market. Is that--am I correct in--

23

MARK COSTELLO: Well, I mean my

24

kids--literally my two kids play on these fields,

25

but I also ran an organization that 800 kids

1 playing on these fields, and anyone's who been
2 around a kid in New York City knows that they're
3 on these fields as much as they can be. Always
4 out there. So this is--we need to be serious
5 about the environmental and health issues, and I
6 had many conversations with good friends who run
7 East Harlem Little League and the RBI baseball
8 program and I've been up there. My son has played
9 on Jefferson. And so in terms of the sort of
10 sports families just trying to raise kids in New
11 York City, we think that the health issues have to
12 be taken very seriously because the fields are
13 important, because we have to get them online. We
14 have to get kids out of their house. I think that
15 talking about all synthetic turf is probably not
16 our favorite starting point because the issue in
17 the next generations will be the infill and what
18 type of infill is used. The crumb rubber was very
19 cheap and it was cutting edge technology around
20 2002. And Parks kind of--it got momentum in
21 Parks. The most startling or surprising thing I
22 heard today, and I'd love to understand the
23 background, is the statement that Parks doesn't
24 plan to innovate many more new designs. We think
25

1
2 that should be rethought because, indeed, if you
3 see what these conversations are like in the city
4 of Paris, they're embracing new designs. They
5 love these fields because they can't keep their
6 kids playing sports without them. And I know
7 league presidents in virtually all these
8 neighborhoods so I know what they say. But we
9 have to embrace all--organic infill that uses
10 coconut shells. There's all sorts of great stuff
11 out there. Sometimes it's a little more expensive
12 but over ten year use of a field you're talking
13 about a couple hundred grand for a huge field that
14 would have 10,000 visits a weekend in good
15 weather. So I do think we should focus on
16 respectfully and collegially asking Parks to be
17 more open to innovation. I also think that on the
18 issue of what is or isn't a sports field, it has
19 to be community board level, local decision-
20 making. I mean I'm a sports field guy but I--and
21 you'll be happy to know I don't sunbathe very
22 much. But I wouldn't sunbathe on turf myself.
23 So, yes, we think that we should be embracing
24 innovation and embracing local control because we
25 want these fields to be open and to be healthy.

1
2 COUNCILMEMBER GENTILE: And then
3 would you say perhaps our focus should be on
4 renovating or reexamining the older technologies
5 and looking at that as opposed to slowing down
6 some of the newer technologies?

7 MARK COSTELLO: Yes. Absolutely.
8 And most of the original fields like J.J. Walker
9 in the Village, which is one of the first
10 installed, one of the few carpet fields, Asphalt
11 Green, Uptown. These are carpet fields and
12 they're now past their ten-year service life on
13 these fields, which is an enormous service life
14 when you consider the hours of use. But there is
15 a limit. It's ten years and now they're past
16 that, and other fields--even the crumb rubber
17 fields from '02/'03 are going to be approaching
18 the end of their service life. So this is an
19 opportunity to do what Paris does, to do what
20 Milan does, to do what Rome is doing, which is to
21 embrace these awesome fields. I don't want to
22 take up your time but if you--there's extensive
23 studies done by the NCAA in terms of cranial
24 injuries. These new fields are not just more
25 green and they perform better, they also can drain

1
2 better if their designs are implemented, but
3 they're also healthier to play on for joints and
4 kids with head injuries. And then we get to the
5 importance of having recreation for kids in the
6 city and we've talked about obesity and diabetes
7 rates. There was just a study I saw this morning
8 about suicide rates among adolescent boys just
9 skyrocketing throughout the city. Two suicides in
10 Tribeca in the last couple of years. The number
11 one correlation between suicide prevention is
12 sports involvement for a particular group of a 12-
13 year-old boy. And young male suicides in this
14 country are incredible what the rates have been
15 done over the last ten years. So we can, gently I
16 think, suggest to Parks that they've done a lot of
17 good work over the last ten years, but we need to
18 sort of adjust what the process has been like, and
19 we need to include the environmental groups and we
20 need to include the sports groups.

21 COUNCILMEMBER GENTILE: Okay.

22 Thank you. Thank you.

23 CHAIRPERSON MARK-VIVERITO: Thank
24 you very much for that. And just for
25 clarification in think Jimmy Van Bramer just said

1
2 that this was coming from a state park.

3 COUNCILMEMBER VAN BRAMER: Right.

4 CHAIRPERSON MARK-VIVERITO: Which
5 also lends those words--we could encourage some
6 level of interaction and shared experiences
7 between city agency and a state agency to make
8 sure that we are implementing the best practices.
9 I think that's a whole other conversation as well.
10 But thank you very much for your testimony.

11 MARK COSTELLO: Thank you.

12 CHAIRPERSON MARK-VIVERITO: The
13 next panel is Albert Huang, Cheryl Huber, and
14 Geoffrey Croft, and there's a fourth person, which
15 will be the last one. We could try to see if all
16 four of you can sit up there. Gavin Carney. If
17 they're still here. They're all here? Okay.

18 MALE VOICE: Hi. Nice to meet you.

19 CHAIRPERSON MARK-VIVERITO: Anybody
20 can go ahead and start and we can get the ball
21 rolling here.

22 ALBERT HUANG: Is this mic on?
23 Yeah, yeah. Hi, first, thank you for holding this
24 hearing. I think it's an important hearing to
25 hold, and I apologize. I have a little bit of a

1 cold, so I'll struggle a bit here. My name is
2 Albert Huang. I'm an attorney at Natural
3 Resources Defense Council. We're a national non-
4 profit environmental advocacy group headquartered
5 in New York City with more than 1.2 million
6 members and activists in the U.S., and here in New
7 York City we have over 20,000 members. And on
8 behalf of our members I'm here today to express
9 our strong support for Intro 123, and we believe
10 it's the first important significant step to
11 developing a long-term sensible process in which
12 to balance the city's need for high quality park
13 surfaces with the city's strong commitment to
14 promoting environmental sustainability and
15 protecting the public's health and safety.
16 Listening to a lot of the comments today, the
17 advisory committee, at a minimum, will help
18 facilitate more information exchange, since I
19 think that's been clear from a lot of the
20 testimony we've heard. It'll bring together
21 diverse experts as well as members of the
22 grassroots community, and I think some folks
23 mentioned earlier as well, is that it builds
24 public confidence in these fields that thousands
25

1 of New Yorkers depend on and utilize every year.
2 I think it's important to mention that two years
3 ago NRDC, New York City Parks, and New York
4 Lawyers for the Public Interest, as well as Mr.
5 Croft here, were raising these issues regarding
6 the safety of these fields. And it was also an
7 issue, of course, of national concern and I think
8 two years ago we actually were before the same
9 committee talking about the need for more public
10 involvement and environmental health review of
11 these fields, as well as getting the Department of
12 Health and Mental Hygiene involved as well. And
13 it's very exciting to be here today. I'm hearing
14 that first there's been some significant progress.
15 I mean one field has been replaced and that
16 technology has been phased out. We learned from
17 New Jersey fields, the one - - that lead was a
18 problem. And just to point out, that was not a
19 crumb rubber field. That was a field that--the
20 lead problem that someone mentioned earlier came
21 from the fibers, which does raise the issue that
22 getting rid of crumb rubber doesn't necessarily
23 get rid of the problem. And it almost kind of
24 necessitates the need for a process, which does
25

1
2 bring together--we fully agree with the comments
3 made both by Department of DPR and DOH about the
4 need for more expertise on this advisory
5 committee. We would agree the public health
6 experts are a very important addition, as well as
7 recreational use experts, environmental experts,
8 park advocates as well, members of the community,
9 and, of course, I think, on certain committees,
10 environmental justice communities, which
11 oftentimes don't have a lot of park spaces and in
12 some communities that are facing the potential of
13 fields that might pose a health risk like the
14 folks are concerned about. The issues we raised
15 at the time, two years ago, involved--one, there
16 was the toxics issues, which we've talked a lot
17 about today. And we think the advisory committee
18 went a long way to addressing those. The other
19 side was also the environmental impact, so we're
20 talking storm water impacts. Of course there's a
21 local law now that requires the City of New York
22 to take a serious hard look at storm water. And
23 to our knowledge there has not been, at least with
24 synthetic turf fields, a robust analysis of how to
25 maximize storm water management practices with

1
2 these fields. It was mentioned earlier that DEP
3 approves those, but we are not aware of a protocol
4 or view that focuses on the uniqueness of turf
5 fields, which gather water and, I think the
6 Councilmember mentioned earlier, the ponding as
7 well and what those impacts are. I mean there was
8 the concern with crumb rubber. That was actually
9 running into our combined sewers and with all
10 these other toxics there is a concern that's still
11 out there, and I think the advisory committee
12 could provide a lot of input on that. There's
13 also the issue of the urban island heat effect.
14 There's the heat effect in concern with burns, but
15 there also is concern about the urban island heat
16 effect, which is related to the city having large
17 amounts of surfaces, including asphalt, that
18 radiate a lot of heat. And turf fields, in fact,
19 in many cases get hotter than asphalt. And what
20 are those impacts? And there's been some
21 discussion by Department of Parks on potentially--
22 is there a way to combine turf with trees to
23 create shade, and there's those misting stations
24 they've talked about. Which doesn't address the
25 urban heat island effect issue, so I think that's

1
2 another issue which the advisory committee could
3 provide really useful input on and we could bring
4 in, like some people mentioned earlier, landscape
5 experts. I think that's a great idea as well.
6 The final issue, of course, was the toxics issue.
7 And we think there's been some great strides by
8 the city and the Department of Health and Mental
9 Hygiene to take a hard look at many of the
10 existing fields. Now, the protocol that's been
11 pointed to that the DPR currently uses, I think it
12 was pointed out that that's not a requirement.
13 That's the first part. The second part is the
14 reliance on ASTM and the Consumer Products Safety
15 Board. I mean as far my knowledge of that, those
16 are also discretionary to a certain extent and
17 they don't look at many of these other impacts
18 we've talked about--storm water, urban heat island
19 effect--and as was mentioned earlier, they have a
20 very limited scope as far as public health
21 impacts. So they're only looking at three metals.
22 They're not looking at polyaromatic hydrocarbons,
23 which even the literature review that was done
24 indicated there was some concern about that at
25 certain fields. So I think it's dangerous to say

1
2 that what we have already is taking care of the
3 problem. ASTM's Consumer Product Safety Board
4 Commission--that existed prior to the Thomas
5 Jefferson field and still didn't catch the
6 potential of that problem. So the inclusion of a
7 more robust process in the advisory committee is
8 something we strongly support. Just some comments
9 that we believe would make it stronger. One I've
10 already mentioned is membership. We do believe it
11 should be independent and should be very diverse
12 in its membership. I mean public health experts,
13 environmental, recreation, scientists,
14 environmental justice advocates as well. We also
15 do believe that--currently it says that we have 30
16 days to submit a recommendation. For a group of
17 that size, many of them are going to be grassroots
18 community people, more time would definitely be
19 beneficial to really provide meaningful input, as
20 was mentioned earlier, and for that input to be
21 well-informed and to have an opportunity to
22 exchange information and give good
23 recommendations. On the flip side of that it
24 would also be meaningful if the responders, which
25 would be the Department of Mental Health, would

1
2 have to respond in writing, and if necessary hold
3 a public hearing to allow more members of the
4 public to participate in that. And finally,
5 another concern we do have is the kind of scope of
6 what the bill does refer to. I mean it refers to
7 surfacing material that have not been used before.
8 We do recommend to change the language of the bill
9 to fully reflect the full range of different types
10 of turf and support surface mechanisms. There's
11 the type of technologies of the turf itself, then
12 what other technologies are used with it for
13 drainage, whatnot. And so we would recommend that
14 perhaps using surfaces material and technologies
15 to kind of broaden--because the last thing we want
16 would be a review process that doesn't capture the
17 exact issues that we're trying to ensure that we
18 have an opportunity to review. So in summary I'm
19 sure I don't want to step on my other colleagues
20 here, but I just want to mention New Yorkers for
21 Parks has been a great leader on this issue and
22 pulled together a great coalition of groups to
23 work on that and they should get a lot of credit
24 for where we are today. As well as, of course,
25 the hard work of the council members who have

1 introduced this. So thank you for the time.

2
3 CHERYL HUBER: Hi, I'm Cheryl
4 Huber. I'm the Deputy Director at New Yorkers for
5 Parks. Thank you, Al, for your nice words about
6 us. We really echo Al and our DC's testimony and
7 recommendations in a lot of ways. We've worked on
8 this issue for about five years, beginning with a
9 position paper that we issued in 2006 that was
10 called a New Turf War. The impetus behind that
11 paper was because we were hearing from community
12 groups who had never had any information on what
13 this new kind of turf was. All of sudden these
14 new artificial turf fields were being installed
15 all over the city and nobody really had
16 information on how safe they were or what they
17 made of. So that was our first effort in kind of
18 getting involved in the issue. We worked with a
19 coalition of environmental and health groups such
20 as NRDC and New York Lawyers for the Public
21 Interest, and we've long advocated that an
22 overarching citywide policy is the best way to go
23 about ensuring the safety of these kinds of
24 materials in parks and we're thrilled to see that
25 Intro 123 begins to address this need. So I think

1
2 one of the most important things about this
3 legislation is that it's really proactive and
4 allows the Parks Department and the Health
5 Department to catch potential issues ahead of time
6 rather than reacting to things like finding lead
7 in turf or other existing problems that might come
8 up. And while the agency requires certain testing
9 for manufacturers, independent oversight isn't
10 really part of the process right now. And we
11 think that by instituting an independent advisory
12 committee the legislation can provide one more
13 level of scrutiny by groups that don't stand to
14 make a profit from the sale of the materials. So
15 while we strongly support the spirit and intention
16 of the legislation, we have a couple of
17 recommendations that we hope would strengthen its
18 impact. The first, again, is really just to echo
19 the need for a little bit more detail on the
20 advisory committee. We think it needs to be an
21 independent committee that includes informed
22 experts from public health, environmental, Parks
23 and Recreation groups. And because of the great
24 task with which the committee will be charged we
25 recommend as well that the committee be enlarged

1
2 to ten members and that they're allotted 60 rather
3 than 30 days to assess the information provided.
4 And that'll just ensure that they have the
5 capacity to do their job while also fulfilling
6 their obligations with full-time work. Second, we
7 would like to see a little bit more of a public
8 process involved. We want to recommend that the
9 Health Department's review, as well as the
10 advisory committee's report, be made public and
11 that the agencies be required to hold a public
12 hearing on the work of the committee. This will
13 allow stakeholders an opportunity to offer
14 comments and will provide greater opportunity for
15 public participation. And as with the
16 environmental review process, we recommend that
17 the agencies be required to respond to substantive
18 comments in writing. And then lastly, as Al
19 stated, we agree that a more specific definition
20 of new materials should be included. We want to
21 make sure that all impacts are identified prior to
22 purchase and so full review should be completed
23 when new components, including subsurface
24 drainage, infill materials, or blades of turf are
25 introduced in parks. And we also would recommend

1
2 that the materials should be assessed against some
3 kind of standard such as natural turf. And, let's
4 see, I think that kind of covers what we're
5 interested in. We really support this
6 introduction and its intention to subject new
7 surfacing material to a stringent review process,
8 and we thank the committee for your work to
9 address this really important issue.

10 GEOFFREY CROFT: Good afternoon.

11 My name is Geoffrey Croft. I'm President of New
12 York City Park Advocates. My first part of the
13 testimony I want to address is something that
14 hasn't really been addressed during this
15 testimony, which is the surface areas of
16 playgrounds. Each year more than a dozen children
17 are treated in the city's three burn centers due
18 to injuries caused by playground equipment that
19 reached dangerous temperatures. This figure does
20 not include children treated for burns in
21 emergency rooms in local hospitals. Despite years
22 of parents calling for the city to address this
23 public health and safety issue, the city continues
24 to install products that reach dangerous
25 temperatures in warmer weather. The Parks

1
2 Department spends tens of millions of dollars in
3 playground renovations annually alone, but to date
4 does not test materials for the heat that they may
5 generate. The city relies on safety standards in
6 part created by the American Society of Testing
7 Materials, which also does not test for heat.

8 Now, we've heard about some different testimony on
9 ASTM. ASTM is part of the problem here and the
10 city relies on the so-called expertise of the
11 ASTM, when the ASTM committees are actually made
12 up of manufacturers and salespeople who sell this
13 stuff. So that's one of the problems why we are
14 here today is that they are self-governing and
15 they are not addressing these issues.

16 Investigation by New York City Park Advocates
17 found temperatures on playground safety surfaces
18 reached more than 165 degrees. According to
19 doctors, contact with surfaces over 120 degrees
20 can burn the skin in a matter of minutes, and once
21 temperatures reach 140 degrees, a matter of
22 seconds. The city's repeated use of products
23 without first testing them is nothing short of
24 negligence. Ignoring documented cases of children
25 being hurt over the years is a sad indictment of

1
2 the city's failure to guard the public against
3 known safety hazards resulting from the
4 installation of mats and other playground
5 features. The city's reaction has been to affix
6 blame to the users, the parents, the caretakers,
7 for not properly supervising their children,
8 instead of taking responsibility for allowing
9 dangerous products to be installed in our parks--
10 products that have time and time again proven to
11 hurt children. The mayor's insensitive responses
12 last year--his comments have only underscored the
13 city's lack of accountability. I will distribute
14 these images. The first set is from an 18-month-
15 old child that was burned in Carl Schurz Park a
16 couple summers ago. But the next images have
17 never been seen, thanks. And this gets into the
18 synthetic turf issue. So the horrible images
19 you're about to see, the first set have to deal
20 with, again, a child getting burned on a
21 playground surface. The next is from a 51-year-
22 old high school official actually in Utah. And
23 all he was doing was officiating a soccer game.
24 That's all he was doing. And he has incurred over
25 \$100,000 worth of medical expenses. His skin

1 needed to be graft and he almost lost his leg.
2 And that's, again, just an official on synthetic
3 turf. And these are the same materials used in
4 New York City. The fact that the city has dumped
5 over 100 million pounds of the crumb rubber into
6 our parks, the fact that the city never bothered
7 to do a single test in its first ten years, I
8 think is definitely cause for concern. And it's
9 just outrageous that we are here today instead of
10 creating something before we have to deal with
11 these issues. I just wanted to deal with a couple
12 of the comments that were made. Both the
13 Department of Health and the Parks Department
14 mentioned these misting stations. Well, anyone
15 who's seen these things, they are a complete joke.
16 They do not deal with anything to do with
17 mitigating the heat. And that's just--when I hear
18 that--that's just really irresponsible. Hunter's
19 Point--I know Jimmy has left. The community board
20 voted, I believe, 36 to 2 against the installation
21 of the artificial turf field at Hunter's Point.
22 The city has been--this is kind of an alarming
23 policy. The city has been increasingly putting
24 these synthetic turf fields in regular field
25

1
2 areas--non-sports. I can say, having been to
3 every single field in the city, that, especially
4 during the summer, these fields are avoided like
5 the plague. If you have a field that's 150, 160
6 degrees, you can't use it. And so we are wasting
7 tax dollars, capital funding that we have to pay
8 our lovely debt service over many, many, many
9 years when the public can't use these fields.

10 Lead--I mean as Councilmember Viverito brought up,
11 we heard testimony that the city now, again, after
12 ten years, is only testing for three chemicals.

13 Well, there are dozens of chemicals in the
14 synthetic turf fields. And the fact that we're
15 doing three--and also I was happy that testimony
16 came forth that we're doing this--it's not
17 proactive. It's because people are raising these
18 issues that the city is finally doing that.

19 That's a big issue. Let's see here. The ASTM is
20 being part of the problem. And, again, I can't
21 think of a better reason for going forward with
22 this bill than our elected officials, the
23 testimony that they themselves provided. There's
24 obviously a really huge need to have this type of
25 committee. I join with my colleagues here in

1
2 supporting a lot of their recommendations, and we
3 hope this bill can be tweaked. One thing I just
4 want to mention also that we definitely have a
5 problem with the word new surfaces because 99% of
6 the problem is right now. This is great that
7 going forward in the future, but we do have a lot
8 of issues still out here now, and also the line
9 about that had been previously used for
10 playgrounds, because we need to still test the
11 things that are out there now. And this is just,
12 again, a very basic public safety and health
13 matter and we definitely appreciate the time that
14 the City Council has been devoting to this. Thank
15 you.

16 GAVIN CARNEY: Good morning,
17 Chairperson Mark-Viverito and members of the
18 committee. My name is Gavin Carney. I'm the
19 Director of the Environmental Justice Program at
20 New York Lawyers for the Public Interest. Our
21 program works with communities of color and low-
22 income communities throughout New York City on
23 environmental matters. I'll try to be brief in
24 there interest of not being repetitive, and also
25 in the interest of not keeping people from their

1
2 lunch. We, as has already been said previously,
3 we have, over the years, shared many of the
4 concerns of other environmental and community-
5 based groups around the increased usage of turf,
6 and particularly the fact that it seemed to be
7 moving forward without a deliberate and proactive
8 and transparent strategy for ensuring that the
9 real and significant environmental and health
10 impacts that turf can create were addressed in a
11 sensible way. New York Lawyers supports Intro
12 number 123. We think it's a bill that strikes a
13 balance between a sensible approach to new
14 materials, both at athletic fields and on
15 playgrounds, and with meeting the recreational
16 needs of New York City residents. We think that
17 there are several ways in which the bill could be
18 strengthened to accomplish those objective more
19 effectively. Several of them have been touched on
20 them already so I'll move through them relatively
21 quickly. We share the sentiment that Section A
22 should be amended to reflect coverage of both new
23 materials and new technologies. One concern that
24 we have with the use of the term materials, if
25 it's read narrowly, is that new turf that uses,

1
2 say, crumb rubber infill could be exempted from
3 review on the grounds that a prior turf that also
4 used rubber had previously been evaluated. We
5 also agree with the suggestion that the review
6 apply not just to the turf itself, but also to--or
7 the playground surface itself, but also to the
8 other components of the turf installation,
9 drainage systems, infill, cushioning materials,
10 blades, et cetera. We would also recommend that
11 the bill specify that the review undertaken fully
12 evaluate impacts from the widespread installation
13 of materials and technologies. One of the things
14 that Al raised earlier is that some of the
15 environmental impacts that turf installations
16 create aren't site specific impacts. They're
17 cumulative impacts to things like storm water and
18 urban heat island effect. And analysis that looks
19 at the impact specifically from one individual
20 installation won't fully capture the potential
21 impacts from widespread installation. And then
22 finally we would recommend that as part of the
23 review the Departments of Health and Parks and
24 Recreation be required to evaluate new materials
25 in comparison to other available alternatives. In

1
2 order to ensure the effective functioning of the
3 advisory committee, we share some of the
4 recommendations that were made earlier. One, we
5 think that key stakeholder groups should be
6 specified as members of the advisory committee,
7 environmental groups, park advisory organizations,
8 recreation organizations, and environmental
9 justice organizations, and we also think that in
10 order to ensure that the committee has the ability
11 to function effectively, that the size of the
12 committee and the review period ought to be
13 expanded. We're concerned that as currently
14 written the bill places a heavy burden on five
15 committee members serving in a volunteer capacity
16 and without staff support to review what could be
17 lengthy and rather technical documents in a
18 relatively short period of time. We would
19 recommend expanding membership. We think fifteen,
20 others have said ten. I don't know that there's a
21 perfect number, and also we would recommend
22 expanding from 30 to 60 days for review. And
23 finally we think that inserting a public review
24 component into the bill is critical, and
25 specifically we would recommend, one, that draft

1
2 reviews be presented to members of the public at
3 the same time that they're presented to the
4 committee, and that the Departments of Health and
5 Parks be required to hold a hearing to present the
6 review to community members and receive questions
7 and comments. And finally, we think that members
8 of the public ought to have an opportunity to
9 submit written comments on draft reviews and that
10 to the extent that substantive comments are
11 received, that the Departments of Health and Parks
12 be required to respond to those substantive
13 comments in their final review. We think that
14 doing this will strengthen the quality of the
15 review that happens. We think that will ensure
16 community buy-in. Having a broad range of
17 stakeholders involved will help strike a balance
18 between the competing interests at play here. And
19 so thank you for the opportunity to testify and we
20 look forward to working with you to advance this
21 legislation.

22 CHAIRPERSON MARK-VIVERITO: Well, I
23 want to thank all four of you for testifying. I
24 think your experience is obviously very valuable
25 and your insight, and recommendations, I think,

1
2 are very valuable as well, and things that we
3 definitely will look at as we move forward with
4 this legislation. And I'm not sure if my
5 colleague has any questions, but with that I
6 really, once again, thank everyone that testified
7 today. And I don't have any questions because I
8 think you've pretty much covered it. I want to
9 thank Geoffrey in particular for your advocacy. I
10 know you work very diligently and you give us a
11 lot of information and all the organizations here
12 as well. So with that this hearing is adjourned.
13 Thank you.

14

15

16

C E R T I F I C A T E

I, Shanti Navarre, certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature  _____

Date April 26, 2010 _____