Legislation Details (With Text)

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Res. No. 818

Resolution calling upon the United States Environmental Protection Agency to adopt a “not protective” determination in its third five-year review report concerning the Hudson River polychlorinated biphenyl Cleanup

By Council Members Gennaro and Banks

Whereas, Polychlorinated biphenyls (PCB) are a class of organic, man-made chemicals consisting of carbon, hydrogen, and chlorine atoms, that are nonflammable and chemically stable, and have a high boiling point and excellent insulating properties, that were previously used in many commercial applications, including electrical and hydraulic equipment, and as plasticizers in paint and plastic products; and

Whereas, PCBs are listed in the top 10 percent of the United States (U.S.) Environmental Protection Agency’s (EPA) most toxic chemicals, with the production of PCBs outlawed in 1979 under the Toxic Substances Control Act; and

Whereas, When released into the environment, PCBs can persist for decades, contaminate air, water, and soil, build up in the food chain, and accumulate in predatory species to the point of reaching toxic concentrations; and

Whereas, PCBs can be absorbed into the human body via inhalation, ingestion, or skin contact, can accumulate in fat and organ tissues, and be retained in the body for years, meaning that sustained long-term exposure can result from short term or incidental contact; and

Whereas, Studies of PCB exposure in humans strongly suggest that they are a probable human carcinogen, and in instances of maternal exposure, lead to low birth weight in infants, coupled with developmental delays, including decreased motor skills and short term memory function for those exposed in the womb or during early childhood; and

Whereas, In 1996, the U.S. Congress designated the Hudson River Valley a National Heritage Area, a federal distinction that signifies a region's cultural, historical, and environmental importance to the nation; and

Whereas, According to a 2017 economic impact study by the National Parks Service, the Hudson River Valley National Heritage Area generated $975.8 million in economic impact, supported 9,888 jobs, and generated $112.4 million in tax revenue between 2014 and 2016; and

Whereas, Between 1947 and 1977, two General Electric (GE) capacitor manufacturing plants, located in the New York State (NYS) towns of Fort Edward and Hudson Falls, released over 1 million pounds of PCBs into the Hudson River; and

Whereas, In 1984, because of contamination related to GE's dumping of PCBs into the Hudson River, the EPA declared a 200-mile stretch of the river, from Fort Edward to New York Harbor, a Superfund Site, under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA); and

Whereas, Superfund is a federal program and trust fund administered by the EPA for the purpose of remediating emergency and hazardous waste sites requiring long term cleanup; and

Whereas, CERCLA requires parties either to perform remediation and cleanup of toxic releases for

which they are responsible, or to reimburse the EPA for the cost of remediation efforts required to return contaminated sites to productive use; and

Whereas, Pursuant to CERCLA, Superfund Sites must undergo review every 5 years when contaminants remain at a site that would preclude the site's unrestricted use, to ensure that the remediation actions are effectively addressing the hazard, and to assess the level to which actions undertaken can be considered protective of human health and the environment; and

Whereas, Based on whether a remedy is functioning as intended, a 5-year review process may result in a range of determinations, from "protective," when remediation actions are complete and risks to human health and the environment are under control, to "not protective," when sufficient data exist to confirm that risks to human health and the environment are not under control or where potential or actual exposure is clearly present; and

Whereas, The Hudson River remediation plan selected by the EPA in 2002 called for dredging in a 40-mile stretch of the River to remove PCB contaminated sediment, and to potentially reduce the spread of PCB contamination to the lower Hudson River, work that was completed in 2015; and

Whereas, According to the U.S. Centers for Disease Control and Prevention (CDC), consumption of contaminated food, particularly wild game animals and sport fish, are the primary and most serious means by which humans become exposed to PCBs; and

Whereas, According to the NYS Department of Health, some fish in the Hudson River can contain thousands of times more PCBs than those in surrounding waters, and, due to PCB contamination, none of the species commonly fished from the Hudson River are suitable for consumption by sensitive populations, defined as people who may become pregnant, infants, and young children under age 15; and

Whereas, Due to PCB contamination, certain species of commonly consumed fish caught from the Hudson River are not suitable for consumption by the general population; and

Whereas, While no large scale studies of urban subsistence fishing behaviors in New York City (NYC)

exist, a 2024 pilot study published in the journal Middle States Geographer suggests that 42 percent of NYC anglers surveyed were engaging in some form of subsistence fishing, or fishing with the intent to consume their catch; and

Whereas, A 2003 study published by the New York Academy of Medicine that examined fish consumption habits of East Harlem families that participated in federal nutritional assistance programs found that 11 percent of families surveyed consumed locally caught fish despite warnings from the NYS Department of Health cautioning against consumption by sensitive populations; and

Whereas, On July 10, 2024, the EPA released its draft third five-year review of the Hudson River PCBs Superfund Site, noting uneven patterns of recovery across the areas examined, and stating that the agency is seeking more years of fish data to determine whether key remediation targets are being met before declaring a protectiveness status; and

Whereas, The levels of contamination being found in fish in both the upper and lower Hudson Valley suggest that significant human health and ecological risks from PCB contamination persist despite the remediation work that has already been completed; and

Whereas, The EPA's draft third five-year review states that fish consumption advisories and fishing restrictions will continue to be necessary to protect public health, acknowledging that the levels of contamination present an ongoing threat to public health; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Environmental Protection Agency to adopt a "not protective" determination in its third five-year review report concerning the Hudson River polychlorinated biphenyl Cleanup.

NRC
LS# 18076
1/08/25