



Legislation Text

File #: Res 1416-2008, **Version:** *

Res. No. 1416

Resolution calling upon the New York City Department of Education to test all schools constructed or renovated before 1978 to ascertain the levels of polychlorinated biphenyls (PCBs).

By Council Members Gennaro, Gioia, Brewer, Fidler, James, Liu, Mark-Viverito, Nelson, Palma, Recchia Jr., Sanders Jr., Vann, White Jr. and Gerson

Whereas, According to the Environmental Protection Agency (“EPA”), polychlorinated biphenyl (“PCB”) is a man-made organic chemical that was used in hundreds of industrial and commercial applications; and

Whereas, PCBs were manufactured in the United States from 1929 until the substance was banned in 1979, pursuant to the Toxic Substances Control Act (“TSCA”); and

Whereas, Despite the ban, PCBs can still be found in products and materials produced before 1979 including, but not limited to, cable insulation, adhesives and tapes, oil-based paint, plastics and caulking; and

Whereas, In April 2008, the *New York Daily News* (“*the News*”) reported on an investigation it had conducted that found PCBs in the caulking around window sills and door frames at nine New York City public schools; and

Whereas, Results from six of the nine schools (five elementary schools and one middle school) showed unacceptable levels of PCBs and, according to the report, “of the tested schools with unsafe PCB levels, the lowest level found was nearly four times the federal threshold of 50 parts per million”; and

Whereas, Further, it is estimated that at least 266 public schools were built or renovated in New York City prior to the banning of PCBs; and

Whereas, It is likely that the caulking in those school buildings contains PCBs and many parents and

educators are concerned about the potential health risks posed by the presence of this chemical; and

Whereas, The EPA reports that PCBs “have been demonstrated to cause a variety of adverse health effects”; and

Whereas, Studies on animals have shown that PCBs can cause cancer and other serious non-cancer health effects, including effects on the immune system, reproductive system, nervous system and endocrine system; and

Whereas, Further, the EPA reports that “studies in humans provide supportive evidence for potential carcinogenic and non-carcinogenic effects of PCBs”; and

Whereas, The International Agency for Research on Cancer, The National Toxicology Program and the National Institute for Occupational Safety have also agreed that PCBs are likely to have carcinogenic effects on humans; and

Whereas, The *Daily News* also reported that many of the known potential health effects relate to the impact the toxins could have on adults, and that experts believe the ramifications for children could be even more alarming; and

Whereas, Some experts believe that it is becoming apparent that “PCBs are potent developmental toxins” and that “even low-level exposure inhibits growth of brain cells”; and

Whereas, In response to the *Daily News* investigation, the New York City Department of Education (“DOE”) and School Construction Authority (“SCA”) hired consultants to test for PCBs in the schools identified in the articles; and

Whereas, The consultants collected more than 250 air and dust samples from the schools and found non-detectable or levels far below the federal threshold for clean-up, with two exceptions; and

Whereas, The consultants also tested exterior caulk and soils at schools identified in the *Daily News* investigation and found that four soil samples had PCB concentrations higher than the EPA standard; and

Whereas, The test results that showed PCB presence in air, dust and soil samples were either too low to

take action or the contaminated areas were cleaned accordingly or cordoned off and are awaiting proper removal; and

Whereas, Despite the growing evidence that PCBs can be especially harmful to children and the concerns of parents and individuals working in schools buildings constructed or renovated prior to 1978, education officials believe that if the caulk is left alone, it is harmless; and

Whereas, The DOE has mandated that school custodians perform monthly physical inspections on the condition of caulk and report any disturbance or deterioration; and

Whereas, Many community members do not feel that this action is sufficient and have called upon the DOE to take immediate action to ensure that school buildings are safe for students and school staff; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to test all schools constructed or renovated before 1978 to ascertain the levels of polychlorinated biphenyls (PCBs).

JC
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