

TESTIMONY

New York City Council Hearing

New York City Council
Committee on Education
jointly with the
Committee on Environmental Protection

Presented on
Wednesday, April 13, 2011



The Council of School Supervisors and Administrators

Ernest Logan, President

Peter McNally, Executive Vice President

Randi Herman, Ed.D., 1st Vice President

16 Court Street
Brooklyn, New York 11241
(718) 852-3000
www.csa-nyc.org

Good afternoon, Chairman Jackson, Chairman Gennaro and distinguished members of the New York City Council Committees on Education and Environmental Protection. My name is Herman Merritt and I am a former New York City Principal and currently Director of Political Affairs for CSA. I am speaking on behalf of CSA leadership and 6,100 active members including Principals, Assistant Principals, Supervisors, Education Administrators, Day Care Directors and Assistant Directors.

I want to thank you for the leadership that you have shown by holding this hearing on an issue of critical importance to the students and staff of New York's public schools. Nothing is of more concern to a Principal than the health and safety of students and staff. When parents drop off their children at school, they are counting on Principals to protect the health, safety and well being of their sons and daughters. Staff has the same expectation about their own well being when they pass through the school door every morning. Principals know that teaching and learning is difficult and sometimes even impossible if the school environment is unsafe.

Principals take many steps to protect the health and safety of students, teachers and other staff. They develop a Safety Plan with procedures for any conceivable emergency. A building maintenance plan is developed with cleaning protocols including regular cleaning of vents to protect air quality. Principals even sample the food in the cafeteria daily as a measure of quality control. All of this is done to provide a safe and healthy environment for students and staff. How distressing then for Principals to discover that despite their good efforts many schools are not safe because they are contaminated with PCBs.

PCB (Polychlorinated biphenyl), a probable carcinogen, was used in a variety of products, including paints, caulks, insulation and electrical equipment in schools and other buildings between 1950 and 1978. PCBs are considered to be so dangerous that when they were found in the Hudson River in the early 1970's, the state of New York banned all fishing until 1976. Two years later, Congress actually banned production of PCBs. In 1983, the U.S. Environmental Protection Agency (EPA) declared a 200- mile section of the Hudson River to be a Superfund site and ordered the removal of sediment that contained this toxic substance. The cleanup continues today.

In addition, the EPA started a campaign in 2009 to educate communities about testing for and removing PCB-contaminated caulk. When testing a number of schools in a small pilot, they found that there were high levels of PCBs in the air, but the primary source was old fluorescent ballasts, not caulk. This caused the EPA to shift its focus from caulk to light ballasts. In November, 2010, they recommended that the city replace all pre-1979 light ballasts.

In February, 2011, the city announced a ten-year plan to replace all such light fixtures in schools. Subsequently, the EPA said that the 10-year time line was too long. Ballasts are more likely to leak as they get older and release PCBs into the air at high levels. Judith Enck, EPA's Regional Administrator said, "From our inspections, we've found that there's a problem with

leaking light ballasts and I'd be concerned with the problem lingering for a long period of time." CSA shares her concern.

The EPA has also said, "If lighting ballast is leaking PCBs at above a regulatory level of 50 parts per million, it is considered an exceedance and federal law requires the immediate removal and disposal of the ballast." During spot inspections of randomly selected schools, all inspected fixtures had high levels of PCBs with some samples more than **10,000 times** the federal threshold for removal.

What are the risks? The U.S. Centers for Disease Control (CDC) tells us that PCB exposure can disrupt reproductive function and in utero exposure can lead to neurobehavioral and developmental deficits in newborns and continue to affect these youngsters through school age. Other effects of exposure include liver disease, diabetes and deleterious effects on the thyroid and immune systems. Dr. Robert F. Herrick of the Harvard School of Public Health says, "The evidence of the toxic effects of PCBs is accumulating rapidly. The studies all seem to point in the same direction -- that PCBs are very potent developmental toxins."

We must understand that a student spends 1,400 hours in a classroom every year. A kindergartener will spend more than 8,000 hours in elementary school classrooms before leaving school in the 5th grade. Teachers will spend more than 7,000 hours exposed to PCBs if they stay in the same contaminated room for 5 years. We know that PCBs have different effects on different age groups and it is likely that our children are most vulnerable. It is also likely that an adult with a compromised immune system would be at considerably greater risk than others.

It is clear the City of New York's ten-year plan is inadequate to safeguarding human health, particularly the health of children. As one parent said, "You don't send your child to school thinking, 'my kid is going to be exposed to a chemical that is toxic enough that they ban it in building materials'." Intuition alone tells us that no member of the school community can tolerate the kind of lengthy exposure to PCBs that the city's plan allows. Neither the emotional stress nor the physical risk is tolerable.

CSA supports the proposed legislation of Assemblywoman Linda Rosenthal (A5374). This bill requires the replacement of lighting fixtures and lighting ballasts in buildings in New York City, constructed between 1950 and 1978. It requires that fifty percent of all replacement work be completed within three years and all other work within five years.

The city has argued that it would cost nearly \$1 billion to replace all the fixtures in compromised schools and might result in teacher layoffs. When it comes to our children, cost cannot be an excuse for leaving them unprotected. It is disgraceful and even laughable for the city to threaten teacher layoffs as the price for keeping our children healthy.

We also agree with Ms. Enck's suggestion that there could be city contracts for PCB removal, which don't entail upfront cost to the city. She says, "In this era of diminishing tax dollars, it is

strategic and wise for the city to be looking at private financing for such an essential energy conservation and public health protection initiative.” We know of one company, T.M. Bier and Associates that has expressed a willingness to do the work at no upfront cost in exchange for payments in subsequent years that would be based on the amount the schools save on their energy bills. The savings would be achieved through use of more efficient lighting. They could complete the entire project in three years.

Thank you for the opportunity to present testimony on this urgent issue. We support the efforts of the City Council to reduce the ten-year plan proposed by the city. Principals want to be able to look parents in the eye and tell them that their children’s school is safe.