



Hearing before the New York City Council Committee on Parks & Recreation

Int 0754-2015 - A Local Law to amend the administrative code of the city of New York, in relation to notification for pesticide application in city parks.

Int 0833-2015 - A Local Law to amend the administrative code of the city of New York, in relation to a pesticide use reporting manual published by the department of parks and recreation.

February 12, 2016

Testimony By: Liam Kavanaugh, First Deputy Commissioner, NYC Parks

Good morning, Chair Levine, and members of the Committee on Parks and Recreation, my name is Liam Kavanaugh, First Deputy Commissioner at the New York City Department of Parks & Recreation. Joining me on this panel are Jennifer Greenfeld, Chief of Forestry, Horticulture & Natural Resource Group, Marechal Brown, Director of Horticulture and Matt Drury, Director of Government Relations. Thank you for inviting me to testify today regarding Intro 754, pertaining to notification for pesticide application in city parks, and Intro 833, regarding the reporting of pesticide usage.

I'd like to begin by providing some context about NYC Parks. We are the steward of approximately 29,000 acres – 14 percent of New York City's land mass – including 10,000 acres of natural areas. We oversee more than 5,000 individual properties, range from parks and playgrounds to community gardens and Greenstreets. We operate more than 800 athletic fields and nearly 1,000 playgrounds, 66 public pools, 48 recreation facilities, 17 nature centers and 14 miles of beaches. Each of these individual properties requires targeted maintenance, and it is important to note some of the specific challenges we face in keeping New York City's parkland in the best condition possible.

As a major hub of international trade and shipping, New York City hosts an abundance of unwanted species from the plant and animal world, perhaps more than any other city on the continent. Numerous plant species have arrived on our shores intentionally as imports, or unintentionally, attached to other materials entering the country. A significant number of these species have negatively impacted local ecosystems by out-competing native and desirable ornamental plants for water, air and light. To effectively manage the presence of weeds and invasive species, NYC Parks utilizes Integrated Pest Management (IPM), an approach that prioritizes least toxic methods and incorporates various practices and strategies, including cultural, mechanical, and biological protocols to control invasives and other nuisance species that impact public health, safety and well-being.

Though expanded citywide use of IPM methodology is now mandated by Local Law 37 of 2005, NYC Parks has been committed to furthering IPM practices throughout the agency for years before the law was enacted. In coordination with the NYC Department of Health and Mental Hygiene's Interagency Pest Management Committee, NYC Parks has made strides in exploring innovative methods through in-house product trials and staff IPM training. This approach encompasses a variety of methods, for example:

- Appropriate plant selection to meet the conditions of a given site;
- Heavy mulching & dense planting to prevent weed colonization during garden and landscape establishment;
- Intentional selection of desirably aggressive plant species, such as goldenrods or asters, to colonize areas and out-compete weed species;
- Hand weeding and manual trimming & mowing.

Though our preference is to avoid the use of herbicides where possible, even in an ideal world, mechanical or manual efforts alone would neither reverse the damage done by

invasive species, nor support the broad-scale successful establishment of healthy, suitable plants in our parks. More nuanced and targeted strategies, including herbicide applications, are necessary for us to reverse the damage of invasive plant colonization. Though our maintenance and horticulture staff do a tremendous job keeping our parks looking their best, mechanical and manual efforts require significant resources, often requiring frequent visits to a given site several times a season, whereas a single herbicide treatment can maintain these areas for an entire season.

NYC Parks utilizes licensed pesticide applicators and technicians, to primarily apply herbicides in the public rights-of-way, on areas of hardscape where weeds grow through cracks in sidewalks, or grow into walkways, creating possible trip hazards. Staff will spray advanced weed infestations in Greenstreets and street tree beds if weed growth is unmanageable by mechanical means of control, or if the location makes it difficult or unsafe for our employees to manually complete the work. Also, our staff will at times apply herbicides at the outset of natural area restoration projects, in locations removed from general public activities. These worksites are frequently overrun by invasive plants, which have out-competed native vegetation to dominate the area, considerably reducing habitat quality and vitality.

We rarely apply herbicides in horticulture beds in parks, and we never apply herbicides in playgrounds, athletic fields or dog runs. When it is determined that the application of herbicides or other pesticides is necessary, our staff does its best to be sure that the application is strategically targeted.

In instances where herbicide application is necessary, NYC Parks understands the importance of advance notice and transparency, to ensure that local residents and park users are made aware. In accordance with state and local law, NYC Parks provides on-site notification signage, 24 hours before a herbicide application is completed, and for 72 hours following the application. These notifications include descriptions of the product being used, the product's active ingredients, the pest or plant being targeted, and the method of application. Though many other significant forms of pesticide applications on parkland are exempt from notification requirements, we provide notification signage as a public service in select circumstances, such as when we deploy containerized baits in our parks for rodent control.

In reference to Intro. 754, NYC Parks recognizes the interest in broadening these notification methods to include alternative forms of communication. While NYC Parks does not currently have the capacity or infrastructure to enact a notification effort as described in the current legislation, we are open to continuing to work with the Council and our sister agencies to discuss what approaches might be viable. There would be significant challenges involved in expanding notification, but we can explore whether existing alternatives would be both logistically feasible and cost-effective, while serving our common goal of providing better information for New Yorkers regarding their local parks.

With regards to Intro 833, NYC Parks shares the Council's objective of full openness and transparency regarding the monitoring and reporting of pesticide & herbicide usage. NYC Parks works closely with the New York City Department of Health & Mental Hygiene to monitor our herbicide applications, as we implement our Integrated Pest Management strategy regarding invasive plants and weed species. NYC Parks annually reports levels of pesticide use to the DOH, which compiles all of this data citywide by individual agency and publishes an annual report which is publicly accessible through its website, including details regarding the reporting requirements of state and local law. Considering the ongoing reporting and transparency efforts currently led by the DOH regarding pesticide usage, we feel that Intro 833 would compel efforts that are duplicative of those already underway.

We appreciate the Council's interest and advocacy on this topic, and look forward to continuing to work with you and your colleagues to make New York City's parks even greater, for all to enjoy. We would now be happy to answer any questions you may have.



FOR THE RECORD

**LOWER MANHATTAN HISTORICAL SOCIETY  
120 BROADWAY, NY, NY 10271**

**212-809-1700**

**February 12, 2016**

**Chair Levine & Members, NYC Council Parks & Recreation Comm.**

**Dear Council Members,                      TWO PAGES**

I am here to offer recommendations concerning the street co-naming process which your Committee is charged to oversee for the Council, based on our recent experience with **Evacuation Day Plaza** strongly supported by Community Board #1, and NYC Council Member Margaret Chin which encountered some turbulence and in fact was rejected until it was then approved by your Committee and then the full Council last Friday.

I believe these modest recommendations will serve our city well.

1) That the process of reviewing street co-names submitted by the various Council Members on the recommendation of individuals and community groups be made clearly transparent, and that any initial rejection result in a clear and specific process that allows any such rejection to be contested by the interested parties involved. We witnessed no such process in the matter of **Evacuation Day Plaza**.

In fact we were completely frustrated in our attempts both to obtain any specific stated reason for the rejection or even the name of the City Council employee who had made that determination. Both of which should be publicly available information. And we were then provided absolutely no means by which to seek to have that determination reversed also in clear violation of normal protocols that should apply to such matters. Indeed I

challenge anyone to do a search of the City Council Website or more generally do a Google search of the Internet to find any specific criteria that applies to New York City street co-naming requirements nor any information about the process once a Council member has submitted a request for a street co-naming to this Committee and the City Council.

So that I recommend and urge that requirements that might result in any request rejected be clearly and unambiguously stated and readily made available to everyone who might be interested in this information, and

That a logical and normal open process be established and made available to all citizens that will allow any interested party to challenge any such rejection and in a timely manner seek to have that street co-name approved.

2) Curently as above it is unclear if important dates and events in American and New York City history appear as a specific category for appropriate New York City street co-naming. There should be no ambiguity in fact it should be a matter of pride that our rich history is a very valid category for New York City street co-naming.

So that I urge the Committee to codify and make public the criteria on which proposed New York City street co-names are judged and that in such a public code that American and New York City history be included.

I hope you agree with me and others that one of the most important dates and events in all of Amrican and New York City history, the day we fully achieved our independence on November 25, 1783 at Bowling Green, should NEVER have been rejected and done in secrecy making it worse, and it was only subsequent to a critical New York Times story that **Evacuation Day Plaza** was restored to the co-naming legislation approved by this Committee and then the full City Council on February 5, 2016.

I look forward to your embracing these recommendations.

Sincerely,

A handwritten signature in black ink, appearing to read 'Arthur Piccolo', written over the word 'Sincerely,'.

Arthur Piccolo

Co-Founder & Board Member

cc: LMHS Board of Directors, Members



NEW YORK CITY AUDUBON  
*Protecting Wildlife and Habitat for 30 Years*

## TESTIMONY TO THE COMMITTEE ON PARKS AND RECREATION

**Kathryn Heintz**

**Executive Director, New York City Audubon**

**February 12, 2016**

Thank you Council Committee Chairperson Levine and esteemed members of the Committee on Parks and Recreation for holding this important hearing concerning community notifications and reporting when pesticides are applied in city parks.

My name is Kathryn Heintz, and I am the Executive Director of New York City Audubon. We are a science-based conservation organization whose mission is to protect wild native birds and their habitats across New York City. We represent 3,000 direct members and supporters. We are an affiliated chapter of the National Audubon Society, and as such, represent an additional 7,000 of its members residing in the five boroughs.

Based on habitat needs for avian species of conservation concern, New York City Audubon strongly supports Int. No. 754, a local law to amend the administrative code of the City of New York, in relation to notification for pesticide application in city parks. We also support Int. No. 833, a local law to amend the administrative code of the City of New York, in relation to a pesticide use reporting manual published by the Department of Parks and Recreation.

Under certain conditions, poisons used to kill insects and vermin pose risks to people. They also pose risks to birds. We are all concerned and we want to know. Pesticide spraying to kill mosquitoes and mosquito larvae also kills valuable insects which are a necessary and important source of protein for migrating birds. So there is risk to all wildlife that consumes insects: birds, bats, amphibians, butterflies, etc. Rodenticides pose a special risk to hawks, owls, and other raptors when they capture and eat poisoned rats and mice. These poisons can also kill dogs and cats. The direct impact of pesticides on wildlife depends on the particular pesticide, the concentration, and the method of application. Direct application to birds is quite harmful to chicks in the nest. There is also the potential of direct toxicity if insects dying of pesticide application are consumed. Unfortunately without knowledge of the particular agent and concentration, it is hard to quantify the risks.

**We cannot underscore enough the importance of education and communication when it comes to the use of pesticides in public parks, when such use is necessary as a matter of public health.** Notification of the timing and location of pesticide applications will allow New York City Audubon to adjust start times or site locations of early morning or evening activities in New York City parks where spraying has very recently occurred. This can be accomplished through Notify NYC and online postings. Reporting the timing, location, and specific pesticides applied potentially influences conclusions our science staff will draw using data collected in city parks to monitor bird, bat, and insect populations around the five boroughs. We will continue to look for changes to bird counts, as well as incidences of unusual bird mortality, in park areas where spraying has occurred. We are keen to monitor those natural areas away from neighborhoods where birds and bats eat mosquitoes, such as salt marsh sparrow habitats on Staten Island, which we would prefer be excluded from pesticide applications altogether.

New York City Audubon commends the members of this Committee and the leadership of the Department of Parks and Recreation for remaining engaged and concerned with matters regarding the use of pesticides in our parks. New York City Audubon applauds especially the efforts of Councilpersons Helen Rosenthal and Andrew Cohen in sponsoring this legislation.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 754 + 833 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/12/16

(PLEASE PRINT)

Name: Kathryn Heintz

Address: 71 W. 23rd St. NY, NY 10010

I represent: NYC Audubon

Address: 71 W. 23rd St. NY NY 10010

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 754, 833 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/12/16

(PLEASE PRINT)

Name: Matt Drury

Address: NYC Park, The Arsenal

I represent: NYC Parks

Address: \_\_\_\_\_

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 754 833 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 754-2/12/16

(PLEASE PRINT)

Name: Liam Kavanaugh

Address: NYC Parks, The Arsenal

I represent: NYC Parks

Address: \_\_\_\_\_

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 754-833 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 2/12/16

(PLEASE PRINT)

Name:

Jennifer Greenfield

Address:

NYC Parks, The Arsenal

I represent:

NYC Parks

Address:

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 757 Res. No. \_\_\_\_\_

in favor  in opposition

Date: 02/12/2016

(PLEASE PRINT)

Name:

MARCELA BROWN

Address:

NYC PARKS, FWPURV, NY 11368

I represent:

NYC PARKS

Address:

SEE ABOVE

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