

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON EDUCATION

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April 24, 2014
Start: 1:19 p.m.
Recess: 3:20 p.m.

HELD AT: Council Chambers - City Hall

B E F O R E:

DANIEL DROMM
Chairperson

COUNCIL MEMBERS:

Vincent J. Gentile
Chaim M. Deutsch
Daniel R. Garodnick
Margaret S. Chin
Stephen T. Levin
Deborah L. Rose
Mark S. Weprin
Jumaane D. Williams
Andy L. King
Inez D. Barron
Mark Levine
Alan N. Maisel
Antonio Reynoso
Mark Treyger
Ruben Wills
Fernando Cabrera

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

John Shea
Chief Executive Officer
Division of School Facilities
New York City Department of Education

Ross Holden
Senior Vice President & General Counsel
School Construction Authority

Mark Ladov
New York Lawyers for the Public Interest

Claire Barnett
Executive Director
Healthy Schools Network

Nicole Forbes
Community Leader
PS 51 Parents United

Helene Hartman-Kutnowsky
Chair
Community Board 7
PS 51 Parents United

Mary McKinney
Chair
Concerned Residents Organization

Mary Conway-Spiegel
Partnership for Student Advocacy

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COMMITTEE ON EDUCATION

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CHAIRPERSON DROMM: 'Kay, one, two...
alright.

[gavel]

Good afternoon and welcome to the
Education Committee's hearing on Int. No. 126. This
bill pertains to the notification and reporting of
information related to environmental inspections and
environmental site assessments in schools. I just
wanted to make a few opening remarks and then we'll
move on to hear from my colleague, Fernando Cabrera,
lead sponsor of Int. No. 126.

The health of the City's 1.1 million
public school children as well as the staff that work
in our schools is of paramount importance to the City
Council. One issue of particular concern is the
presence of environmental toxins in school buildings,
such as the high incidence of polychlorinated
biphenyls, PCBs; I'll call it that for the rest of
the hearing, [laughter] found in light fixtures in
City schools. This concern led the Council to pass
legislation in 2011, Local Law 68 and Local Law 69,
regarding the notification and reporting of
information related to PCBs in schools.

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2 Basically, Local Law 68 requires the
3 Department of Education to notify the parents of
4 students and the employees in any public school that
5 has been inspected for PCBs of the results of such
6 inspection and to post the inspection results on
7 their website. Local Law 69 requires DOE to send a
8 report to the City Council regarding PCBs in City
9 schools and the progress of PCB removal efforts.
10 However, PCBs are not the only toxins that can be
11 found in school buildings. Some schools have been
12 constructed on former industrial sites and other
13 schools have been opened in leased facilities that
14 are contaminated. Exposure to toxic chemicals has
15 been linked to certain cancers and other illnesses
16 and can lead to behavioral problems and learning
17 disabilities.

18 In one case PS 51, in the Bronx, was
19 moved out of a former lamp factory in 2011 after
20 environmental tests revealed high concentrations of a
21 toxic chemical, trichloroethylene, or TCE, which is
22 linked to cancer and other health problems, including
23 dysfunctional, immune and central nervous systems.

24 Students and staff in our schools should
25 not be placed at increased risk for health problems

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2 due to exposure to environmental toxins. For that
3 reason, we are considering Int. No. 126, which would
4 mandate essentially the same notification and
5 reporting requirements for other environmental
6 contaminants as were adopted for PCBs.

7 Specifically, Int. No. 126 would require
8 that the DOE notify parents of students and employees
9 of any public school that has been the subject of any
10 type of an environmental inspection or site
11 assessment for contaminants, hazardous substances,
12 mold or pollutants. The notification would include
13 the results of any inspection or testing that would
14 be made within seven days by United States Postal
15 Mail. In addition, Int. No. 126 would require the
16 DOE to submit a report to the City Council regarding
17 the results of any environmental inspections or site
18 assessments performed in any public schools no later
19 than November 1st, 2014; on a biannual basis
20 thereafter.

21 This report would include a summary of
22 the environmental test results as well as any actions
23 taken by the DOE to mitigate the contaminants and
24 hazardous substances. The timeframe within which
25 such action was taken and the overall progress of the

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2 Department's efforts to improve air quality in public
3 schools.

4 In short, Int. No. 126 is an important
5 step towards protecting the health of the City's
6 public school students and staff by requiring timely
7 notification to parents of students and employees
8 when environmental pollutants and contaminants are
9 found in a school and by providing biannual reports
10 on the progress of removal of hazardous substances in
11 all public schools.

12 Today we'd like to get feedback on Int.
13 No. 126; everyone who wishes to testify today must
14 fill out a witness slip, which is located at the desk
15 of the sergeant at arms near the front of this room.
16 Please indicate on the witness slip whether you are
17 here to testify in favor of or in opposition of Int.
18 No. 126. I wanna point out, however, that we will
19 not be voting on this bill today, to allow as many
20 possible to testify; testimony will be limited to
21 three minutes per person and now I'd like to turn the
22 floor over to Fernando Cabrera for his remarks
23 regarding Int. No. 126. Fernando.

24 COUNCIL MEMBER CABRERA: Mr. Chair, I
25 wanna first take an opportunity to thank you, because

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2 when I brought this to your attention, immediately
3 you were eager to have a hearing and I know there are
4 a lot of people knocking on your door and so I
5 really... I wanna say publicly, on behalf of all the
6 constituents of the City of New York that we really
7 appreciate bringing this to a hearing. I also wanna
8 take a special thanks to the New York Lawyers for
9 Public Interest for their leadership and their
10 advocacy, Concerned Residents Organization, Bronx
11 Community for Toxic-Free Schools and also parents
12 from PS 51 for championing this cause. I also wanna
13 thank the 21 members who already have signed onto
14 this bill so quickly and so eagerly.

15 Look, I'm not gonna be redundant, 'cause
16 I wanna go straight and I'm eager to hear the
17 Administration, but at the heart of this it comes
18 down to the right to know, the right for parents to
19 know what type of contaminants they're being exposed
20 in public schools and I'm looking forward to coming
21 up with a final resolution of this bill, Mr. Chair,
22 that we could protect our children, inform our
23 parents of the environmental conditions that they
24 find themselves in, even if it comes down that it
25 might be one school, and I've been seeing this, that

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2 one school means the world to those parents in that
3 one school, and for all of the children and parents
4 who participated in a school previous years. So with
5 that, Mr. Chair, I'd like to turn it back over to
6 you.

7 CHAIRPERSON DROMM: 'Kay, thank you,
8 Council Member Fernando Cabrera and I'd like to
9 introduce my other colleagues who are here; I'll
10 start over here on my right -- Council Member Inez
11 Barron from Brooklyn, Council Member Andy King from
12 the Bronx, Council Member Ruben Wills from Queens,
13 Council Member Margaret Chin from Manhattan, and
14 Council Member Chaim Deutsch from Brooklyn as well.

15 And with that I'm gonna ask you... to swear
16 you in, so I'm gonna ask if you'd raise your right
17 hand, please and do you swear or affirm to tell the
18 truth, the whole truth and nothing but the truth in
19 your testimony before this Committee and to respond
20 honestly to Council Member questions? [collective I
21 dos] 'Kay, thank you. And we have here with us
22 today John Shea, the CEO, Division of School
23 Facilities in the DOE; thank you John for being here,
24 and we have Ross Holden, the Senior Vice President
25 and General Counsel for the School Construction

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2 Authority; thank you Ross for being here as well.
3 And whoever wants to start, please feel free to
4 begin.

5 JOHN SHEA: Great, thank you. Good
6 afternoon Chair Dromm and all the members of the
7 Education Committee here today; my name is John Shea,
8 Chief Executive Officer of the New York City
9 Department of Education's Division of School
10 Facilities, known as DSF. I'm joined by Ross Holden,
11 Executive Vice President and General Counsel at the
12 New York City School Construction Authority, also
13 known as the SCA. Thank you for the opportunity to
14 discuss Int. No. 126 which requires the reporting of
15 environmental data regarding schools.

16 The Department is committed to providing
17 a healthy and environmentally safe atmosphere for our
18 students and staff. Both the DSF and SCA adhere to
19 the highest environmental standards in the
20 maintenance and construction of our school buildings.
21 DSF is responsible for the daily maintenance of our
22 schools and the SCA performs capital improvement
23 projects, known as CIPs, other construction projects
24 and new construction. With over 1,200 school
25 buildings, we conduct thousands of routine

1 environmental samplings, which is normal practice in
2 modern day construction projects. Specifically,
3 these inspections are performed in compliance with
4 existing laws, whether in the course of performing
5 repairs, CIPs or in response to concerns raised by
6 members of the school community or occasionally at
7 the request of a regulatory agency. The overwhelming
8 majority of environmental tests and inspections we
9 conduct are for asbestos, lead, mold, polychlorinated
10 biphenyls (PCBs), in part so that we know the manner
11 in which the materials should be handled during
12 construction and disposed of thereafter. As you are
13 aware, these substances are subject to a strict
14 regulatory framework. DOE has longstanding protocols
15 to comply with all legally mandated city, state and
16 federal environmental standards, as well as notice
17 requirements and reporting to regulatory agencies.

18
19 I'd like to highlight the scope of this
20 work and the protocols in place for the most common
21 environmental tests and inspections performed in our
22 school buildings and on new school sites. It is
23 important to note again that the environmental
24 testing is a regular component of building
25 construction work and the simple fact that a test is

1 performed does not mean that there is any cause for
2 concern.
3

4 Pursuant to the Asbestos Hazard Emergency
5 Response Act (AHERA), DSF conducts system-wide
6 asbestos inspections every three years; this includes
7 the annual testing of approximately 25,000 samples to
8 determine their asbestos content. The resulting
9 report and management plan are provided to the school
10 administration and notification letters are sent to
11 the principal, the United Federal of Teachers and the
12 Parent Association. In addition to inspections
13 required by AHERA, DSF and SCA performed thousands of
14 asbestos surveys related to capital improvement
15 projects and repairs. At minimum, these inspections
16 include visual inspection of all work areas, as well
17 as a review of the AHERA documents. In certain cases
18 additional bulk sampling is performed to determine
19 the presence of asbestos-containing materials (ACM).
20 During the course of a project, as well as at the
21 conclusion of any work, air monitoring is performed
22 and clearance letters are provided to the school
23 administration authorizing the reoccupancy of any
24 affected areas. DOE's policies and procedures
25 related to lead paint are based on the U.S.

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2 Environmental Protection Agency (EPA) and
3 Occupational Safety and Health Administration (OSHA)
4 requirements. In order to perform the most
5 comprehensive testing we assume that all interior
6 surfaces are coated with lead-based paint; therefore,
7 all work that disturbs painted surfaces must comply
8 with EPA and OSHA lead-based paint requirements. We
9 frequently perform lead surveys for CIPs and wipe
10 sampling is conducted at the end of any renovation or
11 construction project.

12 Additionally, the New York City
13 Department of Health and Mental Hygiene (DOHMH)
14 requires annual lead testing of all classrooms and
15 associated bathrooms occupied by children under the
16 age of 6. In the event that test results exceed an
17 allowable limit for ACM or lead, remediation or
18 abatement work is performed. Resampling is conducted
19 until the area has been safe and a clearance letter
20 can be issued for reoccupancy. These letters are
21 provided to the school principal or building manager.

22 To assess visible mold growth in response
23 to observations of discoloration or moisture made by
24 our custodial engineers or other members of the
25 school community, a comprehensive field survey of the

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2 suspected area is conducted. Special equipment is
3 used to view spaces in duct work or behind walls, as
4 well as to measure moisture in building materials
5 that may encourage mold growth. Using the
6 information gathered during the field survey,
7 remedial measures are recommended for immediate
8 implementation. These recommendations typically
9 include through cleanup, drying and/or removal of
10 water-damaged material. In all instances, any source
11 of water penetration or leakage is fully investigated
12 and remediated. Upon satisfactory completion of the
13 remediation work and final inspection, a reoccupancy
14 letter is provided to the school administration, the
15 custodian engineer and the UFT.

16 As you know, we've made parent and
17 community engagement a core element of our PCB
18 lighting replacement program. Throughout the pilot
19 program and in connection with our lighting
20 replacements we've met with individual school
21 communities, elected officials and other concerned
22 parties to discuss this issue, sending letters to be
23 shared with parents on a daily basis. We have also
24 implemented a groundbreaking pilot study, including
25 extensive community outreach concerning PCBs in the

1 school environment under the supervision of the EPA.
2 The extensive data collected in this study has
3 significantly contributed to the national
4 understanding of PCBs.
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6 Our work on PCBs involves an extensive
7 notification and school outreach program. Each time
8 a visible leak or historic stain from a lighting
9 ballast in a school building is observed we notify
10 the principal of the affected schools and provide a
11 letter to backpack home describing whether or not
12 that ballast contained PCBs, the reason we
13 investigated the ballast and what our findings were.
14 In many cases families receive more than one letter
15 about the same investigation, depending on the
16 findings. In addition, we provide annual letters to
17 schools to communicate the expected timing of their
18 lighting replacement project; we advise school
19 communities when work will commence and inform them
20 when building-wide lighting replacements are
21 completed in their building. We have also created a
22 webpage exclusively devoted to regular status reports
23 for PCBs; this page has been updated monthly since
24 its launch in February of 2011. Among other useful
25 information provided is a list of all buildings with

1 confirmed PCB ballast leaks and all buildings within
2 which work has been completed. In addition, we
3 worked with the Council to codify these notifications
4 and other reporting requirements.
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6 In terms of caulk, SCA has developed and
7 implemented stringent dust control practices to
8 minimize the potential exposure to PCB-containing
9 dust. These practices have been extensively reviewed
10 by the EPA. All caulks are sampled and tested for
11 PCBs if it might be disturbed during renovation and
12 construction. After completion of a project that
13 involves disturbance of exterior PCB caulking
14 material, all soil adjacent to the school building is
15 sampled to test for the presence of PCBs and
16 remediated if required.

17 DSF and SCA perform hundreds of other
18 environmental tests and inspections, including
19 surveys of school water systems for lead and other
20 contaminants, as well as tests of indoor air quality,
21 soil, soil vapor, ambient air, and ground water, to
22 name a few. If a site is currently in use as a
23 school facility and environmental testing indicates
24 an issue with indoor air quality, the test results
25 are reviewed and corrective measures are formulated

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2 and implemented to address the issue. Additional
3 sampling would be performed if corrective measures
4 are taken and the results are shared with the school
5 community and the public.

6 In the case of PS 133, located in
7 Community School District 13, SCA participated in a
8 number of community meetings to discuss the progress
9 of the new construction, testing results of the soil
10 and air monitoring data and the proposed plans for
11 remediation. For the Grand Street campus, also in
12 Community School District 13, which houses three high
13 schools, testing was conducted several times to
14 determine if an off-site source of contamination was
15 affecting the indoor air quality of the school.

16 These results were not only shared with the New York
17 State Department of Health, but also sent by backpack
18 letter to parents and staff and disseminated to the
19 public via SCA's website.

20 Numerous investigations and tests are
21 associated with underground and aboveground storage
22 tanks; the latter requires that the New York State
23 Department of Environmental Conservation be notified
24 when we become aware of a petroleum spill or
25 discharge. Regulatory involvement, including New

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2 York City Office of Environmental Remediation, New
3 York State DEC and New York State DOH may also be
4 required based on the location of the property and
5 the nature and extent of contamination that is found
6 during the investigation.

7 Certified professionals perform all
8 environmental work and all work performed in occupied
9 school buildings takes place after school hours. For
10 major construction projects, a preconstruction
11 meeting is held at the school with SCA, the
12 contractors, custodial staff and the principal. DOE
13 also works very closely with the UFT's Environmental
14 Health and Safety Unit. For example, for CIPs and
15 smaller construction projects, a UFT protocol meeting
16 is held that includes SCA, UFT representatives, the
17 principal, the custodian engineer, and the Parents
18 Association.

19 In addition to environmental testing and
20 inspections of existing schools, SCA also tests new
21 school sites. As you know, SCA acquires property for
22 new school construction and additions and leases
23 facilities that are suitable for new schools. Since
24 2002 SCA has conducted environmental due diligence
25 for lease space. SCA adheres to national recognized

1 standards set forth and established by the American
2 Society of Testing and Materials (ASTM). These
3 standards outline a two-phase regulatory process that
4 includes a site inspection, a review of historical
5 records and databases to determine past usage of the
6 property, a sampling of environmental media, such as
7 soil, an evaluation of the collected data relative to
8 the site's intended use as a school, and the
9 identification of mitigation or remedial measures
10 required to address environmental issues.
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12 For property acquisitions, the results of
13 SCA's environmental due diligence are included in the
14 New York State Environmental Quality Review (SEQR),
15 which is submitted to the Council as part of the site
16 plan review and approval process. For lease
17 renewals, if testing indicates levels that exceed the
18 maximum allowable under New York State Department of
19 Health Air Guidelines values and is suggestive of
20 soil vapor intrusion, we provide public notice
21 pursuant to our established protocol, which is posted
22 on SCA's website.

23 With respect to the proposed legislation,
24 we share the Council's interest in ensuring that our
25 school communities have useful information regarding

1 the environmental condition of our schools. We do
2 however have concerns regarding the reporting
3 requirements in Int. 126. The broad requirement to
4 provide written notification to parents and all
5 employees of each public school that has been subject
6 to any testing or inspection for contaminants,
7 hazardous substances, mold or pollutants within seven
8 days is simply impracticable, given the sheer volume
9 of testing and inspections performed in our school
10 buildings on a regular basis. Each year SCA and DSF
11 perform over 30,000 environmental tests and
12 inspections in our schools; in order to comply with
13 the proposed legislation we need to create a new
14 centrally-based office to review, interpret and
15 contextualize the results in a way that would be
16 meaningful to parents and employees. We also
17 question the value of providing school communities
18 with test results that are within guidance values;
19 sending widespread mailings of routine environmental
20 sampling may cause some parents to have unwarranted
21 anxieties about the significance of testing results.
22 Over-reporting on routine sampling also may overwhelm
23 parents with information so that they may not be able
24 to distinguish between an important notification
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2 regarding their school and a notification of routine
3 sampling. We are also concerned that some parents
4 may even seek to withhold their child from school
5 based on a misunderstanding of the notice. It is
6 essential that DOE retain a substantial level of
7 discretion to work with individual school communities
8 on such risk communication efforts in order for these
9 efforts to be tailored to the individual school
10 community and the specific circumstances at hand.
11 Similarly, the cumulatively detailed data collection
12 required for the biannual report would be a
13 significant undertaking, given the amount of testing
14 and inspections performed. We would also like to
15 note that the cost alone to mail notices to parents
16 and staff would be prohibitive.

17 The safety and health of our students and
18 staff is paramount; we will continue to work with
19 school communities to ensure that they are informed
20 about our work and its progress; we look forward to
21 working with the Council on this important issue.
22 And with that, I am happy to answer any of your
23 questions.

24 CHAIRPERSON DROMM: Before I turn it over
25 to my colleague Fernando Cabrera to start the

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2 questioning, I just wanna say that we've been joined
3 by Council Member Mark Levine, Council Member Vinny
4 Gentile from Brooklyn, Council Member Mark Treyger
5 from Brooklyn as well, and Council Member Alan Maisel
6 from Brooklyn as well. So let me turn it over to
7 Council Member Fernando Cabrera.

8 COUNCIL MEMBER CABRERA: Thank you so
9 much, Mr. Chair and welcome again; I really
10 appreciate your presentation here today. I just have
11 a couple of questions before... I know there... my
12 colleagues have some questions, but regarding PS 51,
13 according to reports, the DOE was aware of the high
14 levels of the chemical TCE that was found in PS 51 in
15 the Bronx for at least six months prior to notifying
16 parents; why, from your point of view, did it take
17 that long?

18 ROSS HOLDEN: Council Member, during that
19 time we found anomalous results in the first round of
20 testing -- there were over 250 leased facilities and
21 this was the only one where there was something that
22 appeared to be amiss, so confirmatory sampling was
23 done, some of which required probes into the soil
24 underneath through concrete that was presumed to have
25 asbestos, so we had to take appropriate precautions

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2 for that as well. When we had all of the results
3 certified and vetted, we then advised the community
4 of what we had found. I should say that we also at
5 that time employed various measures to see whether
6 the air quality in the school could be improved with
7 more active ventilation, which indeed was the case in
8 the classroom environment.

9 Since that time we've met with the
10 community many, many time, we've worked
11 collaboratively with State and City Department of
12 Health on health-related issues; in fact, this
13 evening there is a presentation being made by the
14 State Department of Health on this issue. So at this
15 juncture that's what I can tell you; since our
16 initial meetings three years ago, litigation has been
17 brought against the City on this, so at this juncture
18 I'm really prevented from, in a public forum,
19 speaking further about the issues.

20 COUNCIL MEMBER CABRERA: Okay. Alright.
21 Well regarding that, can you tell us, would it be in
22 your safe zone to tell us whether DOH released a
23 report regarding the contaminants found at PS 51 and
24 if so, what were the findings and did DOE communicate
25 this information to parents?

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2 ROSS HOLDEN: It's my understanding that
3 the Department of Health is working on the health-
4 related issues as opposed to remediation efforts; in
5 fact, we don't occupy that building any longer, the
6 school community was moved to a different space. As
7 far as the findings and recommendations by the
8 Department of Health, I'm really... it's not that I
9 don't wanna tell you; I just don't have that
10 information at hand.

11 COUNCIL MEMBER CABRERA: Okay. Is it
12 possible that we could get that information?

13 ROSS HOLDEN: I think we can secure
14 information from the Department of Health and if a
15 report was issued, a Community Assessment Report, I'm
16 sure that it could be obtained for the Council.

17 COUNCIL MEMBER CABRERA: Now you
18 mentioned that it would be cost prohibitive to be
19 able to send information on a consistent basis to
20 parents; what, in your estimation, will be a solution
21 for parents to be able to get to know if there are
22 contaminants in a building?

23 [background comments]

24 ROSS HOLDEN: Let's divide that up.
25 There are many different types of tests; let me speak

1 from the SCA standpoint first. Most of the tests
2 that the SCA performs in occupied school buildings
3 are for asbestos as part of the design process when
4 we are going to perform a capital improvement
5 project. For instance, removal of old windows that
6 are falling apart and replacing them with new
7 windows. As part of the design process we are going
8 to test the caulk around the windows and any other
9 material -- glazing material and the like -- to see
10 whether or not there's asbestos in them or PCBs. We
11 need to do that so we know how that material should
12 be handled during construction and in what landfills
13 that material should be disposed of thereafter.
14 That's a routine test; it's... yes, we may find
15 asbestos; it's okay, as long as it's sitting there;
16 when we remove it, as part of the CIP project and we
17 install the new windows, before any space can be
18 reoccupied there's be an environmental cleaning,
19 there will be test results for the air and a
20 reoccupancy letter would be issued. But to post
21 information or mail out information during the design
22 process that indeed some of the material we'll be
23 removing during the project contains asbestos we
24 think would be not particularly productive for
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2 anyone. We're glad to know it's there so we know how
3 to handle it appropriately.

4 COUNCIL MEMBER CABRERA: Out of the
5 30,000 cases that you... you're saying it's about
6 30,000 that will have to be reported, right; how many
7 of those are asbestos- and lead-related?

8 [background comment]

9 JOHN SHEA: The majority of the 30,000
10 are related to asbestos testing for AHERA, which is
11 required reporting by the Federal EPA, and those are
12 very routine, and again, a positive result of those
13 tests isn't necessarily a bad thing; the fact that
14 we're identifying that there's asbestos in a
15 particular material just allows us to know if we need
16 to disturb it that we have to do that in a certain
17 way to make sure that our students and staff are
18 protected when we do that. But that's not something
19 that we're looking for as a potential contaminant, we
20 know it's in school buildings all throughout the
21 City, not just in schools; we need to identify it to
22 know how to deal with it when we have to.

23 COUNCIL MEMBER CABRERA: Would you be
24 amicable that the asbestos and the lead reporting
25 will be reported online and the rest of the reporting

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2 to be made also online and by mail directly to
3 parents?

4 JOHN SHEA: I would have to go back and
5 really see how that would even be practical. AHERA
6 tests are very paper intensive and those results are
7 reported and we store them in many, many filing
8 cabinets throughout the years, but again, it's not
9 something that is easily disseminated and it is
10 routine. The only reason that we would go back and
11 look at that ourselves is if we're going to do a
12 project in that area so that we could identify
13 whether there was asbestos related to the work or
14 not.

15 COUNCIL MEMBER CABRERA: So that tells
16 me, if you have a difficulty and it's labor
17 intensive, how much more it is for a parent to know.

18 ROSS HOLDEN: The issue though is that,
19 you know, the asbestos would be in the material that
20 is ultimately going to be removed as part of a
21 project, at least from the SCA's standpoint.

22 COUNCIL MEMBER CABRERA: Right.

23 ROSS HOLDEN: Before we start any work we
24 have a meeting with the school community, the
25 principal, the UFT, Parent Association, custodial

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2 engineer; go over the work that will be done, the
3 materials that we found, how they will be abated,
4 what protocols we'll be employed; so at that time
5 information is disseminated. The fact that there was
6 testing done during the design process and that we
7 found asbestos that will ultimately be removed
8 doesn't seem to be information that would warrant the
9 type of elaborate process that's being proposed.

10 COUNCIL MEMBER CABRERA: But what I'm
11 trying to get at is that if you are... you already have
12 this data, you already have this information;
13 correct?

14 JOHN SHEA: Yes.

15 COUNCIL MEMBER CABRERA: And it's
16 inputted... I'm sure it's not... is it paperwork... is it...
17 do you have in a cloud system; how do you store this
18 information?

19 JOHN SHEA: No, there's a physical paper
20 book and it's actually on file at the school and it's
21 public information available; if a parent wanted to
22 come and actually review the book they would just
23 have to do that through the principal and...

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COMMITTEE ON EDUCATION

COUNCIL MEMBER CABRERA: So right now you don't have it... this information is not inputted online?

JOHN SHEA: No, sir.

COUNCIL MEMBER CABRERA: No. And you don't see any value in it?

JOHN SHEA: I think it would be a tremendous amount of labor and a very complicated process for little value.

COUNCIL MEMBER CABRERA: What would be the cost?

JOHN SHEA: I don't have that information, no [sic].

COUNCIL MEMBER CABRERA: Don't have a cost. Okay. I have some questions, but I know we have some colleagues that have some questions; turn it back to the Chair.

CHAIRPERSON DROMM: So when you send the results to the school, let's say for asbestos reporting in the morning after asbestos abatement, how are those results sent to the school; are they sent online?

ROSS HOLDEN: Email.

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2 CHAIRPERSON DROMM: So if it's already
3 available electronically, what would be the issue
4 about putting it on a website?

5 [background comments]

6 ROSS HOLDEN: So the email that is sent
7 to the principal and the custodian, it's a
8 reoccupancy letter that is sent to... again, from the
9 SCA's standpoint, we're doing the capital improvement
10 work, but it's sent to the SCA from our consultants
11 who did the testing to advise that the air has been
12 tested and that it is [background comment] free from
13 asbestos structures as a result of the work that is
14 performed and that the school building or that space
15 is safe for occupancy.

16 CHAIRPERSON DROMM: So it just seems to
17 me that if it's already available electronically why
18 it couldn't just be transferred over in another
19 electronic way, but here's my thing; you know, I was
20 a New York City public school teacher for 25 years
21 and a UFT chapter leader as well, so having had that
22 experience and having gone through that major
23 asbestos crisis that we had, I think around '96 or
24 so, somewhere in that area, it was often difficult,
25 (1) to get the asbestos report from the reporting

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2 people; (2) it required the principal to put it onto
3 paper, I believe, and then to hang it somewhere or
4 maybe it was custodian, actually, who was supposed to
5 post it; oftentimes it wasn't clear where it was
6 posted in the school. Are there regulations about
7 where the posting of the testing is done? In other
8 words, sometimes I think it was put on the
9 custodian's bulletin board in his office and you'd
10 have to ask the custodian to get into his office in
11 order to find it; it wasn't over the time clock or it
12 wasn't in the main office and it wasn't on the
13 parents' bulletin board and I think having access to
14 the results of the testing is another issue as well;
15 I think it's a valid issue and I think we need to
16 just clarify; are there any guidelines on that?

17 ROSS HOLDEN: Ye... [background comment] I
18 don't... I'm unfamiliar with any particular regulatory
19 requirements or protocols as to where reoccupancy
20 letters should be placed; I do know that it goes to
21 the school, the principal and I would have to presume
22 it's... [interpose]

23 CHAIRPERSON DROMM: I... I think it's
24 actually the custodian, if I'm not mistaken...
25 [crosstalk]

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ROSS HOLDEN: Well...

CHAIRPERSON DROMM: gets... especially an asbestos abatement gets that at about 7 a.m. in the morning... [crosstalk]

ROSS HOLDEN: and the principal...

CHAIRPERSON DROMM: and then must post it.

ROSS HOLDEN: and the principal.

[background comment] Yeah, it's custodian and principal that... that gets it. [crosstalk]

CHAIRPERSON DROMM: They both get it electronically?

ROSS HOLDEN: Yes, so they know that the school can be reoccupied if work was done the night before... [crosstalk]

CHAIRPERSON DROMM: Oh okay.

ROSS HOLDEN: over the weekend.

CHAIRPERSON DROMM: Well I... I think what the concern with the parents is, is that they don't have access to that report; that's the first concern, so when they can't see that posted in a conspicuous location, that gives them concern as to what's really going on. So I think that's also part of the reason why we wanted the notification by U.S. mail, because

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2 also having been a teacher I have to tell you, the
3 backpack letters don't always make it home and even
4 if they make it home, they're not often taken out of
5 the school bag, so the best way to communicate with
6 parents is to send it by U.S. mail. So I would like
7 to ask; how often do you do environmental inspections
8 in schools that would make this cost prohibitive?

9 ROSS HOLDEN: If we were talking about
10 the work that the SCA does, we do about 4,500 various
11 tests per year; there are over 25,000 done by the
12 Department, so if we're talking about every single
13 test that was done, that's 30,000 between the SCA and
14 the DOE for which there would have to be
15 notification.

16 CHAIRPERSON DROMM: So in any... but that
17 does not include every single school in the system?

18 ROSS HOLDEN: It's wherever... for the SCA
19 it's where we are going to perform capital
20 improvement work. For the DOE, the DOE will inspect
21 every three years a particular school, so like one-
22 third of the school facilities throughout the City
23 are done every year. But total, on an annual basis,
24 about 30,000 tests.

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2 CHAIRPERSON DROMM: Following up on that,
3 just in your testimony, I have some concerns about
4 the way this was worded; I don't know if it was your
5 intention, but it almost seems to indicate that you
6 think parents might not be able to understand the
7 results of the testing, and it says here, "sending
8 widespread mailings of routine environmental
9 samplings may cause some parents to have unwarranted
10 anxieties about the significance of testing results."
11 I think our parents are intelligent enough to be able
12 to decide for themselves what those results mean.
13 Why are you assuming that they would not be able to?

14 JOHN SHEA: Mr. Chair, I certainly was
15 not suggesting that parents weren't intelligent
16 enough to understand; I can only tell you, and in my
17 role, I've gone to many, many parent meetings where
18 after the results of a test we were asked to come and
19 discuss those with the parents and explain them, and
20 most of these results that come back in a report form
21 use very, very complicated scientific terms and the
22 names of the materials and substances that are named
23 in there in some cases are borderline
24 unpronounceable; it's very important for us to
25 contextualize those things to explain to the parents

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2 and the staff what is actually potentially hazardous
3 and what is completely routine. Even the experts,
4 when they read these can be confused sometimes with
5 guidance levels and the different substances that are
6 tested for, so the point of that paragraph was to
7 just point out that it's much more effective to
8 explain these things in person and allow parents to
9 ask intelligent questions and get good feedback than
10 simply sending a letter with a whole bunch of terms
11 that might be foreign to anybody.

12 CHAIRPERSON DROMM: I bet you if you sent
13 a letter you'd probably have better turnout at the
14 meeting so that you could explain it further, to be
15 honest with you. I think that's part of the issue is
16 that, because parents aren't even informed of the
17 meetings or don't understand the importance of coming
18 to that meeting because it's either been put in the
19 backpack or not full communicated, that oftentimes at
20 those meetings we don't have as good a turnout as
21 we'd like to see at some of those things and so, I
22 have to agree that this is an issue of transparency;
23 one that, if you were to give the parents more
24 information would get them either more involved or
25 coming to those meetings or whatever. But that's the

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2 purpose of this hearing and we're gonna flush that
3 out at this hear.

4 Just to go back also to my final
5 question, if I can find it... oh yes, okay. So for
6 lease renewals, you said in the testimony, for lease
7 renewals, if testing indicates levels that exceed the
8 maximum allowable under New York State Department of
9 Health Air Guidelines values and is suggestive of
10 soil vapor intrusion; can you just tell me what soil
11 vapor intrusion is?

12 ROSS HOLDEN: So if there is a substance
13 that's either in the ground water or in the soil
14 under the building, it can volatilize and come up;
15 we've all read about radon and things like that
16 that's naturally occurring, but it's a similar thing
17 and we test to see whether or not there is... we have
18 tested to see whether or not there is vapor under the
19 foundation slab; it doesn't mean that it's coming
20 into the school, but we do wanna know where it is and
21 that's what the... that's what the soil vapor tests are
22 for.

23 [background comment]

24 CHAIRPERSON DROMM: That's for any
25 chemical?

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2 ROSS HOLDEN: There are... they're usually
3 for what they call VOCs or volatiles or semi-
4 volatiles and there is, under the State guidelines,
5 approximately 26 or so substances that routinely are
6 found, you know, in an urban environment like ours.

7 [background comment]

8 CHAIRPERSON DROMM: And when do you post
9 that?

10 ROSS HOLDEN: When we do a... well, let's
11 go back to the renewal process. Way back in the day,
12 when some of the buildings that were leased 20 years
13 ago, the same air guideline values did not exist; the
14 State recently, within the last six or seven years,
15 issued those types of guidelines. So when those
16 leases were coming to termination and needed to be
17 renewed, starting in 2002-2003, the SCA would start
18 to do environmental testing before we renewed the
19 lease. There are about 250 leases throughout the
20 City; every property that is now leased has either
21 been tested at the beginning, before the lease term
22 began, or in the case of 51 Bronx, when the lease was
23 scheduled for renewal. Subsequent to the 51 Bronx
24 issue there were about 31 other school buildings that
25 were leased that the lease was not yet up for

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2 renewal, but we went in and we tested the air anyway.
3 So in all 250 plus leased facilities, 51 Bronx was
4 the only place where we found any type of anomaly.

5 CHAIRPERSON DROMM: So one of our biggest
6 questions here today is, when does that get posted,
7 before it's...

8 ROSS HOLDEN: Well, with respect to the
9 31, we posted it immediately after we got the
10 results; it takes a little while for all the testing
11 to be done, but then we posted it on the website
12 immediately thereafter; we also had several meetings,
13 the... [interpose]

14 CHAIRPERSON DROMM: How far out is that
15 from a school siting, I guess, from making a
16 decision?

17 ROSS HOLDEN: Well if it's on the renewal
18 we'll start several months in advance of the renewal,
19 when the time comes for renegotiation of a lease and
20 then we'll do testing then. If it's a new lease, if
21 it's a building we're thinking of leasing and we do
22 test result... we do testing and we find something we
23 don't like, since we don't own the building we'll
24 walk away and we'll look for another space. We're
25 not gonna put... the City's not gonna put money into

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2 remediating a building that we're not gonna own on
3 behalf of the landlord.

4 CHAIRPERSON DROMM: Okay. So I have some
5 colleagues who wanna ask questions as well, so we're
6 going to go to Council Member Inez Barron, followed
7 by Council Member Wills.

8 COUNCIL MEMBER BARRON: Thank you Mr.
9 Chair and I want to acknowledge Council Member
10 Cabrera's introduction of this bill; I think it's
11 very important. I did have the opportunity to
12 interact with the preview, the team that comes in
13 when there's going to be major capital improvements
14 done, when I was principal and they did lay out what
15 would be happening and I was informed that each night
16 there would be an assessment made and in the morning
17 when I came in that report would be on my desk and my
18 custodian was very attentive to that and made sure
19 that I got that; that was many years ago, perhaps 10
20 years ago; we weren't yet using the emails for those
21 reports. But it was critical that I know that my
22 building was safe for my students, my staff and
23 everyone that was coming into that facility, and
24 that's what the intent of this bill is, to ensure
25 that the safety of everyone in that building is not

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2 being jeopardized, so we certainly understand the
3 intent and I'm glad to hear you clarify, because I
4 also took offense to the paragraph that the Chairman
5 pointed out to you, where it says parents... I also
6 interpreted it as meaning parents wouldn't be able to
7 understand that. So if in fact the results come back
8 and everything is within normal range, if that
9 information is communicated very simplistically, or
10 if on the contrary it exceeds the limits that are
11 allowable, it's stated, listen, this is a crisis
12 situation; what would be the complication with doing
13 that; it either falls within the acceptable limits or
14 it doesn't?

15 JOHN SHEA: I... I don't quite know how to
16 answer your question because of the large breadth and
17 scope of the different kinds of tests that we do
18 [background comment] and without getting into random
19 examples, there are many tests that even though we
20 might get results that are slightly above guidance,
21 they're still relatively routine and if it's a matter
22 of ventilating a room or, you know removing a source
23 of potential contaminant, then that's what we do and
24 we continue to share that with the custodian and the
25 principal. And I also do wanna stress that any tests

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2 that we do, whether they are routine or not or above
3 guidance, below guidance, we do have that available
4 to anyone who requests it and we're happy to share
5 that and we're happy to come out and talk to parents
6 and explain the results at any time, so that is
7 always available; [background comment] the current
8 practice that we use is to work through the principal
9 to make sure that everyone is informed.

10 ROSS HOLDEN: From the S... [crosstalk]

11 COUNCIL MEMBER BARRON: But...

12 ROSS HOLDEN: Oh I'm sorry.

13 COUNCIL MEMBER BARRON: Go ahead.

14 ROSS HOLDEN: Council Member, from the
15 SCA's standpoint, many of the tests we perform of the
16 4,500 is to, as I said earlier, part of the design
17 process, to see whether or not there is asbestos, we
18 oftentimes find asbestos in caulking and glazing
19 materials... [interpose]

20 COUNCIL MEMBER BARRON: Yes.

21 ROSS HOLDEN: more often than not,
22 because that's what they did at the time; it's
23 important for us to know that so it can be handled
24 appropriately. But there is a test that gives us
25 information on how to design a project that isn't

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2 necessarily of... that information to the school
3 community during the design process is not a cause
4 for alarm; it won't be a productive communication;
5 what's more productive is when we actually start the
6 work and disturb the material...

7 COUNCIL MEMBER BARRON: Right.

8 ROSS HOLDEN: and then provide the
9 reports to the school community, as you received when
10 you were principal in your school.

11 COUNCIL MEMBER BARRON: That's what I'm
12 talking about; not the fact that the asbestos is in
13 tiles and... as long as it's not disturbed it's not a
14 problem; I'm talking about the work that goes on once
15 that area is disturbed; that's what I'm talking
16 about... [interpose]

17 ROSS HOLDEN: Right.

18 COUNCIL MEMBER BARRON: so that parents
19 have that information; I think we need to be
20 proactive and we need to be transparent and bring it
21 to them, not wait for them to come and ask us, well
22 what is the status of what the work is that's going
23 on; I think that's critical and I think it's an
24 entitlement that parents and staff have as well, and
25 I support this bill and I think that we need to find

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a way to make it cost-effective, but achieve what it is that needs to be done, because we know safety is paramount.

Second question that I have -- I received a call this morning about parents who are concerned; there is; I think you would call it, offsite sources, perhaps, an offsite source of contamination; there's some demolition going on and it's a block or two away from a school. What procedure should I as a council member take to make sure that that school's population [bell] is secured and is safe? Parents feel that there may be contaminants in the air that are entering the building and they're concerned. So what are the steps that I should take going forward when I get back to my office?

[background comments]

JOHN SHEA: You're saying not on the school property?

COUNCIL MEMBER BARRON: Correct.

JOHN SHEA: We would lean on... [interpose]

COUNCIL MEMBER BARRON: But entering into the school building.

JOHN SHEA: Certainly. We would lean on our partner agencies that have regulatory authority

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2 over those types of projects -- Environmental
3 Protection Agency, DEP, DEC -- depending on the
4 nature of the contaminants; Department of Buildings
5 certainly oversees the construction work and whoever
6 is doing that work, whether it's a public or private
7 developer, has to conform to all those rules and
8 regulations, so if there is a concern that someone is
9 not conforming to those existing regulations; those
10 are the folks that should be addressing it, and
11 certainly, if the building principal or the custodian
12 felt that there was something that was not being
13 addressed, that would get filtered up through my
14 office, ultimately; maybe even to me, so that we
15 could make those... outreach on behalf of the school.

16 COUNCIL MEMBER BARRON: Okay, so I'll be
17 reaching out to you later today or tomorrow.

18 [crosstalk]

19 ROSS HOLDEN: Just to say, as an example,
20 the... one we raised in the testimony on Grand Avenue;
21 there was work being done, adjacent property and we
22 were notified by the regulatory authority in charge
23 to do some testing in our school, just to make sure
24 that anything that was on that property that was
25 being remediated by the State did not flow onto our

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2 property and we did some testing at that juncture and
3 found that that was not the case; that the air in the
4 school was fine. So it really is up to the
5 regulatory authorities who control adjacent
6 properties to monitor the situation; if they need
7 help from us, we're there.

8 COUNCIL MEMBER BARRON: Great, thank you.
9 Thank you Mr. Chair.

10 CHAIRPERSON DROMM: 'Kay. So we'll go to
11 Council Member Mark Treyger, followed by King and
12 then Chin.

13 COUNCIL MEMBER TREYGER: Thank you, Chair
14 Dromm and welcome. Can you speak to the experience
15 and independence of the testing companies that are
16 hired to do this work?

17 JOHN SHEA: From the Division of School
18 Facilities, we put out bids for that work and as part
19 of that process we make sure that they have the
20 necessary credentials and the professional
21 certifications that would be required for the work
22 that they're asking them to do, [background comment]
23 so there are a number of people that actually look
24 into that and again, those certifications come from
25 city, state; federal, and as long as they comply with

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2 those, we have an expectation that they would not
3 jeopardize their license and their business by acting
4 outside of that. We also work with them when we
5 review the test results and if there was something
6 that we saw that we didn't understand or was of a
7 concern to us, we would make sure that they explained
8 it.

9 COUNCIL MEMBER TREYGER: But who selects
10 them; are they selected strictly by the DOE or the
11 SCA; is there an agreement with UFT, SCA; who
12 actually selects the groups that are doing the work?

13 JOHN SHEA: For school facilities it
14 would be my office, and we have environmental health
15 and safety people on staff who also have that
16 experience to be able to review those bids and
17 qualifications and certifications of the contractors
18 before we award the contract.

19 COUNCIL MEMBER TREYGER: Do you find that
20 the same companies are hired time and time again to
21 do this work citywide; is it the same couple of
22 companies or does it vary; has there been examples of
23 disagreements where you will stop a contract with a
24 company; I mean, or is it the same people over and
25 over again?

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2 JOHN SHEA: I don't have that level of
3 detail information with me; I can...

4 COUNCIL MEMBER TREYGER: That could be
5 important information, because I do think it goes
6 into the question of the independence of those
7 companies; [background comment] if they're relying on
8 contracts, I'm not sure how independent they will be.
9 Do you...

10 ROSS HOLDEN: Well here at the... at the
11 SCA, when we're speaking for authority, before anyone
12 can even submit a proposal for work or to get a
13 contract at the SCA, you have to be prequalified and
14 that's different than the City, because it's
15 contained in the public authority's law, so we have
16 that vetting process, even before they can propose;
17 then, because we do so much testing in the schools
18 and we build so much in the City, we have, you know a
19 full range of asbestos abatement companies or
20 companies that will abate other substances; we have
21 air monitoring companies, we have environmental
22 consultants; they get evaluated at the SCA; if
23 they're not performing well, they don't get any work.
24 So we also, just as DSF, have a full environmental
25 department which oversees all of that, so it's not a

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2 situation at the SCA where we're using the same firms
3 over and over and over again and they lose their
4 independence; rather, we have contracts with many of
5 them and they come due and every time they do, we
6 have another solicitation.

7 COUNCIL MEMBER TREYGER: So during the
8 testing period, if something comes up where it's
9 really alarming, before we're ready to issue a
10 report, what is the procedure; do they notify the SCA
11 or the DOE if they find something during testing that
12 something is really urgent that should be brought to
13 the attention of parents and school communities
14 immediately, before a report is finally issued?

15 ROSS HOLDEN: They report to the SCA and
16 then it's up to the SCA to do the actual reporting;
17 those companies will provide the information to us
18 for our handling.

19 COUNCIL MEMBER TREYGER: So the question
20 I really have is that, whatever information the SCA
21 gets from these testing companies, is that the same
22 exact information, not edited in any way, that's
23 given to the school community?

24 ROSS HOLDEN: These are test results
25 that... you know, they're numbers and we don't change

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2 that when we do provide information to the school
3 community.

4 COUNCIL MEMBER TREYGER: So when that
5 testing is complete, someone has to sign off on it
6 before it goes to the school community? Can you
7 speak to the process, very briefly; interest of time?

8 ROSS HOLDEN: With respect to work that
9 we've done, we have sent it to the principal, the
10 custodial engineer, UFT; we post it on SCA's website...
11 [interpose]

12 COUNCIL MEMBER TREYGER: But before...
13 before they get to them, I'm saying, does someone
14 have to sign off on it [bell] at the SCA level or DOE
15 level before it gets to the...

16 ROSS HOLDEN: There's something... my
17 environmental people have told me, there's a chain of
18 custody which has to be complete so we know how
19 everything is handled along the way to make sure that
20 all the protocols and requirements under the law have
21 been followed.

22 COUNCIL MEMBER TREYGER: Alright, just in
23 closing, I do find these questions very important
24 just to make sure that we are getting companies that
25 are qualified, experienced in this work, that are

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2 independent in this work, and I would just say in
3 closing that, you know, for the housing stock in our
4 city, we have something called the Building
5 Information System online; you could type in an
6 address and you can get any violations, any issues;
7 why can't we look to having a school information
8 system where we could type in a school number and get
9 any types of pending tests that are being done; why
10 is that not possible? If it's possible for our
11 housing stock, why isn't it possible for our school
12 stock?

13 ROSS HOLDEN: I'm not familiar with the
14 program you're describing, but I think what we said
15 is that there is an enormous number of very routine
16 tests; those that are not on a building by building,
17 school by school basis we handle specifically with
18 that school organization, everything from informing
19 the principal and the custodian to with respect to
20 the lease renewals that the Chair was discussing
21 earlier, posting them on our website for review by
22 anyone who wants to see them.

23 COUNCIL MEMBER TREYGER: Chair, if I may
24 for just... very briefly, just to say that, the
25 Building Information System is run by the Department

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2 of Buildings; you type in any address in any borough
3 and you will get a listing of any information about
4 whether there's been a complaint against the
5 property, any types of violations against the
6 property, what's... any permits and so forth; why isn't
7 that... you know, why can't we look into that model for
8 our schools so we could type in a school number and
9 if there's any tests going on or reports that have
10 been issued with regards to the environmental safety
11 of that school, if it's feasible for our large
12 housing stock, why isn't it feasible for our school
13 system?

14 ROSS HOLDEN: Council Member, I don't
15 have enough information to provide a response to you
16 that would be meaningful at this juncture.

17 COUNCIL MEMBER TREYGER: Okay. 'Cause
18 you had mentioned that there's a lot of tests going
19 on, you know and so forth, but I'm sure there's a lot
20 of inspections in our housing stock as well and
21 Buildings Department is able to do that, and I do
22 think that we can maybe use it as a model just to
23 provide transparency and information I think to our
24 schools. I think parents, teachers, people... I was a
25 teacher myself; people who are in the school system

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2 every day should know what's happening in their
3 school building and should never be surprised by a
4 news report; that's just my concern. And I thank the
5 Chair for his generosity of time.

6 CHAIRPERSON DROMM: Thank you; we have
7 been joined by Council Member Debi Rose from Staten
8 Island, Council Member Antonio Reynoso from Brooklyn
9 and Council Member Mark Weprin from Queens. And I
10 have questions from Council Member King, followed by
11 Council Member Chin.

12 COUNCIL MEMBER KING: Thank you Mr.
13 Chair, and I'll be real quick, and I thank you for
14 your time this afternoon, for your testimony. And in
15 my district, PS 160 was one of those schools that had
16 PCBs that was around and one of the major challenges;
17 what frustrated parents is that they really didn't
18 know, they didn't get the proper information, you
19 know, long after that it was already determined; some
20 students did get sick and you know, we had a whole...
21 tryin' to shut down and it was just a whole back...
22 bunch and forth rallies and meetings. So Int. 126 is
23 pretty much designed just to get information out
24 after testing is done; now you put in your testimony
25 that, you know you thought it might be detrimental to

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2 have so many communications between parents; as my
3 colleague Barron had mentioned that, you know, how do
4 we simplify the information that we're getting out so
5 parents can understand it, not that, you know we put
6 out information; no disrespect to any of the
7 engineers who've got degrees, but sometimes we put
8 information out to show how smart we are as opposed
9 to writing for the reader. So many we can take that
10 approach when it comes to... 'cause I believe, with all
11 the support that we have in this Council, this piece
12 of legislation will make it and get signed one day by
13 the Mayor. So what do you think that you can offer
14 up that can improve this piece of legislation that's
15 offered by Council Member Cabrera that it can help
16 you deliver on?

17 JOHN SHEA: I don't know that we're
18 prepared to have that conversation here at this
19 table; we're certainly open to discussing anything
20 and as I mentioned in the testimony, we absolutely
21 share your concern about transparency and making sure
22 that this information is available to those who need
23 it, so we're happy to discuss it.

24 COUNCIL MEMBER KING: Okay, so it sounds
25 like we need to have further conversations in regard

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2 to what... 'cause you testified a whole lot, so I just
3 wanna know from you, what would you offer to us to
4 improve it for any concerns that you might have?

5 JOHN SHEA: Again, with the limited time
6 we have here this afternoon, I'm not sure that I can
7 answer that question.

8 COUNCIL MEMBER KING: Okay. Well I thank
9 you for your honesty on that. And one last thing;
10 have you ever signed a lease to any building that you
11 know that had any level of contaminants?

12 ROSS HOLDEN: I can only speak from when
13 the SCA started doing the work and we do
14 environmental due diligence with respect to any new
15 lease site that we want to take for a school and we
16 have not, when we've done that work, entered into a
17 lease if there any type of environmental concern, if
18 there are substances that test above guidance levels
19 we would... as I said earlier, we would walk away,
20 because it's... it's not a building that we would own;
21 the City is not going to spend valuable resources
22 that could be used for the children in other schools
23 elsewhere to move into a facility that's just leased
24 and we're only gonna have for 15 or 20 years. So no,
25 we have not entered into any new leases where there

1
2 have been any readings, any test results above
3 guidance levels and indeed, with respect to lease
4 renewals, all leases that have been renewed and
5 leases that have not yet been renewed, [bell] but
6 will be renewed at some point or could be renewed at
7 some point have been tested and we have not found any
8 exceedances for any substances in those buildings.

9 COUNCIL MEMBER KING: Thank you.

10 Chairman, if you... I just have... just a five-second
11 question. From the old schools that you already
12 have, is there any plan or has there been a plan to
13 reeva... because I have old schools in my district and
14 we know how much you say about stuff not being
15 disruptive, but we know that in a lot of these
16 buildings there are contaminants; is there a plan to
17 evaluate or correct those contaminants that we know
18 exist in these schools already?

19 ROSS HOLDEN: These are leased buildings?

20 Are you talking about leased...

21 COUNCIL MEMBER KING: No, I'm talkin'
22 about owned by... owned by the City?

23 ROSS HOLDEN: You mean the older... the
24 older... well look, we take our lead from the various
25 regulatory authorities -- the EPA, the DEC,

1
2 Department of Health, the DEP -- and follow whatever
3 appropriate protocols we need. We know when we're
4 doing work in the school, capital improvement
5 projects, we know we're going to encounter asbestos,
6 we know we may encounter PCBs or other -- lead paint,
7 for instance -- and there are state, you know
8 requirements that we have to follow in order to
9 remove those materials safely and dispose of them in
10 the proper landfills.

11 COUNCIL MEMBER KING: Okay. Thank you
12 Mr. Chair, lookin' forward to a future dialogue.
13 Thank you.

14 CHAIRPERSON DROMM: 'Kay, thank you.
15 Council Member Margaret Chin.

16 COUNCIL MEMBER CHIN: Thank you Chair.
17 Good afternoon. The question I have... I have two
18 question; one is that, besides asbestos, mold, lead,
19 PCB, TC... what other contaminants have been found in
20 our schools; and how were those problems addressed?

21 ROSS HOLDEN: With respect to the SCA,
22 we're looking at occupied buildings, buildings that
23 we're going to perform capital improvement work and
24 largely we're finding those materials that you had
25 mentioned. When we do investigation of property for

1
2 new school construction, then we look at other
3 elements; I think I mentioned earlier the volatile,
4 semi-volatiles that are state... there are state
5 guideline values or guidance levels that we look to
6 to make sure that there is nothing that cannot be
7 remediated. So I don't technically, can't tell you
8 every single substance that may exist in an urban
9 environment like New York City, but with respect to
10 new schools, there's always a remediation process;
11 with respect to existing schools, whatever we find we
12 make sure we follow the protocols and requirements
13 laid out by the regulatory authorities to make sure
14 everything is removed and disposed of safely.

15 COUNCIL MEMBER CHIN: Well I'm raising
16 that question because it relates to one example in my
17 district in one of my high schools, Millennium High
18 School, they are in a leased building, commercial
19 building, and there is a cigar shop on the ground
20 floor and the cigar shop, the smoke gets into one of
21 the rooms that the kids use for exercising. So the
22 whole thing with secondhand smoke, for many, many
23 years and that problem never got resolved until we
24 got that cigarette shop closed down and... So I'm just
25 saying that things like that, I mean it was a leased

1
2 building and we were having a problem dealing with
3 that issue and secondhand smoke; it's not good for
4 our kids or the teachers. So those are contaminants
5 that we also really have to deal with; we pay a lot
6 of rent for these leases, but because of political
7 pressure we were able to get the landlord not to
8 continue renting to this cigarette shop.

9 And also, I think from your testimony
10 today, it's interesting that you say that there are
11 regular testing that are going on every year, so in
12 terms of the legislation that we're proposing, I mean
13 there are ways... we're not... I don't think we're asking
14 about every single test; I mean you could let the
15 school community, parents know that these are the
16 regular tests that take place every year and when you
17 do your regular testing and you find something that
18 we should be aware of, then you need to let parents
19 know so that they can also follow up and find out
20 what was done about it, what was the result and how
21 it got remediated. So I don't think we're asking for
22 a lot, but there's gotta be a way that parents in the
23 school and teachers and principals can get
24 information that affects, you know their children.
25 So I just urge you to [bell] go back and just lets

1
2 sit down and work it out; I don't think it should be
3 that complicated and we're not asking for every... I
4 don't think we're asking for every single test, but
5 even just letting people know, parents know that
6 there are some routine tests, that their school is
7 being tested every three years; I think that's a
8 start. Thank you.

9 CHAIRPERSON DROMM: 'Kay, thank you.

10 Council Member Rose.

11 COUNCIL MEMBER ROSE: Thank you Chair.

12 Could you tell me, and maybe you covered this before
13 I got here; what triggers an inspection or an
14 environmental review?

15 ROSS HOLDEN: Is this for a piece of
16 property that the Department of Education or the SCA
17 may require for a school, or are we talking about a
18 test in an existing building from the SCA's
19 standpoint? [crosstalk]

20 COUNCIL MEMBER ROSE: Is it a different
21 criteria? What would have... you... when we acquire a
22 building, you automatically do an environmental
23 review, an inspection; yes?

24 ROSS HOLDEN: We follow the ASTM Phase 1
25 and Phase 2 requirements; Phase 1 is a review of the

1
2 historical documents so we know what uses that
3 building or the property was put to in the years
4 [background comment] long ago, we'll do a site
5 inspection and based upon those findings, we may then
6 need to proceed to a phase 2, which is an actual
7 testing of materials, such as ground water or soil,
8 to make sure that there are... to find out what's
9 there; if we find something and we can remediate it,
10 we do; that means we may remove soil, we may install
11 engineer controls, like a vapor barrier or sub slab
12 depressurization system; sometimes we do it
13 prophylactically because it's easier to do when you
14 have an excavation than doing it later on and you
15 know, you don't know what the future holds, so...
16 [interpose]

17 COUNCIL MEMBER ROSE: So in terms of
18 buildings that we already have control over and are
19 in use, what would trigger an inspection or a review?

20 ROSS HOLDEN: From the SCA's standpoint,
21 we would do inspection of materials that could be
22 disturbed during a capital improvement project; if we
23 were gonna take out old windows and replace them with
24 new windows, the caulk around the windows that, you
25 know, has to be there to make sure that no wind,

1
2 debris or rain comes in would be tested to see
3 whether or not it contains asbestos or PCBs, and then
4 if it does, then we know that it has to be handled a
5 certain way and abated a certain way during the
6 construction process and disposed of in a landfill
7 that's appropriate for that purpose.

8 COUNCIL MEMBER ROSE: So if there's not
9 historical sort of reference that would trigger you
10 looking at the environment, give... for an example, if
11 there's a co-location in a school, in an existing
12 school, would you any kind of environmental search or
13 review or anything to ascertain that this co-located-
14 now school is in a safe environment?

15 ROSS HOLDEN: If we had to do... again, and
16 I'm speaking for the SCA, if we had to do capital
17 work in that school to accommodate the co-location...
18 [crosstalk]

19 COUNCIL MEMBER ROSE: Only capital work.

20 ROSS HOLDEN: Right... then we would do the
21 appropriate testing to make sure that anything in the
22 construction process that may be disturbed is handled
23 in the appropriate manner.

24 COUNCIL MEMBER ROSE: So I'm trying to
25 get to whether or not there is some sort of reporting

1
2 mechanism. If you are not acquiring a property or
3 you are not doing a capital project on an existing
4 property, then there is no environmental review or
5 inspections that are done periodically?

6 JOHN SHEA: The Division of School
7 Facilities does tests separate and apart, but it's
8 not related necessarily to any co-location or
9 anything like that. We have regulations that we're
10 required to conform to with asbestos under AHERA and
11 lead and now the PCB program; we also would do
12 testing in certain cases if there were maintenance
13 projects that we would be undertaking. We would also
14 go through, if someone brought something to our
15 attention as a concern, if there was a need to test,
16 then we would do that as well and whatever the
17 results of those were, we would ultimately share with
18 the building custodian and the principal.

19 COUNCIL MEMBER ROSE: So in my district,
20 I have two schools where the PCB levels are 20,000
21 parts per million and 880 parts per million, and it
22 should not exceed levels of 50 percent per million
23 and if they do, they're supposed to be abated
24 immediately. I know we have a plan, but the plan's
25 been in place now two or three years, we're two or

1
2 three years in and at these levels it still has not
3 been... there's been no abatement measures. What would
4 trigger School Facilities to go in and handle this in
5 an expeditious manner and where is the tracking? I
6 know the PCB program is tracked; where is it tracked,
7 you know, these projects that need to be done; what's
8 the course, when a phone call is made, where is that
9 made and where is that reported? Because Council
10 Member Treyger was talking about there should be some
11 central location or database that you can go to and I
12 believe that there should already be... that should be
13 in existence, it's just a matter of, you know,
14 organizing it and putting it all in the same place.
15 If there's a reporting mechanism, how does one report
16 that there is a problem or there should be an
17 environmental review and then, what happens; what's
18 the process and is there a timeline ascribed to that
19 and then, how is it tracked; is it tracked? And if
20 so, then there is already a system in place that
21 could be utilized instead of reinventing the wheel
22 and notification could be, you know, either sent out
23 or people would have access to it. Could you please
24 tell me what... how... you know, once you are aware that
25

1
2 there's an issue, what happens; how is it tracked and
3 what's the timeline?

4 JOHN SHEA: And I would have to answer
5 that by saying it's very building- and incident-
6 specific and if it's something that's normal routine
7 maintenance as opposed to something that was brought
8 to our attention as a potential concern -- I'm not
9 trying to avoid the question, I'm just saying,
10 there's so many different things that we would test
11 for in the course of our work... [interpose]

12 COUNCIL MEMBER ROSE: So then if it's
13 routine maintenance, let's say, then there's a
14 schedule, right? There's... there's a schedule, if
15 we're talking routine maintenance. [background
16 comment]

17 JOHN SHEA: If there's a project to be
18 done -- when I say routine maintenance, I'm saying,
19 if there is a maintenance project that my staff would
20 be doing, if the plumbers, the electricians, the
21 carpenters would be going out and doing something in
22 a school building, [background comment] they might be
23 testing the paint to see if there is lead in it; they
24 might be testing the walls to see if there's asbestos
25 [background comment] in the materials; those are the

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2 routine maintenance type tests that we would do, and
3 again, we might get a positive result back for
4 asbestos, but that does not mean that that's a bad
5 thing, that just tells us how we have to manage and
6 handle that. So the nature of just having a test and
7 having a positive result in no way means that there's
8 any dangerous condition.

9 COUNCIL MEMBER ROSE: Okay. So there is
10 no schedule of when you might do an environmental
11 review?

12 JOHN SHEA: Again, it depends. Using
13 AHERA as an example, we have to test all of our
14 buildings every three years as part of the federal
15 regulation; that is on a schedule; that is
16 maintained, but that is a paper system, it's not
17 electronic in a database and I, sitting here today,
18 don't know that it's conducive to easily reporting
19 out, just in general. The system, again, is that the
20 principal has that report on file and it's available
21 to anybody that wants to come and take a look at it
22 and we're happy to share that information or even
23 [bell] go with people to explain what those results
24 might mean.

1
2 COUNCIL MEMBER ROSE: Okay. And I just
3 wanna know, of the schools that were affected by
4 Hurricane Sandy, have they been tested for, you know
5 brown water, sewage issues, contaminated water, all
6 of those; have they all been inspected and dealt
7 with?

8 JOHN SHEA: Yes they have. Every one
9 had... if there was environmental impacts as part of
10 the damage, that was all tested, whether it was by
11 the School Construction Authority or my office; all
12 of those buildings had air tests done before
13 reoccupancy; all of those buildings had water,
14 potable water tests done prior to reoccupancy, we
15 worked very closely with the UFT Health and Safety
16 Committee to make sure that they were onboard with
17 our results and they were thoroughly vetted before we
18 allowed any students or staff back into those
19 buildings.

20 COUNCIL MEMBER ROSE: Thank you. Thank
21 you, Chair.

22 CHAIRPERSON DROMM: 'Kay, thank you.
23 Council Member Vincent Gentile has a question.

24 COUNCIL MEMBER GENTILE: Thank you... thank
25 you, Mr. Chair. I... you know I've always had good

1
2 experience with School Facilities, but now that
3 you're here... [interpose]

4 JOHN SHEA: Thank you.

5 COUNCIL MEMBER GENTILE: and I understand
6 what you're saying about this legislation and the
7 burdens that were placed on you and the system and
8 how people might misinterpret, but I just had a
9 situation in two schools in my district in which
10 neither DEP nor School Facilities has any knowledge
11 of. There are two schools in my district now, in
12 close proximity to each other, that have had their
13 water shut down, shut off for days, before the
14 Passover holiday and then after the Passover holiday
15 and to this day they're brining in hand sanitizers
16 and bottle water for the staff and for the students.
17 Had not CSA, the principals' union, called me and
18 told me that this situation was continuing, I would
19 not have been aware of this; School Facilities didn't
20 call me, and apparently School Facilities doesn't
21 even know what this issue is. Now how could
22 something like that exist when we have not one
23 building, but two buildings in close proximity to
24 each other with the same problem [background comment]

1
2 and somehow School Facilities seems to be dropping
3 the ball here?

4 JOHN SHEA: Well I am very familiar with
5 those two buildings; I can tell you that the
6 information did come to us, which is very common that
7 someone on the school staff would mention this to the
8 custodian as a potential problem; we did look into
9 it, we are continuing to look into it; we provided
10 the bottled water and the hand sanitizers to make
11 sure that the school can still operate, but we are
12 flushing the system over the break and we're doing
13 post-flushing testing, which is a very common way to
14 handle the situation and it's not the first time that
15 it's happened and we are waiting for the final
16 results to come back so that we can see if in fact we
17 still do have a problem and there is further
18 investigation that needs to be done or whether the
19 water is now fine and people can use it.

20 COUNCIL MEMBER GENTILE: But at the same
21 time, there seems to be an information blackout; no
22 one at the school can tell me what's happening and
23 apparently parents don't know what's happening. What
24 has School Facilities done in that regard to reach
25 out to parents in situations like this; certainly

1
2 there's a procedure when there's PCBs involved; what
3 happens in a pro... your procedure when you run up
4 [sic] in a situation such as these two buildings
5 have?

6 JOHN SHEA: Well I can only respond on
7 how we responded to the issue, first I will say, the
8 building is perfectly safe for students and staff to
9 be in there right now; we are recommending that they
10 not use the water until we find out what exactly the
11 problems are, but because we don't have complete
12 information about the testing and we don't have a
13 plan of action, there is really nothing to say at
14 this point other than we are working on trying to
15 identify it and then figure out a solution. We're
16 happy to share the fact that we have an issue that
17 we're investigating, but beyond that we really don't
18 know until we get the test results.

19 COUNCIL MEMBER GENTILE: But do you
20 communicate with the principal at least, to [bell] to
21 have the principal at least have some information
22 that he or she can give to the parents?

23 JOHN SHEA: Yes sir, both principals are
24 aware of where we are in the process and what we're
25 doing. We have... my deputy director that has been in

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2 constant communication between our environmental
3 health and safety folks and the principal and trying
4 to make them feel comfortable and some of the things
5 that you mentioned with bringing in the water and the
6 wipes was as a result of us getting involved and
7 actually making that commitment. Yesterday I spoke
8 to my field services director who mentioned to me
9 that, hey, I just wanted to let you know we're
10 funding the wipes and the additional water for that
11 building in case you get any questions. So
12 internally and with us and the principal, I think
13 there's been terrific communication; if there's
14 anything else that you would like from my office, I'm
15 happy to share it.

16 COUNCIL MEMBER GENTILE: Okay. So but
17 it's up to the principal then to communicate with
18 parents and the rest of the staff?

19 JOHN SHEA: Yes, sir.

20 COUNCIL MEMBER GENTILE: You don't do
21 that... you don't do anything with... [interpose]

22 JOHN SHEA: If... if a principal wanted to
23 have a parent meeting, I would be more than happy to
24 provide either myself or someone on my staff to come
25 out and discuss what was goin' on and where we were

1
2 in the process and share any information that we had,
3 we're happy to do that.

4 COUNCIL MEMBER GENTILE: Okay, we'll
5 follow up on that. Thank you.

6 JOHN SHEA: Yes, sir.

7 COUNCIL MEMBER GENTILE: Thank you.

8 CHAIRPERSON DROMM: 'Kay, thank you. And
9 just a couple more follow-up questions. What
10 information must the SCA present to the City Council
11 during the site planning review and approval process?

12 ROSS HOLDEN: When we are... the SCA
13 submits for approval under the Public Authorities Law
14 site for a new school, a site plan, we also submit
15 the SEQR that's the state... not the City SEQR, but
16 we're governed because we're state authority... state
17 SEQR; we provide that report prior to any
18 consideration of the site by the City Council. Part
19 of that report or a chapter in that report talks
20 about hazardous materials; there are other issues too
21 -- archaeological, if it's appropriate, space, noise,
22 light and other things -- so it's broader than just
23 substances that we find and how we remediate it, but
24 certainly that's an important chapter that is
25 provided to the Council as part of that process.

1
2 CHAIRPERSON DROMM: Just curious; what
3 about traffic?

4 ROSS HOLDEN: Traffic is also... if traffic
5 is an issue, that's also part of the SEQR review,
6 with recommendations on changing the timing of
7 traffic lights or stop signs or other things like
8 that and we work closely with the Department of
9 Transportation on those issues.

10 CHAIRPERSON DROMM: 'Kay. And then
11 finally, has the DOE or SCA had any direction
12 conversations with advocates regarding this
13 legislation?

14 ROSS HOLDEN: We've had... at the SCA we've
15 had many conversations with the advocates New York
16 Lawyers for the Public Interest; I see Mark Ladov
17 here; we had a meeting as recently as two or three
18 weeks ago at the SCA, Lorraine Grillo, President and
19 CEO was there, I was there, our Vice President, John
20 O'Connell has gone out to the school community and
21 spoken as well. So we have engaged, and I think they
22 will agree, that we have engaged in a productive
23 discussion and we try to be as collaborative, you
24 know as we can with that community.

1
2 CHAIRPERSON DROMM: Alright, well that's
3 good news and I think we'll end on that note and I
4 thank you for coming in and we will be calling up our
5 next panel just shortly. Do you have that panel.

6 ROSS HOLDEN: Thank you, Chair.

7 CHAIRPERSON DROMM: Thank you very much.

8 JOHN SHEA: Thank you. Thank you for the
9 opportunity.

10 CHAIRPERSON DROMM: And that will be Mark
11 Ladov from the New York Lawyers for the Public
12 Interest, Claire Barnett from the Healthy Schools
13 Network, [background comments] Helene Hartman-
14 Kutnowsky from Community Board 7 in the Bronx, PS 51
15 Parents United and Nicole Forbes from PS 51 Parents
16 United as well. [background comments] And we have
17 received testimony for the record from the United
18 Federation of Teachers in favor of this legislation;
19 thank you for the UFT, and also from the Council of
20 Supervisors and Administrators, we thank you for your
21 testimony as well, and they are in support of this
22 legislation. Thank you. So Mark, would you like to
23 start us off?

24 MARK LADOV: This... this on? Thank you.
25

1
2 CHAIRPERSON DROMM: I have to swear you
3 in. So let's do it all together then, yeah. Would
4 you all raise your right hand, please? Do you swear
5 or affirm to tell the truth, the whole truth and
6 nothing but the truth in your testimony before this
7 Committee and to respond honestly to Council Member
8 questions?

9 MARK LADOV: I do.

10 CHAIRPERSON DROMM: 'Kay, thank you, and
11 Mark.

12 MARK LADOV: Great, thank you very much
13 Councilman. So first of all, thank you to Chairman
14 Dromm for holding this hearing; thank you to Council
15 Member Cabrera for introducing this important
16 legislation and also to all of the members of the
17 Education Committee for all of your focus and
18 attention to this important issue, and I apologize
19 for the fact that my voice is somewhat shot.

20 New York Lawyers for the Public Interest
21 has been working for many years with parents,
22 particularly in low-income neighborhoods and
23 communities of color to fight for the environmental
24 health and safety of our schools. In this work we
25 repeatedly receive calls from parents and community

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2 members who have legitimate concerns about the
3 environmental health and safety of their schools but
4 who are unable to get clear answers to their
5 questions. We've also heard from parents, such as
6 the parents from PS 51 who are up here with us now,
7 who learned about environmental hazards in their
8 schools but only after months of delay after they
9 were uncovered. Int. 126 would help address these
10 problems by ensuring that the Department of Education
11 shares all of its investigations into the
12 environmental health and safety of our schools;
13 specifically it would require online posting of all
14 school environmental inspections in an easily
15 accessible manner; it would require prompt
16 notification to parents and staff of environmental
17 test results and it would importantly require regular
18 reporting to the City Council and to the public about
19 the DOE's environmental inspections and mitigation
20 efforts, and we think one of the important pieces of
21 this bill is that report so that we can have a
22 regular hearing where the DOE can explain not just
23 what testing is doing, but also what are some of the
24 proactive measures that it's taking to improve indoor
25 environmental air quality and indoor environmental

1 health. We know from research that improving
2 environmental health is an important thing to do, it
3 improves kids' health, it improves kids' learning; it
4 even has been shown to improve test scores. So this
5 is an important issue where, you know we can really
6 start using this information to not just deal with
7 crises as they come up, but to actually start making
8 a real positive improvement in our schools.

10 I did want to address a couple of the
11 concerns that we heard from the Department today.
12 You know, I think that we're certainly receptive to
13 the concern that there are thousands of reports and
14 that it would be difficult to reach out to parents
15 every time that they do one of these tests. I
16 actually thought that what Council Member Treyger
17 suggested about the Building Information System is an
18 important point to make, because I actually think
19 that the DOE is already part of the way there. There
20 is an excellent School Facilities webpage on the
21 DOE's website already, every school has its own page;
22 every one of those pages is linked from the school
23 portal; the building condition assessment surveys are
24 up there, open job orders are up there, ongoing
25 repairs are up there, and I think that it would

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2 actually... it would be potentially very easy to start
3 adding this information to those webpages; people
4 already know how to use those pages, people know to
5 look for information there, and I think it should be
6 a very low threshold ask of the DOE to start doing
7 that and getting that information out into the public
8 record. I think there also could be sort of a second
9 tier to the system which does occur when the DOE does
10 a test and discovers, well wait a second, there is an
11 air quality reading here that requires follow up and
12 mitigation; there is a water problem where we're
13 discovering something that might potentially be
14 unsafe, and I think at that point it would be
15 incumbent upon the DOE to start doing that more
16 aggressive outreach envisioned in the bill, [bell] to
17 start reaching out to parents and explaining to them
18 what's going on, and I think that's important that
19 that happen at the outset, at the moment when they
20 first get those tests. I think part of the problem
21 with PS 51 is that the DOE's practice has been, we'll
22 do the tests, we'll sort of confirm it for six
23 months, we'll think about whether we can solve the
24 problem and then if we can't solve the problem, then
25 we let parents know. I think, as we've learned, by

1
2 that point there's no trust, parents feel like, you
3 know they had a right to be involved in that process
4 from the get go; we certainly agree with that, and I
5 think that some sort of two-tiered system could work
6 very effectively in getting that information to
7 parents and I think it would hopefully be a
8 manageable universe so that the DOE could provide
9 that information with the kind of context and fact-
10 based information about what it really means, that I
11 think Mr. Shea was describing in his testimony.

12 My time is up and I wanna move on, but
13 I'd be happy to answer any questions. Thank you very
14 much.

15 CHAIRPERSON DROMM: Next... would you like
16 to go next? Okay.

17 CLAIRE BARNETT: Thank you very much..
18 [interpose]

19 CHAIRPERSON DROMM: Just turn your mic on
20 and state your name as well.

21 CLAIRE BARNETT: Right. Thank you
22 Chairman; my name is Claire Barnett; I'm Executive
23 Director of the Healthy Schools Network and I
24 appreciate the opportunity to offer some comments
25 here. I'm not based in New York City, but we've been

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2 working nationally and within New York State and City
3 for many, many years on school environmental
4 questions. [background comment]

5 Just a little bit of background; one of
6 our first successes was actually securing \$125
7 million from the Stat's 1996 Environmental Quality
8 Bond Act, which helped remove the coal-fired boilers
9 out of New York City schools and we've been very
10 active since then.

11 In New York City we also championed the
12 2005 New York City Council law, the Green Build Act,
13 which led the School Construction Authority to
14 develop a green guide for the design and construction
15 of schools. I'm here today to comment on Int. 126.

16 The first thing I wanna mention; this
17 Committee should be aware that children are more
18 vulnerable to environmental hazards than the adults
19 around them; they breathe more air per pound of body
20 weight, their skin is more permeable; they can't
21 identify or get away from hazards, and this is well-
22 established by U.S. EPA and a number of other
23 agencies.

24 I wanna talk briefly about contaminants.
25 When SCA or the Division of Facilities is looking at

1
2 a building and doing a site assessment, they're going
3 to find many things, not just the particular
4 contaminant they were there to test. I think it
5 might be important to create some generic reporting
6 requirements regarding contaminants and other
7 conditions and practices that are threats to the
8 environmental health and safety of occupants.

9 The second is the creation of data
10 reports; we focused here this morning on both SCA and
11 DSF as the generators of data that needs to be
12 recorded, but there are other entities in the City
13 that also generate information that might be useful;
14 for example, the New York City Department of Health
15 and Mental Hygiene; for example, U.S. EPA; for
16 example, NIOSH (National Institutes of Occupational
17 Safety and Health) will do health hazard evaluations
18 and have in New York City schools. So there are a
19 number of different sources that would generate
20 valuable information that might be useful to have
21 access to.

22 Thirdly, in terms of the notification of
23 parents, this is a... it's a universal issue; this is
24 not unique to New York City, it happens all over the
25 place, and I'm so glad you're taking a stab at trying

1
2 to begin to solve the problem here. One of the
3 suggestions I have is, rather -- and I think Mark
4 just touched on this -- is when you wait for all the
5 tests for contaminants to be massaged and to be
6 reinterpreted and contextualized, you wait a very,
7 very long time while people are getting very, very
8 worried, and I think it would be good to shorten up
9 that timeframe a little bit. The first suggestion is
10 that if you are going to conduct unusual or
11 unscheduled testing for particular, or do some sort
12 of a site assessment, or an agency is; why don't you
13 just tell people that there is an assessment coming
14 up within a week timeframe or two-week [cough]
15 timeframe, which then puts the whole system on notice
16 that there's a little bit more pressure under them to
17 come up with those results and contextualize them as
18 quickly as possible.

19 Finally, I wanna comment about keeping
20 all the records within the Education silo. I think
21 there's a wonderful suggestion here from the Council
22 Member about what the Department of Buildings does; I
23 think that's very interesting and it has a lot of
24 merit to it. But beyond that, I think it would be
25 really important if there's a distribution of

1
2 information; the key point is to reach the
3 chancellor's Parent Advisory Council or the Education
4 Councils; I think those are logical distribution
5 points, and when you start doing that, there will
6 become a need at some point -- which is not the
7 subject of this bill -- to provide Parent
8 Associations and Education Councils with some
9 background training about what these things actually
10 mean and what the system is; it will be a... [bell]
11 it'll be a big surprise at first, but then people
12 would begin to get used to it.

13 And finally, while it's not really the
14 subject of this bill, I want you to know that
15 throughout the State and throughout the country we're
16 recommending something which the City Council might
17 want to take up at some point. We know that
18 children's health in learning and behavior, and we
19 mean test scores, every single day [cough] kids' test
20 scores are being diminished by the environmental
21 conditions of their buildings; it's not fair, so it's
22 really important to help kindergarten through 12
23 schools stay on top of these facility environmental
24 health issues, because throughout the country, not
25 just in New York, throughout the country there are no

1
2 superintendents, no building principals and no boards
3 of education that are actually required to have any
4 training or background in environmental management
5 and that is a big deficit, that is a big problem. So
6 we've recommended to the New York State Health
7 Department that it take the lead in convening a
8 permanent public-private state advisory council, led
9 by three major agencies; health, environment and
10 education, with some key child health advocacy
11 groups, just to begin to get everybody up on the
12 learning curve and to stay current on emerging issues
13 and begin to get some problem-solving. Testing and
14 remediation are all after the fact; prevention is a
15 huge component that would save a lot of money and
16 again, an educated constituency group and a council
17 would be helpful. Thank you very much.

18 CHAIRPERSON DROMM: Thank you. Whoever
19 would like to be next.

20 [cough]

21 NICOLE FORBES: Hello, good afternoon
22 everyone. My name is Nicole Forbes and I am an
23 active community leader of the PS 51 Parents United
24 group; we are affiliated with the Northwest Bronx
25 Community Clergy Coalition. I am also a constituent

1
2 of Councilman Cabrera and I would like to thank you
3 for your leadership on the reintroduction of the
4 school toxin disclosure bill. I am filled with a lot
5 of joy to see this bill introduced to the City
6 Council; given the struggles that we as a parent body
7 had to endure giving rise to this bill. No parent
8 should have to endure what we've endured, it's been a
9 lot and it's still very personal for me, being that
10 I'm the mom of one; she's in the audience here with
11 me today, and my nephew, and to see them have to go
12 through something like that [background comment] and
13 us not be notified, it takes a lot.

14 In January of 2011 the Bronx New School
15 underwent an air quality review by the SCA as a
16 routine part of renewing the lease; a known
17 carcinogen called TCE was found in the building at
18 levels as high as 10,000 times the New York State
19 standard. The building was tested twice and the DOE
20 had the audacity not to inform parents of the
21 findings. This information was withheld from the
22 school, as well as parents until August of 2011;
23 we're talking what, three years ago? [background
24 comment] As a parent, I found out about this
25 information by word of mouth from another parent who

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2 discovered this information in our newspaper. Our
3 children were in that building each and every day
4 learning in this environment; my child, she struggles
5 with asthma; every single week my nephew [coughing]
6 was coming home with headaches that we could not
7 explain, every week, and it put his mother through a
8 lot, because she couldn't understand where it was
9 coming from. Parents were not notified until we
10 heard by word of mouth that the school would not be
11 reopened due to these findings. Through PS 51
12 Parents United, the rise of this bill with the
13 wonderful support of the New York Lawyers for the
14 Public Interest and the Office of Councilman Cabrera,
15 will help to prevent anymore occurrences like this in
16 our public schools. We are prepared to continue the
17 work we have started to see this bill through to the
18 end, 'cause as parents, we are stakeholders in our
19 children's lives, we make every decision for them,
20 each and every single day, whether it's in the school
21 building, whether it's for the government, whether
22 it's here at City Hall, they're ours and they're
23 precious to us.

24 We look forward the opportunity to
25 continue to be a central part of the future of the

1
2 future of this bill; we have [cough] amendments we
3 believe will help to make the bill much, much
4 stronger, such as allowing parents to opt for
5 electronic notification; requiring the DOE to link to
6 each school's environment testing reports on the DOE
7 webpage for that school. As parents, we send our
8 children to school trusting that the environments are
9 safe and we are notified immediately if anything
10 arises that will put our children's health at risk.
11 [bell] This bill allows us to hold the DOE
12 accountable for communicating to us in a timely
13 manner about something so essential our children's
14 health. Thank you.

15 CHAIRPERSON DROMM: Thank you.

16 [background comments]

17 HELENE HARTMAN-KUTNOWSKY: Good
18 afternoon. My name is Helene Hartman-Kutnowsky and
19 I'm here wearing two hats; I'm a parent of a 20-year-
20 old who attended PS 51 in the contaminated school for
21 six years; she was on the first floor, I also happen
22 to be the Chair of Community Board 7, the
23 Environmental Issues Committee. So first I wanna
24 start with the good news; that the New York State DEC
25 is remediating the building; they have met with us;

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2 they have worked with us beautifully and I have a lot
3 of details on that; we don't have an issue with that.
4 To say that New York City DOE or School Construction
5 Authority has been very accessible to us is... would
6 just not be true and I need to just put that out
7 there.

8 I wanna thank Councilman Cabrera for
9 putting out the legislation and I just wanna say that
10 we support it, we are very happy with it; I wanna
11 speak to the notification piece though, because I
12 think we need a little bit more, especially after
13 being here today and hearing the answers and
14 responses that you did get.

15 First of all, the prompt notification is
16 an important issue, but we need to not forget about
17 the older students. Right now we have a very big
18 problem with being sure everyone is notified; it was
19 very hard meeting with DOE and School Construction
20 Authority; I can't begin to go through the whole
21 timeline; I don't have time for it, but the reality
22 is, it was a nightmare, there was a mailing that was
23 done; people were not all notified. We asked them to
24 do a second mailing and they did; I can tell you that
25 four of the students that we reported they did not

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2 get notices, they got second notices to their
3 household with different students' names on them.
4 Okay, so I don't know what was going on; it's a work
5 in progress; we are not giving up. But the reality
6 is, we should not be working this hard, you know
7 we've had... it's the Community Board, we have PS 51
8 Parents United; we've had a lot of good help, our
9 elected officials have been very supportive, but this
10 should not be our responsibility and I believe that
11 this is why you need a strong notification piece, and
12 I don't really care about the money, but to be
13 honest, I don't think it has to be that expensive.
14 You know, we have the internet, there are ways to
15 reach people. 'Kay, we have 30-year-old students
16 that may be having children of their own that may not
17 even know they were exposed to TCE and this was a
18 school, this was a wonderful school, we loved it, we
19 practically lived there; you got in by lottery, it
20 was a school of choice, so even the parents spent a
21 lot of time there. So we have a tight community and
22 yes, we are helping to notify people; it should not
23 be with us, it should not be our responsibility, so I
24 think we need that in the bill, we need to say that
25 former teachers, former parents -- by the way, we

1
2 still have... the teachers are covered, but not all the
3 workers in the building have been covered. I know of
4 a parent coordinator who has not been covered or, you
5 know, involved in terms of following up her health as
6 well.

7 I'm sorry; it's just a very emotional
8 topic for me. Okay, so it has to be [static] part of
9 the legislation... alright... my ti... again, I told you my
10 time is limited, but we have to outreach to
11 everybody... alright. What I just wanna say is... [bell]
12 just real fast, this was a vapor intrusion, so again,
13 speaking to the older students, it is very likely the
14 earliest students who are now turning 30 were at more
15 health risk, because with heating of the building,
16 there was some dissipation of the chemicals, so my
17 daughter, who's now 20, you know this is the kind of
18 thing, I have to mention it to her, when she sees a
19 doctor, this is always in our mind and it's just...
20 it's not fair, it's not right. So I just... again, I
21 don't wanna let DOE and School Construction off the
22 hook, because we... while we've been working with them
23 on the new legislation, it's been very difficult to
24 work on the notification and the other pieces. Thank
25 you very much.

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2 CHAIRPERSON DROMM: 'Kay, thank you and
3 we have a question from Council Member Mark Treyger.

4 COUNCIL MEMBER TREYGER: Thank you, Chair
5 Dromm and thank you Council Member Cabrera for
6 raising this very, very important issue and very
7 important hearing. Just to also just point out, the
8 last panelist mentioned about the importance of
9 notification to everybody. I also ask us to be
10 mindful of the diverse communities in our city; you
11 know, I represent a district that has a large number
12 of Chinese-speaking families, Russian families,
13 Spanish-speaking families, so notification, you know,
14 make sure that they reach those communities as well
15 and that's I think one of the advantages maybe of a
16 school information system on a website that could be
17 easily translated [background comment] to multiple
18 different languages. I was really amazed that the
19 City officials were not familiar with the Building
20 Information System, but it could be a really useful
21 tool to really gauge the health of our schools and as
22 Council Member, Chairman Dromm, I was a teacher
23 myself and I sometimes learned about things in a
24 school system in the newspaper and not... and I was a
25 teacher, you know, and I attended many school

1
2 meetings. So I would just like to... if any of the
3 panelists could speak to the fact, whether you
4 support making sure that these notifications are
5 translated and they are... make sure that we reach all
6 the diverse corners of our city.

7 HELENE HARTMAN-KUTNOWSKY: Well...

8 COUNCIL MEMBER TREYGER: Anyone...

9 HELENE HARTMAN-KUTNOWSKY: I just wanna
10 jump in and mention that we are meeting with New York
11 State Department of Health tonight, they are coming
12 down from Albany and we are having Spanish
13 interpretation, and we did work on that meeting, by
14 the way; that was the parents and the community
15 getting the meeting with DOH; they've been terrific.

16 COUNCIL MEMBER TREYGER: Thank you. I
17 just wanna thank the activists, because honestly,
18 without you, without the parents, all the
19 stakeholders, this would just not be possible; this
20 is a partnership, but I think this is a critical
21 issue to get the true state of our school system, as
22 far as... and as you mentioned, this has an impact on
23 our children's health, the staff's health and
24 instruction and I think that we need to be mindful of
25 that and I again congratulate the Chair and Council

1
2 Member Cabrera for this very important hearing today.
3 Thank you.

4 CHAIRPERSON DROMM: Thank you, Council
5 Member Treyger, you took the words right out of my
6 mouth; I also agree. I wanna thank you all for
7 coming in and for providing testimony; it was quite
8 compelling and we really appreciate hearing from you
9 and I couldn't agree more; parents are vitally
10 important in this discussion. Thank you very, very
11 much. [background comment]

12 Our next panel will be Mary McKinney from
13 Concerned Residents organization and Mary Conway-
14 Spiegel from the Partnership for Student Advocacy.
15 [background comments] And if there's anybody else
16 who wants to testify, just please fill out one of
17 these forms with the sergeant at arms over here.
18 Okay, so before we begin I need to swear you in,
19 would you raise your right hands, please? Do you
20 swear or affirm to tell the truth, the whole truth
21 and nothing but the truth in your testimony before
22 this Committee and to honestly answer Council
23 Members' questions? Okay. And where should we
24 begin? Just turn that mic on, press that button.
25 Okay, and state your name.

1
2 MARY MCKINNEY: My name is Mary McKinney
3 and I'm the Chair of the Concerned Residents
4 Organization; we're located in the Bronx, in the
5 Soundview section, and this is not my first time;
6 approximately 10 years ago I was here testifying for
7 the same reason, because I just wanna give you a
8 little info what we think about [sic], we're speaking
9 about the Soundview Education Campus; that was in
10 2004. One of the primary goals of our organization
11 is to fight for better and public oversight of the
12 environment of health for public schools. We have
13 worked very hard in our community; when they came --
14 and it was 2004 -- I left my house that morning, my
15 building's right across the street, and I saw some
16 construction people in the Loral site. The Loral
17 site is a... we know it's contaminated; I'm gonna give
18 you a little history on that, about the contaminants
19 have been there for years. For half-a-century, the
20 Loral site was used for manufacturing military
21 electronic systems, storage of hazard material.
22 After the Loral site shut down; that was probably in
23 the early 60s, the site was used as a parking lot for
24 trucks parking with pesticides and for informal
25 garbage disposing; it has been a nuisance to our

1
2 community. We have worked hard... start... we worked...
3 had started without... well what happened was, when I
4 went out of the building that morning, they was
5 working out there and I went over to a worker and
6 asked him, "What are you all building here?" And he
7 said, "A school." I immediately went to Community
8 Board 9 and I spoke to the manager -- no, I really
9 yelled at the manager, [laughter] "Do you know
10 they're building a school on the contam... next door?"
11 He go, "I don't know anything." We were on the phone
12 with our City Council people, and that would be
13 Council Annabel Palmer and Council Maria del Carmen
14 Arroyo, and they were sayin', "Calm down Mary, we
15 don't know anything about it." So that's how the
16 process began to lookin' at it. New York Lawyers for
17 Public Interest came right onboard with us and with
18 all the testing and everything, we met with SCA quite
19 a few times and we was explaining to them, you know
20 they should've came to the community and we would've
21 gave them some info on it. They did all of this... let
22 me read this part... The Soundview Education Campus
23 opened in 2004, even though the SCA's own environment
24 investigation found very high level of toxins, heavy
25 metal in the surrounding soil and ground water;

1
2 despite the significant contaminant, the SCA
3 completed an environment investigation, obtaining a
4 zoning override to locate a school in a manufacturing
5 district, enter a 30-year lease, all within 20 days
6 without any oversight, [bell] they got everything
7 rezoned, everything within 20 days. There was
8 concern; we remained concerned; today we're still
9 concerned about that school, because a lot of things
10 went on; they opened the school very quickly and they
11 didn't, in the beginning, take the children from our
12 community, they.. I'm East Bronx, all the way east;
13 they went West Bronx and brought the young people in,
14 because we were puttin' out flyers and everything to
15 the parents and our community has the highest rate of
16 cancer and asthma within the United States, we did a
17 survey along with New York Lawyers for Public
18 Interest; I have both. We have found whole families
19 who have asthma, as most of... young people with
20 cancer. So this is why Concerned Residents, we fight
21 very hard to try to save our children and employment.
22 You know, you work there, you wanna know what's going
23 in your building and I was listening to the
24 testimony, at some of the things they were sayin'
25 today; I disagree with a lot of 'em, because I've

1
2 been fighting this battle for 10 years against SCA
3 and how they just open the schools up without the
4 community havin' no input; the parents don't have
5 their input. And he was sayin' that some parents
6 would not understand and I totally disagree with
7 that, because all you have to do; explain it to them
8 and say if there's PCB there or whatever's there,
9 what it can attack the organs in your body, your
10 liver, your kidneys; whatever, just explain it to
11 them. And this is why I'm here today. Thank you.

12 CHAIRPERSON DROMM: Thank you. And our
13 next witness.

14 MARY CONWAY-SPIEGEL: I'm also a Mary..

15 CHAIRPERSON DROMM: And I was gonna say
16 it, but I didn't dare.

17 [laughter]

18 MARY CONWAY-SPIEGEL: it's Mary and Mary.
19 I handed each of you a photograph, enlarged
20 photograph; I'd like you to look at it, please. What
21 I find interesting in this hearing, yes, is that no
22 one, none of you, no one at SCA ever mentioned TCUs,
23 they don't exist. The fact that no one asked that
24 question and even considered it a learning
25 environment is actually shameful and shocking. What

1
2 you're looking at now are pictures of mold, all types
3 of mold are potentially dangerous, particularly for
4 our children, mold is a well-known cause of asthma
5 and allergy exacerbation. Childhood asthma
6 exacerbations are one of the leading causes of missed
7 school days and absences. Children learning in an
8 environment where mold is present is an unacceptable
9 health risk. After a public vow to get rid of TCUs;
10 that's temporary classroom unit; again, nobody
11 brought this up, nobody on this panel; nobody even
12 mentioned it. After the Mayor... after Mayor Bloomberg
13 promised to get rid of TCUs during his administration
14 and now a halfhearted promise has been made by the
15 new administration to allocate funding specifically
16 to remove TCUs within five years, more or less by
17 2019, we are no closer to getting New York City
18 students out of these moldy trailers; you're looking
19 at mold right now that little 5-year-olds are
20 breathing in at PS 48 in trailers.

21 In September 2014, as new co-locations
22 begin inside bricks and mortar school buildings,
23 there will still be thousands and thousands of New
24 York City public school students that all of you
25 forgot during this hearing, learning in temporary

1
2 classroom units that will be watching new kids
3 shuffle inside the real schools that are a stone's
4 throw away next door. What's needed is increased
5 capacity in the form of actual buildings that are
6 made of cement, steel and bricks. In a few years,
7 given the housing surges in boroughs like Brooklyn
8 where apartment units are growing faster than mold
9 spores and no plan exists to build schools for the
10 kids who will be conceived in these new apartments,
11 we might as well be parking hundreds of extra TCUs on
12 school properties and that will be the only way we
13 will house all these new children. While we wait for
14 mold removal, which we all know is baloney, or maybe
15 a new fleet of trailers, if that's what you'd like on
16 Staten Island; I know you have a ton of trailers on
17 Staten Island, or you wait for increased capacity
18 citywide; Int. 126 is necessary first start.
19 Consistent reporting of environmental conditions
20 inside temporary classroom units is essential for our
21 children and their families, their parents or their
22 guardians, who have asthma, they need to have access
23 to a DOE website and confirm or deny -- now, SCA just
24 basically insulted parents by calling them
25 hysterical; that's what they're really saying -- to

1
2 confirm or deny suspicions that they may have about
3 exacerbated asthma and so what we need is actual
4 data, a history of health inspections -- in essence,
5 a paper trail that will add facts to the already
6 persuasive argument that learning conditions inside
7 over-aged moldy trailers, the ones you're looking at
8 right now -- I took those pictures myself inside the
9 two TCUs that sit outside PS 48 in Washington Heights
10 -- these over-aged trailers... the situation is at best
11 racial segregation; at worst it's a toxic health
12 hazard. Shame. Shame.

13 CHAIRPERSON DROMM: Thank you. And Mary,
14 you are right that we did not ask that question at
15 this hearing, but I wanna tell you that it has been a
16 major point of contention between me and the
17 Department of Education for a number of years and I
18 do apologize for it not coming up at this hearing,
19 but the reason for my point of contention with the
20 DOE on this issue is because I taught in a trailer
21 for a number of years and the conditions that you
22 mentioned were there the whole time and I got sick,
23 kids got sick; the air conditioning [background
24 comment] made the room moist, [background comment] it
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made it a little cooler, but it made it a lot moist,
more moist... [interpose]

MARY MCKINNEY: Yes.

CHAIRPERSON DROMM: and so all of those
conditions are of utmost concern to us here in this
Committee... [interpose]

MARY CONWAY-SPIEGEL: There is one
picture that one of you... [crosstalk]

CHAIRPERSON DROMM: Wait a minute; may I
just... may I just finish?

MARY CONWAY-SPIEGEL: Yes. [background
comment]

CHAIRPERSON DROMM: And so that is an
issue that we are looking at. [background comment]
Now we do know in their capital plan [background
comment] that they have \$500 million in there
[background comment] for the removal; we're going to
have a budget hearing [background comment] the
executive budget hearing, where we will address that
question more in-depth [background comment] as well
about the removal of those trailers, because that is
a [background comment] very important issue to us.
[background comment] As it pertains to the incidence
of mold in those buildings, you bring up a very good

1
2 point and we will follow up with that. [background
3 comment]

4 MARY CONWAY-SPIEGEL: Just as a point of
5 interest, there is an enlarged photograph a few of
6 you have of the inside of a vent; you can see the
7 black mold from behind the bars of the vent;
8 [background comment] little 5-year-olds are breathing
9 that in.

10 CHAIRPERSON DROMM: I've seen it with my
11 own eyes; I... I understand... [interpose, crosstalk]

12 COUNCIL MEMBER TREYGER: And Chair Dromm...
13 sorry.

14 CHAIRPERSON DROMM: so, yeah.

15 MARY MCKINNEY: Thank you. Thank you so
16 much... [interpose, background comment]

17 CHAIRPERSON DROMM: Yes, Mark Treyger has
18 a question. [interpose]

19 COUNCIL MEMBER TREYGER: Yeah... Yeah,
20 thank you, Chair Dromm. And I just wanna just echo
21 what Chair Dromm just said; [bell] we had a capital
22 education hearing not too long ago and Chair Dromm
23 did a fantastic job of identifying all of the
24 problems and issues and challenges that go with these
25 TCUs and I couldn't agree more, [background comment]

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2 that it is not... nowhere near the ideal location for
3 learning, for health, [background comment] for a
4 variety of reasons, but the Chairman has been point-
5 on on this, [background comment] and I will just say
6 that I represent a district that was hit hard by
7 Superstorm Sandy, [background comment] so we
8 understand... I have schools that are dealing with
9 temporary boilers that some of them are not working
10 [background comment] and some of them are working too
11 much, where it's piping hot in the classrooms,
12 [background comment] and the fact is, FEMA has not
13 been moving fast enough to you know reimburse the
14 costs and I will be putting pressure on the City
15 [background comment] to make sure that no child
16 should go to school in the winter cold and that it
17 shouldn't be 100 degrees in the classroom either,
18 [background comment] and there have been cases of
19 mold, there's no question about that, [background
20 comment] and that's why during my questioning I
21 questioned who they hire to do these tests,
22 [background comment], I questioned their
23 independence, I questioned [background comment] their
24 expertise, and I questioned the availability of this
25 information to the public, [background comment] to

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2 both teachers, the children, the parents, the
3 advocates, everybody. So but I just wanna just point
4 out, I take your testimony extremely seriously, both
5 of you; I thank you, but this... [background comment]
6 but our Chairman of this Committee [background
7 comment] has been point-on on this issue time and
8 time and time again [background comment] and I'm very
9 proud to call him the Chairman of the Education
10 Committee, [background comment] Chair Dromm. Thank
11 you.

12 MARY MCKINNEY: Thank you.

13 CHAIRPERSON DROMM: Thank you and Mary,
14 also thank you for your 10 years of continued
15 advocacy... [crosstalk]

16 MARY MCKINNEY: Oh yes.

17 CHAIRPERSON DROMM: we appreciate it,
18 thank you.

19 MARY MCKINNEY: Oh, I just want you to
20 see me on the courthouse steps in 2007. [interpose]

21 CHAIRPERSON DROMM: Okay, show me that.

22 MARY MCKINNEY: I have...

23 CHAIRPERSON DROMM: There you go.

24 [laughter]

25 MARY MCKINNEY: I have the newspaper...

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CHAIRPERSON DROMM: Thank you, Mary.

Alright, I don't think we have anybody else that's going to be giving testimony; am I right? I wanna thank my staff, Aysha Schomburg, Jan Atwell, Regina... [background comment] Poreda Ryan, Joan Povolny [sp?], and Christina Parody [sp?] for all the work they do on our hearings as well. [background comment] And with that, this... yes, it is now 3:20 and this meeting is adjourned.

[gavel]

Thank you.

[background comments, laughter]

C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date May 8, 2014