



NEW YORK CITY LAW DEPARTMENT
OFFICE OF THE CORPORATION COUNSEL

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Press Release

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For Immediate Release

**CITY AND EPA REACH GROUNDBREAKING AGREEMENT ON
MONITORING POSSIBLE PCB CAULK EXPOSURE IN CITY SCHOOLS**

***THE CITY IS THE FIRST PUBLIC SCHOOL SYSTEM IN THE NATION TO IMPLEMENT A PROGRAM TO STUDY
PCB CAULK, WHICH WILL HELP SHAPE BEST PRACTICES FOR THE REMEDIATION OF
PCB CAULK IN SCHOOL SETTINGS***

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New York, January 19, 2010 – The City of New York and the United States Environmental Protection Agency reached a groundbreaking agreement regarding the monitoring and remediation of PCB (Polychlorinated Biphenyls) caulk in public school buildings. Attorneys for the City represented the NYC School Construction Authority and the Department of Education in the negotiations. As a result of the agreement, the City will undertake a comprehensive pilot study to evaluate the possible environmental risks posed by PCB caulk and the most effective methods for reducing such risks. The study is the first of its kind nationwide in a public school setting.

"Today's agreement not only demonstrates the City's commitment to providing a safe environment for our students and teachers, but also demonstrates that complex environmental issues can be resolved through cooperative negotiations and without protracted litigation," said Corporation Counsel Michael A. Cardozo.

"Protecting the safety and well-being of the students and staff in our schools is one of our top priorities," Kathleen Grimm, Deputy Chancellor for Infrastructure and Portfolio Planning at the New York City Department of Education said. "Today's agreement will build on the effectiveness of our existing program to remove PCB caulking whenever we encounter it during school renovation projects. We look forward to working with the United States Environmental Protection Agency, the New York City Department of Health and Mental Hygiene, and the City Law Department to ensure that all schools offer safe learning environments where students can thrive and learn."

As explained on EPA's website, "[in] recent years, EPA has learned that caulk containing potentially harmful [PCBs] was used in many buildings, including schools, in the 1950s through the 1970s." During this time period, the use of PCBs in caulk was legal; however, PCBs were banned for most uses by the federal government in 1978. As PCB caulk is a relatively new environmental issue, EPA recently recognized that "[t]here are several unresolved scientific questions that must be better understood to assess the magnitude of the problem and identify the best long-term solutions." Today's agreement will make great strides in resolving these uncertainties.

Although the agreement is significant, it is not the first step that the City has taken regarding PCB caulk. The NYC School Construction Authority and the Department of Education currently implements rigorous testing and safety protocols to properly remove PCB caulk in areas of public schools renovated during capital improvement projects. While this work has been extensive and continues, there remains much to understand about the possible risks posed by PCB caulk, especially with regard to its potential to affect indoor air.

Today's agreement has three major components. First, the City will implement an EPA-supervised pilot study involving analysis of soil, air and caulk samples at five public schools. This study will also have a Citizen Participation Plan that will provide the public an opportunity to review the data gathered during the study and to comment on the City's and EPA's testing and cleanup plans.

Second, the City will commit to implementing a series of EPA-approved best management practices for other potentially affected schools. These best management practices will be based on guidance that EPA issued in September 2009.

Finally, following the pilot study, the City has committed to further negotiations with EPA to formulate a long-term citywide PCB caulk management plan. The negotiations regarding the citywide plan will also provide for an opportunity for the public to learn about this issue and voice their concerns to the City and EPA. Throughout this process, the City will continue to comply with state and EPA standards regarding PCBs for capital work projects.

About PCBs

PCBs are a group of man-made chemicals commonly used in caulk and other building materials because they are heat and fire resistant. When materials containing PCBs are disturbed or break down, the chemicals may generate PCB vapors. PCBs can also be found in soil that comes into contact with these materials; they can also contaminate water and are present in certain fish. With longtime high exposure, PCBs have been linked to certain cancers in laboratory animals. In addition, studies have shown behavioral and developmental problems among children whose mothers were either exposed to large amounts of PCBs or regularly ate fish from contaminated waters during pregnancy. The EPA banned the use of PCBs in the 1970s, but they can be found in the caulk of many older buildings constructed prior to that time, including offices, homes and schools.

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