Testimony of Deputy Chancellor Kathleen Grimm
on NYC's Comprehensive Plan: Greener, Healthier Schools for the 21st Century

Before the NYC Council Committees on Education and Environmental Protection

April 13, 2011

Good morning, Chair Jackson, Chair Gennaro, and all the members of the Education and Environmental Protection Committees here today. My name is Kathleen Grimm and I am the Deputy Chancellor of the Department of Education's Division of Operations. Joining me today are Jeffrey Shear, my Chief Operating Officer; Ross Holden, General Counsel for the School Construction Authority; Nancy Clark, Assistant Commissioner for the Bureau of Environmental Disease Prevention at the Department of Health and Mental Hygiene (DOHMH) and Ariella Maron, Deputy Commissioner for the Division of Energy Management at the Department of Citywide Administrative Services (DCAS).

We are pleased to be here with you this afternoon to discuss the City's Comprehensive Plan: Greener, Healthier Schools for the 21st Century—an unprecedented effort to dramatically increase energy efficiency and improve environmental quality in 772 public schools, including the removal and replacement of all polychlorinated biphenyl- (PCB) containing lighting fixtures throughout the entire school system.

We take the presence of PCBs in schools seriously, and we recognize that many in the school community are concerned about the potential health impacts of learning and working in a building that has materials that contain PCBs. To this end, we have made a concerted effort to meet with individual school communities, elected officials and other concerned parties to discuss this issue and share the City's plans to address it.

There has been a great deal of progress since April 29, 2008, the last time we testified before the City Council on the issue of PCBs in building materials. In June 2010, we began undertaking what remains the first and only pilot study in the country to evaluate the presence of PCBs in building caulking, the extent to which PCBs are present in the school environment, and the best ways to remediate caulking with PCBs. I would like to share two important findings as a result of this work.

First, we learned that the PCB air levels measured in City schools have generally been very low and within the margin of safety used by the U.S. Environmental Protection Agency (EPA) to set guidelines for PCBs in air. The EPA guidance levels for PCBs in air in schools were developed with a large margin of safety, so that a person exposed for an entire lifetime will be exposed to only one three-hundredth of the lowest amount thought to cause health problems. At the levels measured in schools, there is no immediate health concern, and it is unlikely there would be any adverse health effects from long term—or even lifetime—exposure to these air

levels. These conclusions are supported by DOHMH and existing scientific studies, which have not shown PCB exposures from building materials to be detrimental.

Second, we learned that lighting ballasts in older-style fluorescent light fixtures are a more important source of PCBs than caulk. Between 1950 and 1978, fluorescent light fixtures with PCB-containing ballasts were installed in thousands of buildings throughout the country, including City school buildings. Each ballast contains a very small amount of PCB-containing oil – one to one and a half ounces – and as these ballasts age; this small quantity of PCBs can leak out of the ballast enclosure.

To address these pilot study findings, the City developed the Comprehensive Plan, under which we will conduct energy audits, and implement lighting upgrades (including the replacement of light fixtures with PCB ballasts all affected school buildings) and other cost-effective energy conservation measures. This includes, but is not limited to, boiler upgrades at a total cost of $850 million.

On February 23, 2011, the City announced its Comprehensive Plan to remove and replace all lighting fixtures within ten years in the 772 school buildings that currently have lighting fixtures with PCB ballasts. The unprecedented scope of this plan cannot be understated; no other City in the United States has attempted to do anything near this scale. The cost of the plan, estimated at $850 million, which includes $708 million recently added by the Mayor, is a profound commitment in a time of fiscal restraint. We will spend nearly three times as much per year as the annual average spent by Pennsylvania, the state that has done the most energy performance contracting in the entire nation. And the ten-year timeline—an aggressive, voluntary schedule given the magnitude of the task—is far more accelerated than steps being taken by any other school district in the country

Under the Plan, the City will contract with energy service companies (ESCOs) or other vendors to complete comprehensive energy audits and retrofits over a ten-year implementation period. The work will include the replacement of all lighting fixtures that may contain PCBs with energy efficient—PCB free—lighting systems as well as other energy saving installations.

The Plan gives top priority to building-wide replacements at all sites where any ballast leak has been observed. To this end, we have instructed all of our building custodians to perform periodic visual inspections for ballast leaks. The latest protocol on how to conduct these visual inspections incorporated the specific recommendations of EPA and the United Federation of Teachers (UFT). As a result of these inspections and seven (7) buildings inspections conducted by EPA, ballast leaks have been observed in fixtures in 43 buildings. All of the fixtures exhibiting signs of current or past leakage were replaced immediately. The remainder of the light fixtures in these buildings will be replaced within one year of the inspection, with the vast majority completed by the end of this calendar year. Work has already been completed in five (5) of the buildings inspected by or brought to EPA's attention (PS 11 and PS 13 in Brooklyn, the PS 112 tandem building in Manhattan, and PS 36 and PS 53 on Staten Island). Furthermore, we are encouraging school communities to report any suspected ballast leaks they may observe. Any

such schools brought to our attention with confirmed ballast leaks will be advanced in priority for light fixture replacement.

After buildings with observed leaks, the Plan prioritizes school buildings constructed between 1950 and 1966 and elementary schools in accordance with guidance offered by EPA. The EPA found that the "magnetic" ballasts used in buildings constructed during this period were more likely to leak than the "electronic" ballasts that were used between 1967 and 1978. Within five years—by the end of 2016—we expect to complete work in the older elementary schools. We expect lighting replacement in secondary schools constructed between 1950 and 1966 will be completed by 2017.

The Plan will also build upon the City's achievements to make schools greener and healthier with 21st century technology. Energy savings will be realized by such measures as replacing boilers that burn No. 4 and No. 6 heating oil with boilers that use cleaner No. 2 fuel oil or natural gas, where indicated by an energy audit. And we know the public health benefits of this investment will be substantial: we estimate that our plan will reduce greenhouse gas emissions by up to 200,000 metric tons, the equivalent of removing 40,000 cars from the road. In addition, the reduction in air pollutants linked to illness and early deaths from heart and lung disease as well as asthma can have significant public health benefits.

To develop this Plan, we have consulted with several large, experienced energy firms, as well as other energy experts. The following factors contributed to the development of our 10-year timeline to complete this work: the scope of potential retrofits; the fact that most work on these buildings will have to be done after school hours, over the weekend and on holidays, when school is out of session for an extended period of time; and the likelihood that environmental remediation, including asbestos containment will have to be done as part of many of these projects.

The importance of asbestos remediation in developing the Plan's timeframe cannot be overstated. All schools inspected by EPA have shown the presence of asbestos in the insulation of the lighting fixture wiring. As you are aware, when asbestos is identified, special containment protocols must be followed, which prevents work from being performed in the evenings. Instead, this work can only be conducted on weekends and holidays. We understand that the presence of PCBs in school buildings is a serious concern to parents and staff, and we share their desire to address this issue as quickly as possible. That said, we need to ensure that our Plan refrains from unnecessarily disrupting the educational priorities of a school system responsible for 1.1 million children.

We understand that EPA has submitted testimony today recommending that the City remove the light ballasts within five (5) years. To address this, let me say first that the City has been working very closely with EPA on PCB-related issues for three (3) years and we take their recommendations and guidance very seriously. However, on this particular issue, we believe that EPA is severely underestimating the complexity of performing work of this type in school buildings – processes in which we are uniquely experienced.

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We also note that EPA's guidance issued last December does not impose any timeframe for removing intact ballasts; in fact, EPA's current regulations allow intact ballast to remain in place indefinitely. We continue to urge EPA to develop a thoughtful and consistent national policy to address this issue, rather than merely address it in a piecemeal fashion in different parts of the country. However, let me be clear – the City has no issue with continuing to take the lead; we simply want to proceed in a responsible manner that we believe will yield the best results. With that said, we fully intend to continue our collaboration with EPA, which has been productive.

We are eager to proceed with implementation of the Plan. And we've recently issued a Request for Qualifications and Expression of Interest or RFQEI to attract vendors who can perform the lighting replacement work and implement other energy conservation measures in our schools. A Request for Proposals (RFP) will then be issued on or about June 1st.

I would like to underscore that the 10-year timeframe outlined in the Plan, is our most aggressive estimate of when work can be completed based on current understanding and the unprecedented nature and scale of the project. We will continually evaluate the progress and cost the plan as it is implemented. Based on the results of our first phase of projects, we will revisit timeline within three years, and if it's possible to accelerate the schedule, we will do so.

In addition, we will continue to inspect the affected schools on a regular basis and immediately address leaks or other conditions that could suggest an elevated health or safety. We will also work closely with the City's Health Department to ensure that we have the data on PCBs and any other environmental issues that could pose a health risk. The City's Comprehensive Plan is ambitious and achievable, and we will regularly update you on our progress as we implement it, and include an update in our annual amendment to the five-year capital plan.

I look forward to continuing to work with all of you and want to thank you again for the opportunity to be with you today. With that, I am happy to take your questions.