March 22, 2016

Ms. Carmen Fariña
Tweed Courthouse
52 Chambers Street
New York, NY 10007

Dear Chancellor Fariña:

For years, my office has advocated on behalf of New York City’s public school children, many of whom go to school day after day in buildings that may be contaminated by PCBs. In 2010, I called for the removal of PCBs from all New York City public schools. In February 2011, I wrote to then-Deputy Mayor Dennis Walcott calling for the Department of Education to “…test all New York City public schools at risk for PCB contamination and completely remove such PCB contaminates out of all City public schools within the next 18 months.” Additionally, I have previously called publicly to begin immediate testing of all school buildings that may be at risk for PCB contamination and for an aggressive removal plan. The City has not complied, and the hazard remains.

While I am encouraged that the City is making progress towards removing all light fixtures in public schools that may contain PCBs by the end of this year as required, I am far less satisfied with the resolution of the problem of PCBs present in the caulking in many public schools including some in The Bronx. It is time for action on this pressing matter.

The Department of Education should issue and publicize a detailed update on PCB mitigation in the caulking present in many of our schools, in annual or more frequent reports. Local Law number 69 of 2011 requires that annual reports be issued to the City Council, but this requirement ends following documentation that all light fixtures that may contain PCBs have been removed.
I recommend that this reporting be accessible, user friendly to parents and expanded to include the mitigation methods used in the caulking in our public schools even after the problem of PCBs in light fixtures has been addressed. Eliminating one hazard will be a good first step, but the City must remain vigilant and transparent in its efforts to eliminate additional PCBs from public schools.

Second, there should be a citywide plan for broad-based air-testing in the public schools for PCBs, especially because the limited pilot testing revealed some unacceptable results. Further, the current practice of not testing all areas in a school where PCBs have been found should be re-examined. The people of The Bronx and all of New York City deserve to know whether their young relatives, friends and the public servants who work in our schools are subjected to unacceptable levels of PCBs.

I hope that the Department of Education, the School Construction Authority, and the City of New York will work towards a rapid and transparent resolution of this matter. Please contact Victoria Reing, Esq., my Director of Policy, to discuss this matter further at (718)590-6815.

Sincerely,

Ruben Diaz Jr.

cc: Lorraine Grillo, New York City School Construction Authority