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STATEMENT OF MIRANDA MASSIE, LEAD ATTORNEY IN LITIGATION OVER
PCBs IN NYC SCHOOLS ON ANNOUNCEMENT OF THE DEPT. OF EDUCATION
TO DEVELOP CITY-WIDE PLAN WITH EPA OVERSIGHT

"We commend the Department of Education and Environmental Protection Agency for addressing this critical problem. Because of the agreement they have reached, we have provisionally dropped our lawsuit over PCBs in NYC schools. Every week we learn more about the environmental health risks children confront. This good start on PCBs should remind us both of the urgency of the broader problem and the indispensability of the community standing together for children's health. These are fights we can win and must win."

"Today marks an important day for environmental justice in New York. For too long we have known that public school children are being exposed to toxic caulk in their schools and we applaud the Department of Education and Environmental Protection Agency for taking action in this matter."

"The end goal is a safe school environment not just for my daughter but for kids across the city," added plaintiff, Bronx teacher's aide and parent, Naomi Gonzalez. "This doesn't get us all the way there, but it's a real step in the right direction."

NYC Coalition for PCB-Free Schools co-chair Sebastian Ulanga said, "We're proud we played a role in getting this process started. We'll keep building our organization and we look forward to participating fully in the public hearings as things advance."

Background

Gonzalez provisionally dismissed her federal lawsuit over the PCB-contaminated caulk in her daughter's school, PS 178, in light of the Dept. of Education's agreement to (1) carry out a PCBs pilot study that will include PS 178 and (2) develop a city-wide plan to address the problem of PCBs contamination.

The NYC Department of Education entered into its binding agreement with the US Environmental Protection Agency, the first of its kind nationwide, following negotiations that started when Gonzalez filed a formal notice of her intent to file suit pursuant to the Toxic Substances Control Act.

PCBs are severely toxic, persistent compounds that can harm the nervous system, the immune system, and the endocrine system. They are carcinogenic and low levels of exposure have recently been linked to childhood leukemia. For many years PCBs were added to the caulk around window and door frames to make it more elastic. While their further use was banned by Congress in 1978, the law did not require that they be removed, and they continue to be present in many NYC schools.

Under the agreement with EPA, after conducting the study to assess the scope of the PCBs problem in NYC schools, the Department will generate a city-wide plan to ensure that children and employees are not exposed to PCB contamination at school. All phases of the plan are subject to EPA oversight and will include public participation.

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