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# THE BRONX HEALTH LINK, INC.

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## STATEMENT OF ROBERT LEDERER, RESEARCHER AND POLICY ANALYST THE BRONX HEALTH LINK, INC.

### Public Comment on the Environmental Protection Agency's Proposed Rule on Allowable PCBs in Caulking July 29, 2010

My name is Robert Lederer, and I am the Researcher and Policy Analyst for the Bronx Health Link, Inc., a clearinghouse of information for members of the health and human service delivery system of the Bronx. The Bronx Health Link works with the community and health care providers to improve birth outcomes, prenatal care, and the reproductive health of Bronx women. We reach thousands of women and their families through health education and promotion activities that assist women in accessing medical and social services. We also assess community health needs in the Bronx, and are currently completing an assessment of environmental exposures as they affect maternal and child health. Thank you for the opportunity to speak today.

The Bronx Health Link is opposed to the proposed rules change announced on April 7 of this year that could allow the EPA to exempt PCB in unenclosed caulking from its current limit of 50 parts per million. We stand in support of the courageous parents of the NYC PCB-Free Schools Coalition in their insistence that public schools must be made safe from PCB contamination, and that there can be no compromise when it comes to protecting children's health. The important lawsuit for PCB remediation initiated last year by Bronx parents was filed in response to the fact that 400 NYC public schools were built before 1978 and thus may have illegally high PCB levels. Later this risk became even more apparent when the NYC schools released, under pressure from the parents' lawsuit, test results showing that many schools – including several in the Bronx – had PCB exposure levels as high as 4,000 times the allowable limit.

It was an encouraging sign when the EPA helped to broker a settlement agreement of the parents' lawsuit, requiring the New York City public school system to do the pilot studies necessary to assemble a comprehensive plan for removing PCBs from caulking throughout the system. However, now the EPA is backtracking from their historically held position that PCBs at levels greater than 50 ppm "present an unreasonable risk to injury and health" and that caulk containing more than 50 ppm of PCBs "must be removed." This has been based on the overwhelming evidence – repeatedly acknowledged by the EPA – that PCBs have been found to have a host of harmful effects on health, particularly in children who are vulnerable to exposure prenatally and through breast milk. Harmful effects have been documented even at low levels.

Yet the April 7 request for public comment cited no basis for considering easing the current allowable limit other than “given the recent realization that the use of PCBs in caulk may be widespread and may be an undue burden for schools if the exclusion continues at 50 ppm.” (p. 17658, Section X of proposed rule). In a nutshell, no sooner had the New York public school system been forced to finally do what it should have done long ago and begin to plan the remediation of this serious health threat to children and teachers, then suddenly the EPA began considering giving them a free pass to continue doing nothing. This is unacceptable.

In addition, as New York Lawyers for the Public Interest has noted, the proposed relaxing of restrictions on PCB in caulk completely contradicts the remainder of the EPA’s proposed rule, which is designed to examine whether regulations on very old PCB-containing equipment may need to be *tightened* because such equipment may pose an undue hazard. As NYLPI wrote in May, “If 50 ppm is presumed to be valid as a threshold level for regulation inside a capacitor, it is hard to imagine the scientific or public-health basis for calling it into question for unenclosed substances in a school classroom. Similarly, if it is a level that EPA believes to cause legitimate concern inside a pipeline, then it should cause even more concern when identified in classroom caulk, from which PCBs are known to volatilize spontaneously.”

The threat of PCB exposure in schools is even more acute for children in the South Bronx, who are assaulted daily by numerous other toxins that damage their health. From multiple dangerous air pollutants emanating from truck-clogged freeways to toxic releases from waste processing plants, mothers, infants and children of these neighborhoods already must cope with serious risks to the health of their respiratory, cardiovascular, reproductive, and immune systems. It would be unconscionable to sanction the continuation of yet another threat to the health of our community.

In conclusion, the Bronx Health Link urgently calls upon the EPA to strike from the proposed regulation changes any consideration of relaxing the current threshold for prohibiting PCBs in caulking materials. Furthermore, we urge the EPA to fully enforce current regulations so as to require removal of hazardous PCB exposures in schools, in order to protect the health of both students and teachers.

Thank you for your time and attention.

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