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NYCC, NYLPI and the City of New York Settle PCB Light Lawsuit

NYC Public Schools to be PCB Light Free in 3 1/2 years

New York, NY, May 21, 2013 – After nearly two years of litigation and grassroots campaigning, New York Communities for Change (NYCC) and its lawyers New York Lawyers for the Public Interest (NYLPI) and White & Case have convinced the City of New York to cut in half its ten-year timeline for removing light fixtures containing toxic polychlorinated biphenyls (PCBs) from New York City’s public schools as part of the terms of a legal settlement. Announced today, the settlement requires the City to remove all PCB light fixtures by December 31, 2016, or in three and a half years—a completion date five years earlier than that of the original ten-year timeline.

“The city’s new timeline for PCB light removal is considerably more reasonable than the previous plan of 10 years,” NYCC member and parent Celia Green said. “Parents like me will rest easier with the knowledge that at long last the city has made the removal of PCB lights from our kids’ schools a priority. I’m thrilled that because NYCC and our coalition partners spoke up and demanded action on this issue, future parents won’t have to worry about the effects of PCB exposure when they send their kids to school in New York City.”

“This settlement is a real victory for New York City parents, students and schools staff as in three and a half years, our public schools will finally be free of these toxic PCB light fixtures,” said Christina Giorgio, NYLPI staff attorney. “This case has always been about getting children and staff out of harm’s way. The new aggressive timeline will ensure that this happens as quickly and safely as possible.”

In June 2011, NYLPI and its co-counsel White & Case brought litigation on behalf of NYCC to force the Department of Education and School Construction Authority to shorten its ten-year timeline for removing these PCB light fixtures from over 750 public school buildings. These light fixtures contain ballasts that are decades past their manufacturer’s designated life-span and are leaking toxic PCBs into classrooms, contaminating the air and threatening the health and safety of students and staff.

The City moved to dismiss the complaint but its motion was roundly rejected by the Court on March 26, 2013. Prompted by the Court's ruling, the parties entered into mediation to discuss the feasibility of reducing the timeline. Through mediation and assistance from construction experts, both sides were able to identify December 31, 2016 as a truly aggressive deadline for safely and responsibly removing these light fixtures. The new timeline is consistent with the Environmental Protection Agency's recommendation that these lights be removed within five years.

"White & Case has been proud to serve as co-counsel with NYLPI in this historic case," said Rick Horsch, an environmental partner with White & Case. "As a Firm, we are committed to working on important public interest issues and cases that have real impact, and this truly is a great day for New York City school children."

The settlement requires the City to provide semi-annual progress reports, and NYLPI and the Court will continue to monitor the City's performance and compliance with the new December 31, 2016 deadline. The Court will retain jurisdiction over the case until the very last light fixture is removed.

"This is great news for all the students and teachers and staff in New York City schools," said Michael Mulgrew, president of the United Federation of Teachers. "It's a shame that everyone has to go to court to get the City to do the right thing."

"We are glad to know our schools will be rid of these toxic light fixtures in 3 1/2 years instead of a decade. Protecting our children and investing in a safe and comfortable learning environment should be the City's number one priority," said Shirley Aldebol, Vice President of 32BJ SEIU. "Ten years was too long of a timeline. Our members clean those fixtures and have the most direct contact with them. This new schedule will get these dangerous fixtures out as quickly and safely as possible."

"We've been honored to be part of this effort to secure a shorter timeline for removing these PCB light fixtures," said Edison Severino, Business Manager Local 78, LiUNA. "Given the complexity of the removal, a completion date of December 2016 demonstrates a clear commitment to removing these light fixtures on a truly aggressive schedule that allows for the safe handling of the PCB and asbestos components in play. The members of Local 78, many of whose children attend NYC public schools, are committed to performing this work at the highest possible safety standards. We are grateful to those who have worked so hard to achieve this victory for the students, staff and the entire school community."

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About NYCC

New York Communities for Change is a coalition of working families in low and moderate income communities fighting for social and economic justice throughout New York State. By using direct action, legislative advocacy, and community organizing, NY Communities' members work to impact the political and economic policies that directly affect us.

About New York Lawyers for the Public Interest

New York Lawyers for the Public Interest (NYLPI) advances equality and civil rights, with a focus on health justice, disability rights and environmental justice, through the power of community lawyering and partnerships with the private bar. Through community lawyering, NYLPI puts its legal, policy and community organizing expertise at the service of New York City communities and individuals. NYLPI's partnership with the private bar strengthens its advocacy and connects community groups and nonprofits with critical legal assistance. NYLPI is the recipient of the 2010 New York Times Awards for Nonprofit Excellence.