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**TESTIMONY OF STATE SENATOR BRAD HOYLMAN TO THE NEW YORK CITY COUNCIL  
COMMITTEE ON ENVIRONMENTAL PROTECTION REGARDING RESOLUTION 791**

**FEBRUARY 22, 2016**

Thank you for the opportunity to submit testimony to the City Council Committee on Environmental Protection regarding Resolution 791, calling upon the General Electric Corporation and the United States Environmental Protection Agency to enter into an agreement that expands the scope of the Hudson River PCBs remediation plan, and to implement an expanded remediation plan immediately. As Ranking Member of the New York State Senate's Environmental Conservation Committee, and as the representative of a district in Manhattan that abuts the Hudson River, I fully support this resolution and encourage the Council to vote in its favor.

Under a 2005 settlement agreement with the Environmental Protection Agency (EPA), General Electric (GE) has used the dredging facility at Fort Edward to clean up millions of pounds of PCBs – toxic chemicals the company was responsible for dumping into the Hudson River for over three decades. After completing the terms of the 2005 agreement, the EPA allowed GE to begin dismantling its dredging equipment in November 2015. Unfortunately, the Hudson River is far from remediated, and I have deep concerns with allowing the dismantling of the PCB processing facility to proceed.

Recent studies call into question the efficacy of the 2005 agreement's remedy. In May of 2015, the National Oceanic and Atmospheric Administration (NOAA) issued a report examining the model projections used as the basis of the 2005 agreement, finding that the "original models used were overly optimistic" and overestimated the rate of natural recovery in the Hudson River. As a result, achieving the EPA's remedial objectives "will take longer than predicted." Ultimately, NOAA concluded, "[a]dditional removal of PCB-contaminated sediment in the Upper Hudson River [is] needed to achieve [the] reductions in Lower Hudson River fish PCBs" that were initially anticipated by the EPA.

In other words, because of the flawed modeling used by the EPA over a decade ago, allowing GE to dismantle the Fort Edward operation and conclude dredging this year will result in a failure to achieve the intended remediation. According to NOAA, surface sediment PCBs in the Upper Hudson River will remain at higher rates longer than initially predicted and the reduction of PCB levels in fish found in the Lower Hudson River will take far longer – more than four decades – than the original models projected.

The Hudson River – from the foothills of the Adirondacks to Manhattan’s Battery – is where diverse populations, geographies, natural resources, and economic opportunities converge. Allowing the dredging of the Hudson to fall short puts the health of millions of New Yorkers at risk. The PCB contaminants left behind are probable human carcinogens that have been linked to adverse health effects such as low birth weight, thyroid disease, and immune system disorders. Furthermore, New York State’s future is tied to the restoration of the Hudson River and the return of the once-vibrant commercial fishing industry and lucrative cargo shipping on the Champlain Canal that existed prior to 1976. Committing to a more comprehensive cleanup now will lead to significant environmental and economic recovery of the Hudson River and better the lives of the 15 million Americans who live nearby.

A growing roster of environmental advocacy organizations, community groups, and municipalities has united behind this vision and called for the removal of residual PCB contamination immediately. Further, the EPA recently agreed to expedite its next “five-year review” of the Hudson, which will determine whether GE’s dredging efforts were ultimately sufficient.

It is incumbent upon the EPA to ensure that the dredging of the Hudson River by GE actually meets the remediation goals it set out to achieve in the 2005 agreement, and it is incumbent upon GE to take full responsibility for its legacy of pollution. Failure to complete the cleanup effort will result in severe economic, environmental, and public health impacts. For these reasons, I strongly urge the Council to pass this resolution.

Thank you for your consideration of my comments.