



**New York City Council Committees on Environmental Protection, Health, and
Housing and Buildings
Hearing re: Int. 0420-2018 & Int. 0892-2018, relating to lead testing in public parks
September 27, 2018**

New Yorkers for Parks (NY4P) is the independent research-based organization championing quality parks and open spaces for all New Yorkers in all neighborhoods. We believe every New Yorker should have access to safe, clean parks, and we thank the City Council for the opportunity to comment today.

Relating to Int. 0420, we share the concern that parks adjacent to our city's highways and bridges be safe for regular use and access. While it is the case that land proximate to heavily-used roadways receives an undue burden of contaminants, we believe that investing city time and resources into soil testing for lead should also come with a commensurate investment in the funding needed to properly remediate any sites that are found to have elevated levels of lead exposure. We are concerned that the legislation as written does not provide for this, and we would encourage the Council to reconsider the bill's approach before moving forward to adopt such a change. The legislation proposed in Int. 0420-A, relating to the testing of soil in public parkland that is accessible to children, presents similar concerns. The legislation as written compels the City to test an incredibly broad swath of parkland, without any mention of funding to provide for remediation. We believe the language set forth in this legislation fails to provide a clear roadmap for how the City could reasonably implement such testing, and we are particularly concerned that no mitigation funding has been committed.

In communities where we have worked with advocates who steward parkland that is adjacent to major roadways, we chiefly hear concerns about air quality impacting park usership – we feel this is worth noting to the Council as it considers ways to address issues of environmental justice and equity in our parks. We would also suggest that the legislation be reconsidered to provide additional funding support for remediation to any community gardens that fall within 300 feet of a state arterial highway or bridge, as the presence of lead in community garden soil can mean that the fruits, vegetables, and herbs grown and consumed by New Yorkers can become contaminated.

Relating to Int. 0892, we echo concerns shared about Int. 0420. For years, NY4P has studied drinking fountains in parks from a maintenance perspective. In the decade that we conducted maintenance studies via our *Report Card on Parks* series, drinking fountains have routinely received the poorest feature scores. This is largely due to structural conditions of fountains that make them a challenge for park-goers to use. We believe it is worth noting that despite our years of findings that show a relative state of crisis for our City's public drinking fountains, we have yet to see the City allocate the funding needed to provide a broad overhaul of fountains across the NYC Parks system. Further, we have heard anecdotal concerns from New Yorkers and park stewards about the negative impacts on park use that can occur when non-functioning drinking fountains are present in parks.

A park without functioning drinking fountains is a park that is less likely to see utilization by caregivers with children, seniors, and those seeking the ability to safely recreate in our public parks. We express this concern because we feel a very real impact of this law in the short-term could be that large swaths of our park drinking fountain inventory get taken offline for needed repairs that have no capital dollars allocated to them, and we feel that the legislation as written fails to provide for this potentially-needed funding

NY4P shares the belief that our public spaces should be safe for the public to use, free of concerns from contamination. We strongly believe, however, that the legislation being considered today doesn't properly account for the potential remediation and repairs that would be mandated by these laws. For an agency that currently receives a half of a percent of the total City budget, which faces a tremendous back-log of infrastructure repairs and a relatively small staff to support the ongoing maintenance of these investments, we fear that the two pieces of legislation currently constitute a potential unfunded mandate for the agency. We would request that the Council reconsider ways to address these concerns through the legislation, in light of a budget for parks that has failed to substantively grow in recent City funding cycles.

Thank you very much for the opportunity to submit comments on the record today, and we look forward to working with the Council on these important issues moving forward.

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For over 100 years, [New Yorkers for Parks](http://www.ny4p.org) (NY4P) has built, protected, and promoted parks and open spaces in New York City. Today, NY4P is the citywide independent organization championing quality parks and open spaces for all New Yorkers in all neighborhoods. www.ny4p.org