

Press Releases

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PVC INDUSTRY ABANDONS CHALLENGE OF "GREEN BUILDING" RULES

State Tax-Credit Program for Environmentally Sound Building Materials Stands

Attorney General Eliot Spitzer and Department of Environmental Conservation (DEC) Commissioner Erin Crotty today announced that the manufacturers of polyvinyl (PVC) plastic flooring have withdrawn their lawsuit challenging New York's first-in-the-nation "green building" tax credit program for construction materials.

A state law passed in 2000 provides tax credits to owners and tenants of buildings constructed to meet environmentally-beneficial and energy-efficient standards. The PVC industry sued the state in October 2002 for not giving green building tax credits to PVC plastic flooring. The state did not include PVC plastic flooring in the program because of serious environmental and public health concerns related to its production, use and disposal.

The lawsuit was filed by the PVC trade group Resilient Floor Covering Institute and Tarkett, Inc., a producer of PVC plastic flooring. In mid-May 2003, the Attorney General's Office filed detailed legal papers defending the merits of the tax credit program. Oral arguments in the case were scheduled for June 6th. However, the makers of PVC flooring withdrew their lawsuit on May 29, ensuring that the green building tax credit program will stand.

"The Green Building Tax Credit provides a worthy incentive to encourage builders, architects and consumers to use environmentally sound building products," said Attorney General Spitzer. "It is distressing that the makers of PVC plastic flooring attempted to gut this pioneering program. I commend them for withdrawing their lawsuit and allowing this important initiative to remain in place."

DEC Commissioner Crotty said: "The Green Building Tax Credit, proposed by Gov. Pataki, illustrates the state's commitment to fostering the growth of technologies that help improve the health of New York's land, water and air. The creation of this program

involved a vigorous effort by the DEC and other agencies to create comprehensive regulations aimed at promoting environmentally sound construction practices. I thank the Attorney General's Office for assisting us in defending this historic initiative."

The state regulations provide tax credits for environmentally sound products including flooring materials such as linoleum, cork and bamboo, but not PVC plastic flooring.

Vinyl chloride, the building block of PVC plastic, is a known human carcinogen and it may pose health risks to workers who manufacture the material. Also, PVC plastic can produce hazardous chemicals when burned in garbage incinerators and backyard burn barrels. PVC poses serious risks of chemical exposure to firefighters battling blazes in buildings that have PVC building products. Even under normal conditions, PVC plastics release low levels of toxic chemicals into the air.

The case was
Assistant
John Sipos and
Ph.D. in the
General's
Protection



handled by
Attorney General
Judith Schreiber,
Attorney
Environmental
Bureau, and

Mary Von Wergers of DEC's Division of Environmental Enforcement.