

**Center for Health, Environment and Justice
Citizens' Environmental Coalition
Healthy Building Network
New York Committee for Occupational Safety and Health
Uniformed Fire Officers Association**

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Governor Pataki Fails to Protect Health of Workers, Firefighters and Residents Across NY by Vetoing PVC Pipe Restriction Law

Governor's Veto: Safety is Secondary to the Interests of the Chemical Industry

(Albany, NY) In a major setback to protect New Yorkers from toxic chemical exposure, on Wednesday December 15th Governor Pataki vetoed the Plastic Pipe Restriction Law, A 11660 / S 7577. In the weeks leading up to the Governor's veto, he faced immense pressure from the chemical industry, specifically the American Plastics Council. Although this legislation would have restricted the use of pipes made from other plastics, its greatest benefit would be in the restriction of PVC, given that the vast majority of plastic pipe installed in New York is made of PVC. PVC is the worst plastic from an environmental health perspective, posing dangerous hazards in its manufacture, product life and disposal. Dioxin ethylene dichloride and vinyl chloride are unavoidably created in production and disposal of PVC and can cause severe health problems, including cancer, endocrine disruption, endometriosis and birth defects.

"Governor Pataki had a golden opportunity to protect New Yorkers from exposure to PVC, the poison plastic. By caving in to pressure from special interests, the Governor has failed in his obligation to ensure a safe and healthy environment for millions of workers, firefighters, and residents across the state," said **Kathleen Curtis, Executive Director of Citizens' Environmental Coalition.**

Although few building materials are without environmental impact, few are as harmful to the public health or environment as those made from Polyvinyl Chloride, also known as vinyl, or PVC. Approximately 50% of all PVC plastic manufactured is used for making pipes. PVC pipes may leach toxic organotins, known to be toxic at relatively low levels of exposure, into water supplies. When PVC is land filled it leaches toxic chemicals into the groundwater, and when PVC is incinerated it again produces dioxin. When PVC is heated, it can also produce hydrogen chloride gas, lethal to occupants and firefighters when inhaled during a building fire.

Peter Gorman, President of the Uniformed Fire Officers Association said, "Firefighters are expected to work in hazardous environments, but government has an obligation to limit those hazards with responsible legislation that will insure firefighter safety and more importantly the safety for the citizens we protect. This veto sends a clear message to all New Yorkers that safety is secondary to the needs of the chemical industry."

Joel Shufro, Executive Director of the New York Committee for Occupational Safety and Health said, "When PVC burns, it give off large quantities of deadly gas. Everyone who lives or works in a building with PVC piping faces an enormous unnecessary risk in a fire. The firefighters who must extinguish such a fire also face that risk. There is no good reason to build with such a potentially dangerous material, when there are perfectly safe materials that serve the same purpose."

The Governor's actions come on the heels of a new report which found New York incinerates the second largest amount of PVC waste in the country--over 37,000 tons every year--and ranks third in the U.S. on PVC waste in landfills with over 116,000 tons disposed annually. "It is an outrage that the Governor has vetoed this health protective legislation," said **Lois Gibbs, Executive Director of the Center for Health, Environment & Justice**. "Numerous studies clearly show that PVC remains a significant source of dioxin emissions, and the Environmental Protection Agency states that dioxin levels remain a serious public health threat. There are readily available and safe alternatives. Governor Pataki should have prevented harm and protected workers and communities by establishing a ban on PVC pipes."

This bill would have placed New York squarely as a leader of a growing trend toward cleaner, safer building materials, along with NY's Green Building Tax Credit Law, which also excludes vinyl flooring as an eligible material, due to its role in dioxin production and the ready availability of safer alternatives. "Governor Pataki supports a Green Building Tax Credit that discourages PVC for public health reasons, and by vetoing this bill he's encouraged PVC use," stated **Paul Bogart, National Campaign Coordinator for Healthy Building Network**. "It doesn't make sense from a public health or a public policy standpoint," Bogart added. Architectural firms, governments and major corporations all over the world are phasing out the use of PVC and choosing safer alternatives. Cast iron, steel, and concrete vitrified clay are alternatives to PVC piping. A wide range of major corporations ranging from Nike, Mattel and Lego to GM, VW and Honda have begun the switch to alternative materials.

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Memorandum of Support

A.11660 S. 7577

An Act to amend the executive law, in relation to standards for plumbing materials and to repeal article 10-A of the labor law relating there-to; and providing for the repeal of such provisions upon expiration thereof.

Description: Relates to standards for plumbing materials; authorizes the secretary of state to promulgate rules and regulations relating to standards for plumbing materials, restricts the use of plastic pipes in all new construction except one-and-two family dwellings and apartment buildings six stories or less. It provides an essential enforcement mechanism, including potential fines and removal of illegal pipes.

Justification: Although few building materials are without environmental impact, few are as harmful to the public health or environment as those made from Polyvinyl Chloride, also known as vinyl, or PVC. PVC is the most dangerous plastic for the environment and public health. Vinyl chloride, the basic building block of PVC pipes, is a proven human carcinogen according to the Environmental Protection Agency. Approximately 50% of all PVC plastic manufactured is used for making pipes. When PVC is incinerated it produces dioxin, and when land filled it leaches toxic chemicals into the groundwater. When PVC is heated, it produces highly toxic dioxin, and hydrogen chloride gas, lethal to occupants and firefighters when inhaled during a building fire. These corrosive gases can spread faster than flames, trapping building occupants before they have a chance to escape. According to fire experts, it is not unusual for people caught in building fires to be killed by toxic PVC fumes long before the flames actually reach them.

Although this legislation restricts the use of pipes made from other plastics, its greatest benefit would be in the restriction of PVC, given that the vast majority of plastic pipe installed in New York is made of PVC. This bill places New York squarely as a leader of a growing trend toward cleaner, safer building materials, along with NY's Green Building Tax Credit Law, which also excludes vinyl flooring as an eligible material, due to its role in dioxin production and the ready availability of safer alternatives.

The bill also provides for the establishment of fines and penalties for violations of this article, including monetary penalties of up to one thousand dollars per day and authorization for removal of illegally installed plastic pipes. This is a significant improvement over the previous law, both in the state's ability to enforce the law, and its effectiveness as a deterrent.

As a statewide coalition with over 14,000 members and 110 member groups, Citizens' Environmental Coalition strongly supports this legislation to restrict the use of PVC pipes.

Citizens' Environmental Coalition

Support PVC Plastic Pipe Restriction

PVC - the Poison Plastic

PVC is the worst plastic from an environmental health perspective, posing major hazards in its manufacture, product life and disposal. Dioxin (the most potent carcinogen known), ethylene dichloride and vinyl chloride are unavoidably created in production of PVC and can cause severe health problems, including cancer, endocrine disruption, endometriosis, birth defects, and many more problems. As a persistent bioaccumulative toxin (PBT), dioxin does not break down rapidly and travels around the globe, accumulating in fatty tissue and concentrating as it goes up the food chain. Dioxins from Louisiana manufacturing plants migrate on the winds and concentrate in Great Lakes fish. Most poignantly, dioxins concentrate in breast milk to the point that human infants now receive high doses, orders of magnitude greater than those of the average adult. PVC is useless without the addition of a plethora of toxic chemical stabilizers - such as lead, cadmium and organotins - and phthalate plasticizers, which may leach, flake or outgas from PVC over time, raising risks that include asthma, lead poisoning and cancer.

Safer Alternatives are Available

Architectural firms, governments and major corporations all over the world are phasing out the use of PVC and choosing safer alternatives. A wide range of major corporations ranging from Nike, Mattel and Lego to GM, VW and Honda have begun the switch to alternative materials. An increasing number of major building projects, from the U.S. EPA headquarters in Washington, DC to the Pentagon Renovation Project to the 2000 Olympic village in Sydney, Australia, have vastly reduced or completely eliminated use of PVC. More government agencies are eliminating it from wiring, flooring and other applications, including the US Navy, Air Force and NASA.

One safer alternative, Polyethylene plastic pipe, is also restricted within the bill. However, virtually all plastic pipe used in construction is made from PVC, and the limitation on PVC's use is where the bill will have the greatest positive impact.

Broad Support for a Ban

The NY Assembly and Senate have recently passed legislation restricting the use of toxic PVC (polyvinyl chloride or vinyl) pipes in NYS, improving on a similar piece of legislation which sunsets this year. The bill was widely supported by labor advocates, firefighters, tenant's rights groups, and environmental health activists, including CEC. Because so much PVC is used in construction and household items, accidental building fires have become increasingly dangerous for firefighters and building occupants. PVC products release toxic hydrogen chloride gas when heated, which becomes lethal hydrochloric acid when inhaled. These corrosive gases can spread faster than flames, trapping building occupants before they have a chance to escape. According to fire experts, it is not unusual for people caught in building fires to be killed by toxic PVC fumes long before the flames actually reach them.

However, Governor Pataki has come under intense pressure from industry to veto the bill. This legislation is being sent to him for his signature, and Governor Pataki needs to hear from YOU, that you support this landmark legislation that would protect New Yorkers from the use of dangerous PVC in major buildings across the state. This is the first and only statewide plastic pipe restriction in the nation, roughly 50% of all PVC is used in pipes, and NY is one of the largest single economies in the world, all of which add up to hugely significant progress for a clean and healthy environment.