
Committee Meeting

of

ASSEMBLY SOLID AND HAZARDOUS WASTE COMMITTEE

“Testimony from concerned public policy makers and environmental experts on the appropriate role GE should play in the cleanup of the Hudson River”

LOCATION: Englewood Boat Basin
Englewood, New Jersey

DATE: June 19, 2001

2:00
p.m.

MEMBERS OF COMMITTEE PRESENT:

Assemblyman John E. Rooney, Chairman
Assemblywoman Charlotte Vandervalk
Assemblywoman Loretta Weinberg



ALSO PRESENT:

Algis P. Matioska
*Office of Legislative Services
Committee Aide*

Tasha M. Kersey
*Assembly Majority
Committee Aide*

Stacy O'Lear
*Assembly Democratic
Committee Aide*

*Meeting Recorded and Transcribed by
The Office of Legislative Services, Public Information Office,
Hearing Unit, State House Annex, PO 068, Trenton, New Jersey*

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ASSEMBLYMAN JOHN E. ROONEY (Chairman): I want to welcome you all today to the Assembly Solid and Hazardous Waste Committee meeting.

We're off-site today in the beautiful boat basin here. This is called the Englewood Boat Basin in Palisades Interstate Park. I always like to -- when I speak to my colleagues down in Atlantic County and Ocean County and Monmouth County, and they tell me they're a shore legislator, I always tell them -- and I'm a shore legislator, too. This is the shore that is in my district. It is the most historic part of the New Jersey shore. The battles of the revolution were fought up and down the Palisades many, many years ago, and it is a beautiful section of New Jersey and often neglected.

So what we're here today -- we're going to be discussing a bill-- That is, it's a resolution, Assembly Resolution No. 195 by the Chairman of the Assembly Environment Committee, that says, "Supports dredging the Hudson River to remediate the PCBs as proposed by the EPA." The EPA is here to testify today, and basically, we're going to discuss that. I have many questions on this resolution.

At the present time-- I've waited 15 minutes, and I was hoping that the other legislators would be here. Assemblyman Steele, who is a regular member of the Committee, said he would be here.

Tasha, have you heard from anyone?

MS. KERSEY: (Committee Aide): No, but they're on their way.

ASSEMBLYMAN ROONEY: Okay. And Assemblywoman Loretta Weinberg--

They're on their way. Okay. So I don't know--

How long ago did you hear that they were on their way?

MS. O'LEAR (Committee Aide): I spoke with their offices about 10 minutes ago, and they both said that they were on their way.

ASSEMBLYMAN ROONEY: Okay. So let me give them the benefit of a few more minutes, and I'll stall, if that's okay.

I wanted to introduce my colleague from the Assembly and also my partner in District 39, fellow shore legislator Charlotte Vandervalk.

ASSEMBLYWOMAN VANDERVALK: Yes.

ASSEMBLYMAN ROONEY: I'll let Charlotte have the floor at this point.

ASSEMBLYWOMAN VANDERVALK: Well, I, you know, it's-- I chair the Assembly Health Committee, and there's an obvious connection with health and what's going on in the river and what's going on with our waters and our air. And so I'm particularly concerned for the health of the people of this district and this state. We have to really place a heavy focus when we know that there are toxins around, because all too often we hear, you know, a decade later of the disasters that have been subjected to people because of toxins. And quite frankly, we have to clean up the toxins. There's no other-- You can't just leave them there.

In any case, we want to hear the testimony from the experts. And again, my focus is the health of the people of this area.

ASSEMBLYMAN ROONEY: I'm sorry. I didn't mean to interrupt.

ASSEMBLYWOMAN VANDERVALK: No, that's-- No. No.

ASSEMBLYMAN ROONEY: I was looking for the sign-in sheets. If anyone-- I think we have a list of people who have advised us they wish to

sign up and to testify. If anyone else-- I'm going to read out the list before we start: William McCabe, Deputy Director of the Emergency Remedial Response Division, U.S. EPA; Freeholder Doug Bern; Paul Liroy, Ph.D., Professor and Associate Director of EOHSI, the Environmental and Occupational Health Science Institute at Rutgers University, my alma mater; Dr. Lambert, M.D., an Associate Professor of Pediatrics, Director of the Division of Pediatric Pharmacology and Toxicology -- again, EOHSI; Dave Pringle, who's not yet here, from the New Jersey Environmental Federation; Dena Mattola, Legislative Coordinator of New Jersey Public Interest Group; Jeff -- it should be Tittel, Director of the Sierra Club, and I understand there's a substitute for Jeff.

What I'll do is, the EPA is almost ready to testify, but what I want to do is basically pose a question to the EPA, the DEP, and other agencies that will testify before us today. Because the thing that I have heard-- And this particular resolution talks about the river and the contamination of the river and the dredging, as proposed by the EPA. You know, this is the cleanup. From my understanding, and it doesn't say in this legislation, this Assembly resolution -- from my understanding, this cleanup is going to be confined only to north of the Troy Falls. So this is a major concern to us south of the Troy Falls. Troy Falls, I think, is 100, 150 miles from here. It's a long way. How many miles exactly, roughly? (indiscernible reply from audience) So it's about 150 or so miles from here. That leaves a lot of the river untouched.

The other question I want to ask-- This is the Assembly's Solid and Hazardous Waste, and we're talking about the hazardous waste in the river. The two major hazardous wastes in the river are PCBs and dioxin. The PCBs were created from GE's transformer plants that basically spilled out this

pollutant over the years into the river, and it came south. The other pollutant is dioxin, which came from the Diamond Alkali chemical plant in Newark Bay, and that spewed it out into Newark Bay, and it came north. So along this stretch of river-- And I've been a member of the Environmental Committee -- I'm Vice-Chairman of that Committee and have been on this Committee for many years, and I've seen the maps over the years. And there's the little, kind of measles maps that we call the hot spots, the red that show the dioxins coming up and the PCBs going down. It's all along this stretch. It's here.

The one thing in the Environment Committee that they've dealt with over the years has been the dredging of the Hudson. This is a necessity. We have to support our shipping industry. If we do not do the dredging in the Hudson River, we will be out of the shipping industry in a very short period of time. We can no longer-- We can't handle the deep draft shipping that's coming in from all over the world. It will get to a point very shortly that we won't be able to handle regular shipping, because our ports aren't deep enough. They keep silting up. And unless we open those ports up, New Jersey will be, and New York, will be out of the shipping industry. Those ports will move to Baltimore and so on down the coast into the gulf ports, etc. So that's a concern.

The Environment Committee has been dealing with the dredging of the Hudson for shipping. This Committee is dealing with the solid waste. At some point in time, the two committees are going to have to come together, and we will have to deal with that problem. Regardless of what EPA is proposing for north of the Hudson Falls, once the dredging starts in the Hudson River, we have to deal with the issue of the contaminants, the PCBs and the dioxins, at that time.

What do we do with them? Understand, dioxin and PCBs are on the bottom of the river. They affect the crustaceans. They get into the food chain that way. The fish eat them. They get into our food chain. We eat the fish. Somebody has a sign here saying, "Do not eat the fish from the river or crabs." This is the problem that's been going on for years. Whether we'll ever be able to do it -- probably not in my lifetime, especially not crustaceans. So this is what we're dealing with.

When they do the dredging, shouldn't it also start to come up the river and get rid of this problem in a coordinated effort at the same time? That's what this Committee wants to hear today. We want to hear testimony that says, yes, we're aware of all this. We don't want a piecemeal approach, where if somebody is dredging down here and somebody is dredging up there for different reasons -- one is for the shipping industry, one is for the contaminants above the Troy Falls--

So that's the questions that I pose to the witnesses today, and that's what I'm asking you to do. Answer those questions for us -- how we can bring this together. New Jersey has only a small piece of the Hudson River compared to New York state. We are very deeply affected. The shipping is on this side of the Hudson, and that's a major concern. We've got to put it all together. So that's what I'm asking today. I'm not here to blame GE, because there's plenty of blame to be assessed.

And just for the record -- and there are lobbyists here -- and I'll say it, and I say it many times, GE is the number one polluter in the State of New Jersey. Sorry about that, but that's true. They are the number one polluter. I've dealt with the issue of the mercury contamination in Hoboken. They have

left many plants, the remnants of many plants, with the contamination. I've been into the issue -- the Hoboken, where lives were put at stake. I got into that because a good personal friend of mine lived in a building that had previously been a GE mercury vapor lamp factory. His family was contaminated with this.

There's several other sites. I believe, I think--

Algis, how many sites did we actually find from GE in New Jersey?

We're talking about a couple dozen--

MR. MATIOSKA (Committee Aide): Several dozen.

ASSEMBLYMAN ROONEY: --several dozen sites that are left in New Jersey. So their hands aren't clean, that's for sure, and neither are their plants. But be that as it may, what we're interested in today is getting a coordinated solution or getting some ideas of what's facing us and what we can do about it. Let's start the cleanup at some point in time. And if the river is going to be dredged for shipping purposes, it should also consider that.

So, having said that, I was hoping that I would use enough time to get our--

Ah, Mr. Bern. He's on our agenda, so that's good.

Yes. We have to get started, because Assemblywoman Vandervalk has another place to go.

I'm going to start with the EPA. They have a presentation ready, and please introduce yourselves for the record. We are having a public record today, just so everyone knows that.

WILLIAM McCABE: Good afternoon. I'm Bill McCabe. I'm the Deputy Director for the Superfund Program for EPA in Region 2 in New York. I'm also the Chair of the Hudson River Oversight Committee.

What I'd like to do is give a brief presentation, which is not that easy considering we've done a 10-year study that cost us over \$25 million. This kind of a study is unprecedented in the Superfund Program. The study when -- we'll just see the first slide here. (witness starts slide presentation) This would be the three sections. Yes. Anyway, as I said, it's a 10-year study, \$25 million. This is a study that's been peer reviewed by independent scientific experts. Five different panels reviewed various sections of the report and essentially gave us a clean bill of health. It's not that there weren't any problems or that we didn't have to make any revisions, but basically they affirmed a couple of very important points: One is that fish pose an unacceptable risk, and two, that widespread burial is not occurring as some would claim. In other words, PCBs are moving around this system. It's a dynamic river system, not unexpected.

What we've studied-- Although the site is a 200-mile site stretching from Hudson Falls in New York state all the way down to the Battery, what we've mostly studied is the -- what we call the upper Hudson, which you have here on the slide, which is the upper 40 miles from the Federal Dam in Troy, northward, up to like the Glens Falls area. And what you have here, River Section 1-- The reason that this was studied so strongly was that this is where the historic evidence of PCB sediments are.

New York state did studies in the '80s and came up with 40 hot spots. In Section 1, which goes from the top there (indicating) down to the Thompson Island Dam -- this is the most studied area. This is what is known

as the Thompson Island Pool. This area has 20 hot spots. This six-mile stretch has an average sediment concentration of about 42 parts per million. The next five miles, which goes down to the Northumberland Dam, Section 2 there, has 15 hot spots, and that average sediment concentration is about -- surface sediment concentration is about 26 parts per million.

So you can see the first 11 miles have 35 of the 40 hot spots and the most severe contamination. Though Section 3, which goes all the way down to Troy Dam, is 29 miles, there's only 5 hot spots there, and that averages about 9 parts per million. So, as I go through here, you'll see why we've selected what we've done. We've concentrated on Sections 1 and 2.

A little bit about PCBs: PCBs cause cancer in laboratory animals and are probably human carcinogens. This is not only according to EPA, but other organizations agree with this. The National Institute of Environmental Health Sciences, or NIEHS, the National Institute of Occupational Safety and Health, NIOSH, and the World Health Organization all agree with this.

In addition to the cancer effects, there are some serious noncancer effects such as low birth weights, learning and memory problems, thyroid disease, immunological deficiencies. For these reasons, we advise people in the New York state area, obviously, to follow the fish consumption advisories, which are -- and there's a sign there that Barry has just to show you what it looks like -- eat none from Hudson Falls to Troy, and for women of child-bearing age and children under the age of 15, eat none in the entire river. So it's serious. This is a very serious situation. Those health effects have been in effect for over 25 years -- those health advisories, I'm sorry.

Now, why is that also important down here? People eat fish. There are signs posted. There are health advisories. There are restrictions, but we all know people eat fish. Some people have to eat fish, the subsistence anglers. There are people I know in the Hoboken-Jersey City area -- they are fish cleaning stations. People do eat fish. The 1996 DOH Department of Health survey -- New York state, this is -- showed in the survey that one in six people that they interviewed had fish, and one in ten had more than one fish. Obviously, if you have a catch-and-release program, you're supposed to put them back. So they were going to do something with those fish. Of course, that means they were going to eat them.

So what's the problem? We have PCBs in the water. There's a slide there of Waterford. There are PCBs in the water. I'll go through the water, the fish, and the sediment. What this will show you here, if you look back in the earlier days, '77 through '79, as some people will point out, then you go to 1997, you say, well, look, you've got a 90 percent decrease. Isn't that great? Well, but if you look from about '85, or that range there on, it's pretty leveled off. And that's really what the case is nowadays.

There were reasons back then, including the fact that the dam at Fort Edward was removed, GE stopped discharging in 1976, '77, and the last navigational dredging was done around that time. So that's the reason that those were up high. But ever since the controls have been in place -- essentially controls -- you're talking about it pretty much leveled off. So the PCBs are still there. They're not going away.

The PCBs are also in the fish, and this is the risk that's posed by the river. We did an analysis, a risk assessment, and that showed that basically

you could wade in the water and swim in the water and what have you. The real risk was eating fish.

There's another slide there -- but that's okay, this one is all right. This shows you what currently, or in 1999, what is still in the fish. The FDA level, which is not -- you know, the Food and Drug Administration level, which is not the level that we use for a risk assessment, but the FDA level is 2 parts per million. As you can see, you've got some very substantial numbers there, and those are in River Sections 1 and 2. It's far less than that in River Section 3, to be fair. But the point is, what we use is -- you can see on top there -- is 0.05 parts per million.

The reason there's a difference between the FDA and EPA is because the FDA uses what's known as a market basket approach. That is, they assume that your consumption is from a lot of different kinds of fish from a lot of different sources. You add them all together, so 2 parts per million is acceptable.

What EPA uses is that we're assuming that people who fish the river, particularly those for subsistence purposes, are going to eat those fish and those fish alone. So we've used a number of 0.05. It's also the number that the Great Lakes uses for their sport fishing advisory. So it's not an unusual number or a very, very low number. It's actually, fairly, a common number.

As far as the sediments, I mentioned what the numbers were before. We considered the sediments to be the main problem here. They are a couple of-- There should be a sediment slide there. That one is good. There's a couple of sediment slides. What one of them would show you is that as you go from -- there is one that shows there for Fort Edward-- No, not that one. Nope. Never

mind. That's all right. They fell on the floor, unfortunately. What it will show you is that the sediments contribute to the water column tremendously as it goes over the area in River Section 1, the Thompson Island Pool. It picks up about three times the amount that's in the water column originally.

And lest anyone think that this is an old phenomenon, this is a 1999 sediment sample from General Electric. We use their samples, as well as ours, and the USGS and New York state's, and anyone else who does work. We use everyone's information. But what this shows you is that within the top two inches you have about 600 parts per million. You go down about the next four inches, and you're about 1200, 1300 parts per million. There are still very high levels in the sediment.

What does that mean? That means they are not being uniformly buried. The contention by some parties is that just let Mother Nature take its course, let it bury the sediments. That is not happening. In fact, we've shown that in more of the cores there's a loss of inventory than a gain. A gain, of course, would mean that there's burial. A loss means it's moving around. Also, the highest PCB levels in 60 percent of the samples are in the top nine inches of the core. So that would be a kind of example of that, but this one is even more severe. Of course, I showed you a very hot core. Again, what this is just saying is that the PCBs are available. They're available to the fish. They're not being buried. That is why we believe that remediation is necessary.

So what's the answer? Some have contended that perhaps we should just remove one of the sources, which is the land-based source at the GE plants in the upper Hudson River, and let Mother Nature run its course. We believe-- And to be fair again, General Electric is spending a great deal of money

in the upper Hudson River to remediate its two plants at Fort Edward and at Hudson Falls. In their estimation, on their entire Hudson River project, they've spent around \$200 million. That includes research and everything else, but they've spent a lot of money. The two land-based facilities are being remediated under order with New York state. They believe that with this one more project that they have, which is a tunneling system which will essentially cut off the rest of the PCBs that are still coming from their plant site into the river, that with that system and that system alone that that is sufficient for the remediation of the Hudson River. They do not believe that the sediments have to be dealt with.

We, on the other hand, believe, yes, you have to do what they said. That is one piece of the remedy. Obviously, you can't clean up something and have a continuing source continue to pollute it. That is one piece of the remedy. The rest of it is what we have proposed in December of last year. We proposed a \$460 million dredging remedy for the Hudson River -- for the upper Hudson River. That's 2.65 million cubic yards of PCB-contaminated sediment that have to be removed.

In that River Section 1 that I showed you, the top five miles -- you can show those other -- those colored ones there, Barry -- in the top five miles, it's 1.56 million cubic yards. So this shows you-- That would be from the top-left side there down to the Thompson Island Dam. That area in red is what we're talking about remediating. So you can see in that section of the river we're talking about a great deal of remediation. And again, that was where 20 of the hot spots were.

In Section 2, which goes from the Thompson Island Dam to the Northumberland Dam, you can see that there's some more remediation there. That was where the 15 hot spots were. That's about 0.58 million cubic yards.

The third section, which you have on the next two slides there, you'll see there's just a couple of red areas -- and you can just run through them quickly there -- a couple of red areas that need to be remediated. That's about half a million cubic yards in that river section. So again, the focus, really, is on those first two sections. The upper 11 miles is the key.

We're also doing about 340,000 cubic yards of navigational dredging. We need to do that dredging in order to do the rest of the works. Therefore, there's kind of an added benefit here for navigational purposes. What we're dealing with here is about 500 out of a total of 3900 acres. So you're talking about 12 percent to 13 percent of this entire acreage is what we're working on. That's why we've considered this to be a targeted dredging approach. It's not any kind of, as some people have termed it, bank-to-bank dredging of the whole thing. It's about 12 percent or 13 percent. It's a lot of work. But again, we didn't just go in and say, let's get rid of everything and who cares what the cost is. We care a great deal.

We're following that with one foot of backfill. The backfill is both to restore the habitat and to isolate any residual PCBs that are left behind. This will remove about 100,000 pounds of PCBs from the river system. The river will remain open to navigation at all times during the dredging project. In accordance with the wishes of the local community -- not that we can comply with all of their wishes, because we certainly can't, and I don't want to act as if we can -- there will be no new landfills built in the Hudson Valley to

accommodate this waste. It will all be disposed of off-site, whether that means we have to take it to Utah or to the Niagara Falls area, or whatever it is. It will go to a commercial facility that's licensed to handle it. It's a business just like anything else, and that's where it will go. We will not be building a new landfill in the Hudson Valley.

There will be dewatering and transfer facilities, one or two -- we haven't figured it out, exactly -- along this stretch to dewater the sediment and to get it ready for rail transport to those facilities. We will not be using trucks to any great extent. Again, the local community was very worried about the truck traffic, and you could imagine why. It would be a tremendous amount of truck traffic. We're going to use rail and barges. So we're going to stay out of the way as much as possible. It's not to say that there are not going to be any disruption. You can't do a project like this without any disruption, but we will minimize it to the maximum extent we can.

This is considered environmental dredging, as opposed to navigational dredging. You may have seen pictures of navigational dredging, where you kind of go in with a clamshell and you scoop up what you can and you dump it in a barge and stuff falls all over. That's not the way this is. There has been a great deal of advance made in environmental dredging. It's much more precise. There's the GPS system, or you can go down and actually on a grid pick out what you're doing and see what you've cut. It's much more precise, basically. It's a slower process. It will take longer, but it will minimize the amount of resuspension that comes down river. And also, of course, it minimizes the amount of sediment that you're picking up that you would have

to dispose of, which is important, because we don't want to be picking up extra sediment.

There, of course, will be an extensive monitoring program, every which kind of monitoring we've had. During our comment period we've had, oh, I think it was 35,000 E-mails, comments, and about 25 or so full boxes of comments. In addition, General Electric sends us, oh, I think it was about 4 boxes themselves of comments, reports. So we have to answer all of that, a great deal. A lot of people are concerned about anything you can imagine: noise, lights, odor, resuspension, the truck traffic, the landfills, these dewatering transfer facilities, whatever. Anything you can think of, people have brought it up, we have to address it. We are now in that process of addressing it.

We are on schedule to have a record of decision in August. The record of decision is the final decision. The proposal, again, was in December, a four-month comment period. Now we're responding to comments. And in August, we expect -- perhaps I should say hope -- to have the final remedy. There's a great deal of work going on, as you can imagine. We take seriously the comments we received, and we have to address them all. Obviously, if we don't, we'll be hearing about it in court anyway. So we better address them.

The proposal is that it's about a three-year design we're talking about and five years of implementation. So 2004 through 2008 is when we're talking about the actual in-the-river implementation. It's an ambitious schedule. We believe it can be done. We've consulted with a number of experts throughout the world, including the Army Corps of Engineers here, and we all believe it can be done. We expect that there will be glitches, but we think we can overcome them.

What will this all achieve? Obviously, we're going to reduce the PCB levels in the fish. We're going to reduce the load that comes over the Troy Dam. I forgot to mention that about 500 pounds, I think it was 1999, come over the dam downriver. So we're going to reduce that load by about 40 percent. We'll reduce-- I didn't mention wildlife at all. New York state did a study of wildlife. The data is out, but the report is not out. Essentially, it says that the wildlife is tremendously impacted -- the mink, river otter, things like that, the bald eagle.

Perhaps the most important thing-- Another thing was for flooding events. Obviously, you're going to get rid of massive PCBs that's in the river. Major flooding events brings that down river. Navigational dredging -- a good amount of that will be accomplished. And in fact, we're working with the New York State Canal Corporation. I think if this remedy does go forward, we would be working with them and probably accomplishing all the needed navigational dredging. Probably most importantly of all, though, is that it reduces the risk for people who continue to eat fish. As I said before, we know people who eat fish. Right here in New Jersey they eat fish, as well as upriver. It's not a good idea, obviously, and we will unquestionably reduce that risk substantially.

So with that, I will be available to answer any questions that you might have.

ASSEMBLYWOMAN VANDERVALK: Mr. Chairman?

ASSEMBLYMAN ROONEY: Charlotte.

ASSEMBLYWOMAN VANDERVALK: Yes. Your presentation was very interesting. I thank you for that. But could you -- could you just

enlighten us as to what the EPA has done, if anything, on the lower parts of the Hudson, particularly right in this area? There has to be some movement downstream. I wouldn't know to what extent, but certainly it's a question that one would have to consider.

MR. McCABE: What I can tell you is that we have measured the surface sediments down to the Battery, and the numbers that I recall are less than a part per million in the Battery of PCBs. Forget about anything else, because this is the Superfund Project to deal with PCBs, and that also doesn't say where they come from, all of them. We're assuming about half of them, for good reason -- I could get into that -- but about half of them are from the GE facilities. But still, it's less than a part per million. We're not dealing with anything of that level in the upper Hudson. In fact, if everything was less than a part per million, I wouldn't be here. We would have no action, to be quite honest with you. But I'm not going to tell you--

ASSEMBLYWOMAN VANDERVALK: But wasn't the chart that you had talking about 0.05 parts per million?

MR. McCABE: That's in the fish -- in the fish tissue.

ASSEMBLYWOMAN VANDERVALK: Okay.

MR. McCABE: So that's what they accumulate through the various processes--

ASSEMBLYWOMAN VANDERVALK: Well, but if--

MR. McCABE: --from the sediment, from other fish, and through the water column, etc. There's no direct relationship. It's a very complicated relationship, actually.

ASSEMBLYWOMAN VANDERVALK: But what would your guidelines tell you that one part per million PCBs-- What does that mean? Is that a health risk, and what type of health risk? What happens to people that--

MR. McCABE: We haven't evaluated the risk down here. We have evaluated the risk upriver, because that's where the hot spots are, and we know you've got to deal with the sources, as opposed to every place that it's gone to. And obviously, the logistics of dealing with 200 river miles would be just phenomenal. It would be out of the question.

But as I said, I'm confident that it would be accurate to say that if we were dealing with one part per million upriver, we wouldn't be taking action. I can't give you a risk number for that, because we didn't calculate it. We didn't have numbers like that, but we're dealing with-- Well, let me just tell you how, with the remediation-- The goal of the remediation-- We have-- This gets a little bit complicated, but we're leaving -- we're basically going after hot spots. Let me say it that way. We're not really even going down to one part per million.

For instance, let me give you an example. At the General Motors site in Massena, New York, several years ago, General Motors dredged the St. Lawrence River, and their goal was one part per million. We used one part per million there, because that was using the St. Regis Mohawk Tribe -- is right next door to them, and their fish consumption is much higher than ours. So we used that in our risk assessment, and we figured out one part per million was a good number. That would yield safe fish. We achieved about an average of three parts per million, which we're pretty pleased with, to be honest with you, and one area had to be capped. It was over 99-plus percent. According to General

Motors, 99.9 percent of this PCB contamination was removed. We felt that was very successful.

We're in the river right now, upriver from that, at the Reynolds facility in the St. Lawrence River. We again have a goal of one part per million there. And again, I'm hoping that we're going to get somewhere in that neighborhood, one. Well, it's our goal. Here we didn't even try that, because one part per million would have meant bank-to-bank dredging, certainly for the 40 miles and probably a lot more than that. So we knew that that was just not feasible. So we really didn't even think in those terms of let's get everything out. That would have been billions of dollars, and that's kind of a nonstarter.

So what we did was try and focus on the hot spots. And if we got out a certain amount of them -- and again, we have a different plan-- We have a lot of different plans for a lot of different areas. It's fairly complicated, but probably wouldn't do a lot of good here without pictures and charts. But in any event, we tried to show what kind of risk reduction there would be by taking out these hot spots to different degrees, and that's the way we approached it. But we did not and would not deal with one part per million, because it's just too pervasive.

ASSEMBLYWOMAN VANDERVALK: Mr. Chairman, just one follow-up question.

ASSEMBLYMAN ROONEY: Sure.

ASSEMBLYWOMAN VANDERVALK: You obviously have seen all the boats here. And I mean everywhere you go, up and down here, there are boats. A lot of people do go swimming off of their boats. They may have a favorite cove somewhere, what have you. Is that safe for swimming?

MR. McCABE: (pauses)

ASSEMBLYWOMAN VANDERVALK: Long pause. Long pause.
(laughter)

ASSEMBLYWOMAN WEINBERG: That would answer my question. (laughter)

MR. McCABE: I would like to tell you sure, but I'm not-- I'm neither a toxicologist, nor a health physicist or whatever--

ASSEMBLYMAN ROONEY: We have somebody who could answer that question?

MR. McCABE: --and hopefully someone else--

ASSEMBLYMAN ROONEY: EOHSI is here.

MR. McCABE: --but there are beaches that are open upriver. We did do a risk assessment upriver for swimming, and it was not a risk. But again, we did it for PCBs. I don't know what else is down here. So that's why I would be very hesitant to answer that kind of a question.

ASSEMBLYWOMAN VANDERVALK: Thank you.

ASSEMBLYMAN ROONEY: Just to get to my questions, the purpose of this hearing is, we're interested in the Jersey side, particularly the fact that there's going to be dredging. I mean, this is a given. Where does the EPA fit into this picture once they start dredging some of the PCBs and the dioxin? It's still a question of the contamination of the Hudson. So do you have any data on that? I know we've seen some in the Environment Committee, as far as the hot spots here when they're looking at dredging.

MR. McCABE: Well, what we evaluated, again, was just the-- We really focused on the upper 40 miles. We didn't spend a lot of-- We have some

data that goes down this far, but we knew we weren't going to be remediating this area under the Superfund Program.

Now, under other programs working with the State, I'm sure we would be involved in the Corps of Engineers with dredging. But under the Superfund Program, we were specifically addressing the PCBs in the Hudson River, which was specifically the PCBs from the General Electric facilities in the Hudson River. So we are really not-- You know, I hate to slough it off that way, but we're not -- under Superfund, we're just not dealing with this at all.

ASSEMBLYMAN ROONEY: Okay. I understand your position, though. That's your speciality.

MR. McCABE: Right.

ASSEMBLYMAN ROONEY: Perhaps at a later hearing-- And I did say that there would be a couple of hearings. And we also want to look at joint hearings with the Environment Committee and the Hazardous Waste Committee and specifically bring this up to the EPA. Perhaps somebody in a different group could help us with that.

MR. McCABE: I hope so.

ASSEMBLYMAN ROONEY: I might take that back.

Anyone else have any questions? (no response)

And I want to welcome Loretta Weinberg, our legislator from--

ASSEMBLYWOMAN WEINBERG: From this district.

ASSEMBLYMAN ROONEY: --this district. Actually, you're a shore legislator, too, as I was saying earlier.

Thank you again for coming. I appreciate your time.

MR. McCABE: Okay. Thank you.

ASSEMBLYMAN ROONEY: At this point, we have Freeholder Doug Bern here. We're going to go in order of what we have. Whoever responded first, I believe is how we have this.

Doug, welcome.

DOUGLAS BERN: Okay. First come, first served.

ASSEMBLYMAN ROONEY: Yes.

MR. BERN: Thank you very much. Good afternoon.

First of all, as a councilman here in Englewood, I want to welcome you. And as Freeholder Chairman of Bergen County, I want to welcome the members of the Assembly Solid and Hazardous Waste Committee. Here at Englewood, we think of it as Englewood. Less than 100 years ago, it was. Today it's Englewood Cliffs, but we're the same area. And of course, Bergen County, I also want to thank the members of the Committee, and as Chairman, Assemblyman John Rooney for convening this hearing on this important subject. I'm pleased to appear before the former clerk of the freeholder board, Loretta Weinberg, and Assemblywoman Vandervalk, former freeholder aide.

ASSEMBLYMAN ROONEY: And freeholder.

MR. BERN: So I think we share a lot in common.

And former freeholder. I'm sorry.

ASSEMBLYWOMAN WEINBERG: We all graduated, Charlotte.

(laughter)

MR. BERN: So we have a lot in common.

The health of our rivers here in Bergen County and elsewhere is of paramount importance to the people of Bergen County. The Hudson River has a singular relationship to our nation's heritage, a central position in our region's

social identity, and a tremendous amount of ecological and commercial value. The contamination of the Hudson River by PCBs poses an undue public health danger to humans and wildlife in our region--

ASSEMBLYMAN ROONEY: Excuse me. That chair is too noisy. Excuse me. Every time I move, it squeaks. (changes chair)

MR. BERN: Something coming out of the river, maybe?

ASSEMBLYMAN ROONEY: Whatever. (laughter)

MR. BERN: --and will not stop posing these adverse effects until they are physically removed, including from our section of the river.

The designation of over 200 miles of the Hudson River as a Superfund site in 1983 is the source of our problems. We know that the international conglomerate, known as General Electric, or GE, is to blame for the release of 1.3 million pounds of PCBs into the Hudson River and should be held accountable for it. GE was aware that this pollutant had the potential to harm humans, yet they persisted in utilizing it despite its obvious hazards. As the proven source of the pollution, we must call on this corporation to take responsibility for their actions and work with the State and Federal governments to formulate a cleanup plan as soon as feasible.

Moreover, after 17 years, the people of Bergen County expect that this matter will be fully resolved. We have sat by for years while GE has tried to fight this battle in court, only to realize that it is the people who use and appreciate the river who are suffering.

The Bergen County Board of Chosen Freeholders passed a resolution in support of the findings of the proposed remediation plan as part of the Hudson River reassessment. In fact, when we passed this resolution on

May 2nd of this year, we urged the EPA to issue its record of decision without delay. We consider this resolution to be a bipartisan statement that does not involve politics, but focuses on the needs of our Bergen County environment and its people.

When our founding leaders came to this country and settled on the banks of the Hudson River, I'm certain that they never could have imagined what the state of the river would be today. Pregnant women and children are urged not to eat fish from the Hudson, and numerous ecosystems and species of wildlife are adversely affected because of the pollution in the river.

How can we in the year 2001 treat an American heritage river this way, and why hasn't any plan been formulated to clean it up? General Electric should be compelled to pay for a majority of the costs of this enormous effort, utilizing the best available technology today to ensure that our present population and future generations do not have to live with the mistakes of the past.

Thank you.

ASSEMBLYMAN ROONEY: Thank you, Doug.

Any questions?

ASSEMBLYWOMAN WEINBERG: No. If I may, I just want to thank you for coming on behalf of all of us and reiterating what I think most of us up here probably believe -- the importance of this site as well as the importance of moving a remediation plan as quickly as possible that includes the prime reason we have to remediate.

So thank you.

MR. BERN: Particularly this section of the river.

ASSEMBLYMAN ROONEY: Doug, one of the things that we discussed earlier is that this section of the river is getting nothing according--

MR. BERN: Yes.

ASSEMBLYMAN ROONEY: --to the EPA study, and that's why we're here today. That's why I wanted some questions answered. I think we got answers, some answers from the EPA, but we're going to have to go further than that, because basically they're saying we're not as polluted, therefore, we're not going to get any remediation. I said earlier in my introductory statements -- I think you had come a little bit later -- was that there's going to be dredging, basically, for the shipping--

MR. BERN: Yes.

ASSEMBLYMAN ROONEY: --industry in the state. And when that happens, we're going to get pollution. And how we coordinate those two things-- I've looked at-- I've sat on, as Vice-Chairman of the Environment Committee, and looked at the dredging aspect of it and seen the contamination and the questions it brings up. And as Chairman of this Committee with the Hazardous Waste, there doesn't seem to be any nexus between the two. We're talking about the shipping industry and the harbor dredging, but we're not talking about the hazardous waste materials. And now, we're talking about the hazardous waste materials, but not what's going to happen-- It doesn't seem to be coming together. And that's why this Committee is happening right now. I want to take this back to Trenton and start to bring both committees together to look at the whole situation.

MR. BERN: It's got to be coordinated.

ASSEMBLYMAN ROONEY: We can't just look at the dredging of the harbor.

MR. BERN: There's definitely an interrelationship there. And all I can tell you-- And I'm sure you know that our population is told to avoid the fish, avoid certain recreational uses of the river. The river is the backbone of Bergen County.

ASSEMBLYMAN ROONEY: Right.

MR. BERN: And that's just unfair. So it has to be dealt with.

ASSEMBLYMAN ROONEY: Thank you very much.

MR. BERN: Thanks very much.

ASSEMBLYWOMAN VANDERVALK: Can I just make one more comment?

ASSEMBLYMAN ROONEY: Yes.

ASSEMBLYWOMAN VANDERVALK: I was particularly impressed with the historic significance of this whole area. I mean, the Palisades-- I mean, we have all the brownstones in New York City, and they came from here until I think it was the Rockefeller family that said, "No more. We're going to preserve these cliffs, because they are a treasure."

MR. BERN: Yes.

ASSEMBLYWOMAN VANDERVALK: And it went from there. There is this road that runs up here, winds up into a dirt path, and then it's a little narrower as you go further upstream here. In fact, those of you with sneakers on, at some time I recommend you do it, because I did it once, and it's a fabulous walk. You walk up. You're right next to the riverbank. I mean, one false step and you're-- You know.

ASSEMBLYMAN ROONEY: You're in the river.

MR. BERN: There was a community known as Undercliff there at one time -- a fishing village.

ASSEMBLYWOMAN VANDERVALK: That's what I'm getting to. That's what I'm getting to. Well, when you walk further up, you will see what we would classify as a ruin. It's this enormous, enormous structure made out of rock boulders. I think it was a bathhouse many years ago. When you see the size of this bathhouse, you just have to have visions of a different kind of America than we know now. It would be so nice to think of this whole historic area with the park and the river. I mean, it's so beautiful. But people aren't using it, and I would love to see it restored to that.

MR. BERN: Absolutely. We agree with you.

Thanks very much.

ASSEMBLYMAN ROONEY: Thank you very much.

I'm going to ask for -- let's see, Dr. Lioy and Dr. Lambert from EOHSI. Which one would like to testify first, or you want to come up as a--

P A U L J. L I O Y, Ph.D.: John, because I thought I was going to be out of town, I deferred to Dr. Lambert to write up the presentation. He's going to give it, but I'll be here for questions and discussion.

ASSEMBLYMAN ROONEY: Okay. All right. Just let me explain.

EOHSI is the Environmental and Occupational Health Sciences Institute. They're located at Rutgers University. I had the pleasure of being there. And we had a hearing of the Environment Committee just a couple of weeks ago, and I was very impressed with the facility itself and the work that they do, basically, so much so that I am looking at legislation to perhaps ask

them to do a study of the Hudson, because that's exactly what their mission is -- to do studies of various problems that we may have.

I want to say on the Hoboken situation -- with the people in Hoboken who were subjected to the mercury contamination, EOHSI is where they went. It was the only facility they could go to for an evaluation of what the effect of the exposure was. And also, in my own community of Northvale, we had a situation where contaminated wells -- and we also referred some people that have been drinking that well water to EOHSI. So I want to thank you all for what you do and I want to help you continue to do that, and perhaps we should get you involved here. Let's get on with the presentation then.

Dr. Lambert.

GEORGE H. LAMBERT, M.D. Good afternoon, General Assembly members, staff, interested citizens, and members of the stakeholders' communities. I want to thank the Assembly members for the opportunity to address this Committee.

My comments will hopefully convince you of the following points: One, PCBs and PCBs with related chemicals can cause adverse human health effects in wildlife and also in humans. The effect of the PCB contaminations of the Hudson River will be unique to the New Jersey ecosystem and residents. There is a severe lack of data about the Hudson River PCBs in New Jersey's environment and residents.

The paucity of the data include: lack of comprehensive data about the widespread distribution of these PCBs in the New Jersey waterways, as the EPA indicated; little data on the effects of PCBs and PCB-like chemicals on

wildlife in New Jersey; no data on the exposure and body burdens of PCBs in New Jersey residents; no studies which have examined the health effects on New Jersey residents who utilize contaminated waterways for recreation and food; and most concerning, the near total absence of human health effects studies of most of New Jersey residents with increased susceptibility to PCBs, such as subsistence crab and fish eaters and the developing human from conception to adulthood.

I'll get into the recommendations at the end of my presentation, which are presented again.

In the background, PCB congeners were manufactured to act as heavy-duty lubricants and heat transferring agents that do not break down easily, even under extreme pressures or temperatures. They had many uses, including lubricants in heavy machines and as heat exchange agents in electrical transformers.

PCBs are a mixture of unique chemical entities that vary by both the position and number of chlorine molecules that are on the biphenyl molecule. There are 209 different PCBs known as congeners. Each congener has different rates by which they disappear from the environment and are cleared from the animal and the human body.

PCBs can cause a wide range of toxic effects in animals, including altered liver function, birth defects, altered sexual maturation, endocrine effects, cancer promotion, immune dysfunction, and neurological dysfunction. At PCB levels seen in New Jersey waters, EOHSI investigators have found that the clams can have reduced calcium in their shells, causing severe thinning of their shells, and other invertebrates have been shown to have sex organs of both genders in

each invertebrate. Individual PCB congeners or a mixture of congeners can and frequently do have different potential for toxic effects.

In the human, some PCBs have been shown to cause altered intrauterine growth, neurological deficits in children exposed during gestation, and altered sexual maturation of girls exposed to polybrominated biphenyls. Transient altered neurological function in the human newborn was shown to occur at high background levels in a study of the general population of North Carolina. This population had no unusual exposure to PCBs. At higher levels of PCB exposures from the parents eating Great Lakes fish, some of the neurological deficits not only were apparent during the newborn and infancy periods, but persisted into at least adolescence. These studies are ongoing, so we don't know yet how far these deficits will occur. These children were also born with decreased weight, height, and head circumference.

The mechanism of action of many of these toxic effects appear to occur through the PCB binding to a receptor in the cell and then interacting with the DNA.

Studies of large numbers of humans exposed to various levels of PCBs have been carried out in Michigan, New York -- Awkesasne, or they are referred to as St. Regis and Oswego fish eaters, both in New York -- North Carolina, Illinois, Indiana, and Wisconsin. All the states with the exception of North Carolina had populations with unusual exposure to PCBs, usually fish eaters. Despite the PCBs in New Jersey waterways, no studies have been carried out in New Jersey residents, although two small pilot studies of Newark Bay crab eaters' PCB contents in meals, their body burdens of PCBs, and the effects of the body burden on one biomarker of human health effects should be

conducted this summer in conjunction with the New Jersey DEP and the EOHSI faculty. The crabs in the New Jersey water are of much more concern, of course, than the fish themselves, and in particular, the pancreas, which really bioaccumulate the substances.

Certain chemicals in the environment, such as dioxin, and breakdown products of PCBs, such as polychlorinated dibenzofurans, appear to act through similar mechanisms of action and cause similar side effects. The mixture of PCBs, dioxins, and PCDFs, the dibenzofurans, can act additively or synergistically to alter the toxic effects of PCBs in overall mixtures. We and others have studied the humans exposed to PCBs and PCDFs in Taiwan and found increased incidence of fetal deaths, multiple birth defects, altered sexual maturation, decreased sperm function, increased endocrine dysfunction and GI and liver diseases in people exposed as adults. There are approximately 76 different dioxin congeners and 135 different PCDF congeners.

Now let's look at New Jersey as a unique contamination of waters. New Jersey waters are widely affected by the Hudson River's PCBs. These PCBs are widely distributed in other waterways besides the Hudson River, such as Newark Bay, Arthur Kill, and the tidal portions of the Hackensack and Passaic Rivers. Some of these major waterways are known to have very high levels of dioxin and PCBs. In fact, the levels of dioxin and PCDFs in these New Jersey waters appear to be much higher than in many of the states where the studies on the effects of PCBs have occurred and conducted. The addition to the PCBs of high levels of dioxins and PCDFs could and almost assuredly would greatly increase the toxic effects of the PCBs on the wildlife and the humans. New Jersey is truly a unique situation that needs to be individually addressed.

Now what do we know about the New Jersey waterways? There is a severe lack of data about the Hudson River PCBs in New Jersey's environment and residents. This paucity of data includes: the lack of comprehensive data about the widespread distribution of these PCBs in New Jersey waterways; little data on their effects on wildlife; no data on the exposure and body burdens of PCBs in humans; no studies which have examined the health effects on New Jersey residents who utilize these waterways for recreation and food; and most concerning, the near absence of human health effects data about the humans at particularly high susceptibility to PCBs, such as subsistent crab and fish eaters and the developing human from conception to adulthood. This is a concern, because up to 10 percent of a certain population may eat crabs and fish from these waters.

Why is it important to do studies? The studies are necessary to be able to manage the waterways and its natural resources and protect human health. It would be important to as accurately as possible determine at what levels of PCBs and other contaminants in New Jersey fish and crabs is it safe to consume. Up to now, the State has had to rely on information from other states with much different mixtures of PCBs and PCB-like chemicals. Other important management knowledge would include how the contaminants are altering wildlife in the ecosystem and how the effects could be ameliorated to protect the New Jersey wildlife and ecosystem.

In summary, PCBs and PCDFs and dioxin and other PCB-like related chemicals can cause human health effects in wildlife and the humans. The effects of the PCB contamination of the Hudson River will be unique to New Jersey's ecosystem and residents. There is a severe lack of data about the

Hudson River -- PCBs in New Jersey's environment and residents, and I reiterated the paucity of the data.

Our recommendations are the following: In order to better manage New Jersey waterways and provide human health advice to the citizens of New Jersey, comprehensive studies to address the above-mentioned data assessment deficiencies should be undertaken as soon as possible. It is difficult to near impossible to develop accurate wildlife and human health protective management plans in cooperation with the citizens of New Jersey until the necessary data are gathered, interpreted, and exposure-risk factors established for New Jersey and its residents. This monitoring and assessment must be carried out in the future in order to provide the necessary data and developing ongoing relevant and public health appropriate management plans for New Jersey now and in the future.

Thank you.

ASSEMBLYMAN ROONEY: Thank you very much.

One of the things that I asked when I was down there, if you could give me an idea or send me something in writing as to what EOHSI can do as far as a proposal in order to do the study and get started on it. Just send it to me directly--

DR. LAMBERT: Sure.

ASSEMBLYMAN ROONEY: --this way I can throw some legislation in to do this, because I think it's long overdue. The study on the Jersey portion of this river has been long overdue. I think you've seen this already. We've been ignored, this section.

DR. LAMBERT: Not only the river, but again the Newark Bay, the Hackensack, the Passaic.

ASSEMBLYMAN ROONEY: Yes. That's what I mean, is that the Jersey portion of this is not in the EPA study or any remediation or anything that's proposing. The data isn't even there. So I'd like to get started yesterday, as a matter of fact. But let's come up with a proposal or give me just an outline of what you would need at EOHSI in order for us to go forward with this. I'm sure I can get--

DR. LIOY: One of the things that I've always been struck by--

ASSEMBLYMAN ROONEY: Dr. Lioy.

DR. LIOY: Dr. Paul Lioy, Associate Director of the EOHSI.

I've done many studies in New Jersey over the last 25 years, mainly in response to state problems -- chromium in Jersey City, some of the issues around Toms River -- I've been involved with and a whole host of different areas. However, one of the things that have always struck me as being something that's been a classic case of frustration is that we are between New York and Philadelphia, and what's good for New York or Philadelphia is always considered to be good for us.

ASSEMBLYMAN ROONEY: Right.

DR. LIOY: I've seen that with the ozone problem, when they expected that any kind of strategies for ozone control that were done in the West Coast would be appropriate for New Jersey. It wasn't until we bit the bullet and started to do our own analyses and focus on our own questions and asked the questions that were substantive for controlling New Jersey's portion

of the problem and the problem that was being brought in from the outside did we, in fact, begin to make positive gains.

I think in terms of the Hudson River and also PCBs in the Hudson end in the other estuaries and rivers in New Jersey, we have to start looking at what is in our residents' body. Right now, I have to say that I'm doing that in South Carolina for the DOE. Why am I not doing that in New Jersey? We are doing it for the standpoint of radioactive nuclides that were the remains of the cold war at the Savannah River site. We've been developing fish advisories for the population of South Carolina. Why? Because we know what to do and we know how to get it done right. And we can look at the time course of change, which I think is very important, in concentrations as one goes from prerediation to remediation to postremediation, to see, in fact -- to answer your question, Assemblywoman Vandervalk -- what does it mean to dredge, and then after dredging, do we have anything that we have to worry about down here from up north in the Hudson or from our own dredging for the waterways.

Without a baseline, without a consistent program, we can look at things from one year to the next. Can we say whether something has been done that's been helpful? I'm doing that in South Carolina. Why am I not doing it in New Jersey? It is a very surprising situation for me to be in, in my own state, where I know we have issues that we're not addressing these problems in a systematic way. It doesn't mean that we have to do every problem this way, but the fact of the matter is, is we're going to look at two major dredges. We should be able to get the before, during, and after. We'll be able to answer the questions that the EPA brought up.

Well, they don't know what it means in terms of the levels in the fish down here once they're dredging. Well, maybe we should be able to do it ourselves and understand it. In that way, we'll be able to make an effective decision as to whether we can eat the fish, swim in the Hudson, or swim in the waterways around the Hudson. So that's the plea, I think, here, is for good science to make you aware of what is needed and allowing you to make good judgments after certain remediations are done, which, of course, they should be done.

ASSEMBLYMAN ROONEY: Right. Dr. Liroy, you brought up-- It's like you're my straight man, almost. Talking about the fish advisories, the reason that -- the next question I would have had, basically, for the EPA and for also yourselves, is you bring up North Carolina. Where are our fish advisories for here? Now I know for a fact that there is a fellow up here who is a bait fisherman who is one of the last net fishermen on the Hudson, Captain Bob--

Bill, you know him, up here? What is his name?

UNIDENTIFIED SPEAKER FROM AUDIENCE: (indiscernible)

ASSEMBLYMAN ROONEY: Engle (phonetic spelling). Right. He's up here, and every once in a while somebody comes and takes some fish samples from him, but we never get a report as to whether that fish is fit to eat or not. Last year right at the Tappan Zee Bridge, my son caught a 45-pound striped bass. It was a beautiful looking fish. Now, I don't know whether you could eat it. It supposedly -- it's coming right out of the ocean, and it's--

The speaker after next, Bill-- But these are the questions that we need to have, because there are people that believe that you can eat one a

month, or something like that, out of the Hudson, and I'm concerned with that. I want that advisory.

DR. LAMBERT: There are, of course, fish and crab eating advisories in the Newark Bay complex.

ASSEMBLYMAN ROONEY: Right.

DR. LAMBERT: But as the EPA indicated, they didn't recommend for kids or pregnant women, or essentially any child, to eat those fish from there, from up all the way from the plant all the way beyond Battery Park, and that includes the New Jersey waters, of course. It's a tidal. So what's in the river comes in and out.

To address Assemblywoman Vandervalk's -- it's probably okay to swim, because you don't get very much from swimming, but it's the eating the fish that every time you go up the food chain by one order -- somebody who eats somebody -- you increase tenfold and you bioaccumulate, particularly the toxic chemicals, the toxic congeners. And for example--

ASSEMBLYWOMAN VANDERVALK: So you're saying that the larger the fish the more danger involved?

DR. LAMBERT: Yes. For example, a Great Lake salmon has the pollution in 1 million gallons of water, by eating one Great Lake salmon. So that sort of gives you a bioaccumulation.

DR. LIOY: It will sort of make you think.

ASSEMBLYMAN ROONEY: Well, I'm going to have to show this testimony to my son, who is not a teenager. He's -- I hate to say it -- but he's in his 30s now. He keeps saying, "Oh, yes, one a month you can eat." And I

said, no, no, don't-- If you want to eat, you eat it, but I'm not. So I want to show the testimony to him when this comes out.

DR. LAMBERT: And if the particular -- with the docks from the Superfund site and the Diamond Shamrock area of the river and the bay over there mixing with them, we know that they're together. They kind of add--

ASSEMBLYMAN ROONEY: Toxic soup. Well, I will be talking -- so please give me some information as to what we have to do to get you guys on board.

Jeff--

ASSEMBLYWOMAN VANDERVALK: Mr. Chairman, I apologize.

ASSEMBLYMAN ROONEY: I'm sorry. Yes. She did say she had to leave.

ASSEMBLYWOMAN VANDERVALK: I had another commitment. I wanted to leave at 3:00, but I wanted to stay as long as possible.

If you could -- whoever is testifying next -- if you could leave the testimony here, because I would like to read it.

ASSEMBLYMAN ROONEY: You'll also have a transcript, so no problem.

Jeff Tittel, who also has to leave, and I apologize for your name getting spelled wrong on a press release. We will have to check with staff on that.

J E F F T I T T E L: I've been down in Camden, and I've got more things to do yet today, but I'm here -- Jeff Tittel, T-I-T-T-E-L, Director, New Jersey Sierra

Club -- because this is not a local issue. This is a national issue. I mean, we do have 23,000 members here in New Jersey. But for the Sierra Club, this is one of our priority issues for the country. And the reason is that what happens here in the Hudson affects the cleanups of rivers throughout the United States. You know, it's like if we can do it right here, to paraphrase New York, New York, we can do it in the Passaic, and we can do it in the Savannah River and we can do it in many other places.

But what's really critical to understand is that the Hudson River, which has been world renown by artists, the Hudson River School of Art, started here because of the beauty. The public has invested billions of dollars in cleaning up this river. But all of that is for naught if we don't get the toxins out of the river, the PCBs. I consider PCBs the gift from GE that just keeps on giving, because it gets into all of us. Everyone in this room has a gift. We never sent them a thank-you note from GE in us, but some of the PCBs in that river has impacted everybody in this room and everybody in this state.

In fact, it's in the fish from Maine to Florida. And it not only is in the fish, but it also gets into us, because we grind up the fish from off the coast for fish meal, and the chickens eat it. We take the fish ourselves, and we eat it. So it is something that affects all of us. But it also affects the economy of this region. The New York Harbor is a \$17-billion-a-year economy, and those toxins that come down the river -- those PCBs that come down in sediment and end up down here in the river impact that. Because every time we want to dredge Port Newark or any other terminal within this region, we then have to dispose of it, and that stuff is hazardous. And when we want to dump it off of Sandy Hook, we're up there saying, "No, you're not going to dump it off of

Sandy Hook.” And then we’re going to have to figure out ways to transport inland to Pennsylvania to be in coal mines, so it’s expensive. So it impacts our livelihood. Those toxins and that mud can put a stranglehold on our economy, and that’s why it’s up to GE to stand up. They polluted the river. They’re supposed to clean it up.

This plan by the EPA -- it’s not the perfect plan, but it’s going to be a start in the right direction to make sure that this river gets cleaned up. Five hundred pounds a year come downriver. It impacts all of us. If we can reduce that number by two-thirds or 60 percent, that’s a start in the right direction. If they can go out there-- You know, we hear GE, because GE is spending hundreds of millions of dollars spinning this the other way, but the way that they’re going to dredge is environmentally sound. It’s not like the clamshell dredge when we do for navigation. It’s basically closed buckets and vacuums that pull the sediments out, and then they cap those sites with clay to stop the sediment coming down. And they are going to go after about half the hot spots in the northern part of the river, and that affects us.

It’s important for this to go forward. We’ve talked about this for years, and we’ve got to take those actions. The time is running out. The Bush administration has to understand that this is too important of an issue for the people in New York and New Jersey, that this river has to be cleaned up. Having a river as a Superfund site just seems sort of ridiculous, and the fact that you can’t eat the fish is like the canary down in a mine shaft. Well, that canary is in a coma, because you can spend all the money you want on greenways and fixing up sewer plants, but if you can’t eat the fish, that’s a sure sign that there’s something wrong with that river, and it needs to be cleaned up.

GE back in the 1950s used to have a TV show, and a former president used to be the announcer for it, and that show was called "Death Valley Days." Well, that's what they've done to this river, and it's time for them to clean it up and live up to their motto, "Bring good things to life."

And I just want to thank the Assembly panel -- Assemblyman Rooney, Assemblywoman Weinberg, and Assemblywoman Vandervalk, who just left -- because it takes leadership to make sure that this happens. General Electric is a big corporation. We know what happens when they don't want to clean something up and we have to fight them, like down in Hoboken that I know you were a leader on. And so it's important for the people of New Jersey and the political leaders of New Jersey, no matter what party, to tell the Bush administration -- let this EPA plan go forward, because we cannot delay any longer. Another year is another 500 pounds coming down, and we got to get the toxins out of the river and we got to start getting the toxins out of all of us and the fish as well.

Thank you.

ASSEMBLYMAN ROONEY: Jeff.

ASSEMBLYWOMAN WEINBERG: A question.

MR. TITTEL: Sure.

ASSEMBLYWOMAN WEINBERG: Adding to what Assemblyman Rooney said a little earlier, you do not feel the dredging will have any bearing on the remediation?

MR. TITTEL: You mean as far as--

ASSEMBLYMAN ROONEY: The shipping channel you're talking about? The shipping.

ASSEMBLYWOMAN WEINBERG: Right. The dredging of the shipping channel. I'm sorry.

MR. TITTEL: Oh. There may be a slight release in the beginning of the process. But if we don't do something, every year-- In the last 10 years that we've delayed, that's 5000 pounds that have come down here. So there will be some. I mean, it is supposed to be very minimum. GE is spinning it that it's going to be a tremendous amount. I understand that it's less than 1 year's worth. And if it's done right, it could be even less, but we have to start taking that step now. We have to keep our harbors open, and we can't dispose of it as long as these PCBs are coming down. And if we can clean up this river, maybe we can clean up the Passaic and the next.

ASSEMBLYMAN ROONEY: Now the point is, and I tried to say it in the introductory, is that we have two different problems.

MR. TITTEL: Right.

ASSEMBLYMAN ROONEY: One is the PCBs upriver--

MR. TITTEL: Right.

ASSEMBLYMAN ROONEY: --but then we're going to be doing the dredging here anyway. Nobody is putting the two together as a combined joint project. If they're going to continue sending more and more PCBs down, even when we dredge and get rid of what we have here, we're going to get more.

MR. TITTEL: Right. Absolutely.

ASSEMBLYMAN ROONEY: And it's easier to dredge sand, and the environmentalists have no problem with getting rid of sand, which is a Class 1.

MR. TITTEL: Right. And the problem is that as long-- It makes our life down here at the receiving end more tougher to get rid of the dredge spoils because of what GE's doing. It impacts us directly. So, if we don't clean up upriver, we're never going to be able to really -- we're always going to have problems here.

ASSEMBLYMAN ROONEY: Right. Just as a side comment is, the situation in Hoboken isn't finished--

MR. TITTEL: I know.

ASSEMBLYMAN ROONEY: --because GE has walked away from the table on that, where they were told by the EPA that they should pay the damages. In turn, they filed a lawsuit against the residents. So that was a slap so--

MR. TITTEL: Well, I just used that as an example, because we know that when we deal with General Electric, when it comes to cleanups, they fight us all along.

ASSEMBLYMAN ROONEY: Yes.

MR. TITTEL: They've spent more money fighting this thing.

ASSEMBLYMAN ROONEY: Yes.

MR. TITTEL: By the time they're done, they'll end up spending more fighting it than it will actually cost cleaning it up.

ASSEMBLYMAN ROONEY: That was one of the questions I wanted to ask the EPA. You just reminded me. They spent \$200 million so far on this. How much of that was lawyer fees?

MR. TITTEL: Well, we've heard-- Not only lawyer fees, but public relations.

ASSEMBLYMAN ROONEY: Yes.

MR. TITTEL: They have TV ads -- full TV commercials -- running every, like, five minutes in upstate New York and full-page ads in the newspaper, and we've heard that they've spent close to two-thirds of that 200 million mostly on public relations fighting it.

ASSEMBLYMAN ROONEY: Right.

MR. TITTEL: And that just shows you how ridiculous it is. But the other side, they want to stop this, because they don't want to have to pay natural resource damages. They've taken away our river. We want it back.

ASSEMBLYMAN ROONEY: Right. I hate to hit the EPA also, but -- what is it? -- 1981 was the origin of the Superfund, and there was -- what? -- 83 sites, I think, original sites on that list. I think to date, there's only been 1 or 2 that are actually cleaned up. Most of the money has gone towards legal fees, fighting the companies that refuse to do the cleanup. It's a bad record, a bad track record, and unfortunately, this is going down that same path, it seems.

MR. TITTEL: Absolutely. It's a shame that it takes so long. On the other hand, you've got to do it right. But we've spent a lot of years on this plan to get it to this point, and if we don't go forward with it, then shame on us.

ASSEMBLYMAN ROONEY: I do support it, and I'm looking at the reasons for it. At first, I looked at it and said why should we support it, because it's way up there, and there's nothing being done down here. But I agree with your statement, unless we do it, we get that extra 500 pounds a year.

MR. TITTEL: Well, it's sort of like when you look down here. It's like if you have a problem with your knee. We keep draining the fluid on our knee, but that's where the cartilage damage is, because that is what affects us.

I just have one quick favor, because I brought Dena with me. I wondered if Dena could go real quick, because I've got to run--

ASSEMBLYMAN ROONEY: Oh, sure. Come on. Sorry about that.

DENA MATTOLA: Jeff's my ride.

MR. TITTEL: --and I'm her ride.

ASSEMBLYMAN ROONEY: Dena Mattola from the New Jersey PIRG.

MS. MATTOLA: Yes.

Well, I don't have anything new -- technical to add, but I did want to talk to the issue, and it is also a priority issue for New Jersey PIRG in that we've been working with a coalition of groups here in New Jersey calling for the cleanup of the Hudson River sites in upstate New York. It's also an issue that's important to me on a personal level. I grew up in Hoboken, and my parents live in Old Bridge now. Of course, we swam and fished and ate bluefish and crabs from the Raritan Bay. I'm sure there's PCBs and dioxins in my body, as in all of our bodies who live along the river.

And I feel that I know all I need to know about the cleanup that's been proposed in upstate New York. Plenty of PCBs have been dumped, millions of pounds into the river. We think about 500 pounds -- that's not an exact number -- but we think about that much comes into New Jersey every year. We know that PCBs are at least probable carcinogens as well as reproductive toxins. While it's great to -- and I applaud your thoughts and any efforts you've put toward expanded study of the toxins in this river, at the same time I think what really needs to be done right now is to put some pressure on

GE in the form of the Legislature and the Assembly. The Senate has already taken a position in support of the EPA cleanup of upstate New York, because that's not a given. You know, we still have a fight ahead of us and have to be persistent and put pressure to make that come to bear.

And so that's really the main thing I wanted to say is just to kind of say that, as we look towards looking at what's in our river here in New Jersey, let's not lose sight of the fact that there are a lot of facts that we do know. We do need to do some work to pressure to make that plan go forward. That's all I really wanted to say.

ASSEMBLYMAN ROONEY: Dena, thank you.

MS. MATTOLA: Okay.

ASSEMBLYMAN ROONEY: And you're basically going right for the issue that I was interested in, is why should New Jersey support this, because it's way up-- It's 160 miles from the Battery. Yes. What's in it for us? And what's in it for us is exactly what you said -- 500 pounds less a year--

MS. MATTOLA: Right.

ASSEMBLYMAN ROONEY: --of the PCBs coming downriver.

MS. MATTOLA: There's something else I didn't say, too, on a personal level in that I'm an environmentalist. My father works on the piers in Port Elizabeth, and so every time the dredging comes up, obviously, within the family it's an issue. It's not a choice whether -- what we do with the toxins. We need the economy. We need it economically, and we need it for our health, too.

ASSEMBLYMAN ROONEY: Yes. It's where we put it. That is the main question. And again, I applauded Governor Whitman when she came up with the deal with the Pennsylvania mines, because they were having all kinds

of sinkholes develop because of all this -- the mining there and didn't know what to do with it. It solved the problem for them and solved the problem for us. I understand that's a problem now because of residents complaining. They don't want to have that stuff in their mines.

And perhaps the environmental groups -- PIRG, the Environmental Federation, Sierra Club -- can get out there and tell them, "Hey, look, this isn't bad." It's bad when it's on the bottom of a river or the ocean--

MS. MATTOLA: And we eat the fish.

ASSEMBLYMAN ROONEY: --because it goes into the food chain. But when you put it into a mine, it's not going to do any damage to anybody. So these are the kind of things that we've got to get that line of communication open.

Same thing with capping landfills with this. You have a leach aid system that takes away all of the leaching and treats it on a proper landfill, and that's what we have in New Jersey. There's one up -- right here in Rockland County, the Clarkstown Landfill, needs, I think, millions of yards of fill in order to cap that landfill. And again, in New Jersey, it's an easy push from here to up to the Palisades here and over to the landfills. So it solves a lot of problems. We've got to come up-- And the environmental groups are the key for us in helping us with land-based solutions. So get that message out--

MS. MATTOLA: Okay, we will.

ASSEMBLYMAN ROONEY: --and we'll work together on it.

MS. MATTOLA: Okay. Thank you.

ASSEMBLYMAN ROONEY: Anyone have any questions? (no response)

Thank you very much, Dena.

MS. MATTOLA: Thank you, Assemblywoman, Assemblyman.

ASSEMBLYMAN ROONEY: Okay. Let's see. I have the Riverkeeper -- Bill. Bill Sheehan, always a pleasure.

CAPTAIN BILL V. SHEEHAN: Thank you, Assemblyman.

That's Captain Bill Sheehan. I am the Hackensack Riverkeeper. Hackensack Riverkeeper is a nonprofit, public interest organization dedicated to the protection, preservation, restoration of the Hackensack River and its watershed. I'm also a member of the National Alliance of Waterkeepers. I just came back from a four-day conference with 70 keepers from all over North America and as far away as the country of Belize. Every one of us is working in our own watersheds to get the problems that have been bestowed upon us by industry and by agriculture and by inappropriate uses of the land corrected and cleaned up.

A couple of other credentials that I carry, though-- For about five or six years in the 1990s, I went to a series of citizen advisory committee meetings for the dredge spoiled decontamination project for the New York-New Jersey harbor. This was a WRDA project that was conducted by Brookhaven Labs and by the U.S. EPA. And during those meetings, there was a lot of information that was passed to the members of the citizen advisory committee regarding the type of pollution that we were dealing with and regarding the PCBs that are in this river out here.

I also have been spending the last 10 years of my life working with the New Jersey DEP on risk communication to try and get the word out to people about what happens to them and the potential harm that it can cause

eating the fish out of this river -- the Hackensack River, the Passaic River, and the Newark Bay complex. And one of the things that is very seldom talked about here in New Jersey -- and I know it's because my brothers, with their rods and reels in their hands, don't want it talked about that much -- is that there are fish advisories in New Jersey.

The fish advisories actually extend all the way down to the Manasquan Inlet on striped bass, and the problem is PCBs from the Hudson River. As a matter of fact, I've been talking to the National Marine Fisheries scientists who have told me with great assurance that one out of every four fish that is taken off a beach anywhere along the Atlantic Coast is a Hudson River striped bass. That means that these fish carrying a burden of PCBs -- burden of GE's PCBs -- are now swimming up the Atlantic Coast in a migratory school that moves up and down the coast from Florida to Maine and from Maine to Florida every year. Every year in New Jersey it's big sport to go down onto the beach. There's a Governor's Cup that we hold every year -- surf casting out into the Atlantic Ocean to catch striped bass and pull them in out of the surf and then bring them home and eat them. Okay.

The problem is that no matter where you go along the East Coast of the United States people are being put at risk by these PCBs. Anybody stop to think why are we having a fight with General Electric? Okay. Why are we fighting with one of America's -- one of the world's largest corporations over this, when it was Dow Chemical that marketed PCBs? And I'll tell you why, because way back in the day when PCBs were legal, way back in the day when General Electric was buying their PCBs from Dow, Dow communicated to General Electric formally not to allow this stuff out into the environment. That

it was dangerous. Dow was off the hook. General Electric took that advice and said, "Thanks. Advice is cheap. We're going to discharge this stuff to the Hudson River. The people be dammed." That was their attitude.

Today, what we're dealing with is a corporation who is so deadly afraid of this project. And it's not because it's going to cost \$450 million to clean up this section of the Hudson River north of the Troy Dam. No, it's because if we can hold them accountable for what they did here, then people of the United States will hold them accountable for all the other Superfund sites and all of the other places across this country where they polluted in order to take back short-term profits. It's always cheaper to prevent pollution than it is to clean it up. And if anybody knows that more clearly than me, it's General Electric.

That's why they're spending millions of dollars on public relations campaigns, and that's why every time the EPA was about ready to come out with a ruling on this issue they would come up with some singer science, bought and paid for, saying that PCBs were cleaning themselves up, saying that PCBs were evaporating, saying that PCBs were going anywhere but in the river and anywhere but in the fish, so that the EPA would have to slow down the process, so that the EPA would have to get scientists, bought and paid for by the American people, to check their phony science to see what kind of bearing that brought on the issue. And after all those years of these tactics designed to slow down the process, the EPA finally comes out and says, "We're going to dredge these hot spots. We're going to remove this toxic material that General Electric put in there, and General Electric, you're going to pay for it." And they're still fighting.

They are upriver right now telling poor indigent farm people -- people that barely-- The standard of living up there, let's put it this way, is a whole lot lower than the standard of living that we enjoy here in Bergen County. These people are really, really scared of what this project is going to do to their communities. Why are they afraid of what it's going to do? They are afraid because General Electric's public relations people have been telling them to be afraid. They're afraid because General Electric has been spending millions of dollars to avoid culpability.

And then we get to the issue of who owns these fish anyway. New Jersey is a state that was founded and a Constitution that's based on common law. And under common law, all the fish that swim up and down the shore in New Jersey and up my river in the Hackensack River and all over the State of New Jersey, they don't belong to the Assembly, excuse me. They don't belong to the Governor. They belong to the people of New Jersey. The people in the Legislature and the people in the Governor's Office, you're our trustees. You are a trustee for my fish. It's your responsibility to force these polluters to pay me and the rest of the citizens of New Jersey for the fish that they stole from us. They stole those fish by putting their poison in them and making it so that I have to go out and I have to educate people.

As a matter of fact, this morning I was on a boat on my river with a group of students from the city of Newark as part of a project that we call the Urban Fishing Program. The Urban Fishing Program was something that we put together as a strategy to educate people on the fish advisories. As in the same way that we taught people recycling back in the '70s by letting the kids bring home the message from school, we're trying to, in a small way, get students get

used to the idea that you shouldn't be eating the fish out of the North Bay complex and you shouldn't be eating too many fish out of any of the other waters around New Jersey by bringing them in as middle school students and explaining to them the situation. Okay.

Excuse me. (telephone rings)

ASSEMBLYWOMAN WEINBERG: GE is calling. (laughter)

CAPTAIN SHEEHAN: Well, that would be nice. I'd refer them to my attorneys.

ASSEMBLYWOMAN WEINBERG: Said, "I give up." (laughter)

CAPTAIN SHEEHAN: The truth of the matter is that General Electric doesn't only owe us the \$450 million to dredge this river. General Electric owes us for what we call natural resource damage compensation. I would like the Legislature to urge the Governor of New Jersey to join with George Pataki in New York and actually bring about a natural resource damage assessment, because that's when we get to the bare bones. That's when we get to the money that they really owe the people of the United States.

Prior to General Electric infecting the fish of this river with their PCBs, there were over 200 families on the Hudson River that made a living and based their culture of their families on taking fish from this river. Today there are about 3 families left that can honestly say that they make some part of their living from this river. That is such an affront to society that John Cronin, the former Hudson Riverkeeper, has proposed a school for the children of these families where they can be trained in the traditional gear fishery that they no longer practice just so that it doesn't fade from our culture.

When they start taking our culture apart, when they get so deep into our everyday lives that they're actually removing vital pieces of our economy, vital pieces of our culture, vital pieces of what makes us Americans, that's when these companies have to be taken down. And if we can do it here in New Jersey with the help of Governor Pataki in New York and with the help of the EPA, we can get this ball rolling. We'll get this country cleaned up, but it's going to take leadership.

I want to thank you people for demonstrating the leadership of holding this meeting today to take this testimony. I hope that you share my words with the rest of the Legislature, because this is something that we've been trying to get on people's radar screens for a long, long time, myself and my colleagues.

Thank you very much.

ASSEMBLYMAN ROONEY: Captain Bill Sheehan. Captain, your words are on tape, and they will be transcribed, and they will be public record and given to the members of the Legislature. One thing that could help is if we get the word out to the public, and if the newspapers would be putting out fish advisories on a regular basis saying that this fish is not acceptable in these areas, the public would be aware of it. They don't do it. There's nowhere in anything that we could find that our water-- If the people of New Jersey and New York knew that we've had a problem in fish that we catch off our own shores, they would be up in arms immediately. I say to the newspapers that are here, at least, put something in your paper every week. Put it in the fishing columns or near the fishing columns -- something to say: "fish advisory."

Because like my son said, “Oh, no, the fish in the Hudson are fine. The stripers are fine. They’re coming in from the ocean.” Well, I said, I’m not eating it, Pat.

CAPTAIN SHEEHAN: I have to share something with you. The whole issue of informing the public and doing it in a big, broad way is not an easy chore. Number one, there are only certain segments of the population that are really affected by this, and there’s an economic engine that runs in this State based on tourism.

ASSEMBLYMAN ROONEY: Yes.

CAPTAIN SHEEHAN: Everybody in this state thinks about New Jersey, and they think about the port interest and they think about this, that, and the other thing. But the second largest dollar-producing industry in this state is tourism. A big piece of that tourist dollar revolves around the charter boat fishing, the head-boat fishing that goes on along the Jersey shore. Now, by widely publicizing the fish advisories and scaring people away from eating the fish, once again General Electric will have succeeded in putting fishermen out of business. So we have to do it very diplomatically. We have to do it very carefully. And we have to do it in a way that we can hold out hope to the people, because I wouldn’t be involved in any of these programs that I do with the State unless I had the latitude to hold out hope to the people and tell them, yes, this is the way it is today. But hopefully, by the time they’re adults, hopefully by the time their kids are ready to start fishing, maybe we can start slacking off on some of these advisories, maybe we can start inviting people down to the water’s edge for a fishing contest and actually throw a fish on the grill without having to worry if we’re poisoning our neighbors.

ASSEMBLYMAN ROONEY: There's a delicate balance here, Bill. One is the tourism industry, which I agree is-- I think it even is the biggest industry if you include all of the ancillary things that go along with it.

CAPTAIN SHEEHAN: Right.

ASSEMBLYMAN ROONEY: But again, whether the public health issue is-- I don't know how you balance that off.

If Charlotte were here, I'm sure she would say, as Chairman of the Health Committee--

ASSEMBLYWOMAN WEINBERG: I was about to say-- I'll say it for us. I know how I would balance it off.

ASSEMBLYMAN ROONEY: Yes. And you have to take the public health benefit first or detriment first. That's got to be our main focus right now.

CAPTAIN SHEEHAN: And that could all be covered under a natural resource damage assessment.

ASSEMBLYMAN ROONEY: I think you're absolutely right, but we need this--

CAPTAIN SHEEHAN: The cost of health care for the people that have been affected by these PCBs, the cost to the port for having to do these extravagant disposal plans and these extravagant decontamination plans, the cost for the fish, and the cost for the culture are all-- These are all tangible items. There are great economists at Rutgers University and throughout this region that could come up with a formula that could tell us exactly how many billions, if not trillions, of dollars we've lost as a society because of this pollution. Okay.

ASSEMBLYMAN ROONEY: We'll talk.

CAPTAIN SHEEHAN: We will.

ASSEMBLYMAN ROONEY: Okay. Thank you very much.

CAPTAIN SHEEHAN: Thank you.

ASSEMBLYMAN ROONEY: Anyone have any questions for Captain Bill? (no response)

We have Matthew Wilber. Is that W-I-L-B-E-L?

MATTHEW WILBER: Wilber.

ASSEMBLYMAN ROONEY: Wilber. Okay. From the New Jersey Environmental Federation.

MR. WILBER: David Pringle sends his apologies. He's down at a meeting down in Trenton today. I'm Staff Director for our North Jersey Office, which is located in Bloomfield.

A couple quick points. One of the main reasons that we're concerned about this issue -- and I apologize for not being as well-spoken as Bill, the representatives from PIRG, and Sierra Club -- is that New Jersey has the unfortunate distinction of being the site of the most Superfund sites in the United States. The Hudson River PCB-contaminated site is one of the those sites that has made the media because of the incredible size and magnitude. I believe it's been listed as the largest PCB-contaminated site in the world.

Our concern about that is that, as has been mentioned before, that there's an enormous fight. It's been estimated over \$60 million has been spent in public relations alone to fight the EPA carrying out their mandate to clean up the Hudson. It's taken us 10 years. It's taken us scientific peer evaluation. And at the same time, GE, after scientific study -- it's been validated -- tells us

we need to do something about the problem. We need to look at a solution. And then now that we have a solution, we need to act on that solution. GE continues to badger the people of northern New York through public relations into stopping remediation that's going to benefit people in New Jersey, benefit people in New York. And as Bill just said, it's going to benefit people who are eating fish or fishing up and down the East Coast of the United States.

So my concern and the concern of our organization is that this is an attack, not only on our health and safety in New Jersey and in New York and on the eastern seaboard, but it's also an attack on Superfund. It's an attack on our ability for our national EPA to enforce the law that's meant to protect people from destructive business practices like this PCB contamination, in that this large-scale attack on a Superfund site in New York is very-- If it's won, and at present I think we can definitely say that GE is at least holding their ground, because we haven't started remediating the problem, that it sets a bad precedent, specifically for people here in New Jersey, where we have so many Superfund sites. We as a state have to battle for each one of those Superfund sites to be cleaned up.

So what we need as a state, and has been said over and over again, is leadership. And my responsibility as an organizer and as an educator is to get out and talk to people one-on-one every day in communities throughout Bergen County and all of northern New Jersey about these water-based issues and these environmental issues so that the public supports the work that you do -- so the public that you're entrusted to represent supports the work that you do and is aware of the importance of the environmental issues you take up. So what I'd

really like to say more than anything else is thank you for spearheading these issues.

Assemblyman Rooney and Assemblywoman Vandervalk we thanked in public about a week ago, as well, for their environmental initiatives. And thank you very much, I haven't met Assemblywoman Weinberg before. But that's really what we would like to say, is we support the work that we do. We're getting out the information about the importance of these environmental issues, and we'd really like to see this continued support.

The Legislature in New York has endorsed the dredging. Communities and counties north of us -- Westchester County, Rockland County -- have already passed resolutions to support the dredging. So we'd like to see this continue, but we need the help of our elected officials to push this through.

It's been decided. We all know scientifically that there's no reason this can't be dredged. What we need now is the pressure from Trenton and the pressure from our elected officials locally and the pressure in D.C. to make sure that it gets carried out quickly so that our health is no longer at risk and that our natural resource that we're standing right next to, and such beautiful vantage points, can be returned--

ASSEMBLYMAN ROONEY: That's why we're here.

MR. WILBER: --yes, exactly -- can be returned to the point it was at.

So thank you very much, and have a good day.

ASSEMBLYMAN ROONEY: Thank you very much, Matthew.

ASSEMBLYWOMAN WEINBERG: Thank you.

ASSEMBLYMAN ROONEY: Anyone else wishing to be heard at this time? (no response)

And we have representatives from the DEP that are monitoring the meeting, and basically, if they wish to say anything, fine. But you hear, basically, the intent of this meeting. We're trying to figure out the gap between the dredging that's proposed and also what's going on environmentally -- the shipping versus the environmental issue. We'd like to see some sort of a nexus -- some sort of a coming together in a consideration of both issues.

If the dredging is only going to go up into the ports, perhaps they could extend a little bit further up and start looking at some of the hot spots and try to pick those up also. It probably wouldn't add much to the cost of the project by doing that. Because I remember the maps that we put together or that were put together for the Environmental Committee, and I remember the red splotches along this coast here dealing with that issue, and I'd like to revisit that, perhaps down in Trenton, and I'll talk to Steve Corodemus from the Environment Committee to see if we can work something out jointly.

So, yes, if you have any additional information later, we are going to continue this. We're going to try and get this river cleaned up.

So if anyone else wishes to be heard at this time? (no response)

ASSEMBLYWOMAN WEINBERG: Is our Environmental Protection Department going to make some recommendations in here on joining this project?

ASSEMBLYMAN ROONEY: Well, they're here to listen. I think-- Do you want to-- Come on up. We're not going to pin you down for anything.

ASSEMBLYWOMAN WEINBERG: Well, speak for yourself.

(laughter)

ASSEMBLYMAN ROONEY: All right. Well.

LEWIS J. NAGY: Speak for yourself.

ASSEMBLYMAN ROONEY: I am speaking for myself. (laughter)

MR. NAGY: We are here to listen today. We are part of the ongoing Delaware -- yes, Delaware -- we are part of the Delaware estuary also, but the harbor estuary program. We are doing some studies for toxic identification in the watershed area of the harbor. Those studies are ongoing and will be -- the last one should be done about this time next year, where we will be identifying toxins that do flow into the harbor and then go from there, as far as cleanup responsibilities and those types of things. Responsible parties should be responsible parties.

ASSEMBLYMAN ROONEY: Right.

ASSEMBLYWOMAN WEINBERG: And you will take all of this into consideration then of moving northward?

MR. NAGY: Absolutely. We'll take all the information that we can find. The public is part of that harbor estuary process in a big way. So we get a lot of input into the decision making that we have a part of -- dredge applications, those kinds of things.

ASSEMBLYWOMAN WEINBERG: It's probably not your department, but I do know that fish advisories do go out, because I've seen them in the newspapers.

ASSEMBLYMAN ROONEY: I haven't seen them.

MR. NAGY: We work very closely with the Department of Health on that.

ASSEMBLYWOMAN WEINBERG: On those, do you know-- Can you get some material for us on what goes out and how often?

MR. NAGY: Sure.

ASSEMBLYMAN ROONEY: It wouldn't be a bad idea to send it to the legislative offices just to make sure we know that they are out.

ASSEMBLYWOMAN WEINBERG: I know I have seen those in the newspapers, so--

ASSEMBLYMAN ROONEY: I haven't recently. We will do that. Did you give your name and department? It's DEP, but your name?

MR. NAGY: I'm Lewis Nagy. I'm a Special Assistant to the Commissioner of the New Jersey DEP.

ASSEMBLYMAN ROONEY: Okay.

MR. NAGY: Okay. Thank you.

ASSEMBLYMAN ROONEY: Thank you very much.

Anyone else wishing to testify at this point? (no response)

Hearing none, I'm going to just basically say the meeting is adjourned.

Thank you very much for coming. We really appreciate it.

(MEETING CONCLUDED)