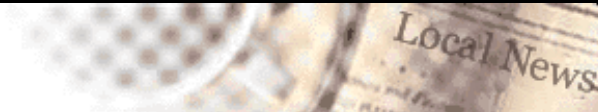


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Columbia Lawyers Demand End To PS 65 Basement Classes

by Bryan Joiner, South Queens Editor

October 02, 2003

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Lawyers from Columbia University have demanded that all classes in the basement of PS 65 in Ozone Park be stopped immediately. (Chronicle file photo)

Lawyers from Columbia University threw a curveball at the city on Tuesday, demanding the Department of Education adhere to a health code provision that prohibits classes in basements, and asking that all basement classes at PS 65 be stopped immediately. Members of Columbia University's Environmental Law Clinic have been investigating the school since it was closed last year when toxic waste was discovered under the school. Now, they have found a loophole that would prevent classes from being held in what they say is the most dangerous part of the school.

"While we still think the school should be closed down, kids should not be in the basement," said Joel Kupferman, who is head of the New York Environmental Law and Justice Project.

Kupferman signed the letter, as did Professor Edward Lloyd, a clinical professor in environmental law; attorney Barbara Olshansky; and Assemblyman Steven Sanders of Manhattan, who is chairman of the assembly's Committee on Education.

The letter cites section 45.11 of the city's health code, which reads: "A child shall not be kept for any period of time in a cellar... when one side of the basement is more than three feet below the surface of the ground surrounding the building."

A DOE spokesman did not return a call for comment.

If the basement classes are stopped, it would represent a victory for those who claim the school is not safe despite the installation of a new ventilation system.

The school was found to have a spill of trichloroethylene (TCE) underneath it in June 2002, and the school was immediately closed down. Parents complained their children were getting sick, coming down with asthma and ailments such as Bell's palsy, a type of facial paralysis. The school reopened in September 2002 with the new ventilation system in place.

The chemical had been spilled between 1987 and 1988, when a company named Ozone Industries ran a chemical storage facility on the site. In March, the state Department of Environmental Conservation signed an order to allow the company to clean the site in exchange for any state litigation against the

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company being dropped.

The site is currently listed as a Level 2 Inactive Hazardous Waste Disposal Site, the second-highest level, which means the site poses a “significant threat to the public health or environment—action required.” Kupferman has argued that classes in the basement are the most dangerous for children, because they are closer to the chemicals.


But the newest letter technically does not address the chemicals, though Kupferman admitted that the move was the first step the center was taking to get the school shut down because of what they believe to be hazardous conditions.

Katie Acton, president of Parents at PS 65Q and Neighborhood Against TCE, said basement classes should stop immediately. “Whether it’s toxic or not toxic, this is America, and kids should not be going to school underground in America without windows.”

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