

**CIVIL SERVICE BAR ASSOCIATION**  
AFFILIATED WITH LOCAL 237  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS,  
AFL-CIO  
216 WEST 14th STREET, 7th FLOOR, NEW YORK, N.Y. 10011-7296  
212-675-0519  
212-675-0417 (fax)

Gloria Johnson  
President

**BY FAX (212) 361-1900 AND REGULAR MAIL**

April 2, 2003

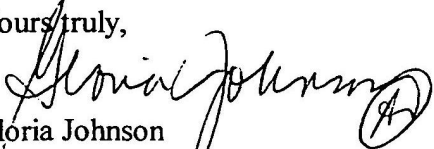
Honorable Christopher O. Ward  
Commissioner  
Department of Environmental Protection  
66 John Street, 10<sup>th</sup> Floor  
New York, New York 10038

Dear Commissioner Ward:

Please be advised that it has come to our attention that the carpets at 66 John Street, specifically on the 10<sup>th</sup> floor are to be cleaned this evening at 6:00 p.m. We have been informed that these carpets are loaded with asbestos (see attached enclosures) and that proper procedures are not being engaged in order to clean them. As you are well aware, there are certain procedures for both asbestos removal and cleaning procedures that have to be adhered to. A memo issued on the same date that a cleaning will be done tonight is certainly not proper procedure for this type of clean up. The carpets need to be removed.

The Civil Service Bar Association demands that ECB not clean these carpets this evening. We also demand that every possible step will be initiated to guarantee that proper procedures and protocols will be in place to ensure that our members health is not compromised.

Yours truly,

  
Gloria Johnson  
President, Civil Service Bar Association



cc: Michael Moran, Deputy Director ECB  
Carole deFritsch, Director Labor Relations ECB  
Patricia J. Lancaster, Commissioner, Department of Buildings  
Eric A. Goldstein (air specialist-ECB)  
Chris Radhakrishnan, Director Asbestos Control Program  
Penny Theodrellys, Deputy Director of Asbestos Control Program  
Carl Haynes, President Local 237  
Nicholas Mancuso, Secretary-Treasurer Local 237  
Bernard McSorley, Safety & Health Director Local 237  
Lee Clark, Health & Safety Director, DC37 AFSCME  
Michael Winston, Esq., Cohen, Weiss & Simon LLP  
Thomas Ciantra, Esq., Cohen, Weiss & Simon LLP



**ENVIRONMENTAL CONTROL BOARD**

66 John Street, 10th Floor

New York, NY 10038

Telephone: (212) 361-1400

**MEMO**

**To:** 10th Floor John Street Staff

**From:** Rosemary C. Fodera 

**Subject:** Carpet Cleaning

**Date:** April 2, 2003

Listed below is the 10th floor carpet cleaning schedule that will take place at approximately 6:00 p.m.. Employees should not be in the designated areas during the cleaning process until the following day.

Wednesday, April 2: Appeals Unit; Conference Room and Executive Area.

Thursday, April 3: Representative Room; Hearing Room Numbers 24 to 47; Corridor Area; and Legal Area.

Friday, April 4: Library; Remaining Hearing Rooms and Corridor Area; Customer Service and Reception Area.

Supervisors should designate a person in each unit to make sure the following procedures are followed. All boxes and articles under your desk should be placed on top of your desk before leaving for the day. Do not leave any boxes or articles on the floor in your office, cubicle or the surrounding areas (except computer equipment). Each employee is responsible for their area.

Items can be placed back the following day.

Thank you.

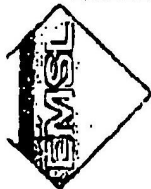
APR 2 2003 01:27

Fax: 212-361-1724

DEP ECB

**EMSL Analytical, Inc.**

307 West 20th Street, New York, NY 10011

Phone: (212) 269-8931 Fax: (212) 269-8938 Email: [results@emsl.com](mailto:results@emsl.com)**ATTN:**Customer ID: MSC-AOCT  
Customer PO: 810804

Received: 03/28/03 12:03 PM

EMSL Order: 030003284

EMSL Project ID:

Analysis Date: 3/10/03

**Phone:**

Fax: 212-769-3085

Project: 44 John Street, 10<sup>th</sup> Floor Carpet / NY, NY 1003

### Standard Test Method for Carpet Sdcation, Indirect Preparation and Analysis for Asbestos Structure Number Concetration by Transmission Electron Microscopy

| SAMPLE ID            | AREA<br>SAMPLED<br>(cm <sup>2</sup> ) | ASBESTOS<br>TYPE | ASBESTOS<br>STRUCTURES | Sensitivity<br>(pcf/cm <sup>2</sup> ) | CONCENTRATION<br>(pcf/cm <sup>2</sup> ) | COMMENTS |
|----------------------|---------------------------------------|------------------|------------------------|---------------------------------------|-----------------------------------------|----------|
| 01<br>030003284-0001 | 25                                    | Chrysotile       |                        | 12,203.149                            | 303,050.762                             |          |

Note: Due to non-fibrous particulate loading, the analytical senclity for the method was not reached.

Page 1 of 3

**Subj:** Re: carpet sonication results  
**Date:** 3/12/2003 5:12:25 PM Eastern Standard Time  
**From:** Jenkins.Cate@epamail.epa.gov  
**To:**  
**File:** Wilmoth-Millette-94-App7-ultradata.pdf (4972596 bytes) DL Time (115200 bps): < 12 minutes

(See attached file: Wilmoth-Millette-94-App7-ultra data.pdf)

The level of 393,060 s/cm<sup>2</sup> by sonication in carpet is quite high. I have attached a study that shows that even in buildings known to have asbestos containing materials is around 1000 structures per square centimeter, according to an authoritative book, excerpts attached.

Before the WTC collapse, in 1980, surface dust outdoors in New York City was an average of 5100 s/cm<sup>2</sup> (from a study by Ewing presented at the Johnson Conference in the summer of 2002).

Thus, the levels you found are definitely over background and deserve attention. Nobody can tell you with any certainty exactly how hazardous these levels are, but EPA statutes and policies say that any exposure to asbestos is hazardous, and attempting to get levels to background is desirable.

Cate Jenkins

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To: Cate Jenkins/DC/USEPAUS@EPA

03/12/2003 04:42 PM

cc:  
 Subject: carpet sonication results

Tuesday, March 18, 2003 America Online.

**Subj:** Re: carpet sonication results  
**Date:** 3/13/2003 10:30:50 AM Eastern Standard Time  
**From:** Jenkins.Cate@epamail.epa.gov  
**To:**  
**File:** EPA-Orkin-123102-upholstery.zip (750312 bytes) DL Time (115200 bps): < 2 minutes

(See attached file: EPA-Orkin-123102-upholstery.pdf)(See attached file: EPA-Orkin-122302-sonication.pdf)

Attached is some additional information, namely EPA statements that it is impossible to clean carpet in most cases. This should bolster any arguments to support its removal.

During EPA's cleanup program of private residences, EPA will remove carpet, and the Red Cross will pay up to \$3000 for the replacement of carpet and upholstered furniture.

Since the attachment I sent yesterday evening and today are large, sometimes email bounces because of its large size.

So, please acknowledge that you got the attachment yesterday, and the 2 attachments today.

Cate Jenkins, Ph.D.

----- Headers -----  
 Return-Path: <Jenkins.Cate@epamail.epa.gov>