

Gabriel, Edward

From: PII
Sent: Tuesday, March 26, 2002 3:33 PM
To: LMTCPartners@runtime.com
Subject: US Rep Nadler responds to 3/25 EPA Press Release (+ EPA Release)

U.S. R E P R E S E N T A T I V E JERROLD NADLER

NEWS RELEASE

From New York's 8th Congressional District

March 25, 2002 CONTACT: Eric Schmeltzer

FOR IMMEDIATE RELEASE 202-225-5635

U.S. REP. NADLER CRITICIZES EPA'S CONTINUED EVASION OF CLEANUP
RESPONSIBILITY

NEW YORK - Rep. Jerrold Nadler (D-NY) today rebuked the Environmental Protection Agency (EPA) for its continued evasion of its responsibility to act in accordance with laws and policies mandating it to clean up sites contaminated by acts of terrorism and its disregard for the residents of Lower Manhattan. In response to a press release issued today by the agency, Rep. Nadler again called on the EPA to "come clean about its utterly inadequate response and proceed swiftly to clean up both the inside and outside of buildings in Lower Manhattan."

The EPA press release announced that New York City Department of Environmental Protection (DEP), with EPA guidance, will remove debris from rooftops and facades. The agencies also announced that they "will work to build on an indoor air study conducted in November and December." When contacted, the EPA did not provide immediate details on how the indoor air study will be expanded.

"Once again, the EPA is ignoring indoor areas where people live and work. As for the indoor air study, we have yet to learn the details of what was done in November and December, let alone what will be done today," said Rep. Nadler. "I fail to see why the EPA needs to do a study anyway, when it is clear from the National Contingency Plan and from Presidential Directives that the EPA has the mandate to coordinate all response efforts taken to remediate hazardous materials, including contamination inside buildings."

"I cannot understand why the Administration is letting the plight of the residents of Ground Zero fall on deaf ears," he added.

The National Contingency Plan is authorized by the CERCLA statute (42 USC §9604), and provides the framework for EPA's response to the release of hazardous substances, pollutants and contaminants.

Commenting on EPA Regional Administrator Kenny's statement in the press release that "Actions speak louder than words..." Rep. Nadler said, "When it comes to the needs of the residents and workers who have been victims of the terrorist attack, the EPA refuses even to mouth the right words, let alone perform any actions on indoor environments that would ensure the health and safety of people living and working in and around Ground Zero."

(MORE)

Rep. Nadler pointed out that in a speech delivered by EPA Administrator Christine Todd Whitman in November 2001, she acknowledged the EPA's responsibility for cleanup of buildings contaminated in a terrorist attack.

Under the Presidential Decision Directive 62, signed by then-President Clinton in 1998, she said, "the EPA is assigned lead responsibility for cleaning up buildings and other sites contaminated by chemical or biological agents as a result of an act of terrorism."

"If Administrator Whitman was so clear on the duties and responsibilities in November 2001, why did she not enforce them two months earlier, and why does the EPA continue to shirk its duties more than six months after the attack," asked Rep. Nadler.

Rep. Nadler was elected to Congress in 1992. He represents the 8th Congressional District in New York, which includes parts of Manhattan and Brooklyn, including the area now known as Ground Zero.

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EPA RELEASE FOLLOWS:

U.S. Environmental Protection Agency -- Region 2
 >New Jersey, New York, Puerto Rico and the U.S. Virgin Islands
 >290 Broadway - New York, New York 10007-1866
 >www.epa.gov/region2
 >
 >
 >EPA - Mary Mears, 212-637-3669
 >NYC - Frank McCarton (OEM), 718-422-4888
 >
 >
 >FEDERAL, STATE AND CITY AGENCIES ANNOUNCE ACTIONS FOR LOWER
 >MANHATTAN AIR QUALITY
 >
 >FOR RELEASE: Monday, March 25, 2002
 >
 >(#02114) New York, New York - Today the Environmental Protection
 >Agency (EPA), along with New York City and other federal and state
 >agencies, announced additional actions to address outdoor and
 >indoor air quality. As part of the overall effort to continue to
 >protect air quality, DEP will remove residual debris from rooftops
 >and facades with EPA's guidance. OSHA will work in a coordinated
 >effort with the City and EPA to ensure the safety and health of
 >the workers performing this cleaning.
 >
 >EPA and New York City will expand the program to remove residual

>debris from rooftops and facades around the World Trade Center
>site. In addition, agencies will work to build on an indoor air
>study conducted in November and December. These actions are a
>result of the collaborative efforts of the EPA Administrator
>Christie Whitman's Task Force on Indoor Air and New York City
>Mayor Michael Bloomberg's Lower Manhattan Air Quality Task Force.
>
>"Actions speak louder than words, and these actions will help
>increase confidence about outdoor and indoor air quality," said
>Jane Kenny, EPA Regional Administrator. "We have been working
>hand-in-hand with the city to resolve the public's health
>concerns."
>
> "I am extremely pleased that EPA continues to work with the City
>to address concerns regarding air quality in Lower Manhattan,"
>said incoming DEP Commissioner Christopher Ward.
>
>Tests conducted since September 11th have indicated that there is
>no evidence of significant long-term health risks to residents and
>office workers from the air quality in Lower Manhattan. Inspectors
>from the City and EPA have surveyed area rooftops and facades
>identifying buildings where residual debris remains. As removal of
>debris from the World Trade Center site nears completion, City,
>State and Federal agencies are committed to continuing to protect
>and improve the downtown environment.
>
>City, state and federal health and environmental agencies are
>working collaboratively to continue to assess the cleaning that
>was conducted and determine testing criteria. Building on earlier
>tests, EPA will conduct field work to assess cleanup techniques
>and provide information for ongoing cleaning. The Agency for
>Toxic Substances and Disease Registry, with support from the New
>York City Department of Health and EPA, is planning to expand the
>indoor air study conducted in December 2001.
>
>As these projects are developed, the Federal Emergency Management
>Agency (FEMA) will fund components that are eligible under its
>programs. As the agency responsible for coordinating federal
>assistance in support of the city's long term recovery efforts,
>FEMA is working closely with all concerned agencies.
>
>Both the EPA and New York City Task Forces will work cooperatively
>to continue to protect air quality. The Lower Manhattan Air
>Quality Hotline (212-221-8635) will continue to be the principal
>point of information dissemination to businesses, residents and
>visitors regarding air quality and environmental issues in and
>around the World Trade Center site. The City's Task Force will
>also coordinate additional community outreach and local
>initiatives as part of the broader effort to build public
>confidence in the downtown environment.
>
>For more information, call the City's Lower Manhattan Air Quality
>Hotline at 212-221-8635 between 11:00 am and 7:00 pm Monday
>through Friday. In addition, information can be found on EPA's
>web site at: www.epa.gov; OSHA's web site at: www.osha.gov; NYC
>DOH's web site at: www.ci.nyc.ny.us/html/doh/home.htm; and
>NYCDEP's web site at: www.nyc.gov/html/dep/html/airmonit.html.

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PII

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For Immediate Release
September 12, 2001

NO ASBESTOS THREAT IN ASH FROM WORLD TRADE CENTER

"One of the first steps in treatment of ash-covered victims of the World Trade Center blast by some medical personnel yesterday was to hose them down to remove asbestos particles, according to a report on WNYC this morning. Reports of this understandable, but unnecessary, precaution may fuel the fears of New Yorkers that they breathed in hazardous asbestos fibers in the dust clouds that enveloped so much of New York City yesterday. In fact, there was no asbestos insulation in the World Trade Center," said Carolyn S. Konheim, a former Assistant Commissioner in the New York City Department of Air Resources, who is now head of a transportation and environmental consulting firm in Brooklyn.

"New Yorkers today are protected by a bold action at 7:00 a.m. on April 13, 1970, when the late Dr. Robert N. Rickles, in his first act as Commissioner of Air Resources, stopped construction on the World Trade Center because spraying of asbestos insulation was causing a snowfall of asbestos flakes on Lower Manhattan. On May 25, 1970, Austin Tobin, then executive director of the Port Authority of New York & New Jersey, pledged that the World Trade Center would be built with an asbestos substitute, rock wool insulation, which had been approved by physicians at Mount Sinai Hospital, the leading health researchers on the effects of asbestos. The ban on asbestos insulation for all construction citywide, the first in the world, was incorporated into the City's pioneering Air Pollution Control Code of 1970," Ms. Konheim added.

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New York Post

D. 103,120 SAT. 369,902

MAY 25 1970

*By John***PA Substituting Rock Wool
For Asbestos at Trade Center**

By MARY CONNELLY

The Port Authority announced today that as a health precaution it had decided to substitute a rock wool fireproofing spray for asbestos in construction of the World Trade Center.

Use of an asbestos spray on the two World Trade Center towers, as well as on other construction projects in the city, has caused mounting concern in health circles.

Robert N. Rickles, new commissioner of the city's Dept. of Air Resources, had said that "exposure to asbestos particles may result in lung cancer, mesothelioma and cancer of the peritoneum (a rare disease mainly afflicting asbestos workers)."

Tells of Cases

In a letter to Rickles today by Austin Tobin executive director of the Port Authority, Tobin said the authority had successfully tested and would now require its contractor to use a nonasbestos material.

"In addition," Tobin said, "the relative small amount of asbestos already in place will be cocooned to prevent exposure of the asbestos to the circulating air. In applying the nonasbestos material, the contractor will continue to use tarpaulin covers to minimize dispersal of that material into the circulating air."

Tobin said the substitution would cost the Port of Authority \$310,000 and its exterior wall contractor, ALCOA, \$175,000.

Sees No New Peril

A question as to possible danger from silicates in the substitute material, Tobin said, had been answered with an assurance from the sup-

plier "that any silicates present will not occasion a hazard to the public health."

Rickles has recommended that the city's new air pollution code include a provision banning use of asbestos sprays in the city. Stringent regulations governing the use of such sprays were issued earlier this month.

STATEN ISLAND, N. Y.
D. 30.310 SUN. 30.033

MAY 25 1970 *Eggleston*

Asbestos spraying rules tightened, rock wool insulator seen harmless

Public hearings on the spraying of asbestos in construction sites and its effects on the health of the surrounding community will be held tomorrow and Thursday in Manhattan.

The Air Resources Department said yesterday that Dr. Irving Selikoff, chief of the environmental sciences laboratory of Mt. Sinai Hospital, long a pioneer in research on the subject, will be among the experts to testify.

The hearings will be held in an engineering building auditorium of Cooper Union College at 41 Cooper Square, Manhattan, from 10 a.m. to 4 p.m. both days.

On April 23 Air Resources Commissioner Robert Rickles was informally sworn into office in order to sign orders putting a stop to open asbestos spraying at major construction projects throughout the city.

As a result, those companies which sprayed had to follow rules and regulations set forth by his department and effective May 13. These ordered that any spraying done be enclosed within tarpaulin shelters to prevent the dispersal by wind or through the air of asbestos materials. The silicates found in asbestos may be breathed into the human lungs and, over a period of time coat them with minerals. In several cases the silicates embedded in the lungs of persons have been found to be cancer-producing.

A spokesman for the World Trade Center yesterday made public a letter to Rickles in which Austen J. Tobin of the center stated the fireproofing of the construction project would be completed with "a non-asbestos fireproofing material called CAFCO. This too, said, the letter, would be sprayed within tarpaulin covers "to minimize dispersal of that material into the circulating air." The extra cost would

amount to \$310,000 for the health." He did not name the Port Authority and \$175,000 for manufacturer.

Alcoa Aluminum, which holds the exterior wall contract for the World Trade Center.

The Port Authority spokesman in the letter claimed for the agency the role of pioneer in construction techniques regarding anti-pollution methods for asbestos spraying.

He added the authority had worked for several months with the Air Resources Department and the Mt. Sinai staff on the CAFCO substance, which he reports contains rock wool rather than asbestos and, he added, the manufacturer of the product assures that the silicates present in it "will not occasion a hazard to

An Air Resources Department spokesman said no official judgment on the effects of CAFCO on human health had been made because the manufacturer "has not been willing to disclose its composition." The spokesman added the reluctance was explained by the fact that patent rights are still sought.

"We approved its use after some preliminary evaluations by Dr. Selikoff and the hearings on Wednesday and Thursday will concentrate on all sprayed-on fibers, including asbestos and any mineral wool, including rock wool," the spokesman said.



Press Release

New York City Department of Health

Office of Public Affairs

FOR IMMEDIATE RELEASE

CONTACT: Sandra Mullin/Greg Butler

Friday, February 8, 2002

(212) 295-5335/5336

NYC DEPARTMENT OF HEALTH PRESENTS FINDINGS FROM INDOOR AIR SAMPLING IN LOWER MANHATTAN

*Analysis of Air Samples Taken from Residential Buildings in Lower Manhattan Indicates
No Elevation of Asbestos in Air. Low Levels of Asbestos and Some Fiberglass Found in Dust Samples.
DOH Reminds Residents of Importance of Cleaning to Reduce Dust.*

As part of an ongoing effort to assess the environmental impact of the World Trade Center (WTC) disaster and to respond to public health concerns, the New York City Department of Health (DOH) in collaboration with the federal Agency for Toxic Substances and Disease Registry (ATSDR) conducted indoor and outdoor tests of thirty residential buildings in lower Manhattan.

The tests examined samples of both air and dust. The air samples from inside the buildings showed no elevated levels of asbestos. The air sampling results for fibrous glass (fiberglass) are not yet available. The dust showed low levels of asbestos in some samples and the presence of fiberglass in other samples. The potential for exposure to these materials depends not only on their concentration in the dust but also on the amount of dust that is present. Asbestos and fiberglass can pose a health risk if dust accumulates and particles become airborne. While these findings are not unexpected, they underscore the importance of proper cleaning to reduce dust.

DOH is sending letters to building owners and residents informing them of the test results; flyers are also being distributed in lower Manhattan. The letters and flyers emphasize the importance of following DOH's cleaning recommendations to prevent dust from becoming airborne, especially while work continues at the WTC site. In addition to distributing information to residents, DOH is holding community meetings in association with Manhattan Community Board No. 1 to directly address any remaining concerns.

Residents are being advised to use a wet mop, damp cloth, or a high efficiency particulate air filter (HEPA) vacuum to clean dust from hard surfaces, and HEPA vacuums to clean carpets, upholstery, and other items that cannot be cleaned by wet wiping. To prevent the recirculation of dust, residents are advised not to sweep with "dry" brooms, or to use dusters or vacuums without approved HEPA filters. Since fiberglass can be irritating to the skin, rubber gloves can be used to provide skin protection. Residents were also advised to avoid carrying dust into their buildings from outdoors (e.g., by taking off shoes).

DOH

New York City Health Commissioner Thomas R. Frieden, MD, MPH said, "Since the collapse of the World Trade Center, an event that resulted in the release of large amounts of dust and other airborne particles, some residents of lower Manhattan have reported short-term health problems such as cough, and irritation of the eyes, nose, and throat. The data from air quality tests thus far have been reassuring. None of the testing to date has shown results that would indicate long-term health impacts. However, conclusive scientific knowledge about the potential health hazards of some substances is not available. DOH recognizes residents' concerns and will continue to work closely with local, state and Federal agencies to monitor air quality and to inform the public of findings as soon as results are available." Dr. Frieden continued.

"Additionally, DOH has been working with the U.S. Centers for Disease Control and Prevention (CDC) to develop a protocol for a World Trade Center Registry, which, if funded, would generate and maintain a database that can be used as a basis for conducting studies that can provide a more complete picture of short- and long-term health and mental health impacts among the affected populations," Dr. Frieden concluded.

Sampling Summary

At the request of DOH, ATSDR conducted tests in 59 apartments in 30 geographically representative buildings in lower Manhattan in November and December 2001. Testing was also conducted in four buildings above 59th Street to provide information on the background level of various substances present indoors in New York City. Using widely accepted testing methods, the agency looked for several materials that are common building components or could potentially cause short and long-term health problems. Each set of tests included samples of air and settled dust, and these samples were analyzed for fiber-like materials - asbestos, fibrous glass - and for other particles including silica, gypsum, mica, and calcite.

A total of 117 samples were taken from 30 buildings in lower Manhattan and analyzed for airborne fibers. Samples were taken inside residences, in common areas within residential buildings, and outside of the buildings. The air samples from inside the buildings showed no elevated levels of asbestos. Levels were similar to those seen in areas not affected by the World Trade Center collapse.

The analysis of 98 dust samples for asbestos taken from the inside and outside of residential buildings in lower Manhattan indicated that while 20% were above background levels, only two samples which were taken from outdoors required abatement. Professional abatement work was completed in this area.

Samples taken from inside and outside of residential buildings in lower Manhattan were analyzed for fibrous glass. Fibrous glass was detected in 43 of the 98 samples taken. The results of air sampling for fibrous glass, and for air and surface testing of other materials, are not yet available.

Health Information about Asbestos and Fiberglass

The risk of developing these diseases from environmental exposures depends on the level and duration of exposure.

Exposure to asbestos is associated with asbestosis (scarring of the lungs) and cancer. The likelihood of developing disease from limited, short-term, low-level exposure is low. There is no reliable test that can indicate whether an individual has had low-level exposures to asbestos. In the occupational setting, where the duration and intensity of asbestos exposure can be greater, there is a higher risk to workers. Workers at the WTC site need to use the appropriate protective equipment to reduce exposure. Exposure to some forms of fibrous glass (fiberglass) can cause cough, and eye, nose, skin, and throat irritation. Long-term health effects associated with fibrous glass are not completely known and standards for

measurement of fibrous glass in environmental samples are not well established. Although fiberglass is classified as a possible carcinogen, recent studies of more than 30,000 industrial workers who worked with fiberglass found no conclusive evidence of an increased risk of cancer.

Additional information about the indoor testing initiative is available on the DOH Web site at nyc.gov/health. A comprehensive report on this testing will be available this spring. Final test results will be released to the public as soon as they become available. Results of outdoor sampling since September 11 of air, water, and dust - including sampling for asbestos and particulate matter (are posted on the U.S. Environmental Protection Agency's (EPA) website, epa.gov, and can also be found on the New York City Department of Environmental Protection's (DEP) website at nyc.gov/dep. WTC-related information can also be found at nyc.gov/health.

Information on the Project Liberty program, a statewide disaster-recovery initiative that offers free crisis counseling, education, and referral services to anyone affected by the World Trade Center disaster, is available by calling 1-800-LIFENET or 1-800-543-3638.

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For Release: IMMEDIATE
Friday September 27, 2002

Contact: Peter Constantakes
(518) 402-8000

STATE ANNOUNCES AIR QUALITY CONTROLS FOR LOWER MANHATTAN
Initiatives To Reduce Emissions From Construction Equipment During Rebuilding

New York State Department of Environmental Conservation (DEC) Commissioner Erin M. Crotty today announced the State has initiated a plan to reduce emissions from construction equipment during the reconstruction of lower Manhattan, helping to maintain high air quality standards and protect public health.

"The rebuilding of lower Manhattan in light of the September 11th tragedy will include major new construction projects and we must ensure that air quality is maintained at the highest standards throughout this process," Commissioner Crotty said. "Governor Pataki has made clean air a priority in New York State and these initiatives will significantly reduce harmful emissions through the use of cleaner fuels and more efficient technologies, allowing the rebuilding of lower Manhattan to move forward in a manner that is protective of public health and our environment."

Since 1995, New York State has consistently reduced air pollution beyond federal requirements and served as a model to other states. To maintain this commitment, the State will take steps to:

- Control diesel emissions from non-road construction equipment used in the reconstruction of buildings and transportation networks in lower Manhattan. New York will require ultra-low sulfur diesel fuel and best available retrofit technology to reduce emissions of fine particulate matter and nitrogen oxides (NOx) from construction machinery used in State agency and authority fleets and contracts. The Metropolitan Transit Authority (MTA), the New York/New Jersey Port Authority, the Lower Manhattan Development Corporation, and the New York State Department of Transportation (DOT) will use ultra-low sulfur diesel fuel and Best Available Retrofit Technology in their operations and require that their contractors also use ultra-low sulfur diesel fuel and retrofits in equipment used in the reconstruction process;
- Establish a process to identify the Best Available Retrofit Technology for a wide range of construction equipment, track air quality benefits of technologies used downtown, and identify and test advanced technologies that have not been fully applied in the off-road context. This process, led by DEC, will include representatives from government, industry and environmental groups;
- Ensure the protection of air quality during the lower Manhattan rebuilding period through project reviews conducted jointly by the U.S. Environmental Protection Agency (EPA), the United States Department of Transportation, the New York State Department of Environmental Conservation (DEC) and the New York State Department of Transportation (DOT); and

(MORE)

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- Establish a workgroup to identify and implement transportation control measures that could have air quality benefits. The measures could be funded and implemented by the transportation agencies and could include the construction of new bikepaths, pedestrian improvements, the use of alternative fuels, traffic signal improvements, and commuter choice programs that promote mass transit. DEC will establish this workgroup.

The use of ultra-low sulfur diesel fuel (ULSD), which has a sulfur content of between 15 parts per million (ppm) and 30 ppm as compared to levels of up to 5,000 ppm in conventional types of diesel fuel, will reduce emissions of nitrogen oxides (NOx), volatile organic compounds (VOCs) and carbon monoxide. The ULSD fuel also will decrease exhaust particulate emissions, odors, and black smoke.

All off-road construction equipment operating at the World Trade Center site, including backhoes, cranes, bulldozers and compressors, will be fueled by ULSD. The program will be phased-in during the next several weeks. A similar program using ULSD fuel in reconstruction operations at 7 WTC is underway. Silverstein Properties, Inc. is rebuilding 7 WTC on land owned by the Port Authority.

By 2007, under a rule issued by the U.S. Environmental Protection Agency (EPA), trucks and buses will be required to use ULSD fuel.

Charles Gargano, vice-chairman of the Port Authority and president of the Empire State Development Corporation, said, "I'm pleased that the Port Authority will be carrying out this program to

protect the air in Lower Manhattan while work proceeds to create a fitting memorial and rebuild our community."

Port Authority Executive Director Joseph J. Seymour said, "As we continue the critically important work of rebuilding Lower Manhattan and improving our mass transit system, we need to try to minimize the short-term environmental impact on the neighboring community. We and our public sector partners, the MTA, the New York State Department of Transportation, and the City of New York, will link transit modes and systems in a way that will not only foster an economic revival in Lower Manhattan, but which will also make mass transit use more attractive – thus providing substantial air quality benefits for those who live and work in the area."

State Department of Transportation Commissioner Joseph H. Boardman said, "The Department of Transportation currently has the highest number of alternate fuel vehicles of any State agency and continues to add more to our fleet regularly. The use of ultra-low sulphur diesel in the vehicles working to rebuild and reconnect Lower Manhattan is yet another example of Governor Pataki's vision of a cleaner and greener New York."

Peter Kalikow, chairman of the Metropolitan Transportation Authority said, "We at the MTA have already begun to shoulder the responsibility of reducing emissions from passenger vehicles, support vehicles and heavy construction equipment. We enthusiastically embrace the Governor's call to help improve the region's air quality and we are throwing all of our resources into answering that call."

Paul J. Elston, chair, League of Conservation Voters, said, "The announcement that the government agencies are committed to using low sulfur fuel and particulate traps on the construction

(MORE)

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equipment used in the rebuilding of Lower Manhattan will produce a sigh of relief, and a deep breath, by the local residents and workers. This commitment will eliminate most of the small particulate pollution produced in the redevelopment effort. Governor Pataki has been a national leader in recognizing the severe health implications of these small particulates and in recognizing construction equipment and other off-road vehicles as a major source of this pollution. This program will be a model for the rest of the State and the nation. We thank the Governor and the leadership of the Lower Manhattan Development Corporation, the Port Authority and the Metropolitan Transportation Authority for this commitment to the health of the residents and workers of Lower Manhattan."

Andy Darrel, New York regional director of Environmental Defense, said, "Nationally, non-road vehicles like the construction machinery being used to rebuild lower Manhattan emit more fine particulate matter than cars, trucks and power plants combined. Using ultra-low sulfur fuel and best available retrofits will transform the rebuilding of lower Manhattan into a national model for clean construction techniques. These cost-effective steps are good for the economy, good for the environment and good for the health of many New Yorkers who live, work and play downtown."

Ashok Gupta, director, Air and Energy Program, Natural Resources Defense Council, said, "This agreement is great news for New York's environment and sets an important precedent for actions statewide."

Madelyn Wils, chair of Community Board 1 and a member of LMDC, said, "We congratulate the State for setting a precedent in containing pollution from the construction equipment that will be used in the massive reconstruction of the downtown area. This is great news for residents of lower Manhattan who have suffered through air quality issues the past year."

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