

TOTAL P.01

2/19/2002

<u>Time</u>	<u>Topic</u>	<u>Moderator</u>	<u>Status</u>
9:00 - 9:15	Intro and Framework	Nick Freudenberg	confirmed
9:15 - 9:30	DOH chronology	Issac Weisfuse	confirmed
9:30 - 9:40	EOH Overview	Robin Herbert	confirmed
9:40 - 9:55	OSHA chronology	Patricia K Clarke	confirmed
9:55 - 10:10	Env chronology	[REDACTED]	TBD - Contacting Mark Madalone EPA
10:10 - 10:30	Discussion	Susan Klitzman - Moderator	confirmed
10:30 - 10:45	BREAK		
10:45 - 11:10	Hlth, Soc Svce Delivery	Susan Waltman Note - S Waltman agreed to both Overw & Chron	confirmed
11:10 - 11:15	MH Overview	Ezra Susser	confirmed
11:15 - 11:20	MH Chronology	Jane Plapinger	confirmed
11:20 - 11:25	Discussion	Susan Klitzman - Moderator	
11:25 - 11:30	3 Concurrent Sessions		
	DOH	[REDACTED]	TBD -
	DOH	[REDACTED]	TBD - Contacting [REDACTED] Thurston NYU
	EOH	Steve Markowitz	confirmed
	EOH	David Neuman - Moderator	confirmed
	Mental Health	D Vlahov / S Galea	confirmed
	Mental Health	Christina Hoven	confirmed (Columbia U School PH)
	Mental Health	[REDACTED]	TBD
	Mental Health	Barbara Aaron - Moderator	
	Hlth & Soc Svce Delivery	David Chen	confirmed (Chinese-Amer. Plan. Council)
	Hlth & Soc Svcs Delivery	Denise Soffel	probable (Community Service Society)
	Hlth & Soc Svce Delivery	[REDACTED]	TBD
	Hlth & Soc Svce Delivery	Lynn Roberts - Moderator	confirmed
3:30 - 3:45	Break		
3:45 - 4:30	Closing Presentations	David Rosner	confirmed
		Vic Sidel	confirmed
		[REDACTED]	Do we want 3rd?
		Nick Freudenberg - Moderator	

DRAFT

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12
1 page cont
4 pages 05/14
1 page text

(12 pages with cont)

Re:

Here are my notes for this All-Day Conference. Eric Gleditsky, R. Lang, + Dr. Thaddeus comments much interesting.

Bob, Mike -

From: Rose Menaletti - EDOH

Re: Conference at Hunter College on 3/14/02

To: Bob Anthony, Deputy Commissioner
Michael Gleason, Asst. Commissioner

C:718)595-4422

1/18/02
3/18/02

THE PUBLIC HEALTH IMPACT OF SEPTEMBER 11th
Conference Program, March 14, 2002 Hunter College CUNY, Urban Public Health Program

Dr. Susan Klitzman welcomes the audience- introduces panel for morning session please see attached agenda)

Overview given by Nicholas Freudenberg, Dr H

- 1) What happened and how did government agencies respond.**
- 2) What were the strengths and limitations on the health issues side.**
- 3) How we develop the post 9/11 agenda**
- 4) How do we balance day -to- day needs and the needs of New York City**

Chronology of NYC Dept. of Health Response

Isaac B. Weissfuse - focused on the DOH's Emergency preparedness Plan, reviewed their general response, and discussed the lessons learned.

- West Nile Virus - developed new ways of addressing public's concerns**
- Y2K looked at new ways to communicate.**

Reorganized themselves around Emergency Work Groups-clinical , medical, environ./shelters (Red Cross), labs. - created an internal command center; sent a rep. to OEM.

Set up Surveillance Response - Rapid assessment of physical injuries and hospital needs-

Rescue worker surveillance-muscular skeletal problems, eye problems, respiratory problems-

Air Quality issues in Lower Manhattan

**What substances should be sampled for -
collection of samples; ATSDR-develop an indoor air monitoring plan.**

DOH felt they did a good job of responding to press

2) Dr. Steven Levin, MD (Mt Sinai)

Talked about the smoke, dust, combustion gases, acid mists, metal fumes-inadequate use of respiratory protection. Most (Mainly non workers) not wearing respirators-

1-8

**pulverized cement, gypsum, pulverized glass, heavy metals
asbestos, soot, silica, VOC's, fibrous glass, acid mists,
organic products (PAHs)**

**Acute irritant effects, 9/11 - 9/14 depends on dose, i.e., is dose-related - caught in a debris
cloud? Was at or near Ground Zero; involved in activity at Ground Zero. The WTC effects
rhinitis/sinusitis, pharyngitis, laryngitis, chemical bronchitis, reactive airway disease,
shortness of breath, RADS asthma, bronchitis.**

**Those with preexisting conditions became worse; there also were psychological effects, eg,
trauma, fear of personal harm, etc.**

What was Missing?

**Should have had an MD at the site ASAP to orient the treating physicians; immediate
capture of registry information for volunteer workers; rapid mobilization of resources
for medical evaluation/treatment; testing of indoor settings to establish a gradient of exposure
with distance from "Ground Zero" to guide recommendations**

Patricia K. Clark, OSHA Chronology

Please see OSHA's Sampling Results Summary as of 2/11/02

**129,000 respirators distributed by OSHA to date (3/14/02); sent OSHA people to Queens
FDNY to do fitness checks.**

**Took 19,500 individual samples between 9/13 - 9/21; asbestos and silica - Found no over
exposures of workers to either substance; 1122 air samples for asbestos - all well below the
OSHA PEL (Preferred Exposure Level); 5% of the metals were in excess of PEL; there was
one heavy lead episode in only one place; VOCs in the plume; benzene more than 5 - 10 ft.,
then went to 0 ft.**

Bonnie Bellow, Director, Public Affairs, USEPA Region 2

**Highest priority on 9/11 - Protection of Public Health, while working on other issues
throughout the state and elsewhere.**

**Began air, dust, drinking water, and local water testing; worked to safeguard workers at the
site - dust, smoke, and other substances.**

**There was an emotional response by workers; did self-evaluation; set up an alternate location
in Edison, New Jerseys, for 2 weeks, working with the National Response Team; worked with
the US Coast Guard, as part of the operations end.**

Repeatedly urged workers to wear respirators; gave out 20,000 resps. And 30,000 cartridges.

2-8

Did outdoor dust and air sampling for asbestos (6500 samples) only 17 exceeded the AHERA standard.

Also took benzene samples at Ground Zero and the perimeter. At the probe (where workers were breathing in) found intermittent higher levels at the plume ; lower at the perimeter. Particles of 2.5 microns - all below the level of concern. Had mobile lab. At Ground Zero - worked closely with DOH and othr government agencies.

INDOOR AIR QUALITY - Per Bonnie agencies must address ; developing a Task Force to evaluate what additional testing has to be done, what additional advice to residents has to be given.

Dr. Susan Klitzman took questions from the audience:

There was concern about the day laborers - no respirators, no health insurance; need a program to address them. Dr. Markowitz (Queens College, had a mobile van; said he saw about 300+ laborers.; high rate of respiratory ailments from irritants - concrete dust, fibrous glass.

Afternoon Session: Lynn Roberts, Hunter College, moderator

Stressed the social and mental distress of the population at Ground Zero after 9/11; heard many personal accounts, but no systematic research . Talked about mental disorders, mental distress, social division - said "Bio-Terrorism" caused social divisions. The public health emphasis has to also include mental health in the picture. There has to be cohesive social action, incresed public health leadership ... must put an infrastructure in place.

Jane Plapinger, Director, Mental Health, Mental Retardation and Alcoholism Services, NYCDOH -

Oversees the largest network of community-based services - the persistently mentally ill. The short term response of 9/11 focused on direct victims - there were 23 mobile crisis teams in the City - has the Lifenet Hotline and OEM of the Mayor's office Stressed the need for protracted long term response - there's concern about ongoing terrorist attacks; there's a larger, broader constituency.

She talked about the Family Assistance Center and the FEMA-funded Crisis Counseling Program - outreach, public education, BUT no funding for treatment. ((She mentioned that there was no evaluation of the Oklahoma Program).

Ms. Plapinger stressed the following: a more comprehensive plan is needed - 1) clearly defined authority, 2) clearly defined roles, 3) adequate administrative capacity and funding, 4) need to establish community systems, 5) need to integrate mental health with other goals of government agencies.

3-8

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VIN COLUCCIO

PAGE 01

FAX COVER**Vincent M. Coluccio & Associates, Inc.***Consultants in the Environmental Health Sciences*177 Upper Samsonville Road
Olivebridge, NY 12461

Phone: 845-657-8753

Fax: 845-818-3552

Email: VColuccio@hvc.rr.com

Date: 2/19/02**To:** Mark Langahan
New York City Department of Environmental Protection
Fax: 718-595-3481 Work Phone: 718-595-3519**Vincent M. Coluccio, DrPH**
*For the Hunter College Urban Public Health Program***Pages:** 3**Subject:** Conference on the Public Health Impact of September 11, 2001

2-20
Bob - are
you
interested?
in speaking
Mark
Langahan

Per our conversation, enclosed is a flier for the above referenced conference, scheduled for March 14, 2002 at Hunter College. I have also enclosed a draft list of topics and presenters - please do not distribute. We plan to finalize our schedule and presenters list by the end of this week.

We invite NYC DEP to present during the 9:55 to 10:10 "Environmental Chronology" time slot. The Conference Planning Committee developed the following guidelines for presenters to consider in preparing their remarks:

- Describe plans in place on September 10 for responding to emergencies.
- Implementation of plan during disaster, and evolution of activities.
- Lessons learned. How did the response differ from the plan and why?
- Interaction with other agencies. Successes and problems in communicating across agencies and levels of government.
- Specific ideas on how Environmental Health Agencies must be strengthened and their coordination improved.

Chronology presentations offer agencies an opportunity to provide a brief review of events of September 11 and some perspectives on how NYC's Public Health Infrastructure needs to be improved. More detailed presentations and audience participation will follow in the afternoon breakout sessions.

Thank you for considering this request, and please don't hesitate to call me at 845-657-8753 with any questions or comments.

The Hunter College Program in Urban Public Health Presents

The Public Health Impact of September 11, 2001

- A One-Day Conference -

March 14, 2002 at the Hunter College Kaye Playhouse
68th Street and Lexington Avenue in Manhattan



Registration 8:15 AM to 9:00 AM

Sessions from 9:00 AM to 4:45 PM

Attendees will make their own arrangements for lunch from 12:00 PM to 1:15 PM.

Conference is free of charge

The goal of the conference is to begin the process of reflecting upon lessons that we have learned from events of September 11, 2001 and the implications for charting NYC's public health policy in the years to come. Conference will focus on the impact of September 11 events in these major areas:

- Public Health Infrastructure and Emergency Response
- Environmental Health and Occupational Health
- Delivery of Health and Social Services
- Mental Health

The Program in Urban Public Health at Hunter College Schools of Health Professions is coordinating the conference. Conference cosponsors include: The New York Academy of Medicine • The Center for Occupational and Environmental Medicine of the Department of Community and Preventive Medicine of the Mount Sinai School of Medicine • CUNY Urban Health Collaborative • The New York City Department of Health • The Columbia University Mailman School of Public Health • The Council of the Environment of New York City • The Medical and Health Research Association of NYC, Inc. • The MPH Program of the Department of Health and Nutrition Sciences at Brooklyn College • The U.S. Occupational Safety and Health Administration • The Public Health Association of NYC • New York University Wagner Graduate School Institute for Civil Infrastructure Systems. Other sponsors will be added.

Registration: Please visit the website at <http://www.hunter.cuny.edu/health/uph/911.htm> and complete the on-line registration form. Information on the conference presenters and agenda will be posted to this site. If you prefer you can complete the form shown below and return by fax to 212-481-5260 or mail it to Urban Public Health Program, Hunter College CUNY, Schools of Health Professions, 425 East 25th Street, New York, NY 10010.

Conference Registration Form - Conference on Public Health Impact of September 11, 2001

Name: _____ Title: _____
 Institution: _____
 Department: _____
 Address: _____
 City: _____ State: _____ Zip: _____
 Email Address: _____

The afternoon agenda will consist of three separate sessions. Please indicate which session you wish to attend:

☐ Health and Social Service Delivery ☐ Mental Health ☐ Environmental and Occupational Health

Session -

- 1) What was the environmental & occupational health impacts? 2) Impact on different workers at Ground Zero and nearby? 3) How accurate was the assessment? 4) How effective was the communication? 5) How was the medical effectiveness? (not too sure of this point) 6) How effective was the regulatory framework? 7) What are the ongoing needs? 8) What lessons have been learned to date? 9) How should we address emergencies in the future - what policies, programs, research studies, etc. are needed?

Occupational Health:

Steven Markowitz, Queens College Occupational Medical Physical area.

Said there was no systematic understanding of the health impact. Do not have enough information about the health of people near Ground Zero even though 10's of 1000's of samples were taken between 10/01 and 11/01. There was a mobile medical unit at Barclay & Broadway - provided by NIOSH, the Latin American Worker's Project. He examined the asbestos laborers who didn't speak English, had tenuous relationships with their employers, had no respirators, mops, rags, & bags. There were no inspectors present - a high degree of hazard. Got funding from FEMA (?) conducted screenings; saw clean-up workers from about 100 bldgs. RESULTS: a reservoir of people who were not getting attention. Also saw asbestos workers from Local 78 - saw 415 workers through 1/14; gave them free respirators. Mobile van closed at the end of February. Found problems with sinusitis, upper airway irritation, chest dysfunction, breathing tests were normal, by and large, insomnia, headaches, dizziness. With clean-up employees, when no one is looking, one doesn't err on the side of caution -- they need advice and direction.

Jeffrey Grabelsky, Dir. Of Cornell Univ. School of Labor Relations - Response of the Building Trades (AFL/CEO) to the WTC disaster:

He's a licensed electrician not a health and safety person; worked with the Central Labor Council.

Said 1000's of union trade workers rushed south to help with the rescue and recovery; dispatched construction safety teams. Worked w/o supervision or direction. About 1 million tons of steel and debris were moved in these 6 months. OSHA's work was very impressive. Also talked about the Union consciousness and culture of the workers ... history of cooperative tradition. Talked about a safety training program for site work; having a construction safety coordinator on site; train workers in confined space procedures; rebuild and run the city as a more Union town.

David Newman, Industrial Hygienist - New York Committee for Occupational Safety & Health (NIOSH)

Analysis of Recovery Operations:

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residents -- they were at risk which threatened their health & environment; Ground Zero workers caught in a dust cloud; unprotected clean-up procedures - asbestos fibers, fiber glass, settled into particulate matter. **CONCERNS:** outdoor sampling by gov't underestimates interior risks - NOT reflective of conditions indoors, ie, asbestos-containing dust indoors; gov't agencies have declined to enforce applicable reporting requirements, specific procedures, worker protection.; according to Chief of Staff Charles Sturcken of DEP only 35 asbestos-containing material cleanups since 9/11. He said that illegal and unprotected workers were ineffective for removing asbestos fibers from homes. Did say that USEPA & DEP used aggressive emergency measures in evacuating 200 residents and 200 lbs. (?) of ACM. Said although there were few fatalities of workers at the site, OSHA provided only informal response not formal.

The question was raised as to what would have been the difference in response if there was longstanding support and respect for gov't? (There has been 20+ years of trashing gov't.) If there was more respect, would it have made a difference???

Eric Goldstein, Esq., Natural Resources Defense Council (NRDC) - Agency Coordination & Risk Communication Issues -

Said at least 10,000 New Yorkers suffered impacts; there were gaps in monitoring data, synergistic impacts, exposure levels public received, longterm exposure. He said it was the single largest Air Pollution episode in NYC (others disputed this statement later)

Talked about - gaps in leadership on environmental issues: City (DOH and DEP), State, and Federal; there was no single agency in charge overall; no agency ensuring environ. Safety and providing information to the public; no one took charge of reoccupancy to buildings; OEM placed other tasks higher than the above.

DEP fell short of the mark in response measures, collecting and providing information. DEP is not at this conference; DEP did not rise to the occasion (ie, disaster). The environmental health side of things fell short; there was no government leader who was a spokesperson; there were no coordinating press releases; (Mayor Giuliani only gave comforting remarks); failure of OSHA to INSIST that workers wear respirators. Health questions remain; is the air in lower Manhattan safe? EPA did a good job, but repeatedly said there were no longterm aspects. Questions remains, if air is safe, why are there so many questions from the public??

The final problem: Lower Man. Residents -34,000 in Community Board NO. 1 need assurance. There was failure to provide effective information, proper clean-up protocols, no inspection of cleaning vents in apts. and office bldgs.

Recommendations:

USEPA's Air Quality Task Force must do indoor air testing and clean-ups within a 10-block radius of [Ground Zero] right away.

5-8

Diesel vehicles should use low sulfur equipment and filters in and around the disaster sites.

Should be environmental surveillance; a comprehensive health registry; permanent health inventory(?) signs at the disaster sites.

Call up health experts - create a City Commission of Environmental Advisors - communicating information on environmental risks.

Get an outside assessment of DEP's and DOH's performance. (It's unfortunate that the FDNY didn't reach out to outside consultants.)

USEPA should review their standards and guidelines.

Need to get to the root causes of toxic products; develop a registry/record (?) in advance of what products are used in offices.

Dr. George Thurston, NYU

Talked about NYU's measuring and assessing the effects of air pollution - exposure to soot, sulfates, particulate matter.

On 9/12 (Nat'l. Inst. Of Environmental Sciences) measured dust on sills in the area of Ground Zero - night and day fine particulates , and hourly carbon (soot) in the air.

Set up a Beekman St. hospital - focused on particulate matter - used a variety of monitors, using very sensitive measuring units (are still monitoring in midtown with Hunter College) this latter serves as a reference . Findings: 99% of the particulates were 10 microns or greater (don't get deep down in the lungs) - affect the eyes, nose, and throat; less than 1% were PM 2.5 -

- **There was very little in the way of asbestos - less than 0.1%**
- **1/3 found was fiber glass (found no fiber glass of less than 2.5 microns)**
- **Cement dust - very alkaline in fine dust**

The large samples were pH 11 (very alkali); the small samples were pH 7 neutral. Did not see deep lung effects.

The trace element analysis - sent to Columbia; one pollutant elevated with elevated levels of lead - this was less than what you would find in sand parks.

9/14 carbon measurements - high levels at night, low in the day; rainy days low - elevated levels of carbon, black soot, and ??.

He stressed that: "Fine particles were within the legal limits." Didn't think that there

es

gentleman challenged Dr. Thurston's citing California University sampling results which showed that PM 2.5 was about three times higher than his data; that they used newer equipment.

r. Thurston said that he hadn't seen the California data, but on 10/2, 10/3 and 10/4, but there was a very brief incident of high sulfur in the daytime (walloped by Midwest pollution). He said the WTC pollution peaked at night.

The moderator concluded that collecting data is enormously complex.

A strong comment was that there was a scandalous chasm between environment and public health.

No health spokesperson from gov't. iron workers and other Ground Zero people not checked (Dr. Markowitz.)

Both NYC DOH and NYCDEP bear responsibility (Eric Goldstein, Esq.)

Other speakers were Ezra Susser, MD, Head, Dept. of Epidemiology, Columbia Univ. Mailman School of Public Health; Dr. Maryann Park (either from Hunter College or Columbia); and Christine Quinn, NYC Councilmember, Chair of the Health Committee.

Ms. Quinn made some good points about how much to spend on post 9/11 events; to figure out a way to also get focus on other health issues in the City. Goal is to direct political will to more comprehensive changes in health care.; need public health infrastructure to be strengthened for the population who uses the City hospitals and those that use the private hospitals. Must strengthen the coalition.

The conference ended at 4:30PM.

2-8

OSHA SAMPLING RESULTS SUMMARY AS OF 3/11/02

Asbestos: A total of 1136 samples (excluding bulk and blank samples) for asbestos have been taken. From 9/13 -9/21, 177 samples were taken in the financial district. Since 9/21, sampling focused on the debris field and those workers working in or immediately next to it. 144 of the samples analyzed exceeded OSHA's limit via PCM analysis. However, upon further analysis using discriminating counting methods and/or TEM analysis, the number of asbestos fibers found dropped dramatically to below detectable levels or well below .1 f/cc.

Carbon Monoxide: A total of 103 personal samples of workers on the rubble pile showed results ranging from 1 ppm to 34 ppm which are well below the OSHA permissible exposure limit of 50 PPM.

Noise: OSHA is monitoring the noise exposures of employees who perform (or work near) noisy operations such as jack hammering and drilling. To date the 131 samples collected indicate that employee noise exposures range from 73.7 dBA to 110.7 dBA. Twenty sample have exceeded the applicable permissible exposure limit of 90 dBA, mostly for concrete drilling, cutting, and jack-hammering operations. Accordingly, OSHA continues to recommend the use of appropriate hearing protection in noisy operations, and specifically, for concrete drilling, cutting, and jack-hammering operations OSHA recommends dual hearing protection i.e. plugs and ear muff protection.

Total Dust (PNOR) A total of 150 samples (excluding bulk and blank samples) for total dust in and around the debris field were taken. 5 samples were found to be in excess of the PEL for Total dust (15mg/m3). The highest exposure was found on one operator who was exposed at approximately 4X PEL.

Respirable Silica: The overwhelming majority of 861 silica samples (excluding bulk and blank samples) show no detectable levels of airborne silica. However, 54 exposures exceeded the PEL. The highest sample result was approximately twenty-one times the OSHA limit (jack hammering concrete 16 feet below grade). The other elevated exposures were approximately one to fourteen times the OSHA limit. These exposures occurred during: 1) pre-drilling /slurry wall 2) jack hammering, 3) rubble removal and loading operations near the Winter Garden; 4) during the breaking up of concrete in the pit; 5) while drilling the concrete slurry wall, 6) flagging operations in pit, and 7) while chipping concrete with power tools during demolition activities at 7 WTC's parking garage. Most of the work areas where apparent overexposures to silica occurred were in the rubble pile/pit, an area where OSHA continues to encourage the use of respiratory protection.

Organic

Compounds: OSHA has taken a total of 652 samples (excluding bulk and blank samples) for organic compounds such as acetaldehyde, acrolein, acrylonitrile, benzene, 2-butanone, carbofurans, dioxin, PCBs, ethyl benzene, formaldehyde, Freon R-22 (chlorodifluoromethane), hexone, isocyanates (e.g. MDI, TDI), perchloroethylene, polynuclear aromatics, phosgene, styrene, toluene, 1-3 butadiene, trichloroethylene, vinyl chloride, glutaraldehyde, and xylene. Screening samples initially showed elevated levels of some organic chemicals resulting from the fires burning in the rubble pile. Subsequent personal and area samples show worker exposure levels to be below OSHA limits. However, one personal sample result for a benzene sample taken was found to be at the 8-hr. OSHA Allowable Limit concentration of 1 ppm. This was found on a backhoe operator moving debris on 10/7/01. See information below for the specific counts in regards to polynuclear aromatics, Freon R-22, phosgene and dioxin.

Dioxins: OSHA has taken 10 dioxin samples (excluding blanks) in the plume over hot spots in (and around the perimeter of) the rubble pile. Dioxin levels detected

around the perimeter are lower than those found directly over the pile. To date, only one sample taken on the rubble pile showed dioxin levels which exceeded background level. Dioxins are considered collectively as suspect human carcinogens. OSHA does not have a PEL for dioxins.

Polynuclear Aromatic

Hydrocarbons

OSHA has taken 110 samples (excluding blanks). The majority of the samples have not shown the presence of benzo(a)pyrene and/or one or more of five additional fused polycyclic hydrocarbons: anthracene, acridine, pyrene, chrysene and phenanthrene. Sample results to date have identified eight samples which reached or exceeded OSHA's coal tar pitch volatile PEL of 0.2mg/m³. These personal samples were taken on the pile on iron workers and grappler operators. OSHA continues to recommend the use of respiratory protection when working in the debris field.

Freon R-22,

Hydrogen Fluoride

& Phosgene:

OSHA has taken a total of 208 samples for Freon R-22 (chlorodifluoromethane), hydrogen fluoride, and phosgene. Only one Freon sample resulted in a detectable level of 6.4 ppm during the transfer of Freon from the auxiliary chiller, and all other samples were none-detected. OSHA does not have an exposure limit for Freon R-22. (The NIOSH REL for Freon is 1000ppm.) Sampling for the decomposition products of Freon R-22, hydrofluoric acid (HF) and phosgene showed no detectable levels.

Inorganic Acids

OSHA has taken approximately 151 samples for inorganic acids such as hydrochloric, phosphoric, and sulfuric acids. Three samples for sulfuric acid were found to exceed OSHA's permissible exposure limit (PEL) of 1 mg/m³. Workers were sorting debris.

Oxides of Nitrogen/

Sulfur:

Sampling on grappler operators on the rubble pile, and on employees at the truck wash stations revealed trace levels of nitric oxide and nitrogen dioxide. SO₂ personal and area results were found to be below OSHA limits.

ed around the pile

Metals:

OSHA has taken a total of 1117 samples (excluding bulk and blank samples) to monitor worker exposures to dusts, fumes, oxides, and other compounds of metals such as antimony, beryllium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, vanadium, zinc, cadmium, magnesium, and arsenic. Results from these samples are generally well below the applicable OSHA limits. However, tortising and burning structural steel at the rubble pile have resulted in instances of overexposures as follows: copper (13); iron oxide (26); lead (17); antimony (1); and cadmium (2). Accordingly, OSHA is recommending that workers engaged in these operations wear appropriate respiratory protection. See information below for the specific counts in regards to mercury.

Mercury

OSHA has taken 224 air samples for inorganic mercury. No mercury was detected. Also, 36 bulk samples previously collected from rubble were re-analyzed for mercury and none was detected. Additionally, 10 bulks were taken on 1/3, with one sample detecting mercury at 0.9 ppm and nine samples did not contain mercury. 38 bulk samples were taken between 1/8 and 1/11/02; results indicate 0.1 to 0.2 ppm mostly in around the footprint of Bldg.-6, and in the pit between WTC towers with Hui

Ionizing Radiation:

A survey of the rubble pile was conducted on 10/22-10/23 to check for latent radiation with particular attention to alpha radiation. Results show no elevated levels of concern from either known building latent radiation sources or any terrorist origin source materials.

s were pH 7 neut

created at a elev

many days low

Didn't think th

3/18/02

C718)595-4422

To: Bob Araltoni, Deputy Commissioner
Michael Gilman, Asst. Commissioner

Re: Confrence at Hunter College on 3/14/02

From: Rose Marabetti - EEDAU

Bob, Mike -

Here are my notes from this All-Day
Confrence. Eric Goldstein, Dr. Lavin, +
Dr. Theodor's comments most interesting.

Rose

(12 pages with
cover)

7 pages text
4 pages ASHA
1 page cover
12

THE PUBLIC HEALTH IMPACT OF SEPTEMBER 11th

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Bonnie Bellow, Director, PublicAffairs, USEPA Region 2

**Highest priority on 9/11 - Protection of Public Health, while working on other issues
throughout the state and elsewhere.**

**Began air, dust, drinking water, and local water testing; worked to safeguard workers at the
site - dust, smoke, and other substances.**

**There was an emotional response by workers; did self-evaluation; set up an alternate location
in Edison, New Jersey, for 2 weeks, working with the National Response Team; worked with
the US Coast Guard, as part of the operations end.**

Repeatedly urged workers to wear respirators; gave out 20,000 resps. And 30,000 cartridges.

2-8

Did outdoor dust and air sampling for asbestos (6500 samples) only 17 exceeded the AHERA standard.

Also took benzene samples at Ground Zero and the perimeter. At the probe (where workers were breathing in) found intermittent higher levels at the plume ; lower at the perimeter. Particles of 2.5 microns - all below the level of concern. Had mobile lab. At Ground Zero - worked closely with DOH and othr government agencies.

INDOOR AIR QUALITY - Per Bonnie agencies must address ; developing a Task Force to evaluate what additional testing has to be done, what additional advice to residents has to be given.

Dr. Susan Klitzman took questions from the audience:

There was concern about the day laborers - no respirators, no health insurance; need a program to address them. Dr. Markowitz (Queens College, had a mobile van; said he saw about 300+ laborers.; high rate of respiratory ailments from irritants - concrete dust, fibrous glass.

Afternoon Session: Lynn Roberts, Hunter College, moderator

Stressed the social and mental distress of the population at Ground Zero after 9/11; heard many personal accounts, but no systematic research . Talked about mental disorders, mental distress, social division - said "Bio-Terrorism" caused social divisions. The public health emphasis has to also include mental health in the picture. There has to be cohesive social action, incresed public health leadership ... must put an infrastructure in place.

Jane Plapinger, Director, Mental Health, Mental Retardation and Alcoholism Services, NYCDOH -

Oversees the largest network of community-based services - the persistently mentally ill. The short term response of 9/11 focused on direct victims - there were 23 mobile crisis teams in the City - has the Lifenet Hotline and OEM of the Mayor's office Stressed the need for protracted long term response - there's concern about ongoing terrorist attacks; there's a larger, broader constituency.

She talked about the Family Assistance Center and the FEMA-funded Crisis Counseling Program - outreach, public education, BUT no funding for treatment. ((She mentioned that there was no evaluation of the Oklahoma Program).

Ms. Plapinger stressed the following: a more comprehensive plan is needed - 1) clearly defined authority, 2) clearly defined roles, 3) adequate administrative capacity and funding, 4) need to establish community systems, 5) need to integrate mental health with other goals of government agencies.

3-8

Session -

- 1) What was the environmental & occupational health impacts? 2) Impact on different workers at Ground Zero and nearby? 3) How accurate was the assessment? 4) How effective was the communication? 5) How was the medical effectiveness? (not too sure of this point) 6) How effective was the regulatory framework? 7) What are the ongoing needs? 8) What lessons have been learned to date? 9) How should we address emergencies in the future - what policies, programs, research studies, etc. are needed?

Occupational Health:

Steven Markowitz, Queens College Occupational Medical Physical area.

Said there was no systematic understanding of the health impact. Do not have enough information about the health of people near Ground Zero even though 10's of 1000's of samples were taken between 10/01 and 11/01. There was a mobile medical unit at Barclay & Broadway - provided by NIOSH, the Latin American Workers Project. He examined the asbestos laborers who didn't speak English, had tenuous relationships with their employers, had no respirators, mops, rags, & bags. There were no inspectors present - a high degree of hazard. Got funding from FEMA (?) conducted screenings; saw clean-up workers from about 100 bldgs. RESULTS: a reservoir of people who were not getting attention. Also saw asbestos workers from Local 78 - saw 415 workers through 1/14; gave them free respirators. Mobile van closed at the end of February. Found problems with sinusitis, upper airway irritation, chest dysfunction, breathing tests were normal, by and large, insomnia, headaches, dizziness. With clean-up employees, when no one is looking, one doesn't err on the side of caution -- they need advice and direction.

Jeffrey Grabelsky, Dir. Of Cornell Univ. School of Labor Relations - Response of the Building Trades (AFL/CEO) to the WTC disaster:

He's a licensed electrician not a health and safety person; worked with the Central Labor Council.

Said 1000's of union trade workers rushed south to help with the rescue and recovery; dispatched construction safety teams. Worked w/o supervision or direction. About 1 million tons of steel and debris were moved in these 6 months. OSHA's work was very impressive. Also talked about the Union consciousness and culture of the workers ... history of cooperative tradition. Talked about a safety training program for site work; having a construction safety coordinator on site; train workers in confined space procedures; rebuild and run the city as a more Union town.

David Newman, Industrial Hygienist - New York Committee for Occupational Safety & Health (NIOSH)

Analysis of Recovery Operations:

4-8

residents -- they were at risk which threatened their health & environment; Ground Zero workers caught in a dust cloud; unprotected clean-up procedures - asbestos fibers, fiber glass, settled into particulate matter. CONCERNS: outdoor sampling by gov't. underestimates interior risks - NOT reflective of conditions indoors, ie, asbestos-containing dust indoors; gov't agencies have declined to enforce applicable reporting requirements, specific procedures, worker protection.; according to Chief of Staff Charles Sturcken of DEP only 35 asbestos-containing material cleanups since 9/11. He said that illegal and unprotected workers were ineffective for removing asbestos fibers from homes. Did say that USEPA & DEP used aggressive emergency measures in evacuating 200 residents and 200 lbs. (?) of ACM. Said although there were few fatalities of workers at the site, OSHA provided only informal response not formal.

The question was raised as to what would have been the difference in response if there was longstanding support and respect for gov't? (There has been 20+ years of trashing gov't.) If there was more respect, would it have made a difference???

Eric Goldstein, Esq., Natural Resources Defense Council (NRDC) - Agency Coordination & Risk Communication Issues -

Said at least 10,000 New Yorkers suffered impacts; there were gaps in monitoring data, synergistic impacts, exposure levels public received, longterm exposure. He said it was the single largest Air Pollution episode in NYC (others disputed this statement later)

Talked about - gaps in leadership on environmental issues: City (DOH and DEP), State, and Federal; there was no single agency in charge overall; no agency ensuring environ. Safety and providing information to the public; no one took charge of reoccupancy to buildings; OEM placed other tasks higher than the above.

DEP fell short of the mark in response measures, collecting and providing information. DEP is not at this conference; DEP did not rise to the occasion (ie, disaster). The environmental health side of things fell short; there was no government leader who was a spokesperson; there were no coordinating press releases; (Mayor Giuliani only gave comforting remarks); failure of OSHA to INSIST that workers wear respirators. Health questions remain; is the air in lower Manhattan safe? EPA did a good job, but repeatedly said there were no longterm aspects. Questions remains, if air is safe, why are there so many questions from the public??

The final problem: Lower Man. Residents -34,000 in Community Board NO. 1 need assurance. There was failure to provide effective information, proper clean-up protocols, no inspection of cleaning vents in apts. and office bldgs.

Recommendations:
USEPA's Air Quality Task Force must do indoor air testing and clean-ups within a 10-block radius of [Ground Zero] right away.

5-8

Diesel vehicles should use low sulfur equipment and filters in and around the disaster sites.

Should be environmental surveillance; a comprehensive health registry; permanent health inventory(?) signs at the disaster sites.

Call up health experts - create a City Commission of Environmental Advisors - communicating information on environmental risks.

Get an outside assessment of DEP's and DOH's performance. (It's unfortunate that the FDNY didn't reach out to outside consultants.)

USEPA should review their standards and guidelines.

Need to get to the root causes of toxic products; develop a registry/record (?) in advance of what products are used in offices.

Dr. George Thurston, NYU

Talked about NYU's measuring and assessing the effects of air pollution - exposure to soot, sulfates, particulate matter.

On 9/12 (Nat'l. Inst. Of Environmental Sciences) measured dust on sills in the area of Ground Zero - night and day fine particulates , and hourly carbon (soot) in the air.

Set up a Beekman St. hospital - focused on particulate matter - used a variety of monitors, using very sensitive measuring units (are still monitoring in midtown with Hunter College) this latter serves as a reference . Findings: 99% of the particulates were 10 microns or greater (don't get deep down in the lungs) - affect the eyes, nose, and throat; less than 1% were PM 2.5 -

- **There was very little in the way of asbestos - less than 0.1%**
- **1/3 found was fiber glass (found no fiber glass of less than 2.5 microns)**
- **Cement dust - very alkaline in fine dust**

The large samples were pH 11 (very alkali); the small samples were pH 7 neutral. Did not see deep lung effects.

The trace element analysis - sent to Columbia; one pollutant elevated with elevated levels of lead - this was less than what you would find in sand parks.

9/14 carbon measurements - high levels at night, low in the day; rainy days low - elevated levels of carbon, black soot, and ??.

He stressed that: "Fine particles were within the legal limits." Didn't think that there

5-8

gentleman challenged Dr. Thurston's citing California University sampling results which showed that PM 2.5 was about three times higher than his data; that they used newer equipment.

Dr. Thurston said that he hadn't seen the California data, but on 10/2, 10/3 and 10/4, but there was a very brief incident of high sulfur in the daytime (walloped by Midwest pollution). He said the WTC pollution peaked at night.

The moderator concluded that collecting data is enormously complex.

A strong comment was that there was a scandalous chasm between environment and public health.

No health spokesperson from gov't. iron workers and other Ground Zero people not checked (Dr. Markowitz.)

Both NYC DOH and NYCDEP bear responsibility (Eric Goldstein, Esq.)

Other speakers were Ezra Susser, MD, Head, Dept. of Epidemiology, Columbia Univ. Mailman School of Public Health; Dr. Maryann Park (either from Hunter College or Columbia); and Christine Quinn, NYC Councilmember, Chair of the Health Committee.

Ms. Quinn made some good points about how much to spend on post 9/11 events; to figure out a way to also get focus on other health issues in the City. Goal is to direct political will to more comprehensive changes in health care.; need public health infrastructure to be strengthened for the population who uses the City hospitals and those that use the private hospitals. Must strengthen the coalition.

The conference ended at 4:30PM.

2-8

OSHA SAMPLING RESULTS SUMMARY AS OF 3/11/02

Asbestos: A total of 1136 samples (excluding bulk and blank samples) for asbestos have been taken. From 9/13 -9/21, 177 samples were taken in the financial district. Since 9/21, sampling focused on the debris field and those workers working in or immediately next to it. 144 of the samples analyzed exceeded OSHA's limit via PCM analysis. However, upon further analysis using discriminating counting methods and/or TEM analysis, the number of asbestos fibers found dropped dramatically to below detectable levels or well below .1 f/cc.

Carbon Monoxide: A total of 103 personal samples of workers on the rubble pile showed results ranging from 1 ppm to 34 ppm which are well below the OSHA permissible exposure limit of 50 PPM.

Noise: OSHA is monitoring the noise exposures of employees who perform (or work near) noisy operations such as jack hammering and drilling. To date the 131 samples collected indicate that employee noise exposures range from 73.7 dBA to 110.7 dBA. Twenty sample have exceeded the applicable permissible exposure limit of 90 dBA, mostly for concrete drilling, cutting, and jack-hammering operations. Accordingly, OSHA continues to recommend the use of appropriate hearing protection in noisy operations, and specifically, for concrete drilling, cutting, and jack-hammering operations OSHA recommends dual hearing protection i.e. plugs and ear muff protection.

Total Dust (PNOR) A total of 150 samples (excluding bulk and blank samples) for total dust in and around the debris field were taken. 5 samples were found to be in excess of the PEL for Total dust (15mg/m3). The highest exposure was found on one operator who was exposed at approximately 4X PEL.

around the perimeter are lower than those found directly over the pile. To date, only one sample taken on the rubble pile showed dioxin levels which exceeded background levels. Dioxins are considered collectively as suspect human carcinogens. OSHA does not have a PEL for dioxins.

Polynuclear Aromatic

Hydrocarbons

OSHA has taken 110 samples (excluding blanks). The majority of the samples have not shown the presence of benzo(a)pyrene and/or one or more of five additional fused polycyclic hydrocarbons: anthracene, acridine, pyrene, chrysene and phenanthrene. Sample results to date have identified eight samples which reached or exceeded OSHA's coal tar pitch volatile PEL of $0.2\text{mg}/\text{m}^3$. These personal samples were taken on the pile on iron workers and grapppler operators. OSHA continues to recommend the use of respiratory protection when working in the debris field.

Freon R-22,

Hydrogen Fluoride

& Phosgene:

OSHA has taken a total of 208 samples for Freon R-22 (chlorodifluoromethane), hydrogen fluoride, and phosgene. Only one Freon sample resulted in a detectable level of 6.4 ppm during the transfer of Freon from the auxiliary chiller, and all other samples were none-detected. OSHA does not have an exposure limit for Freon R-22. (The NIOSH REL for Freon is 1000ppm..) Sampling for the decomposition products of Freon R-22, hydrofluoric acid (HF) and phosgene showed no detectable levels.

Inorganic Acids

OSHA has taken approximately 151 samples for inorganic acids such as hydrochloric, phosphoric, and sulfuric acids. Three samples for sulfuric acid were found to exceed OSHA's permissible exposure limit (PEL) of $1\text{mg}/\text{m}^3$. Workers were sorting debris.

Oxides of Nitrogen/

Sulfur:

Sampling on grapppler operators on the rubble pile, and on employees at the truck wash stations revealed trace levels of nitric oxide and nitrogen dioxide. SO_2 personal and area results were found to be below OSHA limits.

Metals:

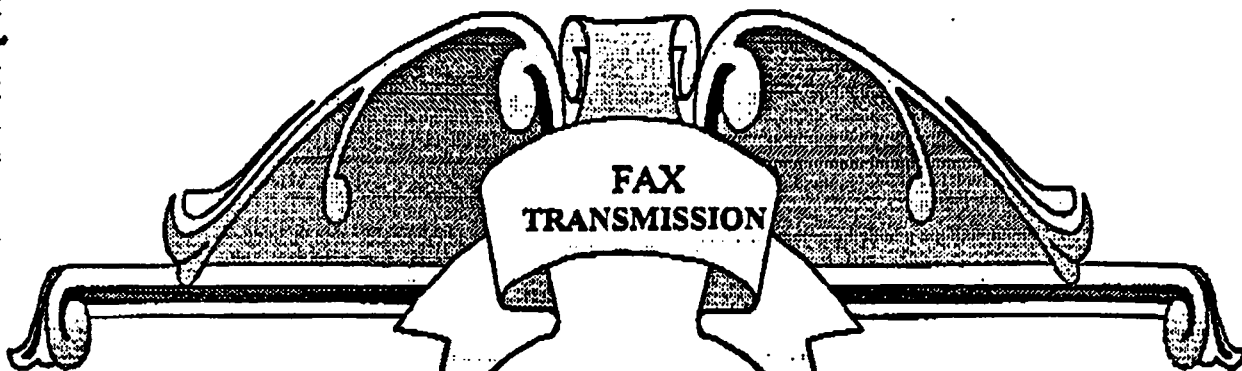
OSHA has taken a total of 1117 samples (excluding bulk and blank samples) to monitor worker exposures to dusts, fumes, oxides, and other compounds of metals such as antimony, beryllium, chromium, cobalt, copper, iron, lead, manganese, mercury, molybdenum, nickel, vanadium, zinc, cadmium, magnesium, and arsenic. Results from these samples are generally well below the applicable OSHA limits. However, torch cutting and burning structural steel at the rubble pile have resulted in instances of overexposures as follows: copper (13); iron oxide (26); lead (17); antimony (1); and cadmium (2). Accordingly, OSHA is recommending that workers engaged in these operations wear appropriate respiratory protection. See information below for the specific counts in regards to mercury.

Mercury

OSHA has taken 224 air samples for inorganic mercury. No mercury was detected. Also, 36 bulk samples previously collected from rubble were re-analyzed for mercury and none was detected. Additionally, 10 bulks were taken on 1/3, with one sample detecting mercury at 0.9ppm and nine samples did not contain mercury. 38 bulk samples were taken between 1/8 and 1/11/02; results indicate 0.1 to 0.2 ppm mostly in around the footprint of Bldg.-6, and in the pit between WTC tower 1&2.

Ionizing Radiation:

A survey of the rubble pile was conducted on 10/22-10/23 to check for latent radiation with particular attention to alpha radiation. Results show no elevated levels of concern from either known building latent radiation sources or any terrorist origin source materials.



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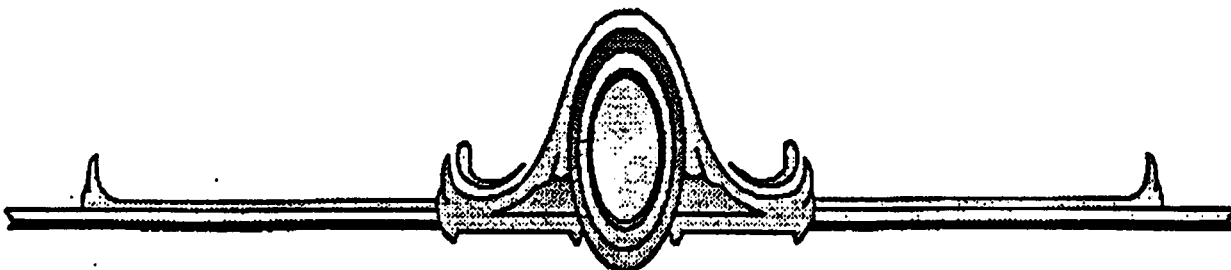
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	Brett Heimov <u>✓</u> _____	David Lachmann _____
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	Janice Siegel _____	David Greengrass _____
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Heimov, Brett

From: Schmelzer, Eric
Sent: Thursday, January 17, 2002 10:38 AM
Subject: MAJOR WTC RELEASE: NADLER EXPOSES EPA DOUBLE-STANDARD

Jan. 17, 2002
CONTACT: Eric Schmelzer
202-225-5635
FOR IMMEDIATE RELEASE

**Nadler Exposes Dramatic EPA Double-Standards and Mishandling
 of Hazardous Materials Testing and Removal In
 Downtown Manhattan Residences**
Calls for Full Testing and Cleanup, Comprehensive and Independent Investigations

NEW YORK - Calling into question the integrity of the Environmental Protection Agency's (EPA) actions in lower Manhattan since the World Trade Center attacks, Rep. Nadler exposed a gross disparity in how the EPA has responded to the aftermath of the 9/11 attacks compared with other instances of hazardous materials contamination around the country. Congressman Nadler made the announcement at a City Hall press conference and was joined by members of the Ground Zero Elected Officials Task Force, and Hugh Kaufman, Chief Investigator for the EPA National Ombudsman.

Rep. Nadler charged that the EPA has abrogated its responsibility to protect public health by proclaiming lower Manhattan "safe" without comprehensive data to support that statement. And the Congressman revealed that the EPA had its own office building at 290 Broadway extensively tested and properly cleaned, in stark contrast to EPA directives which told Manhattan residents to follow NYC Department of Health (NYCDOH) guidelines that advise cleaning with "wet rags." The Congressman stated that these guidelines may be in violation of the federal law that EPA is responsible for overseeing. As a result of these findings, the Congressman made a number of immediate demands of the EPA and called for the continued, unfettered and independent investigation by the EPA National Ombudsman and for Congressional Hearings.

EPA Region II officials have claimed in multiple public statements that they have no responsibility for indoor testing and cleaning of residences in lower Manhattan. In a November 20th *New York Daily News* article, Region II Counsel Walter Mugdan said, "They [the federal regulations] were never contemplated to apply to someone cleaning an apartment." Bonnie Bellow, spokesperson for Region II, said in a recent *St. Louis Post-Dispatch* article, "That's not our job and we have no policies or procedures for doing that type of testing." She also stated, "We are not a health agency." However, today Congressman Nadler said that he had spoken with EPA officials who dispute the accuracy of those statements. The EPA National Ombudsman, Robert Martin, confirmed that the agency is, in fact, currently doing indoor testing and removal of hazardous materials in Herculanum, Missouri, and has also done so in McFarland, California, and Kellog, Idaho.

"The EPA has failed to uphold its own mission - 'to protect human health and to safeguard the natural environment - air, water and land - upon which life depends.' It is absurd that the EPA has claimed publicly that it doesn't have the legal authority to do necessary environmental tests and remediation in response to the World Trade Center attacks when it has clearly done residential work throughout the country," said Congressman Nadler. "Why is New York being treated differently?"

"And given that the EPA has not tested inside people's homes, despite my repeated requests for it to do so, I find it deeply troubling that Administrator Whitman said she was 'glad to reassure the people of New York... that their air is safe to breathe, and their water is safe to drink.' She clearly did not have comprehensive data to support that claim either way," he added.

Congressman Nadler also revealed today that the Federal buildings at 290 Broadway and 26 Federal Plaza were tested inside and outside for high levels of hazardous materials and, when some were found, the areas were cleaned (HEPA

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vacuumed) by properly trained personnel. Some sources have also indicated that even greater cleanup measures were taken.

However, even when the EPA received test results from a study commissioned by the Task Force that indicated serious levels of asbestos and other materials inside downtown apartments, the EPA continued to guide residents to the NYC Department of Health (NYCDOH) for direction. The NYCDOH directed residents who are the same distance away from Ground Zero as the Federal buildings, to clean asbestos-laden dust "with wet rags and mops" or "wet brooms."

"We must ask why is what the EPA says is good enough for New York residents not good enough for the EPA itself? Either the cleanup measures taken at the EPA office were necessary to protect its workers or the EPA wasted wasted taxpayer dollars on an unnecessary cleanup," stated Congressman Nadler.

Moreover, the Congressman argued, that by delegating authority to the more lenient City standard, the EPA may have violated the law, as the agency is compelled to ensure that such City standards are at least as stringent as Federal law.

"Today, I have leveled some serious charges at the EPA because I believe I have the moral responsibility to do so. However, I want to make perfectly clear that we still do not know the extent of the presence of hazardous materials in some areas downtown. It may or may not be dangerous in some indoor areas of lower Manhattan. I believe that given that we don't have all of the facts, we cannot conclude anything. I do know that we must get the proper facts and act swiftly and appropriately to get the job done right," said Rep. Nadler.

CALLS FOR ACTION

Rep. Nadler and the Ground Zero Elected Officials Task Force called for four actions by the EPA:

- 1) Expedited testing of lower Manhattan residences and workspaces for hazardous materials levels. If shown to be necessary by test results, the proper cleaning of such indoor spaces by the EPA or appropriate government agency or its designated contractors. Such a testing and cleanup effort must be coordinated by a single agency utilizing the strictest Federal guidelines.
- 2) The full, independent and unfettered investigation by the EPA National Ombudsman into EPA's response to the September 11th attacks in New York.
- 3) The release of all documents detailing the justification of the cleanup of 290 Broadway and 26 Federal Plaza, how that cleanup was conducted, by whom, and at whose expense;
- 4) An immediate explanation from EPA of why it didn't utilize or enforce strict, Federal guidelines regarding hazardous testing and cleanup downtown, in favor of more lenient City standards.

In addition, Congressman Nadler called for immediate Congressional hearings into all of these matters.

Rep. Nadler has served in Congress since 1992. He represents the 6th Congressional District of New York, which includes parts of Manhattan and Brooklyn, including the area surrounding 'Ground Zero.' He is the Chair of the Ground Zero Elected Officials Task Force.

###

** Rep. Nadler's statement is attached

Statement of Representative Jerrold Nadler (D. NY)
Exposing EPA Mishandling of Response to Sept. 11th Attacks
January 17, 2002

Thank you all for being here. I am joined today by members of the Ground Zero Elected Officials Task Force and by Hugh Kaufman, Chief Investigator for the EPA National Ombudsman. I want to also thank the New York Environmental Law and Justice Project for their assistance in bringing some of these matters to my attention.

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Today, we are calling into question the integrity of the Environmental Protection Agency's (EPA) testing and cleanup of hazardous materials in downtown Manhattan. There is a gross disparity in how the EPA has responded to the 9/11 attacks as against other instances of hazardous materials contamination around the country. I fear that the EPA has abrogated its responsibility to protect public health by proclaiming lower Manhattan "safe" without comprehensive data to support that conclusion. The EPA has conducted NO tests of residential homes in New York City, even though it has done so in other cases around the country. The EPA must eliminate this disparity now. The EPA must test residential homes immediately, and if necessary, clean all contaminated areas using properly trained personnel under the strictest federal guidelines.

In addition, I call upon the EPA National Ombudsman to expand his investigation into the Agency's handling of the post 9/11 attacks here in New York. This investigation must be performed independently, thoroughly and expeditiously without any obstruction. I urge Administrator Whitman not to continue her quest to dissolve the office of the Ombudsman and, in so doing, further call into question the integrity of the Agency.

On September 18th, Administrator Whitman said she was "glad to reassure the people of New York. . . that their air is safe to breathe, and their water is safe to drink." I sincerely hope she was right. However, given that the EPA has not tested inside people's homes, despite my repeated requests for it to do so, how could the EPA have comprehensive data to support this claim either way? More importantly, when the EPA was presented with test results showing elevated levels of hazardous materials in downtown apartments, it chose to do nothing.

EPA Region II officials have claimed in multiple public statements that they have no responsibility for indoor testing and cleaning of residences in lower Manhattan. In a November 20th *New York Daily News* article, Region II Counsel Walter Mugdan said, "They [the federal regulations] were never contemplated to apply to someone cleaning an apartment." Bonnie Bellow, spokesperson for Region II said in a recent *St. Louis Post-Dispatch* article "That's not our job and we have no policies or procedures for doing that type of testing." She also stated, "We are not a health agency."

However, I have spoken with EPA officials who dispute the accuracy of those statements. The EPA National Ombudsman, Robert Martin, confirmed for me that the agency is, in fact, currently doing indoor testing and removal of hazardous materials in Herculaneum, Missouri, and has also done so in McFarland, California, and Kellog, Idaho.

The EPA has claimed publicly that it does not have the legal authority to do necessary environmental tests and remediation in response to the World Trade Center attacks. This is absurd. How can they make this claim when they have clearly done residential work throughout the Country? Why is New York being treated differently?

I also find it repugnant that an official at the EPA would deny a public health responsibility when its own mission statement says that the EPA's goal is to 'protect human health and to safeguard the natural environment - air, water and land - upon which life depends.

I have also learned that the Federal buildings at 290 Broadway, which houses the EPA, and 26 Federal Plaza, were tested inside and outside for high levels of hazardous materials and, when some were found, the areas were cleaned (Hepa vacuumed) by properly-trained personnel. Some sources have also indicated that even greater clean-up measures were taken.

However, even when the EPA received test results from a study commissioned by the Task Force that indicated serious levels of asbestos and other hazardous materials inside downtown apartments, the EPA, instead of directing systematic testing and remediation where contamination was found, instead directed residents to the NYC Department of Health (NYCDOH), which instructed them to clean asbestos-laden dust "with wet rags and mops" or "wet brooms" - procedures guaranteed not to remove or prevent asbestos contamination.

We must ask why is what the EPA says is good enough for New York residents not good enough for the EPA itself? Either the cleanup measures used at the EPA office were necessary to protect its workers or, the EPA wasted tax-payer dollars on an unnecessary cleanup. And if such cleanup measures were necessary at the EPA offices, why are such cleanup protocols not necessary at many, or all, of downtown's residences and offices?

Today, I have leveled some serious charges at the EPA because I believe I have the moral responsibility to do so. However, I want to make perfectly clear that we still do not know the extent of the presence of hazardous materials in some areas downtown. It may or may not be dangerous in some indoor areas of lower Manhattan - we just don't know. I believe that given that we don't have all of the facts, we cannot conclude anything. I do know that that we must get the proper facts and act swiftly and appropriately to get the job done right.

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Therefore, I demand that the following actions be taken by the EPA:

First, the EPA must begin expedited testing of lower Manhattan residences and workspaces for hazardous materials levels. If shown to be necessary by the test results, the proper cleaning of such indoor spaces must be undertaken by the EPA, or by another appropriate government agency or its designated contractors. Such a testing and cleanup effort must be coordinated by a single agency utilizing the strictest Federal guidelines.

Second, I am calling for a full, independent and unfettered investigation by the EPA National Ombudsman into the EPA's response to the September 11th attacks in New York.

Third, I am formally requesting the release of all documents detailing the justification for the cleanup of 290 Broadway and 26 Federal Plaza, how it was conducted, by whom, and at whose expense, and an immediate explanation from EPA regarding why it didn't utilize or enforce the Federal guidelines regarding hazardous testing and cleanup downtown, and permitted the use instead of more lenient City standards.

Finally, I call upon my colleagues in Congress to begin immediate hearings into these matters.

We must act now so that we don't have to pay a terrible price later. Our health and safety is at stake. Clear and proper guidelines must be in place so that if such an event were to, G-d forbid, happen in the future, we don't find ourselves in this same situation.

###

Eric M. Schmeltzer
Press Secretary
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OFFICE OF CONGRESSMAN JERROLD NADLER

Date: _____ Time: _____

To: PETER BRANDT

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From: Rep. Jerrold Nadler _____	Amy Rutkin _____
Brett Heimov <u>✓</u> _____	David Lachmann _____
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Heimov, Brett

From: Schmelzer, Eric
Sent: Thursday, January 17, 2002 10:38 AM
Subject: MAJOR WTC RELEASE: NADLER EXPOSES EPA DOUBLE-STANDARD

Jan. 17, 2002
CONTACT: Eric Schmelzer
 202-225-5635
FOR IMMEDIATE RELEASE

**Nadler Exposes Dramatic EPA Double-Standards and Mishandling
 of Hazardous Materials Testing and Removal in
 Downtown Manhattan Residences**

Calls for Full Testing and Cleanup, Comprehensive and Independent Investigations

NEW YORK - Calling into question the integrity of the Environmental Protection Agency's (EPA) actions in lower Manhattan since the World Trade Center attacks, Rep. Nadler exposed a gross disparity in how the EPA has responded to the aftermath of the 9/11 attacks compared with other instances of hazardous materials contamination around the country. Congressman Nadler made the announcement at a City Hall press conference and was joined by members of the Ground Zero Elected Officials Task Force, and Hugh Kaufman, Chief Investigator for the EPA National Ombudsman.

Rep. Nadler charged that the EPA has abrogated its responsibility to protect public health by proclaiming lower Manhattan "safe" without comprehensive data to support that statement. And the Congressman revealed that the EPA had its own office building at 290 Broadway extensively tested and properly cleaned, in stark contrast to EPA directives which told Manhattan residents to follow NYC Department of Health (NYCDOH) guidelines that advise cleaning with "wet rags." The Congressman stated that these guidelines may be in violation of the federal law that EPA is responsible for overseeing. As a result of these findings, the Congressman made a number of immediate demands of the EPA and called for the continued, unfettered and independent investigation by the EPA National Ombudsman and for Congressional Hearings.

EPA Region II officials have claimed in multiple public statements that they have no responsibility for indoor testing and cleaning of residences in lower Manhattan. In a November 20th *New York Daily News* article, Region II Counsel Walter Muggan said, "They [the federal regulations] were never contemplated to apply to someone cleaning an apartment." Bonnie Bellow, spokesperson for Region II, said in a recent *St. Louis Post-Dispatch* article, "That's not our job and we have no policies or procedures for doing that type of testing." She also stated, "We are not a health agency." However, today Congressman Nadler said that he had spoken with EPA officials who dispute the accuracy of those statements. The EPA National Ombudsman, Robert Martin, confirmed that the agency is, in fact, currently doing indoor testing and removal of hazardous materials in Herculaneum, Missouri, and has also done so in McFarland, California, and Kellog, Idaho.

"The EPA has failed to uphold its own mission - 'to protect human health and to safeguard the natural environment - air, water and land - upon which life depends.' It is absurd that the EPA has claimed publicly that it doesn't have the legal authority to do necessary environmental tests and remediation in response to the World Trade Center attacks when it has clearly done residential work throughout the country," said Congressman Nadler. "Why is New York being treated differently?"

"And given that the EPA has not tested inside people's homes, despite my repeated requests for it to do so, I find it deeply troubling that Administrator Whitman said she was 'glad to reassure the people of New York... that their air is safe to breathe, and their water is safe to drink.' She clearly did not have comprehensive data to support that claim either way," he added.

Congressman Nadler also revealed today that the Federal buildings at 290 Broadway and 26 Federal Plaza were tested inside and outside for high levels of hazardous materials and, when some were found, the areas were cleaned (HEPA

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vacuumed) by properly trained personnel. Some sources have also indicated that even greater cleanup measures were taken.

However, even when the EPA received test results from a study commissioned by the Task Force that indicated serious levels of asbestos and other materials inside downtown apartments, the EPA continued to guide residents to the NYC Department of Health (NYCDOH) for direction. The NYCDOH directed residents who are the same distance away from Ground Zero as the Federal buildings, to clean asbestos-laden dust "with wet rags and mops" or "wet brooms."

"We must ask why is what the EPA says is good enough for New York residents not good enough for the EPA itself? Either the cleanup measures taken at the EPA office were necessary to protect its workers or the EPA wasted wasted taxpayer dollars on an unnecessary cleanup," stated Congressman Nadler.

Moreover, the Congressman argued, that by delegating authority to the more lenient City standard, the EPA may have violated the law, as the agency is compelled to ensure that such City standards are at least as stringent as Federal law.

"Today, I have leveled some serious charges at the EPA because I believe I have the moral responsibility to do so. However, I want to make perfectly clear that we still do not know the extent of the presence of hazardous materials in some areas downtown. It may or may not be dangerous in some indoor areas of lower Manhattan. I believe that given that we don't have all of the facts, we cannot conclude anything. I do know that we must get the proper facts and act swiftly and appropriately to get the job done right," said Rep. Nadler.

CALLS FOR ACTION

Rep. Nadler and the Ground Zero Elected Officials Task Force called for four actions by the EPA:

- 1) Expedited testing of lower Manhattan residences and workspaces for hazardous materials levels. If shown to be necessary by test results, the proper cleaning of such indoor spaces by the EPA or appropriate government agency or its designated contractors. Such a testing and cleanup effort must be coordinated by a single agency utilizing the strictest Federal guidelines.
- 2) The full, independent and unfettered investigation by the EPA National Ombudsman into EPA's response to the September 11th attacks in New York.
- 3) The release of all documents detailing the justification of the cleanup of 290 Broadway and 26 Federal Plaza, how that cleanup was conducted, by whom, and at whose expense;
- 4) An immediate explanation from EPA of why it didn't utilize or enforce strict, Federal guidelines regarding hazardous testing and cleanup downtown, in favor of more lenient City standards.

In addition, Congressman Nadler called for immediate Congressional hearings into all of these matters.

Rep. Nadler has served in Congress since 1992. He represents the 8th Congressional District of New York, which includes parts of Manhattan and Brooklyn, including the area surrounding 'Ground Zero.' He is the Chair of the Ground Zero Elected Officials Task Force.

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** Rep. Nadler's statement is attached

Statement of Representative Jerrold Nadler (D-NY)
Exposing EPA Mishandling of Response to Sept. 11th Attacks
January 17, 2002

Thank you all for being here. I am joined today by members of the Ground Zero Elected Officials Task Force and by Hugh Kaufman, Chief Investigator for the EPA National Ombudsman. I want to also thank the New York Environmental Law and Justice Project for their assistance in bringing some of these matters to my attention.

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Today, we are calling into question the integrity of the Environmental Protection Agency's (EPA) testing and cleanup of hazardous materials in downtown Manhattan. There is a gross disparity in how the EPA has responded to the 9/11 attacks as against other instances of hazardous materials contamination around the country. I fear that the EPA has abrogated its responsibility to protect public health by proclaiming lower Manhattan "safe" without comprehensive data to support that conclusion. The EPA has conducted NO tests of residential homes in New York City, even though it has done so in other cases around the country. The EPA must eliminate this disparity now. The EPA must test residential homes immediately, and if necessary, clean all contaminated areas using properly trained personnel under the strictest federal guidelines.

In addition, I call upon the EPA National Ombudsman to expand his investigation into the Agency's handling of the post 9/11 attacks here in New York. This investigation must be performed independently, thoroughly and expeditiously without any obstruction. I urge Administrator Whitman not to continue her quest to dissolve the office of the Ombudsman and, in so doing, further call into question the integrity of the Agency.

On September 18th, Administrator Whitman said she was "glad to reassure the people of New York. . .that their air is safe to breathe, and their water is safe to drink." I sincerely hope she was right. However, given that the EPA has not tested inside people's homes, despite my repeated requests for it to do so, how could the EPA have comprehensive data to support this claim either way? More importantly, when the EPA was presented with test results showing elevated levels of hazardous materials in downtown apartments, it chose to do nothing.

EPA Region II officials have claimed in multiple public statements that they have no responsibility for indoor testing and cleaning of residences in lower Manhattan. In a November 20th *New York Daily News* article, Region II Counsel Walter Mugdan said, "They [the federal regulations] were never contemplated to apply to someone cleaning an apartment." Bonnie Bellow, spokesperson for Region II said in a recent *St. Louis Post-Dispatch* article "That's not our job and we have no policies or procedures for doing that type of testing." She also stated, "We are not a health agency."

However, I have spoken with EPA officials who dispute the accuracy of those statements. The EPA National Ombudsman, Robert Martin, confirmed for me that the agency is, in fact, currently doing indoor testing and removal of hazardous materials in Herculaneum, Missouri, and has also done so in McFarland, California, and Kellog, Idaho.

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JERROLD NADLER

NEWS RELEASE

From New York's 8th Congressional District



March 8, 2002
FOR IMMEDIATE RELEASE

CONTACT: Eric Schmeltzer
202-225-5635

Rep. Nadler Issues First "White Paper" on Disgraceful and Illegal EPA Response to Post-9/11 Air Quality Issues in Lower Manhattan

Demands New Information from EPA Administrator Whitman and Announces EPA National Ombudsman's Second Investigative Hearing

NEW YORK -- On the eve of the six-month anniversary of the terrorist attacks on the World Trade Center (WTC), U.S. Congressman Jerrold Nadler (D-NY) today issued the first "White Paper" on Lower Manhattan air quality. The White Paper aggregates the evidence to date on improper and illegal Environmental Protection Agency (EPA) actions in the WTC case, presents a number of new findings, and calls on the EPA to immediately comply with the law to protect the public health.

The White Paper documents a growing body of significant evidence that the EPA misled the public about the "safety" of air quality and improperly allowed the City of New York to handle indoor air matters, with virtually no effort to assure that City agencies complied with federal laws and regulations designed to protect the public from exposure to hazardous materials. In doing so, the paper charges, the EPA violated federal law and put the public health at risk because the City's handling of indoor air matters has been utterly inadequate, and therefore indoor spaces cannot be considered "safe." It also provides new evidence on EPA double-standards and calls on the EPA to immediately reverse its course of action.

Congressman Nadler said, "This new White Paper, which will be updated regularly, gives the full-scale damning account of what is currently known about the EPA's reckless and illegal response to the indoor air quality situation since September 11th."

"Clearly, the EPA has broken the law by its lack of compliance with the National Contingency Plan [with mandates EPA's direct responsibility for hazardous materials contamination situations] and it must now comply. The EPA must stop passing the buck. There is still time for the EPA to fulfill its mission and protect the public health," he added.

(MORE)

While the White Paper chronicles all of the important evidence to date of EPA mishandling of the 9/11 air quality issue, new allegations in the Paper include:

- A detailed section specifying precisely how the EPA broke federal law;
- New evidence on how EPA's assurances of "safety" have resulted in the denial of benefits and relief to the citizens of downtown for cleanup from government agencies, private insurance carriers and social welfare organizations, such as the Red Cross; and
- Additional evidence supporting the claim that the EPA treated its own building differently than it treated the rest of Lower Manhattan.

Additionally, Representative Nadler released a second letter to EPA Administrator Christine Todd Whitman requesting specific new information related to EPA actions. The EPA has defended its lack of action on indoor air matters in Lower Manhattan by stating that the Federal Emergency Management Agency (FEMA) made "mission assignments," under the Federal Response Plan. Congressman Nadler states in the White Paper that the National Contingency Plan (NCP), which is actually activated by the Federal Response Plan, was not properly followed. This is because the EPA did not take full responsibility for the hazardous materials release as it is mandated to do under NCP. The letter seeks to find additional information related to this issue.

"I want to know what the EPA did and when did it do it? What actions exactly did the EPA take under the National Contingency Plan?" asked Congressman Nadler.

Finally, Congressman Nadler announced the second in a series of Investigative Hearings of the EPA National Ombudsman, Robert J. Martin. The hearings will take place on the actual six month anniversary of the 9/11 attacks at 11:30 am at the Federal Court House, 500 Pearl Street in Manhattan. The public is invited to testify.

The full transcript of the first Ombudsman hearings can be found on the website of the New York Environmental Law and Justice Project: www.nyenvirolaw.com.

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The EPA has claimed publicly that it does not have the legal authority to do necessary environmental tests and remediation in response to the World Trade Center attacks. This is absurd. How can they make this claim when they have clearly done residential work throughout the Country? Why is New York being treated differently?

I also find it repugnant that an official at the EPA would deny a public health responsibility when its own mission statement says that the EPA's goal is to 'protect human health and to safeguard the natural environment - air, water and land - upon which life depends.

I have also learned that the Federal buildings at 290 Broadway, which houses the EPA, and 26 Federal Plaza, were tested inside and outside for high levels of hazardous materials and, when some were found, the areas were cleaned (Hepa vacuumed) by properly-trained personnel. Some sources have also indicated that even greater clean-up measures were taken.

However, even when the EPA received test results from a study commissioned by the Task Force that indicated serious levels of asbestos and other hazardous materials inside downtown apartments, the EPA, instead of directing systematic testing and remediation where contamination was found, instead directed residents to the NYC Department of Health (NYCDOH), which instructed them to clean asbestos-laden dust "with wet rags and mops" or "wet brooms" - procedures guaranteed not to remove or prevent asbestos contamination.

We must ask why is what the EPA says is good enough for New York residents not good enough for the EPA itself? Either the cleanup measures used at the EPA office were necessary to protect its workers or, the EPA wasted tax-payer dollars on an unnecessary cleanup. And if such cleanup measures were necessary at the EPA offices, why are such cleanup protocols not necessary at many, or all, of downtown's residences and offices?

Today, I have leveled some serious charges at the EPA because I believe I have the moral responsibility to do so. However, I want to make perfectly clear that we still do not know the extent of the presence of hazardous materials in some areas downtown. It may or may not be dangerous in some indoor areas of lower Manhattan - we just don't know. I believe that given that we don't have all of the facts, we cannot conclude anything. I do know that that we must get the proper facts and act swiftly and appropriately to get the job done right.

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Therefore, I demand that the following actions be taken by the EPA:

First, the EPA must begin expedited testing of lower Manhattan residences and workspaces for hazardous materials levels. If shown to be necessary by the test results, the proper cleaning of such indoor spaces must be undertaken by the EPA, or by another appropriate government agency or its designated contractors. Such a testing and cleanup effort must be coordinated by a single agency utilizing the strictest Federal guidelines.

Second, I am calling for a full, independent and unfettered investigation by the EPA National Ombudsman into the EPA's response to the September 11th attacks in New York.

Third, I am formally requesting the release of all documents detailing the justification for the cleanup of 290 Broadway and 26 Federal Plaza, how it was conducted, by whom, and at whose expense, and an immediate explanation from EPA regarding why it didn't utilize or enforce the Federal guidelines regarding hazardous testing and cleanup downtown, and permitted the use instead of more lenient City standards.

Finally, I call upon my colleagues in Congress to begin immediate hearings into these matters.

We must act now so that we don't have to pay a terrible price later. Our health and safety is at stake. Clear and proper guidelines must be in place so that if such an event were to, G-d forbid, happen in the future, we don't find ourselves in this same situation.

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Eric M. Schmeltzer
Press Secretary
Office of Rep. Jerrold Nadler
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Congress of the United States
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March 7, 2002

Christine Todd Whitman
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Avenue NW
 Washington, DC 20460

Dear Administrator Whitman:

Thank you for your letter of February 22, 2002 responding to a number of concerns I raised about the Environmental Protection Agency's (EPA) actions following the September 11th attacks in New York City. I appreciate your acknowledgement that there are a number of remaining concerns, and I thank you for your stated commitment to address these issues. In that regard, I have a number of questions about your reply.

In your letter, you state "The President's declaration triggered the Federal Response Plan and directed FEMA to coordinate various federal, state, and local agencies and the American Red Cross in carrying out thirteen distinct Emergency Support Functions. The Environmental Protection Agency (EPA) has served in a supporting role to the City of New York and the State of New York, consistent with the Federal Response Plan and mission assignments from FEMA." You also write that "the City assumed responsibility for indoor testing and the reoccupancy of buildings." However, in documents obtained by the New York Environmental Law and Justice Project, pursuant to a Freedom of Information Act (FOIA) request, it appears that EPA did environmental assessments of at least some residential and commercial buildings (at the request of the Ground Zero Elected Officials Task Force), and that On-Scene Coordinator(s) were working in Lower Manhattan (see Enclosure). I am pleased to learn that EPA has done environmental assessments of some residential and commercial buildings. As you know, I have been requesting that EPA take responsibility for responding to the release of hazardous materials for all indoor spaces in Lower Manhattan. I would like to explore this matter in greater detail, and I must now request more information on EPA activities in this regard:

- Please provide the name and phone number of the On-Scene Coordinator (OSC) acting in response to the attacks of September 11th, 2001 and the collapse of the World Trade Center in New York. If there is, or was, more than one OSC working, please provide the names and phone numbers of all OSCs working, or who have worked, in New York City following September 11th, 2001. If there is, or was, more than one OSC working in New York City following September 11th, 2001, please provide the name and phone number of the person to whom the OSCs reported when carrying out their duties.
- Please provide a detailed description, and all documentation, of the OSC's duties in response to the attacks of September 11th and the collapse of the World Trade Center.
- When are, or were, OSC's on duty in New York City following September 11th, 2001? If there is no OSC currently working in New York City in response to the collapse of the World

Trade Center, please provide the date the decision was made to stop using OSCs, who made this decision, and why, and all documentation relevant to this decision.

- I assume the OSC's were working in New York City pursuant to the National Contingency Plan (NCP). If this is not the case, under what authority, other than the NCP, can OSCs operate? If other authority exists, please provide documentation to support the application of such authority to response efforts taken in New York City following September 11th, 2001.
- Has the EPA operated under the National Contingency Plan in any capacity in New York City following the attacks of September 11th, 2001? If not, why not? How does the Federal Response Plan function in relation to the National Contingency Plan? Does the Federal Response Plan trigger the National Contingency Plan? If not, what statutory or regulatory authority relieved the EPA of the obligation to implement the National Contingency Plan in New York following the attacks of September 11th, 2001, once the Federal Response Plan was activated and there had been a release of hazardous materials? To what extent has EPA made mission assignments related to removal of hazardous materials in lower Manhattan (indoor and outdoor) as it is required to do by Emergency Support Function #10 of the Federal Response Plan? How does this relate to your letter's statement that FEMA made mission assignments? If FEMA made the mission assignments related to the release of hazardous materials independent of EPA, does this not represent an abdication of EPA's responsibility under the NCP to protect the public health and environment?

In your letter of February 22, 2002, you responded to my concerns about the cleanup of federal buildings by stating that "EPA did not set a more stringent standard of cleanup for these federal buildings, and the lobby cleanup was consistent with the New York City Department of Health advisory." You included a document entitled "USEPA Air Analytical Results from 9/13/01 Sampling Event," which states that the methodology used on dust samples was PLM - EPA-600 R-93/116. However, in documents obtained in the aforementioned FOIA request, it appears that sampling was conducted at 290 Broadway on 9/14/01-9/28/01 as well, and that these dust were also analyzed using Transmission Electron Microscopy (TEM) methods (See Enclosure). I am pleased that TEM methods were used to analyze dust samples, as I have been advocating that the most sensitive detection methods be used in response to the collapse of the World Trade Center.

- Have all the dust samples collected in Lower Manhattan in response to the collapse of the World Trade Center been analyzed using TEM methods? If so, please provide all documentation and the results of such tests. If not, please explain why dust samples collected at 290 Broadway were analyzed using TEM, but the same testing methodology was not used to analyze samples collected in other parts of the city.
- Please explain the discrepancy in these documents, and why documents related to actions taken on 9/14/01-9/28/01 were not included in your response to my inquiry.

In response to my concerns that EPA guided residents to the NYC DOH recommendations for reoccupying their homes, which advised residents to clean asbestos-laden dust with a "wet rag or wet mop", you wrote "Our Agency also advised residents in frequent public appearances, press releases, and phone conversations on our 24-hour hotline, that if they had more than minimal dust they should hire a certified asbestos cleanup contractor. For those with only minimal dust, EPA also continued to recommend wet wiping, mopping, and HEPA vacuuming in these situations, consistent with the City's recommendations." However, in a communication included in documents obtained by the aforementioned FOIA request, EPA writes that "We have advised people that if they have WTC dust in their homes or offices, it may be easiest for them to simply assume that it meets EPA's definition for 'asbestos containing material' (ACM), rather than paying to test each dusted area separately and awaiting the results before taking any further action" (See Enclosure).

- Please provide all documentation of EPA advising residents that they should hire a certified asbestos cleanup contractor.
- Please define what is meant by the term "minimal dust" and all documentation to support the definition. Please provide all documentation that residents and the public were notified of the definition of "minimal dust." Please explain why there is a delineation between less than, or more than, minimal dust when, according to OSHA, as well as EPA, all of the dust must be "assumed to be asbestos-containing material?"
- Your statement seems to suggest that the EPA condones allowing residents to assume the burden of testing and remediation. Is this correct? Does the EPA agree that the burden of testing and remediation should be placed on the residents, building managers, and/or property owners?
- Under what federal statute or regulation does EPA have authority to delegate its responsibilities to control or remediate releases of hazardous materials following the September 11th, 2001 attacks in New York? Under what federal statute or regulation is EPA relieved of its oversight responsibilities to ensure compliance with all public health and environmental statutes when it has delegated its responsibility to respond to the release of hazardous materials?

Thank you for your prompt response to these questions and requests for information. I also respectfully request that either you, or someone from the EPA who has sufficient knowledge to address these issues, participate in the second EPA National Ombudsman Investigative Hearing scheduled for 11:30am, Monday, March 11th, 2002 at the US Courthouse at 500 Pearl Street in New York City. A formal invitation has been issued by the Ombudsman's office to EPA Region II officials in New York. I believe these matters could be addressed in a much more comprehensive and timely manner with EPA's participation in this process.

I am dismayed that EPA Region II officials declined to attend the first EPA Ombudsman Investigative Hearing, and referred to it as "pure theater." I hope this is not the official position of the EPA. It is my understanding that, until now, it has been standard operating procedure for EPA officials to attend and provide information at all EPA National Ombudsman Investigative Hearings. In fact, this would seem to be part of the status quo the EPA is required to adhere to by the Temporary Restraining Order (TRO) issued by Judge Richard W. Roberts. I urge you to comply with your normal practice, and ensure that EPA treats the New York hearings in the same manner as it has treated hearings in all other regions of the country. Failure to do so would seem to be in violation of the court order. The people of New York have a right to this information, and to these proceedings. As you are well aware, this is an urgent matter for the people who live and work in Lower Manhattan and who must live with the threat of hazardous waste contamination produced by the collapse of the World Trade Center. Thank you, again, for your pledge to assist the people of New York. I look forward to your prompt response.

Sincerely,


Jerrold Nadler
Member of Congress

Enclosures