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MEMORANDUM

TO: Michael Cardozo
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SUBJECT: Congressman Nadler's concerns about indoor air quality in Lower Manhattan

DATE: February 28, 2002

Congressman Nadler called to share the following concerns and sent a copy of his testimony. You may all be aware of this information, but he believes that the City is open to serious litigation and that FEMA should be paying for indoor cleanup.

Congressman Nadler's concerns:

Congressman Nadler believes that the EPA has neglected its responsibility for monitoring indoor air quality around Ground Zero.

- o He says that the EPA handed over responsibility for measuring indoor air quality to the City without putting in place proper oversight measures, and that the City then turned over this responsibility to property owners. Citizens are now left with the responsibility of monitoring and cleaning the indoor air and interior of buildings in lower Manhattan.
- o Nadler says that on the same day Christie Whitman stated that New Yorkers should not worry about their air or water quality, her agency withheld the results of tests that showed higher than acceptable levels of asbestos and other contaminants.

All agree that there is at least a low level of asbestos in the dust in many buildings in lower Manhattan. The New York City Department of Health (DOH) has told citizens they should clean their buildings with wet mops and rags. (See www.nyc.gov/health) Congressman Nadler has pointed out that since only licensed asbestos cleaners may clean asbestos, the City may be instructing New Yorkers to do something illegal.

Nadler contends that barges around the sight are transporting hazardous material without following proper procedures.

He says that schools around Ground Zero have not cleaned their air conditioning ducts. There are 5,000 students in the area, not including those at the Borough of Manhattan Community College.

Congressman Nadler has testified about these problems at the EPA National Ombudsman Hearing on WTC Hazardous Waste Contamination (2/23/02), and before the Senate Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, and Climate Change (2/11/02).

He recommends that clean-up be paid for by FEMA.

DOH position:

"The Department of Health and the federal Agency for Toxic Substances and Disease Registry (ATSDR) conducted a study of both air and dust samples taken in November and December of 2001 at thirty residential buildings in lower Manhattan. This study showed no elevated levels of asbestos in indoor air. Dust sample tests showed low levels of asbestos in some samples and fiberglass in some other dust samples. Asbestos and fiberglass can be a problem if they become airborne. Airborne fiberglass can cause cough and skin, throat and eye irritation. While these findings are not unexpected, they underscore the importance of proper cleaning to minimize exposure, as DOH has repeatedly emphasized."

Testimony of Thomas R. Frieden, M.D., M.P.H., Commissioner, New York City Department of Health before the U. S. Senate Committee on Environment and Public Works, Subcommittee on Clean Air, Wetlands, and Climate Change. Monday, February 11, 2002

"New York City Health Commissioner Thomas R. Frieden, MD, MPH said, '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.'"

Press Release, New York City Department of Health. Friday, February 8, 2002

Potential Problems for City Hall and Reconsidering current city policy:

Seemingly reputable scientists have come down on both sides of the argument. However, if Nadler's concerns are justified, we are not informing people of the real health risks in lower Manhattan, the City may face major public relations problems and is leaving itself open to a barrage of lawsuits. At the least we should discontinue telling people to clean their apartments with wet mops and rags. We should be asking FEMA for funds to support indoor cleanup.