

JAN-30-2002 16:50 FROM DEP LEGAL

TO 4544		P.01/02	
Post-it® Fax Note 7671		Date 1-30	# of pages 1
To	MIKE GILSEAN	From	JUDAH PRERO
Co./Dept.	BEC	Co.	LEGAL
Phone #	4543	Phone #	6607
Fax #	4544	Fax #	6543

Prero, Judah

From: Levi, Steven [slevi@law.nyc.gov]
 Sent: Wednesday, January 30, 2002 4
 To: Taussig, Gabriel; 'Prero, Judah'
 Cc: 'Wilfredo Lopez (E-mail)'; 'Martha Robinson (E-mail)'
 Subject: RE: Cars at Fresh Kills

The level of health protection that is applied to the cars at Freshkills must be consistent with the advice we are giving to the public who live in the area AND to the city workers who are using the vehicles affected by 9-11 WTC debris. If there is a policy disagreement between agencies, it must be RESOLVED before we make statements in Gabe's federal case.

Did DEP recommend decon on the City emergency vehicles? please tell me when and how this was made? were recommendations not followed? did DEP comment on DOH's public health advisory on its web site? did DEP issue contrary advice?

regarding the cars at Freshkills - almost all the operable cars that I saw in the parking lots had windows that were intact, so that there was very little debris inside the vehicles. Most of the vehicles with broken windows will be scrapped by, insurance companies that paid claims according to the rep from NCIB. It seems to me that very few cars that would even apply to DEP's message. Has DEP been to Freshkills to view the cars?

-----Original Message-----

From: Taussig, Gabriel
 Sent: Wednesday, January 30, 2002 3:46 PM
 To: 'Prero, Judah'
 Cc: Wilfredo Lopez (E-mail); Martha Robinson (E-mail)
 Subject: RE: Cars at Fresh Kills

It was my understanding based upon statements made in the conference call I had with Mark Hoffer and your technical people that DEP's only comment involved the requirement that tarps be placed on vehicles being removed. DOH agreed and incorporated that into its protocol. DOH sent the final version of the protocol to Sanitation today so that it can be implemented. We need to have the entire protocol in place for our court appearance on Monday. The question of cleaning the vehicles while still at Fresh Kills was considered at several multi-agency meetings chaired by OEM. It was determined that it was neither feasible nor necessary. There are no facilities for doing this at Fresh Kills and DOH concluded that it was not necessary. As for the insurance industry, a representative of an umbrella group for the insurance industry attended one of the inter-agency

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meetings
and the indication was that the insurance companies would cooperate. To the extent that there might be a problem, it would involve privately owned vehicles which did not have collision insurance. In those instances we will have to deal with the vehicles owners directly.

-----Original Message-----

From: Prero, Judah [mailto:judahp@dep.nyc.gov]

Sent: Tuesday, January 29, 2002 10:25 AM

To: 'gtaussig@law.nyc.gov'

Subject: Cars at Fresh Kills

Mark Hoffer forwarded me the following:

"The Commissioner strongly suggests that some decon. be done on the interior of these vehicles while they are still at Fresh Kills (he suggested washing the interior) and he also thinks that we should invite representatives of the insurance industry to meet with us and hopefully agree with the protocol we are instituting."

My guess is that you believe that part 2 of the suggestion is neither feasible nor practicable (nor perhaps necessary) considering the time constraints of your litigation. However, we here have to report back to the Commissioner on this, so please let me know if there is any possibility of DEP meeting with the requisite parties as the Commissioner suggested, or if it is not possible/practicable/needed.

Thanks.

Judah Prero, Esq.
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