

DRAFT #4 - October 15, 2001

ORDER OF THE COMMISSIONER OF HEALTH

WHEREAS, substantial numbers of persons and vehicles, including, but not limited to, construction and demolition contractors and workers, and relief facility operators, have been engaged in continuous, essential emergency operations to search for and recover victims of the September 11, 2001 World Trade Center disaster ("WTC"), and to remove debris from such site; and

WHEREAS, a 25 foot perimeter has been established, in various locations identified by a green line, surrounding and demarcating an area of rubble and debris which is known to contain certain hazardous materials, including, but not limited to, asbestos; and

WHEREAS, individuals and vehicles which enter within the 25 foot perimeter and/or green line at the WTC site may be carrying debris cargo and accumulated adherent particles of such hazardous materials; and

WHEREAS, such individuals and vehicles, upon departure from the WTC site, may transport and deposit particles of hazardous materials outside the WTC site, exposing members of the public to the hazardous materials and thereby endangering their health and safety; and

WHEREAS, §17-142 of the Administrative Code of the City of New York ("Administrative Code") defines "nuisance," in pertinent part, as "anything that may be dangerous to life or detrimental to health," and

WHEREAS, New York City Health Code ("Health Code") §3.09 states, in pertinent part, that "no person shall do or assist in any act which is or may be detrimental to the public health, ... [and] [N]o person shall fail to do any reasonable act or take any necessary precaution to protect human life and health; and

WHEREAS, Health Code §3.11 further provides that "No person shall commit or maintain a nuisance ... [or] allow such a nuisance to exist or to be created in respect of any matter, thing, chattel or premises which he owns or controls;" and

WHEREAS, I find that persons who fail to take appropriate measures to clean themselves and equipment and vehicles under their control as they leave the site may endanger the health and safety of the general public outside the site zone, and are thereby creating a nuisance as defined in §17-142 of the Administrative Code.

IT IS HEREBY ORDERED that all persons leaving the WTC site shall follow personal hygiene protocols including, but not limited to, hand and face wash; boot wash; removal or HEPA vacuuming of work clothes (coveralls) at personal hygiene facilities located throughout the site; and

IT IS FURTHER ORDERED that all vehicles leaving the WTC site be spray washed, including running boards, bumper, grilles, undercarriage, wheels, at vehicle wash stations located at vehicle access points; and

IT IS FURTHER ORDERED that owners and operators of all vehicles carrying debris from the WTC site shall fully cover with a securely fastened and impermeable tarpaulin any cargo space that would otherwise be open, except that flatbed trailers hauling steel structural and building components need not be covered but shall be thoroughly wet washed prior to site egress; and

IT IS FURTHER ORDERED that employees and officers of the Department of Health and the New York Police Department shall post and distribute copies of this Order at all entry points providing access to the site, to all construction, demolition, rescue, removal and security personnel and workers and to all other visitors to the site, and that this Order shall remain in effect for the duration of the rescue, demolition and removal operations at the WTC site.

For information about how to comply with this Order, please contact Kelly McKinney, P.E., Associate Commissioner, New York City Department of Health at 125 Worth Street, Room 616, CN-32, New York, N.Y. 10013; telephone (212) 295-5389 or at the Mayor's Office of Emergency Management (OEM) Emergency Operations Center, Pier 92, 55th Street and 12th Avenue, New York, N.Y. 10019; telephone (646) 756-3063/3064.

Dated: _____

Neal L. Cohen, M.D.
Commissioner

WARNING

Failure to comply with an Order of the Commissioner of Health is a misdemeanor and a violation of the Health Code of the City of New York for which you may be subject to civil fines of up to \$2,000 per violation and criminal fines, forfeitures and penalties, including imprisonment.

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