ASBESTOS PROJECT MONITOR AND AIR SAMPLING CONTRACT

A. Introduction

All work performed under this contract must be in compliance with all applicable, relevant, and appropriate regulations and Scope of Work *(Note: If this is what we're reading, then it should be called the SOW.....if not, where is it?)*, including but not limited to those of the United States Environmental Protection Agency (USEPA), the United States Department of Labor, Occupational Safety and Health Administration (USOSHA), the New York State Department of Labor (NYSDOL), the New York State Department of Health Environmental Laboratory Approval Program (ELAP) and the New York City Department of Environmental Protection (NYCDEP). This project shall involve coordinating and monitoring the clean up of debris and air sampling from building apartments in the vicinity of the World Trade Center explosion site.

B. Qualifications

Project Monitors
The Project Monitors must possess valid NYS Asbestos Project Monitor certificates. Monitors must have served as a third party project monitor on at least 20 asbestos abatement projects. Project Monitor must have performed final clearance inspections on at least 50 asbestos abatement projects.

Technicians
Air monitoring technicians must possess valid NYS Asbestos Project Sampling Technician (APST) certificates. Technicians must have performed air sampling for at least 6 months.

Proof of qualifications must be presented upon request.

Equipment
Sampling equipment must be in sufficient quantity to provide the amount and type of samples required for this project. At a minimum the following equipment are required: air-sampling pumps with flow rate capacities of 2 to 10 liters per minute, tripods, rotometers, sample cassettes with mixed cellulose ester filters having pore size of 0.45um(TEM).

C. Specifications

Clean up activities shall be scheduled for 20 to 30 units per day. Air sampling shall also be provided at 10 to 20 units where clean up activities are not scheduled. Sufficient personnel shall be available for project monitoring and sampling.

The Project Monitor shall direct and coordinate all services and report all findings to USEPA. The scope of this project will be as follows:

1. *The Project Monitors shall be responsible for accessing a secure EPA Website (url, user name and password to be provided by EPA). From the website, the monitors will be responsible for accessing residential services requested, then scheduling cleaning-up activities and air sampling with the* ***tenants/owners, asbestos abatement contractors and air monitoring technicians*** *to the various apartments. Monitor will then supply relevant information on activities back into the EPA Indoor Air database via the secure EPA website.*

2. Air monitoring technicians must be on-site during clean-up activities to collect final clearance samples.

3. The Project Monitor shall ensure that the clean up activities comply with the NYCDEP Scope of Work.

Post Clean-up Air Sampling Procedure must be as followed:

a) Sampling shall not begin until a visual inspection confirms the absence of visible debris.

b) All surfaces must be completely dry prior to the start of sampling.

c) Sampling equipment shall be placed at representative locations within the work area and away from obstructions. **The sampling cassette must be placed on a tripod and not taped to existing surfaces.**

d) Air conditioning units where applicable shall be run/operated at least 15 minutes prior to the start of sampling. The air conditioning units shall operate continuously throughout the sampling. HVAC systems shall be in operation during sampling.

e) Forced air equipment (e.g. leaf blowers) may be used only after written authorization by the occupant or his/her authorized representative. The project manager shall advise the occupant or his/her authorized representative on the advantages and disadvantages regarding the use of the equipment and obtain the individual's signature authorizing use. Before the start of sampling, forced air equipment (such as a 1 horsepower leaf blower) may be used to direct exhaust air against walls, ceilings, floor, ledges and other surfaces. When directing the exhaust, caution shall be taken to minimize disturbance and potential damage to furnishings and personal belongings.

f) One 20-inch fan shall be installed per 10,000 cubic feet of room space and run at low speed. The fan shall operate continuously throughout sampling and shall not be turned off until sampling is completed.

g) For studio apartments 3 samples shall be collected. For 1-bedroom apartments and above 5 samples shall be collected. Technicians shall collect a volume of 3000 liters per sample using a flow rate of 10 liters per minute.

h) Samples must be labeled and accompanied with completed chain of custody forms before shipping to the designated laboratory. The label must include the EPA Project Tracking Number. *(I think EPA should completely spell out what we want on the label. This is something for Dore to identify)*

i) Project Monitor shall perform all final visual inspections. The contractor shall be directed to re-clean surfaces as necessary.

j) The USEPA coordinator shall be informed immediately of each air test where the results indicate levels above 70 s/mm^2. Further clean up activities shall be completed prior to re-inspection and air testing.

k) All information must be maintained using the secure EPA website(url, user name and password to be provided by EPA). Dates for monitoring and/or cleaning shall be provided to EPA electronically in an EPA approved format within 24 hours. Information on sampling results and related activities will be provided to EPA, via the website, within 24 hours of completion of analysis.

4. Project reports, including a project completion sign-off signed by the project monitor and the occupant or his/her authorized representative, must be typed and forwarded to USEPA with a copy to NYCD

Removal Branch comments on the draft NYC Scope of Work (SOW) document for the asbestos project monitor and air sampling contract. These comments mostly pertain to the process that is being proposed for the asbestos cleanups. Comments on the clean up process are included separately:

Backround:

- My understanding is that NYC will be executing contracts with asbestos cleanup contractors to perform the cleanups and with A/E firms to schedule and monitor the cleanups and to conduct asbestos sampling after the cleanups are complete. The SOW states that there are three classes of worker in the A/E contract, (1) Technicians to conduct the air monitoring, (2) Project Monitors to schedule the cleanups (based on the requests received by the hotline), to perform final inspections then sign a project completion report and to ensure that the clean up activities comply with the scope of work and a (3) Project Manager (not listed in the Qualifications section but mentioned in the Post Cleaning Air Sampling Proceedures section, item e)) who will advise the occupants about the advantages and disadvantages of conducting aggressive air monitoring. The process, in summary, requires the monitor to schedule the cleanup, to ensure that the cleanup complies with attached Scope of Work (the document doesn't say how), to schedule the Technicians to perform sampling and to conduct the final inspection.

- The EPA role that is explained in the NYC SOW includes maintaining the hotline and providing appropriate procedures for cleaning up building apartments where there are large debris accumulations. An EPA coordinator provides the appropriate procedures for cleaning up apartments with large debris.

My concerns are as follows:

1) The NYC SOW does not include any provisions for EPA monitoring the work activities, assuming that EPA wants to provide such monitoring. My understanding is that NYC will execute contracts with cleanup contractors to provide the cleanups (in accordance with the attached Scope of Work) and with A/E firms to monitor the cleanup contractors and to do the asbestos sampling. The contracts will be controlled by NYC Contracting Officers and Project Officers (or whatever they call them), who will be responsible for determining if the work performed meets the contractual requirements and if payments should be made. They will also make judgements (presumably based upon the representations of the Project Monitors) of any failure to perform and the associated corrective actions. Although we have not seen the contract documents, the SOW clearly places responsibility for the determination of proper performance in the hands of the Project Monitors.

- If EPA wants to assume an oversight role that is in any way similar to the role that is performed in the monitoring of our own cleanup contractors, we would have to change the NYC Scope of Work to assign compliance assurance responsibilities to EPA employees rather than the Project Monitors (the contract documents would also have to be changed accordingly to empower the EPA people with the necessary authorities, such as the Contracting Officer authorities that are given to OSCs through their OSC Warrants e.g. to stop work, to approve invoices etc.).

- Alternatively, the EPA employees could assume other roles such as that of a general oversight function where their specific authorities would be spelled out (to ensure that a certain number of crews are working, that occupants are present at all work sites visited, etc.). The EPA employees could not interact with the NYC contractors (either the clean up contractors or monitoring/sampling contractors) but would have to pass any comments along to an individual (similar to an EPA Project Officer) in NYC, who could then interact with the contractors. The EPA representatives could advise the residents about the contractual relationships and the appropriate contacts for discussing issues.

2) The NYC SOW does not provide any specific information about how the oversight process will work, most particularly, how the Project Monitors will ensure that clean up activities comply with the Clean Up Scopes of Work.

- Will a monitor be available at each clean up site to ensure that the work is being done properly? What authority do the monitors have to ensure compliance (can they stop work for health and safety violations - Can they make the clean up contractor clean more thoroughly or use proper equipment or any other needed corrective actions)?

- Can the monitor deal directly with the clean up contractors or do they have to work through the NYC contract people?

3) The Project Manager is designated as the person who explains the need for aggressive air sampling. The occupant must sign an agreement that authorizes aggressive sampling.

- Assuming that EPA believes that aggressive sampling should be conducted to determine if any asbestos has been removed (all information available to date indicates that aggressive sampling is required), we have concerns about what information the manager will present. Will they tell the resident that it is not needed or otherwise downplay the need? Will the signed agreement release the contractors from any damage caused by the use of air blowers, thereby discouraging aggressive sampling?

- EPA employees, regardless of the type of oversight role, would be expected to fully explain the need for aggressive sampling. If the NYC contractor and the EPA oversight employees provide contrary information to the residents, we could expect that conflicts might develop between NYC and EPA

4) The NYC SOW requires that the occupant of the apartment be present during the clean up activities. Although the SOW does not require that PPE be worn by the contractors, it does not prohibit wearing respirators or other equipment. We would need to provide information to the Regional H & S Officer, and Rod Turpin, the National Superfund Health and Safety Officer to ensure that PPE will not be required for EPA employees.

- Scenarios where NYC contractors or EPA employees may be using respirators while homeowners, perhaps with young children, would be going about their normal activities without any respiratory protection, would be expected to create somewhat uncomfortable situations.

Comments to NYC Asbestos Project Monitor and Air Sampling Contract

Hours of work
Specify hours during which workers will be available. Preferably 24 hours/day.

Cleaning Sequence

How will cleaning proceed in each space? Where will cleaning begin? Where will it end? Will floors, rugs and porous material be cleaned first?

Access
Who will be obtaining access and how will the access agreement read. Access agreement should include EPA, EPA contractors, US Coast Guard, NYC and NYC Contractors.

Visual Inspection

If a visual inspection indicated the presence of excessive dust or large debris, then these procedures shall not be applicable (refer to Scope of Work B) Prior to conducting any cleanup the USEPA coordinator will be contacted immediately with information on the location of the residence. Following a visual inspection, the USEPA coordinator will make a determination regarding appropriate cleaning procedures.

Health & Safety of Workers and Residents
It is our opinion an authorized individual/occupant of the space being cleaned **should not be present** during cleaning. Occupant will be required to relocate during cleaning and sampling and return following receipt of acceptable air monitoring results. (Estimated time frame is 4 days and 3 nights).

Workers should wear Personal Protective equipment, including an APR.

Special Equipment

Portable High Efficiency Particulate Air (HEPA) /air filtration system should be utilized while cleaning takes place.

Air Monitoring
Only aggressive air sampling should be used in determining the effectiveness of the cleaning. Immediately following a phone call from an individual requesting cleaning or sampling, a confirmation letter should be mailed. The letter should include a fact sheet on the aggressive air sampling procedures and the pro's and con's of it's use. The fact sheet should also explain the limitations of passive air sampling or the collection of any air sampling that utilized procedures other than aggressive.

In order to achieve the detection limits necessary to evaluate the effectiveness of cleaning, equipment used must be capable of collecting a minimum volume of 4,000 liters per sample at a

flow rate of 10 liters per minute. Detection level should be between .0001 - .0004 f/cc.

Cleaning

In addition to the cleaning procedures presented in the scope of work, cleaning should also include the following:

* Cleaning of all common space within the building including elevator shafts and stairwells;

* Cleaning of balconies;

* Comprehensive cleaning of heating and/or cooling systems and the replacement of filters;

* Moving and cleaning of all freestanding furniture and appliances;

*Cleaning of all horizontal and vertical surfaces (walls, ceilings, bookshelves, tabletops, appliances);

*Mopping of tile, linoleum and other uncovered floors;

*Vacuuming dust from refrigerator coils, stoves/ranges, electronic equipment and clothes dryers;

*Washing window and door screens, sills, and associated moldings;

*Cleaning of vacuum cleaners, air filtering or conditioning equipment and the replacement of any filters.

Personal Air Monitoring

At a minimum, personal air monitoring should be performed on at least one worker per unit cleaned.

Scope of Work B

A visual inspection was performed and excessive dust and accumulations of debris.....

What will be done with the residents of the spaces qualifying for a cleanup of this type?

For spaces qualifying for cleanup specified in scope of work B, shall follow comments provided in section "Cleaning" above. In addition, all sources of dust shall be removed all objects and spaces. These sources shall include electronic equipment, clothing and accessories.