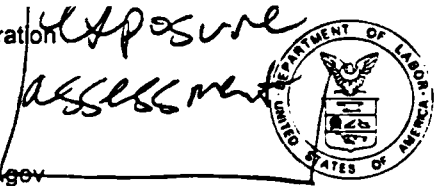


U.S. Department of Labor

Occupational Safety and Health Administration
201 Varick Street
New York, New York 10014
Tel: (212) 337-2378
Fax: (212) 337-2371
OSHA Website Address: <http://www.osha.gov>



June 14, 2002

Kathleen C. Callahan
U.S. Environmental Protection Agency
Deputy Regional Administrator
290 Broadway
New York, NY

Dear Ms. Callahan:

This is in response to your latest electronic request addressed to David J. Ippolito, in which you sought a written description of OSHA's asbestos monitoring data for the assessment and selection of personal protective equipment for use by contractors who will be included in your residential clean-up program.

29 CFR 1926.1101 presumes worker exposure to asbestos in the construction workplace for specific work operations until this presumption is rebutted by air monitoring or until the employer has obtained a Negative Exposure Assessment as defined in this standard. As you know, OSHA activities at the WTC site have included assisting the New York City Department of Design and Construction and the New York City Fire Department (co-incident commanders) in characterizing exposures to many contaminants, including asbestos.

Results from that sampling activity indicate that worker exposures to airborne asbestos have been, and continue to be, very low relative to the applicable limits. As of June 10, OSHA has taken 1,398 airborne asbestos samples (both personal and area) on and around the WTC site. Those samples were analyzed by Phase Contrast Microscopy (PCM) for total fiber counts, which counts all fibers as defined in the OSHA standard, not just asbestos fibers. Of the 1,398 samples taken, only 157 revealed exposure in excess of OSHA's applicable Permissible Exposure Limit (PEL) of 0.1 fiber per cubic centimeter. However, when discriminating counting techniques and/or Transmission Electron Microscopy (TEM) analysis was performed on these samples, the asbestos fiber count was always less than half of OSHA's PEL.

In addition, OSHA's Manhattan Area Office has initiated an enforcement local emphasis program (LEP) to monitor cleanup activities in damaged buildings surrounding the WTC site, which we believe represent the heaviest of the settled dust accumulations. The boundaries of this LEP are: Chambers to the North, Broadway to the East, Rector to the South and Hudson River to the West. The air and bulk samples collected during those monitoring inspections contain no detectable levels of asbestos. In summary, as of June 11, 2002, twenty-five bulk samples of settled dust and debris taken from six of these surrounding buildings as part of this LEP/building debris removal all were found to be non-detected for asbestos. Twenty-five air samples, the majority being personal samples, taken in these same buildings to assess exposure on workers

who performed various construction tasks and building cleanup operations were found to be non-detected for asbestos. For more specific information of the results of this sampling and the buildings sampled please see the attached addendum.

The sum of these sample results constitutes a large pool of historical data representing employee exposure to airborne asbestos dust and constitutes a **Negative Exposure Assessment** as defined by Section 29 CFR 1926.1101, paragraph (a). That assessment includes both the workers directly involved in the debris removal at the WTC site, as well as those exposed to heavy settled dust accumulations in buildings immediately bordering ground zero. Therefore, while the settled dust originating from the WTC collapse may contain asbestos exceeding 1 percent, the dust poses a very low risk to the workers who disturb it.

Once a negative exposure assessment for asbestos has been obtained pursuant to 29 CFR 1926.1101, then workers would not be required to use any protective clothing or respiratory protection. Therefore, based on this historical asbestos sampling data obtained at Ground Zero and the surrounding affected buildings, OSHA's assessment for the EPA cleanup of residential apartments would not require workers to use any respiratory protection or protective clothing.

OSHA does not discourage the voluntary use of respiratory protection or other personal protective equipment that is provided to employees in the interest of worker safety and health. However, please remember that OSHA's respiratory protection standard 29 CFR 1910.134 requires that employers may provide respirators at the request of employees or permit employees to use their own respirators if the employer determines that such respirator will not in itself create a hazard. If the employer determines that any voluntary respirator use is permissible, the employer shall provide the respirator users with the information contained in 29 CFR 1910.134 Appendix D. Please also remember that 29 CFR 1910.134 (e) *medical evaluation* and (f) *fit-testing*, require that employees be medically evaluated and fit tested before using any respirator other than a "dust mask" (filtering face piece). Employees who voluntarily use only a "dust mask" or filtering face piece would not be required to be medically evaluated or fit-tested. Employers who voluntarily provide protective clothing for their workers should also be aware that protective clothing worn at elevated temperatures may create additional hazards such as heat stress / heat stroke. Workers using such clothing may need frequent breaks and plenty of fluids.

Should you require any additional information or need further clarifications, please feel free to contact me at (212) 337 - 2378.

Patricia K. Clark

Regional Administrator
Region II

ADDENDUM - A - MANHATTAN OSHA AREA OFFICE
LEP ASBESTOS SITE SPECIFIC INSPECTION DATA

90 West Street:Activity:

Samples taken:

4 bulks for asbestos:

All were ND for asbestos

2 bulks taken on 2nd fl ground & 2nd fl stairway debris

2 bulks taken from overhead Thermal System Insulation

3 personal air for asbestos:

All were ND for asbestos

Total Fibers range from ND - .1800 f/cc

Activity:

Electricians working in the basement

102 North end Avenue:

Samples taken:

3 asbestos (air) were taken:

All were ND for asbestos

Total fibers range from 0.0230-0.0620 f/cc

Activity:

**3rd phase of cleaning area - cleaning hotel rooms using
HEPA vac**

3 World Financial Center:

Samples taken:

6 bulks for asbestos were taken:

All were ND for asbestos

(4) 4th fl -NW side of building (WTC debris)

(2) 6th fl - Area already cleaned -took samples as
precaution

3 personal air samples for asbestos:

All were ND for asbestos

Total fibers range from .0960 - .270 f/cc

Activity:

**2 samples employees bagging office material in
area contaminated from WTC collapse
1 sample employee cleaning HVAC system**

1 World Financial Center:

Samples Taken:

5 bulks for asbestos were taken: **All were ND for asbestos**

4 personal air samples for asbestos: **All were ND for asbestos**

Activity:

Carpet mastic removal

130 Liberty Street:

Sample Taken:

6 personal air samples conducted for asbestos **All ND for asbestos**

2 Area samples taken in the plaza area **All ND for asbestos**

Activity:

**Carpenters performing renovation
operation/clean up**

130 Cedar Street:

Samples Taken:

4 personal air samples conducted for asbestos **All ND for asbestos**

10 bulk samples taken on floors 2 through 11 for asbestos **All ND for asbestos**

Activity:

**Asbestos abatement contractor removing debris
subject to Governor's emergency order**



Department of
Environmental
Protection

59-17 Junction Boulevard
Rushling, New York
11373-5108

Christopher O. Ward
Commissioner

August 5, 2002

Hon. Jane Kenny
Regional Administrator
U.S. Environmental Protection Agency, Region II
290 Broadway, 17th Floor
New York, NY 10007

Re: World Trade Center Indoor Dust Cleaning
Program

Dear Ms. Kenny:

I am writing to advise you that DEP's Bureau of Environmental Compliance (BEC) has reviewed the draft "Cleaning Contract Scope of Work" for the World Trade Center Indoor Dust Cleaning Program (Draft - 8/2/02) (copy attached).

With regard to "Scope of work A", which sets forth the procedures to be employed where minimal dust accumulations are present, BEC has determined that such cleaning work does not constitute an "asbestos project" or "minor asbestos project" as those terms are defined in the DEP Asbestos Rules, Title 15, Chapter 1, Rules of the City of New York §1-02.

Further, insofar as DEP is authorized pursuant to §24-146.2 of the New York City Administrative Code to enforce Article 30 of the New York State Labor Law and the regulations adopted thereunder, BEC has determined that cleaning work undertaken pursuant to "Scope of work A" does not constitute an "asbestos project" as defined in §901 of the New York State Labor Law and 12 NYCRR Part 56-1.4(o).

Sincerely,

A handwritten signature in cursive script, appearing to read "C. Ward", written over a circular stamp.

Christopher O. Ward

