

February 14, 2002

Christine Todd Whitman
 Administrator
 Environmental Protection Agency
 Ariel Rios Building
 1200 Pennsylvania Avenue, N.W.
 Washington, DC 20460

Dear Administrator Whitman:

I am writing to thank you for EPA's support and efforts with regard to environmental issues stemming from the 9/11 terrorist attacks, and also to express my deep concern about communications emanating from your agency. Since becoming Commissioner at the New York City Department of Health in January, I have been heavily involved with the issues of air quality in the area of lower Manhattan surrounding the World Trade Center site. I have been impressed with the quantity of environmental sampling activities conducted by the EPA, and with the efforts you have made to release these data to the public. I have also been impressed with the extensive collaboration that has occurred between federal, state and local environmental, occupational and health agencies.

We recognize that the issues around environmental sampling and analysis are not always clear-cut. Even so, I have been deeply concerned about the information disseminated by Ms. Cate Jenkins publicly criticizing this Department and contradicting other EPA communications. The fact that her viewpoints are being issued on EPA letterhead and disseminated from the EPA mail server, with an EPA address, is deeply disturbing. If these are the official opinions of EPA, then we should have an open and dispassionate discussion of the issues. If they are not, then EPA has, in my view, an overriding responsibility to respond publicly to the scientific issues raised in these communications. Contradictory information emanating from EPA has led to confusion among residents and workers in New York City about the potential health effects of various substances. Moreover, it contributes – unnecessarily – to the anxiety that residents of New York City are still experiencing after the terrible events of September 11.

We therefore request that EPA either publicly rejects or publicly agrees with Ms. Jenkins' statements. In the event that EPA's official position has changed and you now concur with Ms. Jenkins statements, we should have an open scientific discussion of this. I would appreciate your prompt response to this request so that we can continue to jointly address the needs of the people of New York City.

Thank you very much for your time and attention. Please don't hesitate to call me at (212) 295-5347 if I can provide further information.

Sincerely,

Thomas R. Frieden, M.D., M.P.H
Commissioner

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ADMINISTRATIVE LAW****TRANSPORTATION AND
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March 7, 2002

Christine Todd Whitman
 Administrator
 Environmental Protection Agency
 1200 Pennsylvania Avenue NW
 Washington, DC 20460

Dear Administrator Whitman:

Thank you for your letter of February 22, 2002 responding to a number of concerns I raised about the Environmental Protection Agency's (EPA) actions following the September 11th attacks in New York City. I appreciate your acknowledgement that there are a number of remaining concerns, and I thank you for your stated commitment to address these issues. In that regard, I have a number of questions about your reply.

In your letter, you state "The President's declaration triggered the Federal Response Plan and directed FEMA to coordinate various federal, state, and local agencies and the American Red Cross in carrying out thirteen distinct Emergency Support Functions. The Environmental Protection Agency (EPA) has served in a supporting role to the City of New York and the State of New York, consistent with the Federal Response Plan and mission assignments from FEMA." You also write that "the City assumed responsibility for indoor testing and the reoccupancy of buildings." However, in documents obtained by the New York Environmental Law and Justice Project, pursuant to a Freedom of Information Act (FOIA) request, it appears that EPA did environmental assessments of at least some residential and commercial buildings (at the request of the Ground Zero Elected Officials Task Force), and that On-Scene Coordinator(s) were working in Lower Manhattan (see Enclosure). I am pleased to learn that EPA has done environmental assessments of some residential and commercial buildings. As you know, I have been requesting that EPA take responsibility for responding to the release of hazardous materials for all indoor spaces in Lower Manhattan. I would like to explore this matter in greater detail, and I must now request more information on EPA activities in this regard:

- Please provide the name and phone number of the On-Scene Coordinator (OSC) acting in response to the attacks of September 11th, 2001 and the collapse of the World Trade Center in New York. If there is, or was, more than one OSC working, please provide the names and phone numbers of all OSCs working, or who have worked, in New York City following September 11th, 2001. If there is, or was, more than one OSC working in New York City following September 11th, 2001, please provide the name and phone number of the person to whom the OSCs reported when carrying out their duties.
- Please provide a detailed description, and all documentation, of the OSC's duties in response to the attacks of September 11th and the collapse of the World Trade Center.
- When are, or were, OSC's on duty in New York City following September 11th, 2001? If there is no OSC currently working in New York City in response to the collapse of the World