

HILARY RODHAM CLINTON
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SENATOR

AUSTIN SENATE OFFICE BUILDING
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United States Senate

WASHINGTON, DC 20510-3204

August 13, 2002

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

Dear Administrator Whitman:

In October 2001, I wrote to you regarding my concerns that all possible measures be taken to protect human health and the environment in the wake of the September 11, 2001, attack on the World Trade Center, and to ensure that the public would be provided with sound information in this regard. You can imagine my surprise and concern when I learned from a report recently issued by the United States Environmental Protection Agency's Office of the Inspector General (OIG) that the trucks used to clean streets and sidewalks in the financial district and Battery Park City in the days immediately following September 11, 2001, did not contain High Efficiency Particulate Arresting (HEPA) filters as specified in the contractor work order, and as indicated in statements made last September by you and others in the Agency.

Understandably, the days immediately following September 11, 2001, were overwhelming and often times confusing, particularly for those on the ground responding to the aftermath of the attack. Fortunately, this omission on the part of the cleanup contractor was identified by EPA and addressed. Yet this finding begs the question as to what other problems may have occurred in the weeks following September 11, 2001, of which the public, and possibly even EPA itself, are still unaware. As cleanup efforts continue around Ground Zero, including the indoor cleanups that are about to commence, I believe it is vital that we learn from this experience and ensure that procedures are in place to protect against such mishaps from occurring again in the future.

Last month, the OIG issued an investigative report on whether you had taken official actions affecting a personal financial interest with respect to three environmental cleanup sites, including the World Trade Center (Case Number: 2002-0003). The allegations were not substantiated, and criminal prosecution was declined.

However, in the course of interviews related to the World Trade Center component of the OIG's investigation, it was discovered that "trucks used to do the cleaning did not contain HEPA filters," even though "the work order specified the use of HEPA filter vacuum trucks." These trucks without HEPA filters were used to clean dust off streets and sidewalks in the financial district from September 14 through September 16, 2001, and started cleanup work in Battery Park City on either September 19 or September 20, 2001. The OIG's report indicates that

Page 2

"HEPA equipment was brought in five days later on either September 24 or 25, 2001," but that areas that were not cleaned with HEPA filter vacuum trucks "were not 'redone' until the second or third week in October 2001."

Furthermore, the EPA employee interviewed for the report indicates that "it was 'around the first week in October 2001,' when his managers learned from someone (name unknown) in EPA Region 2's Press Office that HEPA filter vacuum trucks had not been utilized during the first five days of the WTC cleanup." The report goes on to indicate that management in Region 2 ordered the cleanup work to be redone in the areas that were not cleaned with HEPA filter vacuum trucks. As indicated above, however, this work was not completed until mid-October 2001.

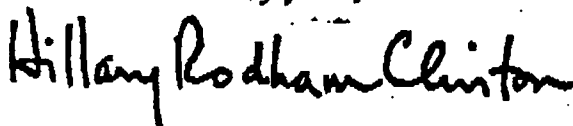
In light of the OIG's report and its finding regarding the vacuum trucks used to clean streets and sidewalks around the World Trade Center in the days following the September 11 attack, I would appreciate a response to the following questions no later than August 26, 2002:

- Why were members of the public and New York's congressional delegation not notified about this incident?
- Was a record of this incident included in the "Lessons Learned" report issued by EPA in February 2002? If not, why not?
- What, if any, increased exposures to asbestos resulted from the lack of HEPA filters in the vacuum trucks used to clean streets and sidewalks in Lower Manhattan in the days following September 11, 2001?
- What, if any, other such instances is EPA aware of with respect to the response to the events of September 11, 2001, and what is being done to identify, report, and address such occurrences?
- What procedures are in place or will be put in place by the Agency to ensure that such lapses do not occur in the future?

Once again, I want to thank you for everything you and others at your Agency have done to help in the recovery and rebuilding effort in Lower Manhattan. This is like nothing any of us has ever experienced before, and hopefully will ever have to experience again.

Thank you for your attention to this important matter. I look forward to receiving your response, and to continuing to work with you on this and other matters.

Sincerely yours,



Hillary Rodham Clinton

HILARY RODHAM CLINTON

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United States Senate

WASHINGTON, DC 20510-3204

August 13, 2002

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

Dear Administrator Whitman:

In October 2001, I wrote to you regarding my concerns that all possible measures be taken to protect human health and the environment in the wake of the September 11, 2001, attack on the World Trade Center, and to ensure that the public would be provided with sound information in this regard. You can imagine my surprise and concern when I learned from a report recently issued by the United States Environmental Protection Agency's Office of the Inspector General (OIG) that the trucks used to clean streets and sidewalks in the financial district and Battery Park City in the days immediately following September 11, 2001, did not contain High Efficiency Particulate Arresting (HEPA) filters as specified in the contractor work order and as indicated in statements made last September by you and others in the Agency.

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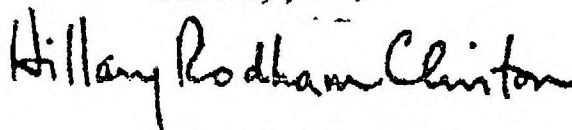
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Sincerely yours,



Hillary Rodham Clinton

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August 13, 2002

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

The Honorable Michael R. Bloomberg
Mayor
The City of New York
New York, New York 10007

Dear Administrator Whitman and Mayor Bloomberg:

Thank you again for your continuing efforts regarding indoor air quality in Lower Manhattan. The announcement that was made in May that a Federal government program will enable Lower Manhattan residents to get their apartments cleaned and tested was a very welcome step forward, and I appreciate your ongoing efforts in the development and implementation of this program. I am concerned, however, that many questions still remain, and that new questions have been raised by the scopes of work that were recently transmitted to the City.

In May, I wrote to you about the foremost concern of those who live, work, and have children who attend school in Lower Manhattan — that this program be conducted as part of an open and transparent process. In my letter, I urged you to engage both outside experts and the public as you moved forward with this program, including the possibility of holding public meetings. While your July 25, 2002, response indicated that EPA had met with "outside experts," I am interested to know specifically what outside experts were consulted in formulating the scopes of work. I would also be interested to know if the World Trade Center Indoor Air Quality Task Force has formed any sort of advisory committee on this issue.

I was pleased to learn from your July 25 response that the Agency is in the process of developing "comprehensive community involvement plans." I would greatly appreciate receiving additional information about the plans, including when these plans will be completed and implemented, what the plans entail, and how input from the community will be incorporated into the testing/cleanup program as a result.

As you may know, there is ongoing concern about the general scope of the program, both geographically and in terms of the limitation of the program to residences. As you will recall, in May, I had expressed to you my hope that the program would be expanded to include small businesses around Ground Zero, and to reimburse those residents who have already paid for the cleaning of their apartments. In addition, I forwarded concerns regarding the omission of school facilities from this program. I appreciate Regional Administrator Jane Kemmy's willingness to meet with concerned parents about this issue in particular. I am anxious, however, to hear how

Page 2

all of these concerns will be addressed as the program moves forward, as well as whether you intend to expand the geographic scope of the program to include a broader area that includes all residences and businesses—including the Chinatown community—that may have been affected by the attacks.

I would also like to take this opportunity to request information and clarification regarding the following aspects of the scopes of work:

- When is the testing and cleanup work expected to begin, and when is the work expected to be completed? Until what date will people be able to request testing and cleanup assistance—will the deadline be extended beyond September 3, 2002?
- It would appear from the scopes of work that there will be pre-cleaning and post-cleaning wipe sampling for dioxin, total metals and mercury, as well as post-cleaning air sampling for asbestos. Is this the case and, if so, why is there no pre-cleaning air sampling for asbestos or pre- and post-cleaning wipe sampling for other contaminants? How were these contaminants decided upon for pre- and post-cleaning sampling?
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- How were sampling and cleanup equipment and methodologies decided upon, including the asbestos clean-up criteria of 0.0009 fibers/cc? Is this the criteria that achieves the 10^{-4} cancer risk that was mentioned in EPA's fact sheet on the cleanup and testing plan? If so, how was the 10^{-4} risk factor decided upon, versus a more protective risk factor of 10^{-6} ?
- Why are the filing of asbestos project notification forms, the posting of warning signs, and the wearing of personal protective equipment only required during a Scope B cleanup? Why is the use of personal protective equipment required only during aggressive air sampling activities? Has the Occupational Safety and Health Administration (OSHA) been consulted with respect to these aspects of the scopes of work?
- The scope of work for the cleaning contract indicates that "HVAC systems that are determined to be impacted by dust and debris from the collapse of the World Trade Center will be cleaned." How will it be determined that systems have been impacted? With respect to individual HVAC intake/discharges, how was it decided that only one foot of the ductwork would be cleaned?
- Will there be any notification provided to building residents when any testing or cleanup is taking place in a building, whether the testing/cleanup is being conducted in a common area or in an individual unit? How is EPA proposing to address concerns regarding

Page 3

cross-contamination and re-contamination when entire buildings are not being tested/cleaned?

- The scope of work for the monitoring contract indicates that "EPA will notify residents of the results of sampling conducted as part of this project." Does EPA intend to make all sampling results available to the public and if not, why not?

Again, I want to thank you for providing this much-needed assistance to Lower Manhattan. I look forward to continuing to work with the City, the Environmental Protection Agency and the Federal Emergency Management Agency to ensure that the program is implemented quickly and effectively, and to assure the public that their environment is healthy and safe.

Sincerely yours,



Hillary Rodham Clinton

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August 13, 2002

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20460

The Honorable Michael R. Bloomberg
Mayor
The City of New York
New York, New York 10007

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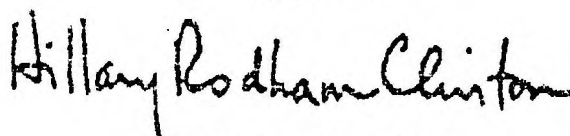
Page 3

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Again, I want to thank you for providing this much-needed assistance to Lower Manhattan. I look forward to continuing to work with the City, the Environmental Protection Agency and the Federal Emergency Management Agency to ensure that the program is implemented quickly and effectively, and to assure the public that their environment is healthy and safe.

Sincerely yours,



Hillary Rodham Clinton

02/28/2002 14:41 FAX

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February 23, 2002

The Honorable Christine Todd Whitman
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue
Washington, D.C. 20004

Dear Administrator Whitman:

Thank you for your letter of February 22 and for your efforts to establish and begin the operations of the Task Force on Indoor Air in Lower Manhattan as quickly as possible. I wanted to take this opportunity to seek clarification on this issue, as well as to request your assistance in responding to some alarming findings of the EPA Ombudsman regarding possible recontamination of schools in Lower Manhattan that were revealed in news reports today.

I believe strongly that the task force should:

1. Go door-to-door in lower Manhattan to get a firmer grasp on existing indoor air quality and remediation efforts and to develop whatever new cleanup and monitoring protocols are needed to assure the health of residents, students and workers in the months ahead;
2. Ensure that all information on indoor air in Lower Manhattan is made readily available to the public, in plain language; and
3. Pay special attention to the particular needs of children who live and attend school in the area. As you know, because of their size, habits and immune systems, children are at greater risk of being harmed by some pollutants than adults and should be monitored accordingly.

I would greatly appreciate it if you could provide my office with additional details on the Task Force's upcoming work. Specifically, I am concerned about two items in the letter you sent to participating agencies regarding the establishment of the Task Force. First, you indicated that the Task Force would "focus on indoor and outdoor air quality." I feel very strongly that the primary focus of the Task Force should be indoor air quality, and only address outdoor air quality as it affects indoor air quality.

Second, you indicated that you "anticipate that the task force will meet for about two hours each week over the next three months." I understand that such formal meetings may be necessary for the effective operation of this Task Force. Please explain the specific activities that you anticipate the Task Force members will undertake in the field and what resources will be made available to address indoor air quality issues in Lower Manhattan.

IMPORTANT

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cc RA
DRA
Anthony C.
Bernice B.
Kathy C.
Dore C.
Bruce S.
Nina H.
Mury M.
Benny S.
Pat C.
—Pete B.

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FEB-28-2002 15:00

02/28/2002 14:42 FAX

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Page 2

Additionally, I would appreciate information on how the members of the Task Force were selected, and why agencies such as the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) were not invited to participate in the Task Force. Finally, I believe it is extremely important that there be a mechanism in place to allow for public review and comment on the Task Force's activities without unduly slowing down such activities.

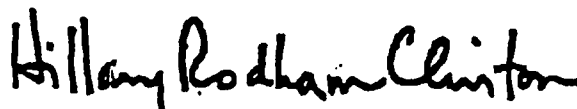
On a related matter, I was deeply concerned to read in today's *New York Daily News* and *New York Post* that the EPA Ombudsman has found at least two lower Manhattan schools have been recontaminated with hazardous material from World Trade Center debris, and that recent tests done at Stuyvesant High School and PS 89 found elevated levels of lead. The Ombudsman's report apparently recommends that the debris barge docked off West Street, behind Stuyvesant High School, be moved and that school ventilation systems be continuously cleaned or replaced.

I believe that this report requires immediate attention. I ask you to look into this matter and inform me of any health concerns that exist for school children in Lower Manhattan. In addition, I would also like to be kept informed of the actions EPA intends to take to ensure that children attending school in Lower Manhattan are afforded the highest level of protection.

I appreciate your efforts to promote the issue of children's environmental health, and want to be sure that those efforts extend to the school children of Lower Manhattan. As I have often stated, children are at greater risk of being harmed by some pollutants because of their size, habits and developing immune systems. Ensuring that we take all appropriate steps to safeguard their health is imperative.

I am grateful for your prompt attention to these issues and thank you in advance for keeping me informed on anything related to these matters.

Sincerely yours,


Hillary Rodham Clinton

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