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Subject: _____

COMMENTS: _____

Testimony Places Responsibility For Manhattan Cleanup on EPA

By MOTOKO RICH

NEW YORK—A senior Environmental Protection Agency official indicated that the federal agency has ultimate responsibility for indoor cleanup in lower Manhattan, a view that appears to contradict the agency's public stance, according to sworn testimony unveiled yesterday.

Rep. Jerrold Nadler (D., N.Y.) dis-

closed the testimony of Marianne Horinko, an assistant administrator of the EPA, at a news conference, where he criticized the environmental agency for failing to clean up commercial spaces in the wake of the Sept. 11, 2001, terrorist attacks. When the World Trade Center collapsed, it blew piles of potentially contaminated dust into nearby buildings. Tenants and landlords have since been struggling to clean it up.

In Ms. Horinko's testimony, given Jan. 6 as part of a sworn deposition in a labor dispute, she said the EPA "has the lead in the environmental response" to the terrorist attacks. In response to a question about who had the ultimate responsibility for "the cleanup of interiors," Ms. Horinko said: "Ultimately I suppose it would be Gov. [Christine Todd] Whitman as the administrator [of the EPA]." Ms. Horinko couldn't be reached for comment yesterday.

To date, the agency has said it has been offering a supporting role to the city and state of New York. After months of criticism, the EPA announced in May 2002 it would offer cleanup to residents who request it. That cleanup program began in September, and the agency has cleaned 1,228 apartments and tested an additional 361 units. The EPA hasn't offered any cleanup program for the hundreds of offices, restaurants and retail shops in lower Manhattan.

In a statement yesterday, Jane M. Kenny, regional administrator of the EPA, said the agency "has focused our cleaning and testing program on residential buildings, because lower Manhattan residents are most in need of assistance." She added that "commercial establishments had access to a variety of programs," including small-business loans and private insurance. Ms. Kenny also said that the "EPA, supported by many independent scientists, believes that the long-term risk from exposure to residual dust from the

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World Trade Center is low." She said that "only 17 of the nearly 1,600 apartments that have been cleaned and tested for asbestos in the air or just tested, have had asbestos levels above a very stringent health standard."

Rep. Nadler said Ms. Horinko's testimony showed that the EPA, rather than the city, "is irrefutably responsible for cleaning up all areas of these buildings.... EPA can no longer pass the buck or point fingers at other government agencies."

At the news conference, Rep. Nadler also disclosed that nearly a year after the New York City Department of Environmental Protection requested downtown Manhattan building owners report results of environmental testing, only 20 of 1,900 buildings in the affected area have responded.

Charles Sturcken, a spokesman for the New York City department, said he took issue with the numbers released by the congressman. He said the agency had sent requests to 1,000 buildings in lower Manhattan and had received 336 responses. "We think we did a very large job down there with a small staff," said Mr. Sturcken. He added that the agency had cleaned 222 building exteriors and had overseen the cleaning of 100 more by building owners.

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