

Avaltroni, Robert

From: Hoffer, Mark
Sent: Wednesday, July 09, 2003 3:49 PM
To: Avaltroni, Robert; Gilsenan, Michael
Subject: FW: SURVEY FOUND RESIDENTS WANTED MORE AIR QUALITY INFORMATION AND
DI D NOT USE RECOMMENDED CLEANING PROCEDURES

FYI

-----Original Message-----

From: Cohen, Jay [mailto:jcohen@law.nyc.gov]
Sent: Tuesday, July 08, 2003 12:16 PM
To: 'varolid@ddc.nyc.gov'; 'kmckinne@health.nyc.gov'; 'lyee@oem.nyc.gov'; 'mhoffer@dep.nyc.gov'; 'phyllisa@buildings.nyc.gov';
'LevineM@omb.nyc.gov'
Subject: SURVEY FOUND RESIDENTS WANTED MORE AIR QUALITY INFORMATION AND DI D NOT USE RECOMMENDED CLEANING
PROCEDURES



EPA-DEPSup
RevisedFinal.doc

SURVEY FOUND RESIDENTS WANTED MORE AIR QUALITY INFORMATION AND DID NOT USE RECOMMENDED CLEANING PROCEDURES

From October 25 through November 1, 2001, NYCDOH conducted a door-to-door survey of residents in Lower Manhattan's Battery Park City, Southbridge Towers, and Independence Plaza. All of these neighborhoods were in close proximity to the WTC towers. A representative sample of apartments from each of these three areas was selected and a total of 414 interviews were conducted. The survey reached two conclusions related to air quality:

- a. Residents of Lower Manhattan were worried about their health and safety. There was a tremendous concern about the air quality and its potential effects on health. The high proportion of the population experiencing symptoms likely to be related to respiratory irritants contributed to this concern.
- b. The majority of households had not been cleaned to recommendations, possibly increasing the exposure to respiratory irritants. Specifically, in regard to air quality information, the report noted that:

The topics of most interest to this population related to air quality, its safety and its effect on the physical health of both adults and children (70% said they wanted more information about air quality). There is a need for more information regarding the potential risks from exposure to the dust and debris that continues to be emitted from the WTC site. Related to this topic, 35% of the respondents reported that they needed more information regarding cleaning.

The report noted that only 40 percent of the residents reported cleaning their homes according to the recommended methods of wet mopping hard surfaces and using HEPA vacuums on carpeting. This occurred despite the enormous amount of publicity and information concerning air quality provided to residents by the media, and City, State and Federal agencies and attempts by the City and EPA to widely disseminate information concerning indoor cleaning of residences The study did not report whether residents wore air purifying respirators when cleaning their apartments, ~~a precaution not recommended in early government communications but one that experts we contacted said should have been recommended.~~¹

The report noted two limitations on its results. First, the survey only included three selected neighborhoods in Lower Manhattan and did not include residents who had not re-occupied their apartments at the time of the survey. Second, the report noted that normally respiratory symptoms increase during the time of year the survey was conducted.

¹ The issue of whether residents should wear respiratory protection when cleaning their apartments was discussed at various meetings attended by New York City officials, EPA officials and officials from the NIOSH. Both, prior to providing guidance to residents and while the cleaning process was in progress, the consensus, with no opposition, was that respiratory protection was not warranted during these cleaning events. However, in preparing this report, experts contacted by the EPA now believe that this precaution should have been recommended.

[Evaluator's Note: a DOH press release about WTC, dated September 17, 2001, is included in its entirety as an exhibit to the draft report.]

Date	Key Statement
09-17-01	NYCDOH issued a press release that recommended that individuals reentering their residences and places of work remove dust by using a wet rag or wet mop, and vacuum with a HEPA (high efficiency particulate air) filtration vacuum. If a HEPA vacuum was not available, the press release recommended using HEPA bags or dust allergen bags with a regular vacuum cleaner. <u>The procedures in this press release were referred to multiple times by EPA officials in press releases and included in the EPA website concerning the World Trade Center attacks. (see Appendix N for a copy of the press release).</u>
10-25-01	NYCDEP described <u>benchmarks and guidelines used to evaluate environmental conditions</u> in a letter to Lower Manhattan residents dated October 25. In regard to cleaning indoor spaces the letter stated: "If more than 1 percent asbestos was found and testing and cleaning was necessary, it had to be performed by certified personnel." In addition, the statement indicated landlords should not reopen any building until a competent professional had properly inspected their building. The City's Asbestos Abatement Program requires that building owners file a written notification with the NYCDEP for asbestos abatement projects that do not require plan or permit approval from the City's Buildings Department. NYCDEP officials told us this notification <u>applied to buildings owners who found more than 1 percent asbestos in the dust in their buildings</u> (see Appendix O for a copy of the instructions).

NYCDEP officials told us that there is no regulatory or statutory authority to ~~they did not~~ conduct a certification program to determine the level of compliance with their instructions regarding the testing and cleaning of asbestos inside buildings. This is a purely voluntary program. In January and February 2002, NYCDEP contacted building owners by express mail and asked them to file reports. This was followed up by a second mailing to building owners who did not respond, and by visits, but not inspections, by inspectors to building owners, who had not responded. However, the only authority to conduct inspections of buildings is if a complaint is made, or if the building owner reports that a bulk sample was found containing more than 1% asbestos. NYCDEP received over 300 complaints with respect to asbestos inside buildings and conducted inspections in cases where inspections were warranted, concerning every complaint. In conducting over 300 these inspections, NYCDEP found only 1 — cases where a bulk sample exceeded 1% asbestos. There were 37 instances, pursuant to the Asbestos Control Program, where building owners reported bulk sample levels of 1% or more asbestos by submitted ACP-7's. Inspections were conducted in every instance for all

filed notification
with DEP
as a result
of bulk
samples > 1%

Sub...

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Excerpts from Chapter 3 of the Draft Report

Initial Actions Taken by New York City and EPA

In the immediate aftermath of the disaster, EPA undertook several activities to address various issues related to indoor air. However, according to EPA documentation, New York City officials stated on September 30, 2001, that the City would not be requesting assistance from EPA regarding residential sampling or reoccupation issues, or roof debris cleanup. According to EPA Region 2 officials, since the City declined EPA's offer of assistance on cleaning issues, EPA did not want to force itself into a lead agency role. Further, EPA Region 2 officials told us that a more assertive stance from EPA would have caused a level of confrontation that might have been counterproductive to the overall effort. This view of circumstances by EPA is contradicted by information provided by New York City agencies. City officials stated that they requested assistance from EPA with respect to air sample monitoring on September 11, 2001. Furthermore, City officials stated that the EPA was thoroughly involved and integrated into the health and safety process concerning the response to the terrorist attacks. For example, EPA chaired the Environmental Sampling and Assessment Workgroup health and safety meetings for the site. EPA was provided and reviewed and commented concerning the health and safety plan for the site. EPA provided the truck mounted HEPA vacuum trucks units to clean the sidewalks and streets in the vicinity of the site. In the City's view, EPA was a full and equal partner concerning environmental issues with respect to the response to the terrorist attacks. Consequently, if EPA had offered assistance it would have been accepted. Moreover, EPA's taking a more assertive stance would not have caused a level of confrontation that would have been counterproductive as the City recognized that the EPA is the lead agency under for Emergency Support Function 10, hazardous materials, under the Federal Response Plan. under ESF-10. City officials do not recall that the subject of residential sampling and reoccupation and roof debris cleanup was raised by the EPA on September 30, 2001, or any time before then. City officials recall discussing the issue of indoor cleaning of residences with EPA at some time after September 30, 2001 and that EPA's response was that they would conduct a study and provide information to the City in six to nine months.

New York City's Initial Response to Indoor Contamination

After consultation with FEMA and with the agreement of the EPA New York City officials held building owners responsible for cleaning up their own buildings, including interiors and exteriors. This was as a result of an initial position by FEMA that pursuant to the Stafford Act, which governs federal disaster relief activities, it would not reimburse the City for such cleaning. In general, landlords of rental units were responsible for assessing, and based on those assessments, take the appropriate cleaning actions. if necessary, cleaning apartment walls, ceilings, and floors; common areas, such as hallways and lobbies; and heating, ventilation, and air conditioning (HVAC) systems. Renters were responsible for cleaning their personal belongings. In the case of resident-owned condominiums, residents were responsible for cleaning their units, while building owners were responsible for cleaning common areas and HVAC systems.

Excerpts from Background Section of the Draft Report

Early Response

Various circumstances complicated the Government's and EPA's ability to respond to environmental concerns in what was an unprecedented and extremely difficult situation. The New York City Office of Emergency Management's Emergency Operations Center was destroyed in the attacks. EPA's Region 2 office, about a half-mile from the WTC site, was evacuated and not re-opened until 2 weeks after the attacks. Electrical power was lost in Lower Manhattan, as well as radio, and telephone, and satellite communications. Further, transportation to Lower Manhattan was halted, as well as restricted and commercial air travel was halted nationwide.

As with most disasters, local authorities were the first responders. "Ground Zero," as the seven-building WTC area site would become known, was initially a search and rescue effort under the direction of the Fire Department of New York and, subsequently, a recovery operation under the jurisdiction of the New York City Office of Emergency Management. During the recovery phase, ~~which began November 1, 2001,~~ the New York City Department of Design and Construction and the Fire Department of New York were co-incident commanders. According to New York City's Deputy Assistant Chief of the Fire Department, "the complexity of the activity performed at one site – rescue, recovery, demolition, and construction – at one time is unprecedented." This unprecedented complexity is evidenced by the fact that the New York City Office of Emergency Management immediately undertook to coordinate the response efforts of approximately 150 City, State and Federal agencies. Initial meetings were held to request assistance from State and Federal agencies, including the EPA and to set procedures for coordination and accomplishment of various tasks. Immediate response actions to save lives and meet basic human needs took precedence over other considerations, such as characterizing the site's environmental conditions. Further complicating the situation was the fact that the area was treated as a crime scene, with law enforcement authorities strictly limiting access for agencies such as the EPA for only the first day or two. a few days. EPA access to the site was impeded for only the first day or two.

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