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TO: Mark Hoffer, Esq.

FROM: Jay L. Cohen
Phone: (212) 341-3687
Fax: (212) 676-2599
JCohen@law.nyc.gov

FAX #: (718) 595-6543

DATE: October 10, 2003

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Message:Mark:

Here is the response. The response to the last question has been revised based on my conversation with Krish.

¹ This communication contains information that is privileged, attorney work product, exempt or prohibited from disclosure under applicable law. If you have received this facsimile in error, please notify this office by telephone and return the original to the address set forth by the United States Postal Service. Thank you.



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Cohen, Jay

From: Becker, Kenneth
Sent: Friday, October 10, 2003 2:08 PM
To: Anderson, Belina; Cohen, Jay; Shaffer, Gary
Subject: FW: Questions from Senate regarding DEP exterior cleaning

Importance: High

please review asap

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

From: Kahn, Lawrence [mailto:lkahn@law.nyc.gov]
Sent: Friday, October 10, 2003 1:22 PM
To: 'kbecker@law.nyc.gov.'
Subject: Fw: Questions from Senate regarding DEP exterior cleaning
Importance: High

Fyi

Lawrence S. Kahn
lkahn@law.nyc.gov
(212) 788-0600

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

From: Levine, Michele <LevineM@omb.nyc.gov>
To: Kahn, Lawrence at LAWLAN <lkahn@law.nyc.gov>
CC: Larson, Bud <LarsonB@omb.nyc.gov>
Sent: Fri Oct 10 11:58:48 2003
Subject: Questions from Senate regarding DEP exterior cleaning

Larry:

About two weeks ago, Bud Larson testified before a Senate sub-committee regarding 9/11. In follow-up to that testimony, Bud's received some questions, including some on the exterior building cleaning program. We've drafted responses, which Bud would like you to review prior to our submitting them. Please let me know if you have any concerns or suggestions on the draft responses.

Who decided that New York would take the lead for this function?

The USEPA and FEMA decided that DEP should take the lead on the exterior building cleaning program after DEP proposed the program in a multi-agency meeting that had been convened by the EPA in February 2002. NYC DEP, in coordination with US EPA developed cleaning protocols and contracted with qualified firms to undertake the necessary cleaning. This program became part of a broader, US EPA lead, effort to take the necessary steps to rid the downtown area of asbestos concerns, which required the cleaning of building interiors.

What precautions were taken to protect the workers conducting this cleaning, pedestrians, and other people in the area of these clean ups?

All contractors were required to perform cleaning in compliance with USEPA, OSHA, NYSDOL, NYS DEC, NYCDOS, NYCDOH, and NYCDEP regulations, as well as contractual protocols assuring that all necessary precautions were put in place to protect those performing the cleaning, and those in the area. For example, multiple roofs were cleaned simultaneously in order to ensure that one roof waiting for a clean up would not have wind disperse debris from it onto other already cleaned rooftops.

10-10-03, 6:15PM;XE20 34C

;212 676 2599

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How were the buildings to be cleaned selected?

The buildings cleaned (221 DEP Cleaned and Inspected, 102 Owner Cleaned and DEP Inspected) were selected based on the most stringent assessment and evaluation of samples (1073 sampled) collected from various buildings' roofs and facades. The work was performed under the DEP's fully licensed hazardous materials division and asbestos division as well.

Thanks for your help.

Michele Mark Levine

phone: (212) 788-5804

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