

DEP ECB

Fax: 212-361-1724

Apr 10 2003 02:38 P.01

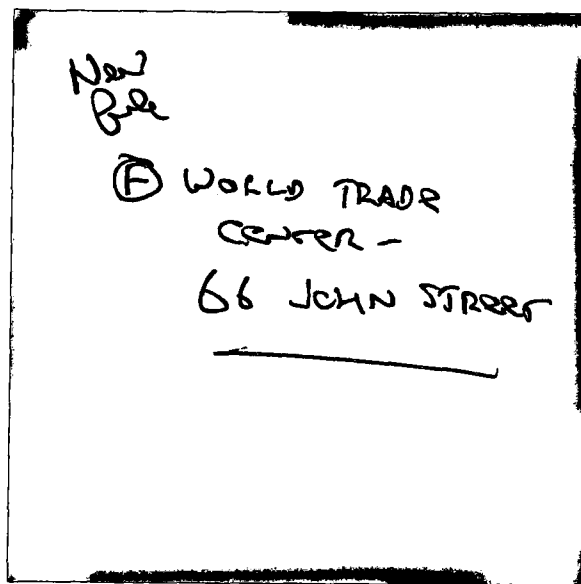
To: Hon. Christopher O. Ward, Commissioner of DEP

From: ECB Safety Committee

Date: April 9, 2003

Fax: 718 595 6565

Enclosed please find 8 pages including this cover sheet.



Mark,

4/10/03

Ann M'Carthy

DEP ECB

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April 9, 2003

Honorable Christopher Ward
Commissioner Department of Environmental Protection
19th Floor
59-17 Junction Boulevard
Flushing, New York 11373-5108

Dear Commissioner Ward,

We request your assistance in addressing the continuing health concerns of ECB personnel located at 66 John Street. As you know the building is within two blocks of "ground zero" and we were severely affected by that catastrophe. Following its evacuation on 9/11, the building was reopened one week later. The air quality downtown, both inside and outside of the building was very bad, and we had serious concerns about the adequacy of the cleaning of the interior and exterior of the building. Upon our return to ECB following 9/11, many of us experienced respiratory and eye problems as well as other adverse reactions. We immediately advised ECB management of our symptoms and concerns and were repeatedly assured that appropriate cleaning had been done and that the building was "safe". We requested documentary evidence supporting those claims, but to date no such evidence has been forthcoming.

Our concerns and fears were exacerbated by our continuing health problems and, in addition, the inadequate response to other concerns, which include the lack of adequate fire safety alarm systems, as well as blocked exit doors. These conditions have been repeatedly brought to ECB and the building management's attention. See enclosed article, which appeared in the March 14, 2003 edition of The Chief.

On January 31, 2003, ECB personnel, at their own expense, had a carpet sample tested at an EPA approved lab using an EPA approved method. That test indicated extremely high levels of asbestos (see enclosed test results). The test results were forwarded to ECB Executive

Director Michael Moran for appropriate action. To date, no response has been received. Our concerns go beyond the carpeting. It is our understanding that asbestos contaminated carpets cannot effectively be cleaned, but must be removed. Such removal is usually done as an "Asbestos Project", with appropriate safeguards for the removal workers as well as employees.

A petition was circulated in February 2003 signed by ninety-three ECB employees expressing their concerns and the adverse affects of working in this building. Subsequently, we were led to believe that tests were conducted by building management. Once again, no information from those tests has been shared with us. By a memo dated April 2, 2003, we were advised that the tenth floor carpeting was to be cleaned on three consecutive evenings, beginning that very night (see enclosed notice).

We request that we be furnished *inter alia* with any and all information, test results, and documentation on which DEP, ECB and/or building management relied in its repeated representations that our concerns have been addressed. Kindly forward this information to the ECB Safety Committee, c/o R. Potasznik, 10th Floor, 66 John Street, New York, New York 10038.

We greatly appreciate any assistance you can render in addressing our concerns. We have contacted other individuals and entities with no success and would expect that you, as our Commissioner, can take the appropriate steps to not only assure us of the safety of our work place but to also provide us with the documentation to support those claims.

Very truly yours,

ECB Safety Committee

At 66 John St.

Bomb Scare Stirs Fire Safety Fears

By DEIDRE McFADYEN

When a bomb scare precipitated the evacuation of 66 John St. in lower Manhattan on Feb. 21, workers from the Department of Consumer Affairs adjudication division on the 11th floor descended the stairs with others from that end of the building.

The first workers to reach the bottom, however, could not open the emergency exit door to the street. Afraid of being crushed, they yelled to the people streaming down the stairs above them to freeze. "Thank goodness they stopped," said one Administrative Law Judge who witnessed the incident.

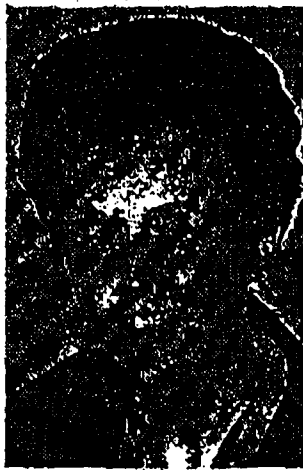
Found Alternative Exit

The workers eventually got out through another exit after people on the second floor heard them banging on the stairwell door and let them back in.

The workers and their union say that impassable exits are among a litany of safety hazards that they have repeatedly brought to the attention of building management and city officials.

"After a year of complaining, to walk down to a fire exit and find a locked door is appalling," said Senior Administrative Law Judge Ilene Shifrin, the only worker among the half-dozen interviewed last week for this article who was willing to speak on the record.

City workers, who inhabit 13 floors on the John St. side of the large bifurcated private office complex, complain of an inadequate public address system, a maze of internal electronic security



GLORIA JOHNSON: 'Full of safety violations.'

doors that could block access to exits in an emergency, and a circuitous command system in which personnel on the Maiden Lane side of the building make all the decisions.

"We've had four or five chances to fix these problems," said one worker. "Next time, we might not be so lucky."

Hearing officers at 66 John St. adjudicate complaints from the public about alleged violations of building health and safety codes. "That's the ironic part," said Civil Service Bar Association President Gloria Johnson, whose union represents them. "Here the Environmental Control Board Administrative Law Judges are working in a building full of fire and safety violations."

Consumer Affairs officials say that they take the work-

(Continued on Page 8)

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3/14/03

DAY, MARCH 14, 2003

Bomb Scare Stirs Fire Safety Fears

(Continued from Page 1)

concerns seriously and resolved all problems. We have repeatedly investigated these complaints," said Assistant Commissioner for Administration Kristen LaSalle. "We feel that we have ended that the employees and the public that visits our offices are safe."

He suggested that the old Trade Center terrorist attacks may have rattled the office. "We understand that New Yorkers are anxious," Lasky said. "However, it is important to remain calm and act responsibly." John Cavaliere, the building manager for Newmark & Company Real Estate, Inc., private landlord, did not return a call seeking comment.



The Chief Lender Christa Johnston

NO WAY OUT: The emergency exit door (left) at 68 John St. could not be opened from the inside when a bomb scare led Department of Consumer Affairs staffers to try to evacuate the building last month. The problem, which almost caused dangerous overcrowding in the stairway, is one of several hazards employees claim could jeopardize their safe exit in the event of a real emergency.

FDNY: No Hazards

Fire Department spokesman Mike Loughran said fire officials visited 68 John St. last week in response to a complaint about a locked exit door and found it safe. Fire regulations up to date.

At the workers remain skeptical. "All of a sudden, doors open when building management is there," one worker said.

Workers moved into John St. in the spring of 2001. In preparation for the major renovations done, including the creation of a second public entrance on the John St. side.

The Department of Finance, which holds the lease, Administration for Children's Services, and the adjudication divisions of the Environmental Control Board, Department of Health, the Department of Consumer Affairs are all housed in the building.

Workers say a fire alarm pulled by a teenager rang on Oct. 18, 2001—ninth after the Sept. 11 attacks a few blocks away—triggered their fears of fire safety.

They said that no announcement was made over a system during the incident, leaving workers unsure whether it was an emergency or how to proceed.

The electronic security system did not shut either. Consumer Affairs back-office staff on the floor discovered that they needed their card to a door separating them from the fire exit.

Workers walking down the stairs encountered baffled ends and no signs to them to the proper exit.

The lack of communication between the security guards on the John St. side and their counterparts at the Maiden Lane end first became obvious that October day as well, the workers said. "The guards on John St. had no idea what was going on," recalled Ms. Shifrin, who works in the Health Department's adjudication division on the 11th floor. "They were letting people into the building as others were trying to evacuate."

While building management has put up new signs and improved some emergency exits, other problems remain unresolved, the workers said.

They say that they still cannot hear the public address system from inside hearing rooms or in bathrooms. "When my door is closed, you don't even know that an announcement is being made," said Ms. Shifrin.

They continue to worry that the legion of security doors throughout the building could trap people inside in an emergency. "From the very beginning with this building, it's very much about security," said another worker. "It's not about the safety of the people in the building."

The Consumer Affairs hearing officers are troubled that they have direct access

to only one stairwell. They say that management has ignored their pleas to building management to create another emergency exit by cutting a door in an office on the far end of the corridor. "We have people who come here with canes and wheelchairs for hearings," said one worker. "If they are stuck back here and there's a fire, they would never get out."

Unsafe But Legal?

The workers said that management has told them that a second exit is not legally required. "Not required by law, that's their excuse for everything," said one worker.

Ms. Shifrin blamed a convoluted chain of command for some of the delay in addressing their concerns. The Department of Consumer Affairs must point out problems to the Department of Finance, which in turn relays issues to building management.

"It gets very complex in terms of who you complain to and who is in charge," she said.

DEP ECB

Fax: 212-361-1724

Apr 10 2003 02:40

P.06

EMSL Analytical, Inc.

307 West 38th Street, New York, NY 10018

Phone: (212) 290-0051 Fax: (212) 290-0058 Email: manhattanlab@emsl.com



Attn:

Customer ID: MISC-ACCT
Customer PO: #10804

Fax: 212-760-3885

Phone:

Received: 03/28/03 12:03 PM

Project: 66 John Street, 10th Floor Carpet / NY, NY 10038

EMSL Order: 030303284

EMSL Project ID:

Analysis Date: 3/10/03

Standard Test Method for Carpet Sonication, Indirect Preparation and Analysis for Asbestos Structure Number Concentration by Transmission Electron Microscopy

SAMPLE ID	AREA SAMPLED (cm ²)	ASBESTOS TYPE	ASBESTOS STRUCTURES	Sensitivity (str/cm ²)	CONCENTRATION (str/cm ²)	COMMENTS
01 030303284-0001	25	Chrysotile	32	12,283.149	393,060.762 ..	

Note: Due to non-fibrous particulate loading, the analytical sensitivity for the method was not reached.

Mike Mangerson

Analyst

Laboratory Manager
or other approved signatory

Subj: Re: carpet sonication results
Date: 3/12/2003 5:12:25 PM Eastern Standard Time
From: Jenkins.Cate@epamail.epa.gov
To:
File: Wilmoth-Millette-94-App7-ultradata.pdf (4972596 bytes) DL Time (115200 bps): < 12 minutes

(See attached file: Wilmoth-Millette-94-App7-ultra data.pdf)

The level of 393,060 s/cm² by sonication in carpet is quite high. I have attached a study that shows that even in buildings known to have asbestos containing materials is around 1000 structures per square centimeter, according to an authoritative book, excerpts attached.

Before the WTC collapse, in 1980, surface dust outdoors in New York City was an average of 5100 s/cm² (from a study by Ewing presented at the Johnson Conference in the summer of 2002).

Thus, the levels you found are definitely over background and deserve attention. Nobody can tell you with any certainty exactly how hazardous these levels are, but EPA statutes and policies say that any exposure to asbestos is hazardous, and attempting to get levels to background is desirable.

Cate Jenkins

To: Cate Jenkins/DC/USEPA/US@EPA

03/12/2003 04:42 cc:

PM

Subject: carpet sonication results

Tuesday, March 18, 2003 America Online.

DEP ECB

Fax: 212-361-1724

Apr 10 2003 02:41 P.08

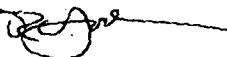


ENVIRONMENTAL CONTROL BOARD

66 John Street, 10th Floor
New York, NY 10038
Telephone: (212) 361-1400

MEMO

To: 10th Floor John Street Staff

From: Rosemary C. Fodera 

Subject: Carpet Cleaning

Date: April 2, 2003

Listed below is the 10th floor carpet cleaning schedule that will take place at approximately 6:00 p.m.. Employees should not be in the designated areas during the cleaning process until the following day.

Wednesday, April 2: Appeals Unit; Conference Room and Executive Area.

Thursday, April 3: Representative Room; Hearing Room Numbers 24 to 47; Corridor Area; and Legal Area.

Friday, April 4: Library; Remaining Hearing Rooms and Corridor Area; Customer Service and Reception Area.

Supervisors should designate a person in each unit to make sure the following procedures are followed. All boxes and articles under your desk should be placed on top of your desk before leaving for the day. Do not leave any boxes or articles on the floor in your office, cubicle or the surrounding areas (except computer equipment). Each employee is responsible for their area.

Items can be placed back the following day.

Thank you.