

am getting conflicting signals on who needs to be covered by whom and for what. So far it appears that FEMA and SEMO require some kind of language for the City to indemnify NYS from claims arising out of the debris removal so that NYS can indemnify FEMA and Fed Govt from such claims. A question has also been raised as to whether the building owners should be indemnifying NYC. Please provide any and all comments with regard to the issue of indemnification so I can try to pull something together that will satisfy everyone.

Also: FEMA has proposed the addition of the following paragraph:

Licensors shall reimburse Licensee for the removal of the debris accumulations provided for in this License Agreement from any compensation it receives from any other source including, but not limited to, the Small Business Administration, private insurance or any other local, state or federal assistance program. Licensors shall make claim for any applicable insurance coverage for these premises and shall report to Licensee any insurance settlements or other source of funding for debris removal that has been performed at Licensee's expense.

Please comment.

Finally, as I mentioned above, we are amending the insurance specs which were included in the bid package. Please provide comments as to who (other than NYC, which is already named) should be named as additional insureds.

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Mark:
This is the
language FEMA
wants to put in
the license -
Russ

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**Department of
Environmental
Protection**

60-12 Jundt Boulevard
Rochester, New York 14623
(716) 457-1000

Christopher O. Ward
Commissioner

May 3, 2002

Brad Gair
Federal Emergency Management Agency
26 Federal Plaza
New York, NY 10278

Dear Mr. Gair:

The collapse of the World Trade Center (WTC) towers on September 11, 2001 resulted in the depositing of dust and debris on and/or in many buildings in lower Manhattan. Recent inspections of buildings near the WTC site have revealed that, while many buildings are now free of debris, other buildings still have visible deposits of material from the WTC collapse.

The City of New York believes that it is in the public interest to remove this material from buildings in the vicinity of the WTC site. Samples collected during the inspections indicate that asbestos may be present in some of the debris. The removal of this material will assure that it will not become re-entrained in the air in the future, thereby protecting against any adverse effects on air quality or public health and safety. This will also reinforce the confidence of area residents and workers and therefore expedite and enhance the economic revitalization of lower Manhattan.

The City of New York therefore requests that FEMA provide the necessary funding for the hiring of contractors to perform the cleaning and/or testing of interior and exterior spaces, as appropriate.

Very truly yours,

Christopher O. Ward