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THE COUNCIL
OF
THE CITY OF NEW YORK

CHAIR
LOWER MANHATTAN RE-DEVELOPMENT

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cc: Avalon
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Hopper
Kane
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Fog

October 10, 2006

Thomas R. Frieden, M.D., M.P.H.
Commissioner of Health & Mental Hygiene
125 Worth Street
New York, N.Y. 10013

Dear Commissioner Frieden:

As you may remember, in March and April of 2004, the New York City Council Committee on Health (chaired by then Council Member and now Speaker Christine Quinn) and the Committee on Lower Manhattan Redevelopment, the Committee I chair, held joint hearings on the subject of "Air Quality in New York City following 9-11".

At the April 15th hearing witnesses representing the New and Mental Hygiene (DOHMH), the New York City Department of Protection (DEP) and the New York City Office of Emergency Management (OEM) testified. Those agency witnesses were asked numerous questions regarding the quality of the air in Lower Manhattan and what City agencies and the Mayor's Office were doing to improve the "opening" of Lower Manhattan. Press reports describe at the hearing the United States EPA to an associate commissioner at the City of New York regarding the air quality at Ground Zero, and the other, dated October 8, 2001, from Kelly McKinney, an associate commissioner at DOHMH, describing a disagreement between City Departments regarding the air quality after 9-11.

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The Committee on Lower Manhattan Redevelopment has been told of the existence of at least two documents which apparently show that the EPA was telling the City regarding the air quality in Lower Manhattan and what City agencies and the Mayor's Office were doing to improve the "opening" of Lower Manhattan. Press reports describe at the hearing the United States EPA to an associate commissioner at the City of New York regarding the air quality at Ground Zero, and the other, dated October 8, 2001, from Kelly McKinney, an associate commissioner at DOHMH, describing a disagreement between City Departments regarding the air quality after 9-11.

The Committee believes that these two documents should have been delivered to it after the hearing on April 15, 2004 and certainly in response to the questions and document request forwarded to the City Departments in October 2004. They were not.

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As you may remember, in March and April of 2004, the New York City Council Committee on Health (chaired by then Council Member and now Speaker Christine Quinn) and the Committee on Lower Manhattan Redevelopment, the Committee I chair, held joint hearings on the subject of "Air Quality in New York City following 9-11".

At the April 15th hearing witnesses representing the New York City Department of Health and Mental Hygiene (DOHMH), the New York City Department of Environmental Protection (DEP) and the New York City Office of Emergency Preparedness (OEM) testified. Those agency witnesses were asked numerous questions as to how decisions were made regarding the quality of the air in Lower Manhattan, and particularly, what communications were had between the City's Departments and the federal government on the subject of the air quality in Lower Manhattan and precautions necessary for the safety of workers at Ground Zero.

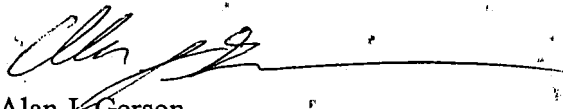
The Committee on Lower Manhattan Redevelopment has recently become aware of the existence of at least two documents which apparently shed some light on what the federal EPA was telling the City regarding the air quality in Lower Manhattan and at Ground Zero and what City agencies and the Mayor's Office were thinking regarding the "re-opening" of Lower Manhattan. Press reports describe at least two memos, one from the United States EPA to an associate commissioner at the City's DOHMH dated October 5, 2001 regarding the air quality at Ground Zero, and the other, dated October 6, 2001, from Kelly McKinney, an associate commissioner at DOHMH, describing a disagreement between City Departments regarding the air quality after 9-11.

The Committee believes that these two documents should have been delivered to it after the hearing on April 15, 2004 and certainly in response to the questions and document request forwarded to the City Departments in October 2004. They were not.

Thus, on behalf of the City Council's Committee on Lower Manhattan Redevelopment, I hereby request that you send copies of the October 5 and October 6, 2001 documents referred to above to Arthur Schiff, Counsel to the Committee on Lower Manhattan Redevelopment, at 250 Broadway, 14th floor, New York, N.Y. 10007. I will appreciate receiving the documents not later than October 18, 2006. Should the documents not be voluntarily produced, the Council will be forced to consider all its legal remedies to obtain copies.

Thank you for your anticipated cooperation in this matter of importance to all New Yorkers.

Yours very truly,

A handwritten signature in dark ink, appearing to read 'Alan J. Gerson', followed by a long horizontal line extending to the right.

Alan J. Gerson
Chair
Lower Manhattan Redevelopment Committee
New York City Council

Cc: Speaker Christine Quinn
Hon. Joseph F. Bruno, Office of Emergency Management
Hon. Emily Lloyd, Department of Environmental Protection,