

Hoffer, Mark

From: Katigbak, Mia on behalf of Lloyd, Emily
Sent: Friday, August 25, 2006 9:30 AM
To: Katigbak, Mia
Subject: FW: acanty@dep.nyc.gov

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From: Anne Canty [mailto:acanty@dep.nyc.gov] **PII**
Sent: Wednesday, August 23, 2006 6:26 AM
To: Lloyd, Emily
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Here's Juan Gonzalez' piece. One factual error. the info was up way on out website way in advance of what Feb '02.

9/11 air fears stifled
Memo: City Hall divided over asbestos danger

Less than a month after 9/11, a top city Health Department official blasted an order from City Hall to reopen several blocks near Ground Zero, and warned that "air quality [for asbestos] at those locations is not yet suitable for reoccupancy," an internal memo shows.

"The Mayor's Office is under pressure from building owners and business owners in the red zone to open more of the city to reoccupancy," wrote Associate Health Commissioner Kelly McKinney in his startling Oct. 6, 2001, memo. At the time, McKinney was in charge of the city's environmental hazards program.

His memo reveals sharp disagreements between health officials and other Giuliani administration aides over how to handle environmental contamination after 9/11.

The memo was obtained under a Freedom of Information request by the New York Environmental Law and Justice Project.

McKinney and the Department of Environmental Protection - the city agency in charge of all asbestos testing - appear to have urged a cautious approach to reopening downtown.

In his memo, McKinney noted that DEP Commissioner Joel Miele was also "uncomfortable with opening the target areas" but said, "I was told the Mayor's Office was directing OEM [the Office of Emergency Management] to open the target areas next week."

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McKinney, now a deputy commissioner at OEM, did not return repeated calls yesterday, nor did Miele.

Other DEP records that have never received much attention show definite reason for concerns by McKinney and Miele.

DEP's own tests for asbestos in the first week after 9/11, for example, revealed far higher asbestos contamination in lower Manhattan than officials ever acknowledged - and some of the worst test results were never released to the public.

In the five days before Sept. 17, 2001, the day most downtown office workers were allowed by federal and city officials to return to work, DEP tested 38 air samples for asbestos on the streets around the Trade Center site.

Of those, 27 revealed asbestos levels higher than the .01 fibers per cubic centimeter that the DEP was using as a "safety" threshold.

It was not until February 2002 that the city even began publicly posting its own test results on the DEP Web site.

The initial test method for air samples, known as PCM, is sometimes not reliable, so DEP began retesting any sample over .01 fibers by a more exact method that scientists call TEM, for transmission electron microscopy.

The federal TEM standard for asbestos is 70 fibers per square meter.

Of those same 38 tests DEP conducted in the days after 9/11, 18 test filters were so clogged they couldn't even be read under the TEM method. That left only 20 valid test results and eight of them, or 40%, revealed dangerous levels of asbestos in the air.

The highest, at 157 fibers, was found on Sept. 12 at Spruce and Gold Sts., seven blocks from Ground Zero.

On the same day, a level of 123 fibers was found in another test at Centre and Chambers Sts. - right between City Hall and the Municipal Building.

Yet neither of those results has ever been reported by the DEP to the public. The city never disclosed it even conducted tests at those locations.

No wonder that Cate Jenkins, a veteran asbestos scientist at the federal Environmental Protection Agency who reviewed the DEP's test results, accused the city and her own agency of lying to the public.

No wonder former Commissioner Miele was so worried behind closed doors about asbestos levels in lower Manhattan.

"Any allegation that DEP misrepresented or intentionally withheld 9/11-related asbestos data is incorrect," DEP Deputy Commissioner Ann Canty said yesterday.

If the agency failed to post a few test results, Canty said, "it was inadvertent."

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From: Michaels, Ian
Sent: Friday, August 25, 2006 11:24 AM
To: Lloyd, Emily; Public Affairs, Group; Shana Whitehead; Avaltroni, Robert; Campbell, Zoeann; Cauty, Anne; Durig, Roy; Fennes, Carol; Friedman, Richard; Garcia, Kathryn; Greeley, Douglas; Hoffer, Mark; Kulikowski, Robert; Kurtz, Warren; Kusterbeck, William; Lanaghan, Mark; Lawitts, Steven; Levine, Robin; Licata, Angela; Lopez, Alfonso; McCoy, Gerould; McMaster, Cecil; Reed, Dana; Ritze, Mark; Roberts, James; Sapienza, Vincent; Singleton, Joseph; Sturcken, Charles; Warne, David; Welch, Edward
Subject: PRESS ROUNDUP

DAILY NEWS

9/11 lead tests covered up

Three days after 9/11, city Department of Transportation officials hurriedly arranged environmental testing at the agency's headquarters at 40 Worth St. in lower Manhattan.

Those tests, performed by an outside consultant, revealed major lead contamination in the building. Some tests showed lead levels 10 times higher than federal regulations allow for indoor dust, according to internal agency documents recently obtained by the Daily News.

The test results were especially significant because the 20-story office building that houses DOT is located 10 blocks north of Ground Zero, in an area that City Hall and the federal government reopened to hundreds of thousands of office workers a few days later - on Sept. 17.

At the time, health officials kept insisting there was no threat to public health from the fires at Ground Zero. Early environmental tests, they said, showed no worrisome contamination from asbestos or other toxic substances that were released after the twin towers collapsed.

The lead contamination at 40 Worth St. was a clear challenge to that official story.

Who could be sure there was no similar contamination in scores of other nearby office buildings where people had returned to work?

On the department's 10th floor, for example, where the office of Commissioner Iris Weinshall is located, a dust sample from a window near the elevator showed lead levels three times above federal safety standards.

The contamination there, however, was never publicly revealed by city officials who eventually posted thousands of environmental test results on a Web site of the city Department of Environmental Protection.

The agency quietly notified its employee union, District Council 37, about the problem and hurriedly ordered the building's landlord to fix the problem.

"Extensive cleanup was done before the employees were allowed to return a few weeks later," said DOT spokeswoman Kay Sarlan.

"The city tried to give us some ridiculous reason that it [the lead contamination] was from before 9/11," said Lee Clarke, health and safety director for DC 37.

Nearly five years later, it has become increasingly apparent that city officials simply hid from the public some of the worst results of their environmental testing in those early days.

This column revealed Wednesday that some top city health officials were deeply worried about air quality in lower Manhattan and opposed efforts to open more buildings around Ground Zero but were overruled by City Hall.

NEWSDAY

Bethpage, that's good water

BY CARL MACGOWAN
Newsday Staff Writer

August 25, 2006

Raise a glass of humble tap water, Bethpage residents: You may well be sipping the H₂O adjudged this year as New York State's best-tasting.

Water from Bethpage and Blue Lake, in upstate Warwick, will vie for top tap honors next week at the New York State Fair in Syracuse in the contest sponsored annually by the New York chapter of the American Water Works Association, an industry group.

The two were selected yesterday by more than 100 water connoisseurs for the day lined up outside the American Museum of Natural History on the Upper West Side. The taste-testers, selected randomly as they strolled the sidewalk, also judged samples from South Huntington, New York City and Croton-on-Hudson.

Manoj Ajmera, the contest's founder and organizer, said New York City's water placed third, but "very close to second place."

The 20-year-old contest is held to develop greater appreciation for tap water. Ajmera, a retired employee of the state Department of Health, said 125 people took the blind taste test.

"It was a continuous line," he said. "The museum is a good place. We get a lot of out-of-towners."

Officials with the Bethpage and South Huntington districts could not be reached for comment last night.

Ian Michaels, a spokesman for the city's Department of Environmental Protection, which oversees the city's drinking water supply, noted that the city's entry fell short by a mere four votes.

"We would like to win," Michaels said, "but city residents know that we continue to have outstanding water and people around the world praise our water."

NEW YORK TIMES

August 25, 2006

E.P.A. Whistle-Blower Says U.S. Hid 9/11 Dust Danger

By ANTHONY DePALMA

A senior scientist at the Environmental Protection Agency has accused the agency of relying on misleading data about the health hazards of World Trade Center dust.

The scientist, who has been sharply critical of the agency in the past, claimed in a letter to members of the New York Congressional delegation this week that test reports in 2002 and 2003 distorted the alkalinity, or pH level,

of the dust released when the twin towers collapsed, downplaying its danger.

Some doctors suspect that the highly alkaline nature of the dust contributed to the variety of ailments that recovery workers and residents have complained of since the attack.

Tests of the gray-brown dust conducted by scientists at the United States Geological Survey a few months after the attack found that the dust was highly alkaline, in some instances as caustic or corrosive as drain cleaner, and capable of causing severe irritation and burns.

The tests that are being challenged by the E.P.A. scientist were conducted by independent scientists at New York University. Those tests also indicated that larger particles of dust were highly alkaline. But they found that smaller dust particles — those most likely to reach into the lower airways of the lungs, where they could cause serious illnesses — were not alkaline and caustic.

The geological survey's tests did not differentiate the dust by particle size.

A spokeswoman for the agency, Mary Mears, said in a statement that the E.P.A. stood behind its work on ground zero environmental hazards, as did the N.Y.U. scientists. The scientist making the complaint, Cate Jenkins, who has a Ph.D. in chemistry and works in the agency's office of solid waste and emergency response, said the test results helped the E.P.A. avoid legal liability. Residents of Lower Manhattan have sued the agency in federal court, claiming that it bungled the cleanup.

Dr. Jenkins said the test reports had a costly health effect, contributing "to emergency personnel and citizens not taking adequate precautions to prevent exposures."

In her statement, Ms. Mears distanced the agency from Dr. Jenkins, who has worked for the E.P.A. since 1979 and has been in conflict with the agency for years over her whistle-blowing activities.

"Dr. Jenkins has not participated in any aspect of the E.P.A.'s work on the World Trade Center," the statement said. "This appears to be a disagreement about scientific methods and not the validity of the results." The New York University scientists, who were not directly financed by the E.P.A., denied being pressured by the agency and said Dr. Jenkins's claims were without scientific merit.

Representative Jerrold Nadler, a Democrat whose district includes Lower Manhattan, received a copy of Dr. Jenkins's letter, and he said that he intended to look into the dispute.

"When a scientist who works for the E.P.A. makes serious allegations about the aftermath of 9/11, they must be examined carefully," he said.

The two scientists named in Dr. Jenkins's letter are faculty members of the New York University School of Medicine who collected dust samples from ground zero in the days after the attack.

One of them, George D. Thurston, is director of N.Y.U.'s Community Outreach and Education Program. He has helped inform Lower Manhattan workers and residents about health hazards related to the terror attack.

Testifying before a Senate committee in 2002, Dr. Thurston said that more than 95 percent of the dust was composed of comparatively large particles that were highly alkaline. He said that although they were irritating, those dust particles did not pose serious health concerns for residents because they were too large to enter the lower airways of the lungs.

Smaller particles, those less than 2.5 microns in size, are far more dangerous because they can be easily breathed deep into the lungs. Dr. Thurston told the Senate committee that tests showed those particles to be pH neutral, and therefore of less concern.

A year later, the same scientists, in conjunction with the E.P.A., among others, published a report in

Environmental Health Perspectives, a professional journal, in which they described a new round of tests in which they found the smallest dust particles to have pH values from 8.8 to 10, which made them alkaline.

To keep the particles in the samples from congealing, however, they used a standard process that involved freeze-drying and soaking the samples in saline. When pH tested, the particles were then found to be "near neutral."

Lung-Chi Chen, the second N.Y.U. scientist, an inhalation toxicologist with N.Y.U.'s School of Medicine who was responsible for the testing, said the saline could not have diluted the alkalinity of the samples so greatly that they went from alkaline to neutral.

"We were not trying to mislead anyone," he said.

Dr. Chen said the samples tested prior to Dr. Thurston's 2002 Senate testimony and those in the 2003 report came from different batches of dust, which probably accounted for the difference in their alkalinity.

He said he was not surprised that the smaller dust particles had characteristics and alkalinity levels different from the larger ones. He explained that the larger particles were made up of building materials that had been pulverized by the pressure of the imploding towers. The smallest particles, he said, were probably a combination of crushed material and the combustion byproducts produced by high-temperature fires that burned for weeks.

UPI

Claim: 9/11 dust tests misleading

WASHINGTON, Aug. 25 (UPI) -- An Environmental Protection Agency scientist told the New York congressional delegation that the agency used misleading data about World Trade Center dust.

Cate Jenkins, a senior scientist at the agency's office of solid waste and emergency response, said in a letter to the delegation that reports on tests from 2002 and 2003 misrepresented the alkaline nature, or pH level, of the dust, The New York Times reported Friday.

Some doctors have theorized that many illnesses developed by recovery workers and nearby residents were contributed to by highly alkaline dust from the fallen towers, the Times said.

Jenkins claimed in the letter that misleading test reports had contributed "to emergency personnel and citizens not taking adequate precautions to prevent exposures."

However, agency spokeswoman Mary Mears said the EPA stands by its work.

"Dr. Jenkins has not participated in any aspect of the EPA's work on the World Trade Center," the statement said. "This appears to be a disagreement about scientific methods and not the validity of the results."

JOURNAL NEWS

Republican Assembly crime task force visits Putnam

By TERRY CORCORAN