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COLUMNIST ARCHIVE

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.

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"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.

And they had reason to worry.

It was not until February 2002 that the Department of Environmental Protection finally published the results of its earliest testing for asbestos in the air of lower Manhattan after 9/11.

That data showed that an amazing 70% of the early samples had high levels of asbestos - another contradiction to the official story from federal Environmental Protection Agency and City Hall that there was no air-quality problem.

Other internal DEP documents show that the agency, like DOT, never even disclosed on its Web site some of the worst asbestos results from those first few days.

Many of these documents would have stayed buried were it not for Joel Kupferman, an attorney with the nonprofit New York Environmental Law and Justice Project. Kupferman has spent the past five years doggedly filing scores of Freedom of Information requests with every government agency for 9/11 documents.

This week, he finally received a new batch of records, including the Sept. 14, 2001, lead test results from 40 Worth St. and made copies available to The News.

"I'm more concerned than ever about how much lead and other contaminants remain in buildings in lower Manhattan that weren't properly cleaned," Kupferman said.

Virtually the entire New York congressional delegation demanded Tuesday that the EPA do what it should have done from the start, what its own inspector general recommended three years ago. It should inspect and, if necessary, clean every building in lower Manhattan - and even Brooklyn - that was contaminated by dust from Ground Zero.

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COLUMNIST ARCHIVE

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."

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

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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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