

Marisa Ramírez de Arellano

2002-0014

February 6, 2002

Commissioner Joel Miele, Sr.
New York Department of Environmental Protection
59-17 Junction Boulevard
Flushing, NY 11737

Re: Complaint No. 404925 (NYCDEP, Jan. 29, 2002)
Improper cleanup of WTC materials containing asbestos by unprotected workers

Dear Commissioner Miele, Sr.:

After filing a complaint with NYDEP on January 29, 2002, I thought it would be best to put the complaint in writing so that all pertinent test data could accompany the complaint. I called the hotline today to get a fax number or an address to mail the complaint to, but they let me know there was no need to do so because they had already visited the site, made a VISUAL inspection and talked to the management at 333 Rector Place. They found no illegal actions. However, they did not collect any dust samples. They had no way of verifying the presence of asbestos on the premises, the basis for my complaint, without these tests.

Enclosed is a copy of the complaint with the test results indicating the presence of asbestos at 333 Rector Place in excess of 1%. In view of scientific data, I feel that this complaint should be reinvestigated.

I hope this will help address the issue of the maintenance workers and residents who without their knowledge are daily being exposed to this asbestos residue.

Thank you very much for your assistance with this matter. Please feel free to contact me at 202-352-1181 if you have any questions about this complaint.

Sincerely,



Marisa Ramírez de Arellano

Cc:
NYDEP
OSHA
Honorable Charles E. Schumer

1-2405 River Court • Jersey City, NJ 07310 • 202-352-1181 • marisa@swaney.com

MEMORANDUM

To: NYCDEP
 From: Marisa Ramírez de Arellano
 202-352-1181
 Date: February 5, 2002
 Re: Complaint No. 404925 (NYCDEP, Jan. 29, 2002)
 Improper clean up of materials containing asbestos.

This is to follow up in writing a telephone complaint I made to NYCDEP's 24-hour Complaint Hotline on January 29, 2002. My complaint is that Rockrose Development Corporation (Rockrose), 290 Park Ave. South, NY, NY 10010, has not exercised due diligence concerning materials that could contain asbestos. I believe they have violated and continue to violate OSHA regulations concerning the clean up of dust containing over 1% asbestos at a building located at 333 Rector Place, New York, NY 10280.

TESTING OF DUST SAMPLES AT 333 RECTOR PLACE

Attached are the results of building and apartment surveys of 333 Rector Place conducted by:

Uday Singh
 Industrial Hygienist
 I. H. Consultants, Inc.
 251 Park Street
 Upper Montclair, NY 07043

These independent surveys test were requested by tenants of 333 Rector Place. They show concentrations of asbestos (chrysotile) as high as 2% in various locations throughout the building. Please note that concentrations in excess of 1% existed in the building long after Rockrose had supposedly finished cleaning the building. I believe that Rockrose has never even inspected or cleaned the ducts or shafts in the building.

This complaint is based on information and recommendations contained in the New York Committee for Health and Occupational Safety WTC Factsheet 4, posted December 6, 2001:

1. The law that requires employers to test dust is the OSHA asbestos regulation for general industry, which is section 1001 of Title 29 of the Code of Federal Regulations, 29 CFR 1001. The requirement to test dust is Paragraph (j)(2)(i): "Employers and building and facility owners shall exercise due diligence" concerning any material that could contain asbestos.
2. According to OSHA, to exercise due diligence an employer must take "actions that a reasonable employer would take in a given situation."
3. A reasonable employer "is responsible for investigating" the asbestos content of any material that the employer "may know of, or suspect" as containing asbestos.
4. All employers should suspect that WTC dust contains asbestos, because they know or should know that three-quarters of EPA samples of WTC dust contain asbestos. In fact, Rockrose did suspect the presence of asbestos because they had a company do air sampling, specifically for asbestos. Rockrose never reported testing of dust samples.

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5. If an employer does not test dust that is likely to contain asbestos and the dust is disturbed, OSHA may find the employer to have violated the law. (The OSHA definition of due diligence is from OSHA's Standards Interpretation letter, "Questions concerning OSHA's Asbestos Standard," dated September 5, 1996.)
6. If dust is tested and found to contain more than 1 percent asbestos, the employer must file an Asbestos Inspection Report or an Emergency Asbestos Project Notification with the NYC Department of Environmental Protection Asbestos Control Program. **If the dust is more than 1 percent asbestos, the employer must hire a licensed asbestos abatement contractor to conduct the clean-up.** (See Title 15, Rules and Regulations of the City of New York, Chapter 1 - Asbestos Control Program.) **If Rockrose had tested the dust as required by law, they would have found that the dust contained between 1% and 2% of asbestos as shown by the enclosed test data.**

My complaint is that Rockrose has not exercised due diligence as an employer by:

1. Having suspected the presence of asbestos, Rockrose did not, or has not publicly admitted to, testing the large quantities of dust in the building's common areas or apartments for asbestos.
2. Having their employees, the doormen and maintenance personnel, clean asbestos containing materials without the benefit of training or protective equipment.

Narrative:

I want to share my experiences at 333 Rector Place after 9-11-01, as they reveal that WTC dust has been improperly cleaned up, or only partially cleaned up, and it continues to be disturbed by Rockrose employees to this date. On September 11, 2001, my husband Stephen Swaney and I were living near the WTC in Battery Park City at 333 Rector Place, Apt. 9S, New York, NY 10280, a building managed by Rockrose Development Corporation.

September 11, 2001

Felt I had to do something....Since we lost electrical power after the buildings collapsed, I couldn't vacuum the large amount of dust that had come into the apartment through the open sliding glass door. So I scooped up dust from coffee table into a paper bag. Also started to clean the floor with wet paper towels. Mostly futile since dust was so light and airy.

September 28

Rockrose hired GCI Environmental Advisory, Inc. to collect ambient air samples in Apt. 9S and in the common areas at 333 Rector during September 24-26. In October, I called Paul Susa of GCI for details: He told me that the monitor was placed in the kitchen, the room furthest from the windows, for 2 hours. No one had occupied the apartment since 9-11, so there was no active air movement. They only tested for airborne asbestos, no other contaminants. They did not take any dust samples.

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End of September

At the end of September I called Rockrose Management office to ask if the apartment had been cleaned professionally. I told them that I had developed trouble breathing after being in the dust-filled apartment for several hours on the 11th.and I wanted to make arrangements to have it cleaned so that it would be safe to return. I spoke with a Rockrose representative who told me the apartment had been cleaned and assured me it was safe to return.

As soon as I returned to the apartment, my breathing problems worsened. The apartment had been "cleaned", but there was still gray dust everywhere.

The doormen told me with considerable pride that they had done the initial building cleaning so that the tenants could return. No wonder Joe Vinco, the building manager, was miffed when I told him my apartment cleaning was unacceptable: the doorman told me that Joe's wife had done the cleaning!!!!

By this time I had read the NYC Dept. of Health's "Recommendations for people re-occupying commercial buildings and residents re-entering their homes" and knew that I would need a vacuum cleaner with a HEPA filter to properly clean. Since I didn't have one, I contacted both Joe Vinco, the building manager, and Rockrose management. They said they'd send a cleaning crew out the next day.

As promised, the Red Cap Valet, (212) 486-9214, appeared the next day. (Red Cap Valet advertises that they do "Dry cleaning and laundry, Maid service, Window cleaning, floor waxing, vacuuming, furniture and carpet shampooing".) They brought brooms and a vacuum cleaner; none of them were wearing dust masks or respirators as I would have expected a hazardous material cleaning crew to wear. Skeptical, I asked them if the vacuum had a HEPA filter (as the EPA cleaning guidelines dictated) and the head of the crew asked what a "HEPA" was. I told them NOT to use the vacuum cleaner in the apartment because it would just agitate and disperse the dust I wanted them to get rid of. I asked them if they were familiar with the recommended cleaning guidelines and they said they were a cleaning crew. They took the vacuum cleaner away. I asked them about the large area rugs and the boss suggested they put them over the porch railing and beat the dust out of them! (I did not allow this) The head of the cleaning crew then left them to clean the apartment, without supervision. Then, to my horror, since they did not have a vacuum cleaner, they started sweeping!

The crew did not speak English, but fortunately I speak Spanish and was able to communicate with them. I asked them to stop. I told them they should be wearing respirators and when they said they didn't have any I offered them dust masks. I explained that everything needed to be wiped with damp cloths: the floor, the walls, every book, every plant leaf, every molding. I was unable to stay in the room to supervise them because I was afraid of getting sicker from the dust being moved around. They did the best they could, considering they had no idea how to clean a contaminated room. A brief inspection after they finished cleaning revealed a considerable amount of dust: behind the couch, around plant saucers, on light switches, etc. I had them take the couch slipcover & the rugs to the cleaners to be cleaned. We paid for the steam cleaning of the couch and a small area rug as well.

October

In response to tenant complaints, the Rockrose scheduled the changing of the AC/heating units in the apartments. We were unable to turn these on until this was done

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in mid- October, several weeks after the tenants were told it was safe to move in! So in spite of the warm weather in October we could not use the A/C or open the windows or use the balcony. The balconies and windows were still coated in WTC dust.

Rockrose also scheduled the cleaning of the outside of the building to remove dust from balconies and windowsills. I was home when they came to clean our balcony. These men did not wear special clothing and they didn't wear dust masks or respirators. They used a pressure hose on the balcony floor & railings and "squeegeed" the sliding glass doors. After the water dried, crevasses in the railing and the floor still had the gray dust. The bedroom window sill was coated in dust, so I immediately talked to the super. He came up to my apartment to see what I was complaining about. I opened the window and rubbed my finger through the dust to show him how well it had been "cleaned", and he sent the crew back to our apartment to redo the window sill. Again, this crew seemed to be unaware of how to clean up hazardous materials. The super's acted like the whole thing was a nuisance, or at best, something to be done perfunctorily to appease some bothersome tenants.

October 26

Rockrose posted a memo to inform tenants that they would start cleaning the apartment windows tracks with a HEPA vacuum cleaner. Our apartment window tracks were cleaned on November 7, almost 2 months after the Sept.11th disaster.

When they arrived at the apartment, they confirmed they were using a HEPA vacuum.

October

Tenants collectively asked Rockrose to provide them with test results done in the building before it was reoccupied. They only provided us with the results of air sampling referenced above. The NYC Health Department guidelines state

"Specifically, no building may be reoccupied unless The building has been assessed for hazardous materials and if any are found, they have been removed according to applicable regulations."

Since we do not know if Rockrose had the dust tested, we do not know if they complied with the above.

Since October

Maintenance men have continued using commercial vacuum cleaners without HEPA filters to clean the common spaces including the elevators and hall carpets. Since the carpeting was not professionally decontaminated after 9-11, hazardous materials are being circulated every time they "clean".

Cc:

OSHA

Honorable Hillary Rodham Clinton

Honorable Charles E. Schumer

I.H. Consultants, Inc.
 251 Park Street
 Upper Montclair, NJ 07043
 Phone: (212) 267-6841 (973) 509-3320
 Fax: (973) 509-1954

I. H. Consultants, Inc.

Fax

To: Stephen Swaney	From: Uday Singh
Fax: 877 746 6636	Date: December 12, 2001
Phone:	Pages: 1+4
Re: Asbestos Results	CC:

☐ Urgent
 ☐ For Review
 ☐ Please Comment
 ☒ Please Reply
 ☐ For Your Information

Dear Mr. Swaney:

At Ms. [REDACTED] suggestion I am forwarding you a copy of the lab results for her apartment.

I have been working on several other issues relating to "The WTC Dust" and might be able to add some valuable information.

Should you have any questions please call. My cell is (917) 299-6265.

Thanks

Uday Singh

973 509 1508

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 CONFIDENTIAL**

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I.H. Consultants, Inc.

INNOVATIVE SOLUTIONS FOR INDOOR ENVIRONMENT

October 30, 2001

Ms. [REDACTED] and Mr. [REDACTED]
333 Rector Place, Apt. [REDACTED]
New York, NY 10280

Re: Environmental Health Investigation (draft)
333 Rector Place, Apt. [REDACTED]

Dear Ms. [REDACTED]:

On October 15, 2001, I.H. Consultants, Inc. (IHC) conducted a walk through of your apartment (at your request) in order to investigate Environmental Health issues in your apartment as a result of WTC collapse on September 11, 2001.

During our walk through, settled dust was observed throughout the apartment and in the balcony. Please refer to the attached photographs. Eastern side of the apartment sustained the maximum damage. Dust had settled on all of the household articles such as carpets, chairs, beds, books, toys and such. Dust was noticeable on all surfaces but mostly on horizontal surfaces. Dust deposits on window exteriors were considerable (approx. 1-2 inches).

An acrid smell was noticeable throughout the apartment.

Window blinds were found to be very dusty.

Samples of settled dust were collected from locations with considerable dust deposits and analyzed for asbestos and lead content. A sample of a fibrous bundle (suspected to be asbestos) was collected from dresser in [REDACTED] room. Please refer to the attached analytical data.

The following is a discussion of our observations, analysis results and recommendations.

Asbestos

Asbestos was discovered in dust sample collected from Study Desk in [REDACTED] room. Concentration of asbestos (chrysotile) in this sample was 2%. Other components of this sample were glass, cellulose and non-fibrous materials.

Report

Industrial Hygiene Consultants, Inc. / 251 Park Street / Upper Merion NJ 07043
Tel: (212) 267-6841 - (973) 509-3320 / Fax: (973) 509-1954
www.industrial-hygiene.com

I.H. Consultants, Inc.

INNOVATIVE SOLUTIONS FOR INDOOR ENVIRONMENT

Concentration of asbestos (chrysotile) in the sample collected from window sill was less than 1%. Other components of this sample were glass, cellulose and non-fibrous materials. It is important to note that even though asbestos content of this sample was less than 1%, asbestos was discovered in this sample. This sample was collected from a distance of about 1-2 feet from the first sample.

Asbestos was not detected in the third sample collected from the first dresser drawer in Mathew's room.

Presence of asbestos (chrysotile) in two of samples collected from settled dust points to the possibility of presence of asbestos throughout the apartment and especially on porous surfaces such as upholstered chairs, sofas, beds, towels and other porous materials/surfaces etc. It should also be noted that the porous surfaces do not provide a good sampling substrate, especially if dust deposits are not considerable. Dust along with it's fibrous contents tends to get lost/absorbed in the pores.

Lead

Concentration of lead in the settled dust sample was 0.02% by weight.

Conclusions & Recommendations

Our observations confirm presence of contaminants in settled dust in two spots and point to their possible presence in other locations and surfaces as mentioned above. Non-porous surfaces such as tabletops, windowsills, books and plastic articles etc. are relatively easy to clean and the degree of cleanliness can be measured for a non-porous surfaces. Porous surfaces are not only difficult to clean; it is also difficult to assess the degree of cleanliness for these surfaces.

Given these facts our recommendations are as follows.

1. Discard all porous surfaces with visible dust deposits.
2. Porous surfaces, which cannot be discarded, should be thoroughly vacuumed/washed and tested for asbestos and lead prior to being used.
3. Undertake clean up of apartment exterior in order to eliminate source of further contamination.
4. Undertake clean up of apartment interior and all non-porous surfaces.

Report

Industrial Hygiene Consultants, Inc. / 251 Park Street / Upper Montclair NJ 07043
Tel: (212) 267-6841 - (973) 509-3320 / Fax: (973) 509-1954
www.industrial-hygiene.com

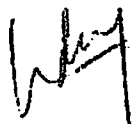
I.H. Consultants, Inc.

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5. A visual inspection of bathroom ventilation system interior is also strongly recommended.

Should you have any questions or need additional information, please call me at (212) 267-6841 or (973) 509-3320.

Sincerely,
INDUSTRIAL HYGIENE CONSULTANTS, INC.



Uday Singh
Industrial Hygienist

Report

Industrial Hygiene Consultants, Inc. / 251 Park Street / Upper Montclair NJ 07043
Tel: (212) 267-6841 - (973) 509-3320 / Fax: (973) 509-1954
www.industrial-hygiene.com

Phase Contrast Microscopy (PCM) Fiber Results

Fireman's Fund, 333 Rector Street / PH #E / WTC / POST

SciLab Sample #	Client Sample # / Location	Date Collected	Flow Rate (liters/min.)	Duration (min.)	Air Filtered (liters)	Fields	Fibers	Fiber Density (Fibers/mm ²)	Fibers Conc. (Fibers/cc)	TWA
01	1 Bedroom East	10/4/01	15	80	1200			NA		
02	2 Kitchen East	10/4/01	15	80	1200	100	96	122.29	0.039	Footnotes: 2
03	3 Living Room Center	10/4/01	15	80	1200	100	59	75.16	0.024	
04	4 Office Center	10/4/01	15	80	1200	100	51	64.97	0.021	
05	5 Master Bedroom West	10/4/01	15	80	1200	100	22	28.03	0.009	
06	6 Blank	10/4/01	0	0	0	100	0.5	0.64		Footnotes: 1
07	7 Blank	10/4/01	0	0	0	100	0.5	0.64		Footnotes: 1

Reporting Notes:

(1) Fibers/cc cannot be calculated for samples (or blanks) with no air volume.

(2) Analyst was unable to quantify fiber concentration because of overloading of particulate material on the filter.

Analyzed by: Fred Corradi  : Date Analyzed: 10/4/01

*NAD/ND = no asbestos detected; NA = not analyzed; NVLAP Lab #200546-0; New York sample (NYSDOH ELAP Lab # 11480); National Institute of Standards and Technology Accreditation requirements mandate that this report must not be reproduced except in full without the approval of the laboratory. ARLA # 100843.

New York Lab

307 West 36th Street, New York, NY 10018

Phone: 212-290-0061 Fax: 212-290-0058 Email:

EMSL

Attn: Industrial Hygiene Consultants
251 Park Street
Upper Montclair, NJ 07043
Fax: (973) 809-1954 Phone: 212-267-8841
Project: 1015011 / 333 Rector Place, Apt

Customer ID: IHC50
Customer PO:
Received: 10/17/01 1:30 PM
EMSL Order: 030108408
EMSL Project ID:
Analysis Date: 10/17/01

Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Location	Appearance	Treatment	Non-Asbestos		Asbestos
				% Fibrous	% Non-Fibrous	% Type
A-1 030108408-0001	Apt 1 / Settled dust on desk	Tan Fibrous Heterogeneous	Teased Dissolved	30% Glass 25% Cellulose	43% Non-fibrous (other)	2% Chrysotile
A-2 030108408-0002	Apt 1 / Settled dust on window panel	Tan Fibrous Heterogeneous	Teased Dissolved	35% Glass 25% Cellulose	40% Non-fibrous (other)	<1% Chrysotile
A-3 030108408-0003	Apt 1 / Fibrous bundle in dresser	Tan Fibrous Homogeneous	Teased Dissolved	98% Cellulose	2% Non-fibrous (other)	None Detected

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Analyst(s)

Williams John (3)

Laboratory Manager
or other approved signatory

PLM has been known to miss asbestos in a small percentage of samples which contain asbestos. Negative PLM results cannot be guaranteed. Samples reported as <1% or none detected should be tested with TEM. The above test report relates only to the items tested. This report may not be reproduced, except in full, without written approval by EMSL Analytical, Inc. The above test must not be used by the client to claim product endorsement by NVLAP nor any agency of the United States Government.
Analysis performed by EMSL Manhattan (NVLAP #101348-9), NY ELAF 11508

PLM-1

I.H. Consultants, Inc.

INNOVATIVE SOLUTIONS FOR INDOOR ENVIRONMENT

Uday Singh of Industrial Hygiene Consultants, Inc. (IHC) made site visit December 18, 2001 to 333 Rector Place, New York, NY 10280 (333). Purpose of this visit was to assess existing environmental conditions at 333. Mr. Greenstein, a chemical engineer facilitated this walk through. The following is a summary of observations made during this visit.

Apt. 5E

Before meeting with Mr. Greenstein, I evaluated effectiveness of cleanup activities in Apt. 5E.

- Some old dust deposits were noticeable in windows and terrace door
- Opening and closing operation for windows produced a visible and steady stream of dust
- Upholstered furniture had faint odors similar to original odors.

Roof

It was a rainy and windy day. Dust deposits were observed

- Under gravel.
- On ventilation fans
- Inside ventilation fans and
- Under HVAC units for hallways.

Three samples of these dust deposits were collected for analysis (type to be determined).

Elevator Shaft, Hallways and Basement

We did not have access to elevator mechanical room and therefore conditions inside elevator shafts were evaluated from within the car. Elevator car had dust deposits on its floor. Given the small quantities of dust, origin of this dust on elevator car floor could not be ascertained. Mr. Greenstein informed me that he had not observed steam cleaning for hallway carpets.

I.H. Consultants, Inc.

INNOVATIVE SOLUTIONS FOR INDOOR ENVIRONMENT

A light tap on the hallway carpet on 11th floor produced a dust stream.

Nothing unusual was noticeable in the basement laundry room.

Apt. 11C

Mr. Greenstein indicated that the dust cloud had an odor characteristic of poly-chlorinated biphenyls (PCBs) and that he does not notice this odor in his apartment any more. He had noticed this odor in his apartment on Sept. 11, 2001. At times he still notices this odor in the ambient environment. He also mentioned that since Sept. 11, 2001 he has developed a sinus problem.

- Original dust deposits were observed outside the living room window.
- Trapped dust was noticeable in windowpanes and upon closing a stream of dust was noticeable.
- Inspection of AC units (both in living and bedroom) revealed presence of dust on fan blades. Opening for air exchange for AC units could not be inspected. Living room AC unit was missing fan cover.
- Bathroom exhaust fans do not seem to be working efficiently.

Conclusions

Despite the extensive cleaning undertaken in apartments, there are still noticeable dust deposits in windows and doors and other crevices.

Dust is still noticeable on the building exterior.

Dust deposits are noticeable on roof, mixed with roof gravel and in the vicinity of air moving equipment.

Ventilation fans have dust deposits inside their covers and possibly in the ventilation duct/shaft. It appears that AC units have not been cleaned properly.

I.H. Consultants, Inc.

INNOVATIVE SOLUTIONS FOR INDOOR ENVIRONMENT

Recommendations

Thorough visual inspection of AC units

Visual inspection of ventilation systems and elevator shaft interior

Visual inspection of roof top HVAC system interior

Sample collection and analysis for possible constituents (known environmental contaminants and health hazards) of dust such as:

- **Volatile Organic Compounds and Semi Volatile Organic Compounds**
- **Dioxins and PCBs**
- **Metals and Asbestos etc.**

Given the most probable route of exposure i.e. via inhalation, it is also important to measure air borne particulate concentrations (respiratory fraction) inside the building over an extended period of time.

I.H. CONSULTANTS, INC.

251 PARK STREET, UPPER MONTCLAIR, NJ 07043

030200438 'Qual

030200374 RH

BULK SAMPLE CHAIN OF CUSTODY

CLIENT: 333 RECTOR PLACE TENANTS' ASSOCIATION PROJECT ADDRESS: 333 RECTOR PLACE
 PROJECT #: 1218011 INVESTIGATION DATE: DEC. 28, 01 INVESTIGATOR: SYED UDDIN

SAMPLE #	LOCATION	MATERIAL SAMPLED	NOTES
1	ROOF	DUST IN A NUT UNDER GRAVEL	QUALITATIVE & QUANTITATIVE ANALYSIS.
2	ROOF <i>dust only</i>	PIECE OF ROOFING MATERIAL	QUALITATIVE ANALYSIS ONLY.
3	ROOF	DUST FROM MUSHROOM FAN BASE	QUALITATIVE & QUANTITATIVE ANALYSIS.

ANALYSIS REQUESTED	PLM ☒	PLM-NOB ☐	TEM NOB ☐	OTHER:
TURN AROUND TIME (HOURS)	72 ☐	48 ☐	24 ☒	12 ☐ OTHER ☐

SEALED/DELIVERED BY: UDAY SINGH DATE: JAN 07, 02 DELIVERED TO: EMSL ANALYTICAL, INC. DATE: JAN 08, 02

RECEIVED BY: _____ DATE: _____ DELIVERED TO: _____ DATE: _____

I spoke with Syed on 1/9/01 Sample 1+3 are regular PLM. Sample 2 test only dust on roofing material. Please scan whole piece of roofing by stereoscope. Ed Cahill

02 JAN -9 PM 1:21

EMSL MANHATTAN
RECEIVED

TEL: (212) 267-6841 / (973) 509-3320; FAX: (973) 509-1954

New York Lab

307 West 38th Street, New York, NY 10018

Phone: 212-280-0057 Fax: 212-290-0056 Email:

EMSL

Attn: Industrial Hygiene Consultants
251 Park Street
Upper Montclair, NJ 07043
Fax: (973) 809-1954 Phone: 212-287-6841
Project: 1218011 / 333 RECTOR PLACE TENANTS'
ASSOCIATION / 333 RECTOR PLACE

Customer ID: IHC50
Customer PO:
Received: 01/09/02 1:20 PM
EMSL Order: 030200374
EMSL Project ID:
Analysis Date: 1/9/02

Asbestos Analysis of Bulk Materials via EPA 600/R-93/116 Method using Polarized Light Microscopy

Sample	Location	Appearance	Treatment	Non-Asbestos		Asbestos	
				% Fibrous	% Non-Fibrous	% Type	
1 030200374-0001	ROOF / DUST IN A NUT UNDER GRAVEL	Tan Non-Fibrous Heterogeneous	Dissolved Crushed	8% Glass 5% Cellulose	60% Quartz 29% Non-fibrous (other)	None Detected	
3 030200374-0003	ROOF / DUST FROM MUSHROOM FAN BASE	Tan/Gray Fibrous Heterogeneous	Crushed Teased Dissolved	20% Glass 30% Cellulose	48% Non-fibrous (other)	2% Chrysotile <1% Amosite	

Analyst(s)

Williams John (2)

Laboratory Manager
or other approved signatory

PLM has been known to miss asbestos in a small percentage of samples which contain asbestos. Negative PLM results cannot be guaranteed. Samples reported as <1% or none detected should be tested with TGA. The above test report relates only to the items tested. This report may not be reproduced, except in full, without written approval by EMSL Analytical, Inc. The above test must not be used by the client to claim product endorsement by NALAP nor any agency of the United States Government.

Analysis performed by EMSL Manhattan (NALAP #101048-9), NY ELAP 11506



PLM-1

Jan 14 02 11:33a

I.H. Consultants, Inc.

(973) 509-1954

P.3

01/10/2002 15:28

212-290-2538

EMSL ANALYTICAL INC

PAGE 01

New York Lab

307 West 38th Street, New York, NY 10018

Phone: 212-290-0051 Fax: 212-290-0055 Email:

EMSL

Attn: Industrial Hygiene Consultants
251 Park Street
Upper Montclair, NJ 07043

Fax: (973) 509-1954

Phone: 212-287-6641

Project: 1218011/333 Rector Place Tenants' Association / 333
Rector Place

Customer ID: IHCS0

Customer PO:

Received: 01/09/02 1:21 PM

EMSL Order: 030200438

EMSL Project ID:

Analysis Date: 1/9/02

Asbestos Analysis via Polarized Light Microscopy, Qualitative

Sample	Location	Appearance	Treatment	Result	Notes
2 130200438-0001	Piece of roofing material			Chrysotile	

Williams John

Analyst

Eric B. B.

Laboratory Manager
or other approved signatory

EMSL reports must not be reported as "ND" to be tested by the EPA Screening Method Qualitative. The above report relates only to the items tested. This report may not be reproduced, except in full, without written approval by EMSL Analytical, Inc. The above test must not be used by the client to claim product endorsement by NMLAP nor any agency of the United States Government.
ASBESTOS ANALYSIS: NMLAB #101048-9 and NY STATE ELAP #11508

12/27/2001 20:23 FAX 212945 6473
10/22/2001, 12:41 212-290-0058

Margaret & Alan Patrick
EMSL MANHATTAN

003
PAGE 01/01

New York Lab

307 West 30th Street, New York, NY 10018

Phone: 212-290-0051 Fax: 212-290-0058 Email:

EMSL

Attn:

Customer ID: MISC-ACCT

Customer PO:

Fax:

Phone:

Received: 10/18/01 4:00 PM

Project: Alan Patrick

EMSL Order: 030106504

EMSL Project ID:

Analysis Date: 10/19/01

Asbestos Analysis of Bulk Materials by PLM via the NY State ELAP 198.1 Method

Sample	Location	Appearance	Treatment	Non-Asbestos		Asbestos
				% Fibrous	% Non-Fibrous	% Type
One Sample	333 Reiter Place	Tan	Tested	30.00% Glass	18.20% Non-fibrous (other)	1.80% Chrysotile
030106504-0001	Apt 10N	Fibrous	Dissolved	35.00% Cellulose	15.00% CA Carbonate	
		Heterogeneous				

Den Osborn

Analyst

Eric B. B.

Laboratory Manager
or other approved signatory

PLM has been known to miss asbestos in a small percentage of samples which contain asbestos. Negative PLM results cannot be guaranteed. Samples reported as 41% or more asbestos should be tested with TEM. The above test report relates only to the items tested. This report may not be reproduced, except in full, without written approval by EMSL. Analysis, Inc. The above test must not be used by the client to claim product endorsement by NYLAP nor any agency of the United States Government. Analysis, Inc. is not a certified laboratory under NYLAP #100048-01, NY ELAP 11508.

01 MCHMentent-1

NORTH ATLANTIC LABORATORIES, INC.

Environmental Consultants

100 SWEENEYDALE AVE.

BAY SHORE, NY 11706

(631) 951-0400

FAX: (631) 951-0410

OCTOBER 14, 2001

FIREMAN'S FUND INSURANCE COMPANY

**RE: AIRBORNE ASBESTOS TESTING @ PENTHOUSE E, 333 RECTOR
PLACE**

**NORTH ATLANTIC LABORATORIES, INC. HAS CONDUCTED AIR QUALITY
TESTING FOR AIRBORNE ASBESTOS AT THE ABOVE REFERENCED
APARTMENT.**

**THE ANALYTICAL METHODOLOGY FOR AIRBORNE ASBESTOS WAS USING
PHASE CONTRAST MICROSCOPY (PCM) UNDER THE NIOSH 7400
METHOD. THIS METHOD COUNTS ALL FIBERS THAT DEMONSTRATE A 3:1
LENGTH TO WIDTH RATIO THAT ARE LARGER THAN 5 MICRONS
(MILLIONTHS OF A METER) IN SIZE.**

**A TOTAL OF FIVE AREA SAMPLES WERE COLLECTED FROM THE
APARTMENT. ANALYSIS REVEALED THAT FOUR OF THE FIVE SAMPLES
WERE WITHIN THE PERMISSIBLE EXPOSURE LIMIT (PEL) OF 0.1 FIBERS
PER CUBIC CENTIMETER OF AIR (F/CC) AS ESTABLISHED BY THE US
DOL'S OCCUPATIONAL AND SAFETY AND HEALTH ADMINISTRATION
(OSHA). THESE FOUR SAMPLES DID HOWEVER EXCEED THE MORE
STRINGENT ASBESTOS PROJECT CLEARANCE CRITERIA OF 0.01 F/CC AS
ESTABLISHED BY NEW YORK STATE INDUSTRIAL CODE RULE 56.
THE FIFTH SAMPLE WAS OVERLOADED WITH PARTICULATE MATTER, AND
THEREFORE COULD NOT BE ANALYZED. THIS IS BELIEVED TO BE
LARGELY ATTRIBUTABLE TO THE CONDITIONS AT THE TIME OF TESTING;
PERSONS WERE SHAKING OUT RUGS IN THE AREA.**

**FUTHER, IT IS LIKELY THAT THE FOUR ELEVATED READINGS OBTAINED
ARE NOT WHOLLY REPRESENTATIVE OF AIRBORNE ASBESTOS
CONCENTRATIONS, RATHER OTHER PARTICULATE (I.E. FIBERGLASS,
CELLULOSE) THAT HAVE UPWARDLY BIASED THE RESULTS. IT IS
RECOMMENDED THAT THIS PRESUMPTION BE CONFIRMED BY REMANDING
THESE FOUR SAMPLES FOR THE ASBESTOS SPECIFIC TRANSMISSION
ELECTRON MICROSCOPY (TEM) METHOD FOR A TO OBTAIN A DEFINITIVE
RESULT.**

ENCLOSED PLEASE FIND THE PQM ANALYSIS RESULTS DISCUSSED
HEREIN. IF YOU WOULD LIKE TO REQUEST THAT THESE SAMPLES BE
REMANDED FOR TEM ANALYSIS, OR HAVE ANY QUESTIONS, PLEASE DO
NOT HESITATE TO CONTACT OUR OFFICE AT YOUR EARLIEST
CONVENIENCE.

RESPECTFULLY SUBMITTED,

NORTH ATLANTIC LABORATORIES, INC.

A handwritten signature in black ink, appearing to read "John J. Paciulli", with a long horizontal line extending to the right.

JOHN J. PACIULLI, PRESIDENT