

FAX TRANSMISSION

NYC DEPARTMENT OF ENVIRONMENTAL PROTECTION
BUREAU OF PUBLIC AFFAIRS

59-17 JUNCTION BLVD
CORONA, NY 11368
19TH FLOOR

TEL: (718) 595-8600
FAX: (718) 595-3477

Date:

12/12/01

To:

Mike Gilman

Fax #:

4544

From:

JEFFREY RYAN
Acting Director

Subject:

105 Duane St

of Page

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COMMENTS:

forwarded from EPA

NEW YORK ENVIRONMENTAL LAW & JUSTICE PROJECT

*member of the Clean Water Network
member of the National Lawyers Guild*

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Kimberly Flynn: Policy Analyst
Charles Minkoff, Ph.D.: Scientific Data Analyst*

December 11, 2001

Department of Environmental Protection
Bureau of Air, Noise and Hazardous Materials
Asbestos and Lead Control Program
59-17 Junction Blvd.
Corona, NY 11373
Tel: (718) 585-3882
Fax: (718) 585-3749

Attn: Mr. Carlstein

RE:	Asbestos Condition at 105 Duane Street, NY, NY 10007 Building Owner: Related Management Company, L.P.
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Dear Department of Environmental Protection,

This letter is a formal notification of a complaint with regards to a high level of asbestos contamination at 105 Duane Street, New York, New York. Proper asbestos methods as required by law and regulation are not being utilized¹. We require immediate action due to postpone any work on the ventilation system in that building which is to begin on Wednesday, December 12, 2001. A survey was performed on December 3rd, 2001 by Edward Olmsted, CIH, CSP.

The collapse of the World Trade Center buildings caused the release of dust and debris containing asbestos. The asbestos containing debris was spread throughout the collapse site and around the surrounding neighborhood. Other contaminants were also spread through the neighborhood. Many of these contaminants including the asbestos settled on surfaces and were drawn into building through the ventilation system. This survey was made to determine the level of asbestos in dust in the level of asbestos in dust in the dust in the 10th floor apartment and hallway of the building.

¹ Several residents of the building and myself noticed that the hallway air grilles were removed for cleaning. In their place, management placed plastic and paper products to supposedly provide professional protection which were applied in such a manner that many were found to have fallen off within 24 hours of application. See picture.

On December 3rd, dust samples were taken by Mr. Olmsted from the 10th floor to determine whether asbestos fibers were settled on surfaces. The results reported in fibers per square centimeter of surface tested. The following summarizes Samples E1203-2: sampled from supply air diffuser in the 10th floor public hallway. Result - 555,000 asbestos structures per square centimeter.

These samples were analyzed by: International Asbestos Testing Laboratory (IATL), 1600 Horizon Way Unit 1000 Mt. Laurel NJ 08054-NYS Department of Health Certification # ELAP 11021.

The supply air grille in the hallway was found to have elevated levels of asbestos fibers well above the recommended limit of 1000 structures per square centimeter.. This suggests that the ventilation system was contaminated by asbestos when the buildings collapsed.

The duct system should be cleaned by a profession duct cleaning company using vacuum and cleaning equipment designed for asbestos decontamination. [see attached letter]

Another Industrial Hygenist, Monona Rossol, M.S., M.F.A., concurs stating that: "... the finding of 555,000 asbestos structure per square centimeter is a clear indication that the ventilation system should be cleaned by a professional duct cleaning company using vacuum and cleaning equipment designed for asbestos decontamination. I would add that the work must be done by trained and certified asbestos abatement workers who can prevent contamination of other part of the building while they work." [see attached letter]

Further documentation will be provided shortly. Please give this matter your immediate attention and action.

Yours.....


Joel R. Kupferman

Attorney for the Concerned Tenants of 105 Duane Street

cc: New York City Department of Health
New York State Department of Health
New York State Department of Environmental Conservation
United States Environmental Protection Agency Region #2-
Robert Fitzpatrick & Ken Eng
Cong. J. Nadler
NYC Councilmembers K.Freed, S. Michels
Assemblymembers Brodsky, Gottfreid, Silver, Glick
State Senator Patterson
WTC Emergency Environmental Group
Related Management Company, L.P.

Date: December 9, 2001

To: Joel Kupferman

From: Ed Olmsted, CIH, CSP

Subject: Asbestos Sampling 105 Duane Street

At your request an asbestos survey was completed at apartment 10C at 105 Duane Street in Manhattan. The purpose of the survey was to determine levels of asbestos contamination inside the building. The survey was performed on December 3, 2001 by Edward Olmsted, CIH, CSP.

The collapse of the World Trade Center buildings caused the release of dust and debris containing asbestos. The asbestos containing debris was spread throughout the collapse site and the surrounding neighborhood. Other contaminants were also spread throughout the neighborhood. Many of these contaminants including the asbestos settled on surfaces and were drawn into buildings through the ventilation system. This survey was made to determine the level of asbestos in dust in the 10th floor apartment and hallway of the building.

Surface dust samples were collected according to the method 5755-95 published by the American Society of Testing and Materials (ASTM). This involves drawing dust from a surface area of 100 square centimeters on a 0.8 micron mixed cellulose ester filter. The dust was collected using a personal sampling pump operated at 2 liters per minute. The filter is analyzed by transmission electron microscopy for asbestos fibers. All of the samples were shipped overnight and analyzed by IATL.

The World Trade Center tower buildings 1 and 2 had asbestos containing fire proofing on the structural steel on some of the floors. This consisted primarily of chrysotile asbestos. Asbestos fibers are recognized as a human carcinogen, which primarily affect the respiratory system. The types of cancer associated with asbestos exposure include lung cancer, pleural mesothelioma and peritoneal mesothelioma. Asbestos can also cause asbestosis, a debilitating respiratory disease. The latency period between exposure to asbestos and development of disease is 15 to 25 years. The principle route of exposure to asbestos is through inhalation.

The ASTM method is intended for guidance on examining dust contamination of building surfaces and is intended as a general assessment of the building. There is no suggestion in the ASTM method that it can be used to assess general health risk from asbestos exposure, nor does it suggest that all building surfaces be maintained to the levels published in the standard. The method is generally applicable for the estimate of the concentration of asbestos fibers on surfaces starting from approximately 1000 fibers per square centimeter (f/cm²)

On December 3rd two surface dust samples were taken from the 10th floor to determine whether asbestos fibers were settled on surfaces. The results are reported in asbestos fibers per square centimeter of surface tested. The following summarizes the sample results:

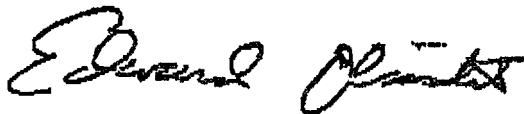
Sample C620204 sampled in living room from table top
Result- 740 asbestos structures per square centimeter

Sample E1203-2 sampled from supply air diffuser in the 10th floor public hallway
Result - 550,000 asbestos structures per square centimeter

The supply air grille in the hallway was found to have elevated levels of asbestos fibers well above the recommended limit of 1000 structures per square centimeter. This suggests that the ventilation system was contaminated by asbestos when the building collapsed.

The duct system should be cleaned by a professional duct cleaning company using vacuum and cleaning equipment designed for asbestos decontamination.

Sincerely,



Edward Olmsted

ACTS
ARTS, CRAFTS AND THEATER SAFETY

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Joel R. Kupferman, Esq.
Executive Director
New York Environmental Law & Justice Project
315 Broadway - Suite 200
New York NY 10007-1121

December 11, 2001

Dear Joel Kupferman,

I have reviewed the December 9, 2001 report on asbestos sampling done by Ed Olmsted, CIH, at 105 Duane Street.

I concur with Mr. Olmsted's conclusion that the sample taken from the air diffuser in the 10th floor public hallway shows levels of asbestos well above the recommended limit of 1000 structure per square centimeter.

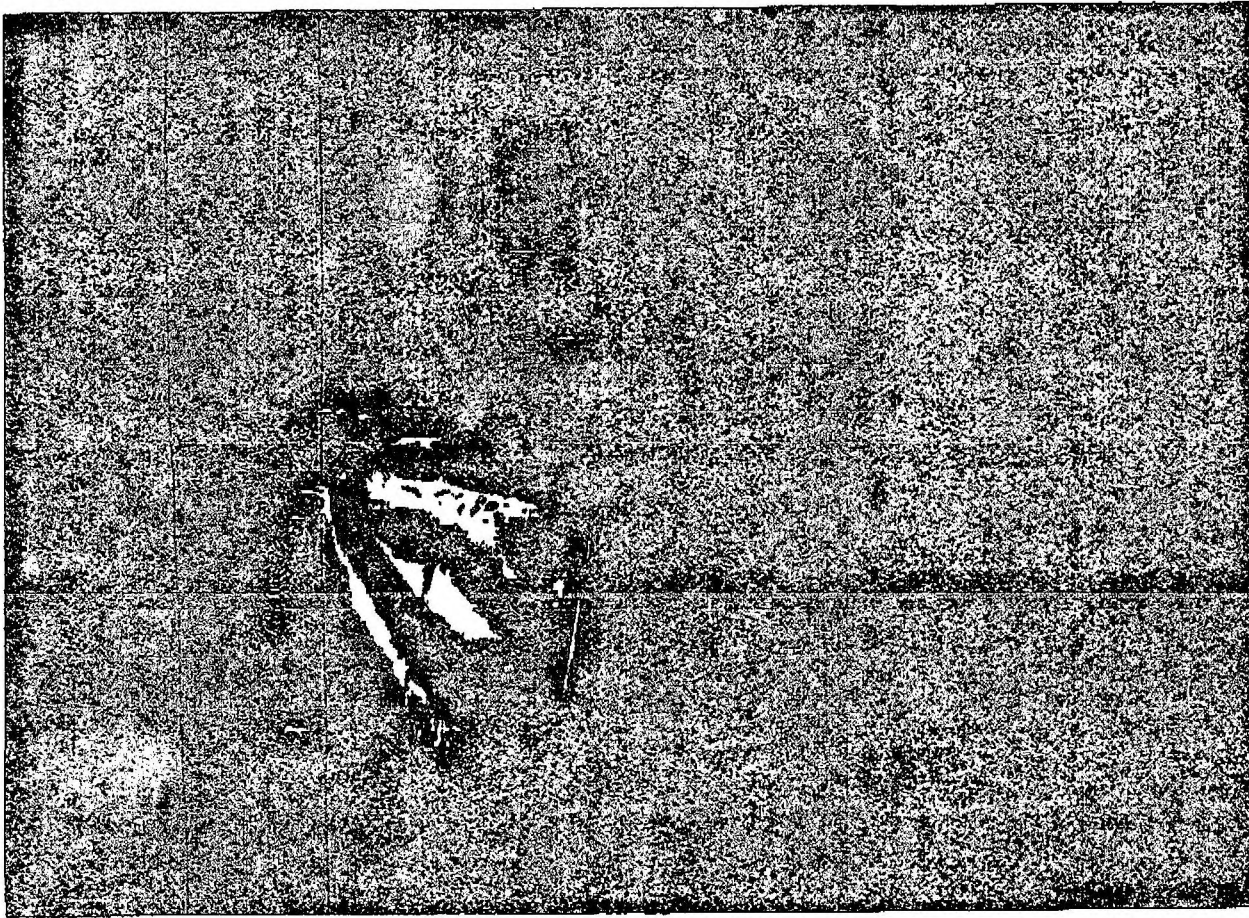
I also concur that the finding of 555,000 asbestos structure per square centimeter is a clear indication that the ventilation system should be cleaned by a professional duct cleaning company using vacuum and cleaning equipment designed for asbestos decontamination. I would add that the work must be done by trained and certified asbestos abatement workers who can prevent contamination of other parts of the building while they work.

I also would add that this single sample should be followed up by other samples taken from other locations in the ventilation system. This sampling must be undertaken immediately because asbestos fibers in ventilation systems are likely to deposit throughout the building. The reading of 740 asbestos structures per square centimeter on the living room table top is high enough to cause concern that further deposition could be hazardous. If the cleaning is delayed until many apartments attain levels requiring abatement, the cost of cleanup will rise exponentially.

It is also likely that there are already apartments in the building in which the asbestos dust levels are much higher. These locations are most likely to be those in which the air is supplied by diffusers that are closer to the ventilation system's air intakes and filters. People living in these apartments may be at risk now.

Respectfully submitted,


Monona Rossol, M.S., M.F.A.,
industrial hygienist



34th floor

M. Sanyal 12/10/01

<http://mail.justice.com/mail/attachment/!1!nyeljp/43f4de270264e0379fcf1a0ac5...> 12/11/2001