

Avaltroni, Robert

From: Sturcken, Charles
Sent: Tuesday, February 11, 2003 1:17 PM
To: Avaltroni, Robert
Subject: FW: [Fwd: FW: EPA/WTC RELEASE: NYC WORKFORCE MAY FACE SERIOUS HEALTH RISK]

I just received this.

-----Original Message-----

From: kmatthews [mailto:kmattthews@ap.org]
Sent: Monday, February 10, 2003 12:28 PM
To: charless@dep.nyc.gov
Subject: [Fwd: FW: EPA/WTC RELEASE: NYC WORKFORCE MAY FACE SERIOUS HEALTH RISK]

----- Original Message -----

Subject: FW: EPA/WTC RELEASE: NYC WORKFORCE MAY FACE SERIOUS HEALTH RISK
Date: Mon, 10 Feb 2003 11:06:25 -0500
From: "Schmeltzer, Eric" <Eric.Schmeltzer@mail.house.gov>
To: kmatthews@ap.org

I'll send some more in a bit, but call me w/ questions. -Eric

FOR IMMEDIATE RELEASE
 ERIC SCHMELTZER
 FEBRUARY 10,
 2003
 202-226-5635

CONTACT:

NYC WORKFORCE MAY FACE SERIOUS HEALTH RISK

Rep. Nadler Exposes Bungling of World Trade Center Contaminant Clean-up in Workspaces, Presents New Evidence That EPA Illegally Delegated Authority and Then Lied about Knowledge of the Law

NEW YORK - Possibly hundreds of thousands of New Yorkers work for hours a day in workspaces that remain uncleaned, or insufficiently cleaned, of hazardous substances unleashed from the World Trade Center collapse -- and the Environmental Protection Agency (EPA) is to blame -- Rep. Jerrold Nadler (D-NY) said today at a City Hall press conference.

The Congressman was joined by the New York Committee for Occupational Safety and Health (NYCOSH), as well as victims of EPA inaction. Together, they presented new evidence that proves that there has been inadequate hazardous materials testing and remediation in downtown workspaces -- which is threatening the public health -- and that EPA has been lying to the public about its responsibility in the matter.

"This is an outrageous story of EPA inaction, buck-passing, cover-up, and, criminal negligence of its role in protecting the public health," Rep. Nadler said. "There is no rational or legal explanation for the

"EPA cleaning indoor residential spaces, but excluding workspaces."

The Congressman today released three new findings:

DEPARTMENT OF ENVIRONMENTAL PROTECTION (DEP) MISHANDLED MATTER

The City DEP was illegally placed in charge of remediation of workspaces by the EPA. DEP, in turn, left the burden of common space cleanup to building owners and managers, and of private workspaces to tenants. DEP sent an official request for environmental quality information from building owners and managers in February 2002.

However, Rep. Nadler announced that the results of a Freedom of Information Law (FOIL) request submitted by Joel Kupferman of the New York Environmental Law & Justice Project show that as of last month, DEP only possesses data from 218 downtown buildings. That is out of a total of approximately 1900 buildings -- little more than 11%. They are all below Canal, Pike and Allen Streets -- the same arbitrary boundary used by EPA for its residential cleanup plan. Many of these responses are incomplete or inadequate. For building owners or managers that did not respond, DEP has not issued a single citation.

EPA LIED ABOUT KNOWING "WHO IS IN CHARGE"

For more than a year, the EPA has maintained that the City Department of Environmental Protection (DEP) is in charge when it comes to cleaning up indoor workspaces. But, in sworn testimony given last month, the Assistant Administrator of EPA, Marianne Horinko, admitted that Presidential Decision Directive (PDD) 62, which dictates how the federal agencies are to respond to an act of terrorism, mandates that EPA must clean up inside buildings. The transcript from that deposition (Hugh B. Kaufman v. US EPA, Jan. 6 2003) is as follows:

Question: Who in EPA, who is the individual who has the ultimate lead for the cleanup of interiors? Is it you?

Answer: Ultimately I suppose it would be Governor Whitman as the administrator. Since I do report to her, I am certainly the lead on emergency response.

Question: Is cleaning up the interiors an emergency response?

Answer: Yes, it is.

Ms. Horinko's testimony is a stark departure from previous statements made by Administrator Whitman, who said on PBS's Newshour back in April, "If there is an area where there is a 'hole,' this is where it is, in response, because it's just a little murky here as to who has the responsibility, who is responsible for the cleanup."

TEST RESULTS AND HEALTH AND ECONOMIC IMPACT ARE SERIOUS

The EPA has maintained since days after the collapse of the World Trade Center, that the area is safe. Yet, today, Rep. Nadler introduced victims to discuss test results, health and financial impacts, and other issues related to EPA's false safety assurances and lack of action. For example:

The employees of the Securities and Exchange Commission (SEC), who work in the Woolworth Building: A representative provided evidences of samples that were taken in three areas of the building, and showed asbestos readings of above 74,000 structures per square centimeters and as high as 850,000 structures (although no amount of asbestos is considered safe, 100,000 structures and above is considered an 'asbestos emergency'). All samples were taken by Detail Associates and sent to International Asbestos Testing Labs.

A woman who lives outside lower Manhattan, but works at the Municipal Building: She said that she had no health problems prior to September

11th. However after returning to her workplace, she has experienced significant respiratory disease.

The owners of Steamers Landing Restaurant in Battery Park City: They stated that although they undertook a major hazardous materials remediation of their restaurant at their own expense, they were unable to collect insurance to pay for it, because the EPA consistently and falsely maintained that the area was safe.

"Beyond this being a matter of life and death, if workspaces are not properly tested and remediated for hazardous materials, the City and State of New York stands to face tremendous future financial costs in terms of contingent liability as well as untold productivity impacts due to a potentially massive rise in occupational disease," said Rep. Nadler. "The EPA must end its stonewalling, and finally carry out its legal and moral responsibility to clean up all buildings contaminated in the terrorist attack."

Rep. Nadler has served in Congress since 1992. He represents the 8th Congressional District of New York, which includes parts of Manhattan and Brooklyn, including the areas surrounding the site of World Trade Center.

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Eric M. Schmeltzer

Press Secretary

Office of Rep. Jerrold Nadler

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