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Sent: Friday, July 12, 2002 9:53 AM
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Subject: Residential Cleanups

fyi, below is a follow up note to the meeting we had with staff from the new york state attorney general's office. our legal staff is working with us on our position. i'll keep you informed if we see any issues. let me know if you have any input. thanks. kathy

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----- Forwarded by Kathy Callahan/R2/USEPA/US on 07/12/2002 09:50 AM

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 Subject: Residential Cleanups

I am writing to thank EPA again for meeting with us. By separate copy to Kathy Callahan, we are sending you two reports -- CDC's "Preventing Lead Poisoning in Young Children," (Oct. 1991), and the NYAG's "Look Out for Lead! A Guide for Tenants with Preschool-Age Children," (July 1999) -- as a follow up of our meeting and, with respect to the CDC study, as promised.

We still have strong concerns about how lead will be addressed during the cleanup. Our re-review of testing results, some of which were provided by residents who had testing performed at their own expense, shows that lead has been found at significant levels, certainly high enough to raise concern about the health of young children. At a minimum, lead should be among the contaminants tested for in pre- and post-cleaning testing at all residences where young children currently reside, although we agree with the sentiment expressed by everyone at the meeting that all apartments potentially will house children. Thus, we continue to believe that all apartments should be so tested.

Also, while lead paint was outlawed in NYC in 1960, we feel that 1960

is a poor choice to use to distinguish between buildings with possible lead paint problems and those without based on date of construction. There is no indication that the ban was effectively enforced in 1960, and it is more reasonable to assume that buildings erected prior to 1978 -- the HUD date -- may well have been painted using old stocks of lead paint.

Second, we continue to believe that all cleanups have to be treated as minor asbestos projects, and thus the DEP/DOL regulations are applicable. We note the confusion that may be created by a scope of work that says that the regulations must be complied with yet materially departs from the regulations with respect to protective gear and in other respects. While residents' concerns have to be considered, so too must the need to protect workers and to comply with regulatory requirements. We would appreciate EPA's communicating its decision regarding this point.

Third, we remain concerned about the treatment of elevator shafts, which apparently only will be cleaned when heavy accumulations of WTC dust are present. Through our review of some literature on elevator shafts and talking with residents, we note that many of the older buildings have open elevators without solid sides. In these as well as in other buildings, the elevator shafts sometimes serve as part of the air circulation pattern in the building. In a report entitled "Factors Affecting Indoor Air Quality," from the Building Owners and Management Association, the report says:

"The HVAC system is generally the predominant pathway and driving force for air movement in buildings. However, all of a building's components (walls, ceilings, floors, penetrations, HVAC equipment, and occupants) interact to affect the distribution of contaminants."

"For example, as air moves from supply registers or diffusers to return air grilles, it is diverted or obstructed by partitions, walls, and furnishings, and redirected by openings that provide pathways for air movement. On a localized basis, the movement of people has a major impact on the movement of pollutants. Some of the pathways change as doors and windows open and close."

"It is useful to think of the entire building - the rooms and the connections (e.g., chases, corridors, stairways, elevator shafts) between them - as part of the air distribution system."
http://www.boma.org/iaq/Factors_Affecting_Indoor_Air_Quality.htm

Thus, if even light dusting is found, we believe that the shafts should be cleaned.

Finally, we urge EPA to disclose its findings on mercury. We have arranged to speak with Uday Singh and Clyde Johnson next week, and may have follow-up questions for EPA after those conversations.

We look forward to receiving the materials EPA said it would send us so we can review them prior to the finalization of the scope of work.