



**NEW YORK CITY COUNCIL
COMMITTEE ON OVERSIGHT AND INVESTIGATIONS**

**TESTIMONY OF JOCELYN E. STRAUBER
COMMISSIONER, NEW YORK CITY DEPARTMENT OF INVESTIGATION**

**CONCERNING DOI'S OFFICE OF THE INSPECTOR GENERAL FOR NYPD,
INTRO BILL 1020-2024 AND RESOLUTION 0560-2024**

**WEDNESDAY, JANUARY 29, 2025
COUNCIL CHAMBERS, CITY HALL**

Good morning Chair Brewer and members of the Committee on Oversight and Investigations. My name is Jocelyn Strauber, and I have the privilege of serving as the Commissioner of the Department of Investigation ("DOI"). I appreciate this opportunity to speak with you today about DOI's Office of the Inspector General for the NYPD ("OIG-NYPD") and to provide you with an update on that unit's work. As you know, DOI oversees the operations, policies, programs, and practices of the New York City Police Department ("NYPD") through DOI's OIG-NYPD.

Today, I will discuss an overview of the work of DOI's OIG-NYPD since I last testified in April 2022, including an update on OIG-NYPD's access to NYPD records, facilities and staff; improvements to OIG-NYPD's internal workflow; and the status of OIG-NYPD staffing; and highlight some of the major reports we have issued over the past two years.

OIG-NYPD's in-depth investigations, public reports, and comprehensive recommendations seek to ensure that the Department's practices and policies are sound and effective and to provide public transparency with respect to those policies and practices. Our work thus contributes to effective policing, and seeks to thereby strengthen the relationship between the Department and the community. We have continued to pursue that work, issuing four reports in 2024, and preparing a fifth that was issued just yesterday, despite a significant decrease in staffing in the OIG-NYPD, a challenge facing all of DOI's units, and most City agencies. The unit currently has nine members, a nearly 44% decrease from the 16 members in 2023. I note that in 2023 the unit also produced four reports, so our productivity has remained consistent despite our staffing challenges.

Today I will discuss some of the efforts I have made to amplify the unit's current staffing so that it can continue to complete investigations and issue reports, a critical responsibility that Inspector General Barrett and I are determined to meet despite our reduced numbers. These efforts include devoting substantial senior executive staff time, as well as other supervisory DOI staff, to assist in the unit's substantive work, and refocusing the team on its mandate to conduct systemic investigations of NYPD's policies, procedures, and practices.

I will also provide you with DOI's perspective on two pieces of legislation sponsored by Chair Brewer that are part of today's hearing: one that includes mandates related to OIG-NYPD and another, unrelated to OIG-NYPD, directing DOI to conduct a primarily historical investigation regarding environmental toxins produced in the wake of the September 11th attacks.

DOI's OIG-NYPD

OIG-NYPD was created in 2014 in accordance with Local Law 70, which directed the DOI Commissioner to appoint an Inspector General to "investigate, review, study, audit and make recommendations relating to the operations, policies, programs and practices of NYPD." This mandate is the core of OIG-NYPD's work and since my tenure in early 2022, OIG-NYPD has and will continue to focus primarily on examinations of the Department's operations, policies, procedures, and practices. To the extent that there are potential criminal matters involving individual NYPD personnel, those are handled by other DOI squads.

Like other DOI squads, OIG-NYPD policy and procedure investigations may be based on complaint trends, media reports, community concerns, and information provided by advocacy groups. Most of the individual complaints OIG-NYPD receives do not result in investigations because they fall outside OIG-NYPD's mandate and are therefore referred to another agency. For example, complaints relating to an individual's interaction with a police officer or officers would typically be referred to the Civilian Complaint Review Board ("CCRB"), although as I noted, OIG-NYPD retains information about all complaints received in order to assess complaint trends, which could lead to a systemic investigation. Overall the percentage of complaints to OIG-NYPD that result in investigations are roughly consistent with DOI's overall figures.

Since its inception, OIG-NYPD has issued 35 reports and 263 recommendations, with nine reports issued since the beginning of calendar year 2023 and 61 related recommendations.

It is my responsibility as DOI Commissioner to ensure that OIG-NYPD effectively carries out its mandate. In 2022, I shared concerns with this committee about issues facing OIG-NYPD, specifically its diminished staff; challenges accessing NYPD records, facilities, and staff; and the need to develop an effective, streamlined process to produce comprehensive reports. I am pleased to update you on these issues:

Access to NYPD Records, Facilities, and Staff

OIG-NYPD cannot do its job without meaningful and timely access to NYPD records, data, facilities, and staff. Early in my tenure there were challenges in this area. But for over two years, communication between OIG-NYPD and NYPD and production of information and records have markedly improved. The OIG-NYPD continues to have bi-weekly meetings with NYPD to discuss outstanding requests. NYPD recently has further streamlined its process to respond to those requests by assigning each request to an attorney responsible for quickly identifying and locating responsive information within NYPD and to jumpstart internal discussions to obtain the information. OIG-NYPD has also implemented an escalation process to ensure that delays in production are promptly raised to senior levels at both DOI and NYPD. On the rare occasion where OIG-NYPD cannot obtain relevant records, OIG-NYPD can document these instances in its public reports. For example, in its December 2024 report on drones, OIG-NYPD noted that it could not conduct a complete assessment of NYPD's compliance with the policy governing drone operations because we did not receive complete records concerning all deployments. However, this one issue did not prevent OIG-NYPD from issuing a comprehensive report concerning other aspects of the drone program, with six findings and ten recommendations.

Refocusing OIG-NYPD on its Mandate and Related Supportive Efforts

OIG-NYPD has experienced significant attrition over the past year. It currently has a staff of nine, including the Inspector General. To bolster the unit's capacity, I have taken several significant steps, tapping senior DOI staff to support OIG-NYPD's work in key ways that allow OIG-NYPD to focus on its critical mandate to examine systemic policy and procedure issues within the Department. To that end, as I mentioned earlier, I have assigned investigations involving individual NYPD personnel, or potential criminal matters, to other Inspector General units within DOI that can better serve as leads on these types of investigations and can collaborate with OIG-NYPD when necessary. And on occasion, where appropriate, other Squads can conduct investigations involving NYPD policy and procedure, such as our Local Law 6 report that was issued last March or the recent follow-up report on NYPD's policies and practices governing security details for elected officials.

Report writing is a central function of OIG-NYPD. It is a time-consuming process, but a critical one in creating a public record of the Office's findings and the recommendations it has issued. To assist in this effort, I have assigned senior DOI staff to help in the report writing, freeing OIG-NYPD staff to focus on their investigative work. These efforts have provided essential support to the OIG-NYPD team and led to results: OIG-NYPD issued four reports in 2023 and four reports in 2024 and, yesterday, issued its first report of 2025. Each of these reports include important recommendations that seek to strengthen NYPD policies and to bring public transparency to the Department's practices.

Over the past two years, the team tackled critical topics and issued reports including:

- NYPD's social media use policy, finding deficiencies in NYPD's policies, noncompliance with the Citywide social media policy, and a lack of oversight of NYPD senior executives' social media posts.
- NYPD's Community Response Team ("CRT"), which has expanded significantly in the past two years, finding an absence of written policies and procedures to guide CRT's actions

and providing crucial information to the public about an NYPD unit that had not been previously available.

- NYPD's Criminal Group Database, examining a number of issues, including NYPD's processes to add, remove, and maintain individuals in the database and public concerns about inclusion in the database, and providing the basis for an important follow-up report to assess NYPD's compliance with our recommendations.
- The relationship between NYPD overtime and negative policing outcomes, finding that overtime has a statistically significant relationship with a number of negative policing outcomes.

This last report is among the several mandated reports that legislation requires OIG-NYPD to produce, some annually. Each year, OIG-NYPD is required to assess NYPD's compliance with the Public Oversight of Surveillance Technology Act, the "POST Act," and also to produce an annual comprehensive review that discusses all of OIG-NYPD's reports since the inception of the unit in 2014, as well as the current status of each recommendation. The March 2024 annual report discussed 20 investigative reports, one statement of findings, and the status of 233 recommendations issued over OIG-NYPD's ten years.

Each report involves a rigorous and thorough process, first obtaining key facts, including policies, procedures and where appropriate relevant data, interviewing witnesses, summarizing the background, and making key findings and conclusions that support our recommendations.

We are making progress, but we want to do more so that we can weigh in proactively on the issues of greatest impact to our community in a timely fashion. This is a challenge given that thorough investigations take time and resources. But this is a goal we are already striving to meet. As a follow up to its report on CRT, OIG-NYPD will be conducting an examination of critical issues related to CRT, including the disciplinary history of its officers, the impact of CRT's work on the communities they police, through an examination of available data. And, as I just mentioned, OIG-NYPD is also working on a follow-up report to the Criminal Group Database that will be issued in the first half of this year, focused on NYPD's review process for the activation of individuals in the database, as well as the implementation of certain recommendations accepted by NYPD.

Working with Partner Police Oversight Agencies

OIG-NYPD has established valuable working relationships with the City's other police oversight agencies, including the CCRB, NYPD's Internal Affairs Bureau ("IAB"), and the Office of the Community Liaison associated with the Federal Monitor.

Over the past two years, OIG-NYPD has met regularly with the Office of the Community Liaison and, as necessary, with the Federal Monitor. Additionally, OIG-NYPD and CCRB have participated in two community forums hosted by the Office of the Community Liaison and focused on police accountability in Brooklyn and the Bronx, an effort that is ongoing and provides a way for us to educate the public about police accountability and to connect with community members so they know who to contact when they do have a complaint.

In addition, OIG-NYPD has worked to strengthen its relationship with IAB, through attending training led by IAB and also presenting at these same trainings to educate participants about OIG-NYPD and its mission.

OIG-NYPD also meets with community policing advocates, including the Brennan Center, the New York Civil Liberties Union, and the Surveillance Technology Oversight Project ("S.T.O.P"), among others, to better understand the issues and concerns of their constituents. These meetings have prompted investigations, including our assessment of the policies and procedures governing the Department's CRT.

OIG-NYPD has an Outreach Director who is dedicated to connecting with the community at large through in-person and virtual events. Over the past two years, the Outreach Director has attended more than 200 such events at various venues, including community events, libraries, universities, and the New York City Housing Authority. While these outreach efforts do not tend to generate leads for investigations, they are important efforts to connect with New Yorkers directly.

These outreach efforts and relationships that OIG-NYPD has with both government and community entities are integral to staying up to date on the issues affecting police accountability in New York City and in forming a local resource network in the police oversight arena.

Oversight Mandated by the George Floyd Protest Settlement

DOI has a mandated oversight role in the settlement agreement related to NYPD policing of protests in the wake of the police killing of George Floyd. As part of Phase II of the settlement, DOI has a primary role of reviewing 12 First Amendment Activities to be selected by a Collaborative Review Committee, which the DOI Commissioner will chair. DOI will conduct its review at specified intervals during a 36-month time period, which will include determining NYPD's compliance with settlement terms, reporting findings, and issuing recommendations.

To that end, DOI received funding for five additional staff to form a new Protest Settlement Monitoring Unit, consisting of an Inspector General, two Special Counsels, and two investigators. Those staff have been hired and will join the agency in March. Due to the discrete and time-sensitive nature of their work, they are a separate unit from OIG-NYPD, and will operate with guidance and input from the Inspector General for the OIG-NYPD as well as DOI's executive staff.

Pending Legislation

Intro 1020-2024

This proposed Local Law has several elements to it.

First, it would amend the City Charter to require the DOI Commissioner to fill a vacancy in the position of the Inspector General for OIG-NYPD within 90 days. While this timeframe mirrors the deadline set in the City Charter for the hiring of the first Inspector General for this Unit in 2014, it is not realistic in today's hiring environment. DOI supports the expedient hiring for all its open positions, including the Inspector General for OIG-NYPD. However, a 90-day timeframe is not realistic in light of the challenges we have had — and continue to have — in hiring new staff. That short timeframe presumes no delays or obstacles arising in the interview or background process, or in the onboarding of candidates. It would also take full budgetary support to ensure that a competitive salary was available for the position.

This proposed law would also require DOI to publicly report the following information related to OIG-NYPD:

- The subject matter of any investigation related to NYPD that has been open for more than three years;
- Descriptions of the incidents when the NYPD restricted or significantly delayed access to any information that OIG-NYPD required, or if NYPD interfered with the OIG-NYPD's duties; and
- The number of investigations related to NYPD that were closed without issuing a report during the preceding calendar year.

DOI certainly supports as much transparency around the work that we do, as long as it will not interfere or compromise our investigations. We can readily identify the number of investigations open for more than three years, and I am pleased to note that due to the Office's effort to complete and close older matters, we currently have no such investigations. However, for the most part, consistent with our practice, we will not be able to identify the subject matter of these investigations.

Similarly, DOI could share instances of interference with our investigations — though I note that there have been no such instances during my tenure. However, we may not be able to share details of our requests to NYPD because doing so would reveal the subject matter of the investigations. We are also able to share the number of investigations closed without issuing a report during the preceding calendar year — and during the past calendar year there were none — but we likely will not be able to identify the subject matter of those investigations.

I also note that additional reporting takes time away from our systemic investigations. With a limited staff, and despite the relatively straightforward nature of the proposed reporting obligation, this may not be the best use of our resources.

Resolution 0560-2024

This Resolution calls on DOI to conduct an investigation to ascertain what mayoral administrations knew about environmental toxins produced by the September 11th terrorist attacks and to submit a report to the City Council.

The health and safety of New Yorkers is paramount and DOI understands that the goal of this resolution is to provide critical answers to lingering questions about the information that was available to New York City government, historically, about risks to health and safety arising from the 9/11 attacks. This type of investigation would require an analysis of materials dating back two decades, and therefore would call for a deep dive into archived material to ascertain the existence and content of relevant records. Individuals who worked in prior administrations would also need to be identified, located, and interviewed. In addition to a substantial investigative staff, a full understanding of the relevant records and witness interviews likely would require environmental experts, medical experts, and possibly others with specialized skills.

Given the volume and scope of such an investigation, DOI simply cannot undertake it with its current staffing, which as you know is already stretched in so many ways. To conduct such an investigation, DOI would need funding to hire a team of investigators, attorneys, and the experts I just mentioned, as well as an Inspector General.

Thank you for your time and I am happy to take any questions you may have.



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

**STATEMENT OF PUBLIC ADVOCATE JUMAANE D. WILLIAMS
TO THE NEW YORK CITY COUNCIL
COMMITTEE ON OVERSIGHT & INVESTIGATIONS
JANUARY 29, 2025**

Good Morning,

My name is Jumaane D. Williams, the Public Advocate for the City of New York. Thank you to Chair Brewer and committee members for holding today's hearing.

Aside from the department's own Internal Affairs Bureau, the Office of the Inspector General for the New York City Police Department is the only law enforcement agency with the power to investigate the NYPD.¹ This role, in a time where our law enforcement's transparency could not be more important, is absolutely vital to building and maintaining public trust and the civil rights of New Yorkers.

Since its creation in 2014, the OIG has made more than 230 recommendations to the NYPD and Civilian Complaint Review Board (CCRB), approximately two thirds of which have been partially or fully implemented.² While I welcome the OIG's work to course correct the NYPD wherever needed, I firmly believe that the OIG's recommendations should be viewed by the Department as mandates and not suggestions. Ensuring that the OIG becomes the watchdog that the city needs starts with consistent and organized leadership, which is why I support Chair Brewer's Intro 1020 which would ensure that the OIG does not go for more than 90 days without an Inspector General.³

The appointment of Inspector General Barrett in August of 2023 was a welcome sign after more than a year without an Inspector General.⁴ Prior to this appointment, the Office of the Inspector General for the NYPD had gone for more than a year without an Inspector General. I wholeheartedly support Inspector General Barrett, her expertise, and her mandate — which is why we must not allow another gap in leadership to occur. These gaps in leadership can be destabilizing. For example, the CCRB has been plagued by vacant leadership positions and a lack of funding. This has led to the dropping of hundreds of police misconduct cases due to

¹ <https://www.nyc.gov/site/doi/oignypd/web/about.page>

² <https://www.nyc.gov/assets/doi/reports/pdf/2024/OIGNYPD2024AR.Rpt.Release.03.28.2024.pdf>

³

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6860198&GUID=491CE2F5-566E-4719-809A-DE09B6B06B39&Options=&Search=>

⁴ <https://www.brennancenter.org/our-work/research-reports/reviving-nypd-inspector-general>



PUBLIC ADVOCATE FOR THE CITY OF NEW YORK

Jumaane D. Williams

statutes of limitations and outright negligence from the NYPD officials.⁵ We simply cannot allow this to happen to the OIG.

Since Inspector General Barrett's appointment, the OIG has been instrumental in holding the NYPD accountable. In November of last year, the OIG released a report investigating the NYPD's Community Response Team (CRT), a unit created by Mayor Adams that has operated for more than two years without any written procedures, guidelines, or a mission statement.⁶ This unit has been highlighted by community advocates and the OIG for its aggressive tactics and near total lack of accountability. As community members and taxpayers, we should all find the NYPD's maneuvers to operate in the shadows as completely unacceptable. It is exactly within the OIG's mandate to bring light to these actions and provide comprehensive and public solutions to this unsanctioned immunity.

Our communities are now facing a number of dangerous challenges. The military is being ordered to supersede our law enforcement, threats to impound federal funds are inducing panic across our city's service providers, and our city's executive is choosing to employ complacency over the protection of our communities. It is therefore imperative that watchdogs and investigators like the OIG are empowered and required to perform their duties at the highest level. I will continue to work with the city's elected officials and agency leadership to push back against efforts to decrease oversight and subvert our democratic rule of law. Our action and our advocacy matters now more than ever.

Thank you.

⁵ <https://www.thecity.nyc/2024/09/24/ccrb-civilian-complaint-vacancies-nypd-eric-adams-city-council/>

⁶ <https://www.nyc.gov/assets/doi/reports/pdf/2024/45CRT.Rpt.Release11.26.2024.pdf>



January 29, 2025

Thank you for allowing me this opportunity to testify Chair Brewer and City Council.

My name is Marianne Pizzitola, I am President of the NYC Organization of Public Service Retirees which represents 250,000 municipal retirees. In our organization of tens of thousands of retirees we have both first responders and civilian 9/11 survivors with 9/11 WTC health conditions who must rely on their health insurance for care and may or may not be participants in the 9/11 WTC Health Program.

Like first responders, these forgotten heroes of 9/11 who kept the city running, were also betrayed by the U.S. EPA and then administrator Christie Todd Whitman who said the air in lower Manhattan was "safe to breathe." Of course, the Giuliani administration was completely complicit in constructing this false narrative.

A subsequent EPA Inspector General report confirmed the agency had absolutely NO scientific basis upon which to base that assertion and that the agency actually suppressed data that showed toxic asbestos levels that were off the charts.

Thousands of civil servants were ordered back to their desks at places like the Dinkins Municipal Office Building at 1 Centre Street or 250 Broadway. There was NO zoom in 2001. Yet, these workers, some of whom have died since, were not able to establish they were first responders and were NOT eligible for the annual health screening granted to first responders through the 9/11 WTC Health Program.

They had to display symptoms first which no doubt had life altering consequences that the City of New York would like to avoid taking responsibility for.

Mayor Giuliani, and then Mayor Bloomberg, prematurely ordered NYC employees back to work whose work locations were in the zone. All the documents that have been kept secret since Mayor Giuliani was in office on 9/11/2001 must be released. Every Mayor since has hidden these facts from the light of day most likely because they knew darn well they made a calculated decision to put our lives at risk to keep the City running and get Wall Street to re-open at the expense of our health and lives.

The current administration has said they are worried about the potential liability of releasing the 9/11 WTC files.

Meanwhile, starting with the de Blasio administration, right up through the current administration, they have compounded the EPA betrayal by attempting to force us off of our traditional Medicare and on to a predatory Aetna Medicare Advantage Plan.

If the City Council does not act on Intro 1096 protecting our access to Medicare, they will be compounding that original EPA and Mayor Giuliani betrayal that has already led to thousands of premature deaths.

We rely on our doctors and hospitals and cancer and transplant centers to stay alive. We rely on our traditional Medicare to get the treatment our doctors prescribe... not a for-profit insurance company forcing us into managed care to decide whether or not I get my treatment or a test timely to determine if we need medical intervention.

We are sick and dying at greater rates than the general public. Mike Lohrey came to NYC from Oregon with his Incident Management Team to help FDNY. Last year as a result of his 9/11 exposure needed a double lung transplant. The WTC program didn't have a Dr in Oregon so he and his wife had to go to Arizona for care.

The WTC program also has a narrow network and prior authorization that we had to help them fight so he could survive and get that transplant after months of fighting. Then do the same fights to get his maintenance meds. All because the 9/11 program is owned by for profit private equity company now, The Carlyle Group, Sedgewick. Aetna Medicare Advantage, the privatized managed care plan the Mayor is trying to force us into also has a narrow network and prior authorization that is designed to delay and deny our care. Today we have retirees – both responders and survivors – struggling to access care.

Get the City to release those 9/11 documents and end the cover-up and pass Intro 1096 to preserve our access to our Medicare benefits.

You owe us at least that.

Marianne Pizzitola
President
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**Testimony of Kimberly Flynn
Director, 9/11 Environmental Action
911ea.org**

**New York City Council Hearing
Res. 560
January 29, 2025**

I thank the Council for the opportunity to offer testimony.

I am Kimberly Flynn and a founding member of 9/11 Environmental Action. We are a community-based organization that formed in early 2002 by concerned residents, school parents, advocacy groups and environmental health and safety experts to fight for the true disclosure of the WTC hazards and a science-based cleanup of affected neighborhoods to end exposures.

We thank Council member Brewer, a champion for transparency, who understands why we as a City need to know in detail how City officials and agencies failed to inform and protect responders and the community.

After 9/11, downtown and downwind residents, school parents and local workers were left to struggle on their own to protect themselves and their families from WTC toxic exposures. We had no access to accurate environmental information, sound public health guidance, or proper medical screenings. Instead, our concerns were met with official declarations that 'the air was safe' and that the WTC dust inside homes, schools and workplaces was not harmful – these came NOT just from the EPA but even more often from the City of New York.

Later, as the people who would eventually be called "survivors" under the James Zadroga 9/11 Health and Compensation Act reported new asthma and other WTC-related health effects, the City's Department of Health -- in the media, in hearings and meetings, and on the phone with residents and community leaders-- declared that any symptoms were either due to "stress" or were temporary and would disappear when the Ground Zero fires were out. That did not happen.

Moreover, there was no discussion from the EPA or the City of the need for proper environmental cleanup of the widespread toxic contamination that had permeated indoor spaces.

Those of us attending a series of hearings held by the City Council and the NY State Assembly in the weeks and months after 9/11 observed the City as an active, vested and closely coordinating partner in the cover-up led by the US EPA. In carefully orchestrated lock-step, the EPA, NYS DEC, NYC DEP, and NYC DOH delivered testimony consisting of "faux-factual" denials of the hazards in the dust and smoke released in the 9/11 attacks, then re-suspended in the course of the cleanup. We had no doubt that the City was privy to all of EPA data sets.

The City was clearly at the lead in producing and disseminating public health communications for downtown residents, workers and students. Multiple City Health Advisories were issued instructing residents and workers to clean the toxic dust themselves "with a wet rag or mop". Congressman Jerry Nadler denounced these as "dangerously inadequate" and in violation of long existing health and safety federal and City regulations.

The testimony by downtown resident Elizabeth Berger, delivered at a Senate field hearing in February 2002, captured what it was like to make decisions to protect your family without honest risk communications ... once you had figured out on your own that it was not safe, for instance, to have your baby crawling around on a carpet contaminated by WTC dust. Ms. Berger, an extraordinary downtown civic leader, passed away in 2013 at the age of 53 after battling a cancer that would later be deemed by the Administrator of the WTC Health Program to be 9/11-related.

At the January 29, 2025 hearing, the Council heard the testimony of resident and community leader Mariama James. She described pulling up a contaminated carpet, not knowing that this would have been a worst case scenario for re-suspending WTC dusts. Her family's lived experience illustrates the serious long term health consequences that followed. No one should have been working to clear asbestos, lead and other toxic substances from their home or workplace on their own. Remember that asbestos and lead, which were present in EPA and City samples at levels above established thresholds, are *regulated*. The removal of asbestos and lead are governed not only by federal but by City regulations. The fact that these advisories were issued by the NYC Department of Health gave people the false impression that they were health-based communications. It's a stunning betrayal.

One now-infamous FAQ issued in October 2001 by the City Health Department , Public Health Advisory Concerning Air Quality in the Affected Area of the World Trade Center Disaster” stated that no precautions needed to be taken by pregnant women or by parents to protect children. The fact that children are more vulnerable to being harmed by environmental exposures was, by 2001, well established by decades of research in children’s environmental health. Moreover, it was EPA policy that children were a sensitive population. The fact that children needed additional protection had already been enshrined in federal environmental law notably in the 1996 Food Quality Protection Act. This denial by the City DOH and others more than meet the standard of “known or should have known” for the City’s dangerous recommendations.

Moreover, because the City’s position was that children were not physically harmed by the disaster, but psychologically affected only, the community’s repeated demands for children to get health screenings fell on deaf ears. Where there is no acknowledgement of children’s physical 9/11-related health effects, there is no guidance to doctors, and there is no care. It was not until 2009, after long advocacy by the community, that the WTC Pediatric Program was established at Bellevue Hospital.

(Because the City was more interested in denying the potential for children and people who were in utero at the time to be harmed by WTC toxic exposures, there was no scientifically viable, representative research cohort created of those who were exposed to the disaster at young age. Only now, more than two decades later, is funding available through a December 2022 Congressional authorization to build a Youth Research Cohort. This unprecedented effort to create a disaster cohort this long after the disaster comes, unfortunately, with unprecedented challenges.)

The NYC Department of Investigations does not need to hire a panel of doctors to recognize and track the myriad ways that the City’s political considerations overrode public health needs to the great detriment of the residents, students and workers exposed in what is now called the NYC Disaster Area by the World Trade Center Health Program.

Instead of protecting New Yorkers’ health, the Mayor and his administration engaged in an extended campaign to mislead New Yorkers about their health

risks, ignore or hide critical information, and violate the City's own regulations. In addition, the City made war on whistle blowers. Juan Gonzalez (then of New York Daily News) described how his job was threatened by the Mayor, following publication of his front page story "Toxic Nightmare" based on EPA data newly obtained by attorney Joel Kupferman via his FOIA request. After the EPA responded to the FOIA through a "data dump" of results from its sampling at Ground Zero, along with very limited sampling in the surrounding neighborhoods, Kupferman brought two independent scientists, Monona Rossol and Paul Bartlett, to the Daily News offices. They combed through a 6-inch thick pile of pages to identify toxic releases like benzene spikes and other exceedances of safe levels for many toxic substances. Gonzales was excoriated by the feds and the City after his story ran, and subjected to intense editorial pressure for all his 9/11-related stories, going forward. The City worked hard to censor or marginalize those who were uncovering the truth – those who challenged the unconscionably long delay to establish a proper lawful health and safety regime to protect responders on the Pile and the Staten Island landfill, and who challenged its failure to protect the broader community, including its dangerously misleading advisories.

The federal, state and city response to the WTC environmental aftermath was a massive failure that compounded the disaster, resulting over the years in sickness and death for tens of thousands of responders and survivors, most of them New York City residents, workers and students, or volunteers and responders from the greater metro area.

The recklessness of the City after 9/11 was breathtaking. We all need to know how these decisions which impacted the health of so many of us were made. That the City is continuing the cover-up is a disgrace and a yet another betrayal of New Yorkers' trust. The Council has the power to end this cover-up now. We implore you to do so, not just because it's the right thing. But it's the only way to ensure that the City's disastrous failures are not repeated with another disaster.

Thank you.



New York City Department of Health Responds to the World Trade Center Disaster

Public Health Advisory Concerning Air Quality in the Affected Area of the World Trade Center Disaster

The NYC Department of Health (DOH), in collaboration with the City, State, and Federal agencies, is closely monitoring and analyzing air quality data in the wake of the World Trade Center disaster. Following the collapse of the Twin Towers, significant quantities of smoke and dust have been released into the air. The plume of smoke contained dust, ash, soot, and other burning materials present at the site.

In general, dusts can cause respiratory symptoms and eye and throat irritation. Because dust will continue to remain in the air during the ensuing clean-up efforts following the World Trade Center disaster, residents in the vicinity of the World Trade Center are encouraged to take precautions when they return to their homes.

What are the Recommendations for Residents Living in Lower Manhattan?

All residents in the immediate vicinity of the World Trade Center - particularly those who live the area bounded by Warren Street to the North, Broadway to the East, the Hudson River to the West, and Exchange and Thames Streets to the South - should take the following precautions when they return to their homes:

- Avoid unnecessary outdoor strenuous activity;
- Avoid sweeping or other outdoor maintenance;
- Keep dust from entering the home (e.g., remove shoes before entering the home);
- Keep windows closed;
- Set the air conditioner to recirculate air (closed vents), and clean or change the filter frequently;

What should I do if I experience respiratory symptoms?

Dust and other particulate matter have the greatest impact on persons with underlying respiratory conditions. Such individuals may experience chest tightness, wheezing, and shortness of breath. Anyone who has difficulty breathing should consult their physicians, especially those with underlying respiratory conditions. People with asthma may need to increase their usual medical treatment with more frequent use of bronchodilators, and should consult their physicians if necessary.

If I experience any eye irritation what should I do?

Ocular saline solutions or tap water may be used to rinse eyes irritated by dust. All persons should avoid wearing contact lenses while in the affected area.

What are the health effects of asbestos?

Destruction of the World Trade Center buildings released large amounts of dust and ash, some of which contained trace amounts of asbestos. Based on the asbestos test results received thus far, the general public's risk for any short or long term adverse health effects are extremely low.

In general, asbestos-related lung disease general results only from intense asbestos exposure experienced over a period of many years, primarily as a consequence of occupational exposures. The risk of developing an asbestos-related illness following an exposure of short duration is very low.

What measures are being taken to protect the rescue workers?

Rescue workers have been equipped with half-face masks, goggles, and protective clothing to reduce their exposure to dust and other particulate matter while working in the blast zone.

How can I clean up dusts in or near my home or office?

The best way to remove dust is to use a wet rag or wet mop. Sweeping with a dry broom is not recommended because it can make dust airborne again. Dirty rags should be put in plastic bags while they are still wet and bags should be sealed and discarded (cloth rags can be washed, see instructions below). Rags should not be allowed to dry out before bagging and disposal or washing. Because the dust particles are so small, standard vacuuming is not an efficient way to remove the dust. High efficiency vacuums, which are now widely available in stores, should be used to remove dust. Carpets and upholstery can be shampooed, then vacuumed.

Persons should shower to rinse off any dust from hair and skin. Dusty clothes should be washed separately from other clothing. Pets can be washed with running water from a hose or faucet; their paws should be wiped to avoid tracking dust inside the home. To clean plants, rinse leaves with water. Throw away any food that may have been contaminated with dust. Food in cans, jars or containers with tight-fitting lids do not need to be discarded. However, if there is dust present on the exterior of vacuum-sealed food containers, just wash the can or jar with water and wipe it clean. **If in doubt, throw it out.**

Air purifiers may help reduce indoor dust levels. High efficiency air purifiers are superior to other models in filtering the smallest particles. Air purifiers are only useful for removing dust from the air. They will not remove dust already deposited on floors, shelves, upholstery or rugs. Keep windows closed when using an air purifier.

Do pregnant women and young children need to take additional precautions?

No. Pregnant women and young children do not need to take additional precautions.

**[Go to WTC Information page](#) || [NYC DOH Home Page](#) || [Health Topics](#) || [Public Information](#) ||
[NYC.gov Home Page](#) || [Mayor's Office](#) || [City Agencies](#) || [Services](#) || [News and Features](#) || [City Life](#) || [Contact Us](#) || [Search](#)**

**Oral Testimony of Ivey Dyson
Counsel, Liberty & National Security Program
Brennan Center for Justice at NYU School of Law¹**

**Before the New York City Council Committee on Oversight and Investigations
January 29, 2025**

Good morning, Chair Brewer and members of the Committee on Oversight and Investigations.

My name is Ivey Dyson, and I am counsel in the Liberty and National Security Program at the Brennan Center for Justice. As a part of our focus on government oversight and accountability, we advocated for the creation of an Inspector General for the NYPD in 2013.

The Inspector General's mandate is to provide a systematic review of NYPD policies and practices via thorough investigations and reporting. Over the years, the office has undertaken groundbreaking investigations leading to real improvements at the police department. But the office has faced significant challenges such as NYPD's failure to provide information needed for investigations and a lack of consistent leadership. These issues have contributed to variations in the number and quality of the office's investigative reports – its main oversight tool. City Council must pass Intro 1020 to address these problems.

Transparency on Police Cooperation: The NYPD has on several occasions hindered the Inspector General's work by withholding documents and blocking access to police department employees. Intro 1020 requires that the IG disclose any instances of obstruction or interference by the police. The office has already provided such information in some of its reports. The bill simply makes this reporting compulsory so that City Council and civil society groups have the insight necessary to raise concerns and to resolve any issues.

Transparency on Investigations: Intro 1020 also provides transparency into the conduct of IG investigations that have suffered extraordinary delays by requiring the Inspector General to publish summaries of investigations that have remained open for more than three years. This provides a level of transparency already achieved by other federal and local inspectors general while also giving the IG discretion as to the level of detail disclosed. Intro 1020 additionally requires the office to publish a number count of investigations closed without issuing a report within the past year, which is another way of tracking its performance. Sharing only the number shields the IG from public pressure to continue investigations that may not warrant a report. Neither provision adds significantly to the Inspector General's existing reporting load, and any added effort is outweighed by the need for City Council and civil society to track the progress of the office's work and ask questions about any delayed activity.

¹ The opinions expressed in this testimony are only those of the Brennan Center and do not necessarily reflect the opinions of the NYU School of Law.

Ensuring Office Stability: Finally, Intro 1020 ensures that the Inspector General's Office has a consistent leader. Up until 2023, the IG underwent 3 years of temporary oversight, with no permanent inspector general at the helm. Intro 1020 mandates prompt replacement in the case of a vacancy to ensure that the office has the leadership required to navigate relationships with the police and to provide the direction necessary for more consistent reporting.

While we are pleased to see that the quality and consistency of the IG's reporting has improved over the past year under current leadership, the underlying problems facing the office remain unaddressed. City Council must pass Intro 1020 so that the Inspector General can continue to serve as a strong check on the NYPD.

Thank you for your attention.

See attached annex: Memorandum of Support for Intro 1020-2024

Annex

January 28, 2025

City Council Members
New York City Council
250 Broadway
N.Y., N.Y. 10007

Re: Memorandum of Support for Intro 1020-2024

We, the undersigned organizations, urge the Council to pass [Intro 1020-2024](#) to strengthen the NYPD Office of the Inspector General (the OIG) so that it can fulfill its purpose of providing independent and effective oversight of the NYPD.

The NYPD Office of the Inspector General was [established](#) in 2014 to provide independent oversight of the police, prompted in part by the department's racially discriminatory stop-and-frisk program and its broad surveillance of Muslim communities. The office falls within the Department of Investigation (the DOI) and is charged with conducting systematic investigations of NYPD policies and practices and reporting on the results of these reviews. Since its inception, the office has undertaken groundbreaking [investigations](#) that led to real improvements: better enforcement against police chokeholds, stronger safeguards for sexual violence victims, and stronger rules on police surveillance of political activity.

However, the OIG has faced [significant challenges](#) which have caused inconsistencies in the number and quality of the office's investigative reports – its main oversight tool. This may be attributable to a lack of consistent leadership in the office and the NYPD's failure to provide information needed for OIG investigations. After producing approximately three investigative reports per year from 2015 to 2019, the OIG issued only three in total from 2020 to 2022. The office improved its performance in 2024, publishing three high-quality reports. However, the underlying issues facing the OIG remain unchecked. These shortcomings must be addressed by the City Council so that the OIG can serve as a strong check on the police. Intro 1020 addresses these issues by providing transparency into the OIG's investigations, including any lack of cooperation by the police, and by ensuring consistent leadership.

Transparency on Police Cooperation: To consistently publish thorough investigative reports on pressing issues, the OIG must have access to all relevant NYPD information and personnel. Intro 1020 requires the OIG to disclose in its annual report any instance in which the police have interfered with the OIG's access to information. Systematically making this information public would bring to light the extent of any problems and contribute to resolving them by giving City Council members and civil society groups the information necessary to raise concerns.

The NYPD has, at times, [refused](#) to cooperate with the OIG, undermining the office's ability to investigate certain issues, delaying investigations, and limiting the OIG's ability to publish thorough reports. In the past, the department has prevented the OIG from interviewing officers and retaliated against police officers who complied with the office's requests. More recently, the NYPD has impeded

the OIG’s legally required audits of the police department’s compliance with the Public Oversight of Surveillance Technology (POST) Act by failing to provide information about the [outcomes](#) of the NYPD’s K5 robot pilot program and [documents related](#) to police use of drones.

There currently is no requirement that the OIG officially document these instances, leaving police interference unchecked. The reporting required by Intro 1020 will provide much needed transparency into any stonewalling. Nor should this pose a significant burden for the OIG. In previous reports, the office has alluded to the NYPD’s reluctance to provide requested documents, suggesting that they already track such issues.

Transparency on Investigations: Intro 1020 requires the OIG to provide information on investigations, allowing the City Council and civil society to track the progress of the office’s work and ask questions about slowed activity. Essential reports have faced major delays. For instance, the OIG’s investigation of the NYPD’s gang database – which has long been criticized for racial bias – continued for five years. The report was only [released](#) after multiple [requests](#) from lawmakers and civil society. Given these issues, the OIG’s office must do better to keep the public and policymakers apprised of its activities.

Currently, the OIG does not share the topics of open investigations. The bill requires the OIG to indicate in its annual report the subject matter of investigations that have been pending for more than three years. The bill’s language allows the OIG to decide the level of detail it provides, giving the office the level of discretion necessary to protect any information that may inhibit ongoing investigations.

The bill also requires the office to report the number of investigations it closed without issuing a report within the past year. Reporting on the *number* instead of the *subject matter* of short-lived investigations strikes the right balance: it shields the OIG from public pressure to continue investigations that may not warrant a report (e.g., small policy issues easily resolved by the police department) while also providing the Council with transparency into the efficiency of the OIG’s activities. As the OIG is already required to compile comprehensive annual reports, publishing short summaries of years-old open investigations and a number count of closed investigations does not add significantly to its reporting load.

Other inspector general offices already provide this reporting. Many [federal inspectors general](#) make public their open assessments of agency policies and practices, as do some city inspectors general (e.g., [Seattle](#) and [Washington D.C.](#)).

Ensuring Office Stability: A permanent inspector general is critical to ensuring that this important office has the leadership necessary to navigate relationships with the police and to provide the direction and support to staff necessary for more consistent reporting. Up until 2023, the OIG underwent 3 years of interim leadership. Intro 1020 promotes consistency in leadership by requiring the prompt replacement of the inspector general if they are to resign or be removed – a [requirement](#) already in place for the New York City Department of Correction Inspector General.

* * * * *

Intro 1020-2024 is just common sense. The City Council and the public must know if police are cooperating with the NYPD OIG, keep track of the work that the office is doing, and should be able to rely on stable leadership. The Council should adopt this bill to help ensure that the OIG is set up to fulfill its important mission of overseeing the policies and practices of the largest police department in the United States.

We strongly urge the City Council to swiftly pass Intro 1020-2024.

Sincerely,

The Brennan Center for Justice at NYU School of Law

Center On Race, Inequality, and the Law at NYU Law

Citizen Action of NY

Citizens Union

Families & Friends of the Wrongfully Convicted

LatinoJustice PRLDEF

Legal Action Center

The Legal Aid Society

New York Civil Liberties Union

Perlmutter Center for Legal Justice at Cardozo Law

Policing Project at NYU School of Law

The Policing and Social Justice Project

Surveillance Technology Oversight Project



CITIZENS UNION OF THE CITY OF NEW YORK
Testimony before the City Council Committee on Oversight and Investigations
The Department of Investigation's Office of the Inspector General for the NYPD
Intro. 1020-2024 (Brewer)
City Hall – January 29, 2025

Good morning, members of the New York City Council Committee on Oversight and Investigations. My name is Ben Weinberg, and I am the Director of Public Policy at Citizens Union. Thank you for the opportunity to speak before you today.

Citizens Union is a nonpartisan good government organization dedicated to reforming New York City and State government by fostering accountability, honesty, and the highest ethical standards. We believe that public safety relies on New Yorkers' trust in law enforcement, which can only be achieved by strengthening and streamlining oversight and accountability systems within the NYPD and the independent entities that monitor police misconduct.

The Office of the Inspector General for the NYPD (OIG-NYPD), housed within the Department of Investigation (DOI), plays a critical role in ensuring police accountability. Through its investigative reports, the OIG identifies systemic issues within the NYPD, exposing how flawed or absent policies enable misconduct. These reports often guide council members and advocates in driving meaningful reforms.

We saw an example of that yesterday, with the OIG's report on the NYPD's use of social media, which highlighted troubling patterns of unprofessional conduct and revealed how noncompliance with City law contributed to misconduct.¹

Support for Intro. 1020-2024

Citizens Union supports Introduction 1020-2024 (Brewer), which would strengthen the OIG's ability to fulfill its mission by ensuring stable leadership and enhancing transparency. Specifically:

- The bill requires the OIG to provide a detailed description of each incident where the police department did not give full, direct, or timely access to all information relevant to an

¹ An Assessment of NYPD's Use of Social Media: New York City Department of Investigation, Office of the Inspector General for the NYPD. January 2025.

https://www.nyc.gov/assets/doi/reports/pdf/2025/04SocialMediaRpt_Release_01.28.2025.pdf

investigation, and incidents of attempts by the NYPD to “interfere with the performance” of the OIG. The NYPD has long withheld significant, relevant information from oversight agencies, causing significant setbacks in investigations. Highlighting these instances can foster improved collaboration between the NYPD and the OIG.

- The bill requires the OIG to publish the subject matter of investigations that have been open for more than three years, and the number of investigations that were closed in a preceding year without issuing a report (the OIG would not need to publish the subject matter of closed investigations). This balanced approach increases transparency about the OIG’s efficiency without compromising sensitive investigations or disclosing unsubstantiated inquiries.
- The bill requires the Commissioner of Investigation to replace the Inspector General of the NYPD within 90 days of a vacancy in that office due to a removal or resignation. This provision seeks to prevent leadership gaps, such as the three-year period when the OIG operated under interim leadership.

Merging Oversight Agencies

A significant challenge in managing police misconduct in New York City is the fragmented system of oversight. By one count, a dozen offices and agencies both inside and outside the NYPD oversee police actions, yet a lack of coordination and limited access to NYPD information undermines their effectiveness². Citizens Union believes a more effective system should be utilized.

We support consolidating the Inspector General for the Police Department, the Mayor’s Commission to Combat Police Corruption (CCPC), and the Civilian Complaint Review Board (CCRB) into one unified Police Oversight Board. Combining these agencies would strengthen their collective capacity and allow for easy access to NYPD information.

The OIG-NYPD and the CCPC perform similar and somewhat overlapping functions. The CCRB serves a somewhat different purpose, but we believe its ability to investigate complaints, obtain relevant information, and prosecute wrongdoing could be strengthened as part of a larger and more comprehensive police oversight agency.

The agency consolidation proposal was included in the 2021 NYC Police Reform and Reinvention Collaborative Plan³ and was endorsed by then-Mayor de Blasio. The Department of Investigation recommended that idea in its December 2020 report into NYPD Response to George Floyd Protests⁴. However, the proposal was not included in the 2021 Council Resolution implementing the reform plan.

We urge council members to revisit this idea to create a stronger oversight system.

² James Yates, Report To The Court on Police Misconduct and Discipline, September 19, 2024 nypdmonitor.org/wp-content/uploads/2024/09/Discipline-Report.pdf

³ <https://www.nyc.gov/site/policerreform/reform-plan/reform-plan.page>

⁴ Investigation into NYPD Response to George Floyd Protests, New York City Department of Investigations. <https://www.nyc.gov/assets/doi/reports/pdf/2020/DOIRpt.NYPD%20Reponse.%20GeorgeFloyd%20Protests.12.18.2020.pdf>

Protecting the OIG Budget

In recent years, the budgets of the OIG-NYPD and DOI have faced potential cuts, with some reductions already implemented. The agency has also suffered from severe understaffing.

To ensure the OIG-NYPD can continue its vital work, we ask the Council to prioritize adequate funding and staffing in the next fiscal year.

Thank you for giving us the opportunity to address you today.

For further information, please contact Ben Weinberg, Director of Public Policy, at bweinberg@citizensunion.org.

Air Quality Concerns in the WTC Area post 9/11

**New York Environmental Law &
Justice Project**

Joel R Kupferman, Esq., Exec. Dir.

www.nyenvirolaw.org

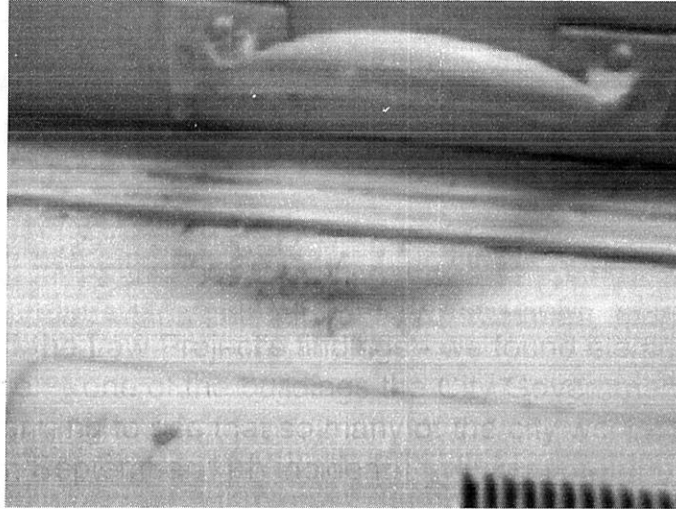
1. Intro:

•My name is Joel Kupferman, and I am the executive director of the New York Environmental Law & Justice Project, an environmental advocacy watchdog organization. I greatly appreciate the New York City Council for expressing their concern for the health and safety of the people of this great city.

•I am here in front of the New York City council as the voice of the community, of the fire fighters, of the police officers, of city workers, of tenants, who have all come to the New York Environmental Law & Justice Project desperate for needed information. It has been over two year since the World Trade Center has fallen - spewing forth a toxic soup into Manhattan and, I must emphasize, Brooklyn and beyond.

•This is the 4th hearing before the City (I've been around, and that I have spoken this time I have seen much more documentation indicating serious toxicity, adverse effects & government malfeasance.

60 Maiden Lane



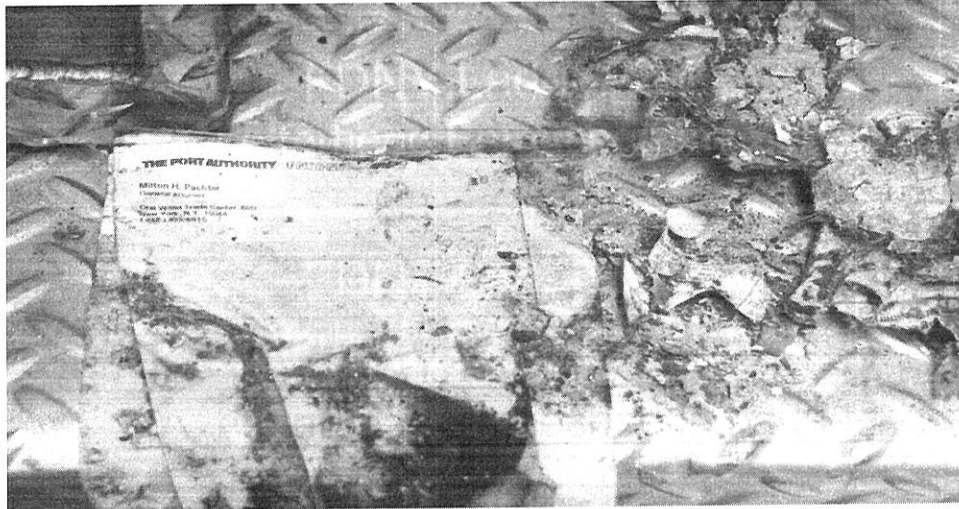
2. Update:

.A quick update on the Law Project's findings - we found elements of asbestos on 60 Maiden Lane. - one of the buildings the City Government is a tenant. It is both ironic and alarming to see that so many of the city workers are exposed to the pollutants from September 11th incident.

.We recently found an article that contained testimonies/ confessions from the Department of Health workers that they themselves are afraid to go into the WTC area... It's amazing how they are thrown out there without adequate safety protections

Since we filed the class action suit against the EPA, many more people have been coming forward.

FDNY Ladder 25 P.A. Letterhead Enmeshed In Ladder

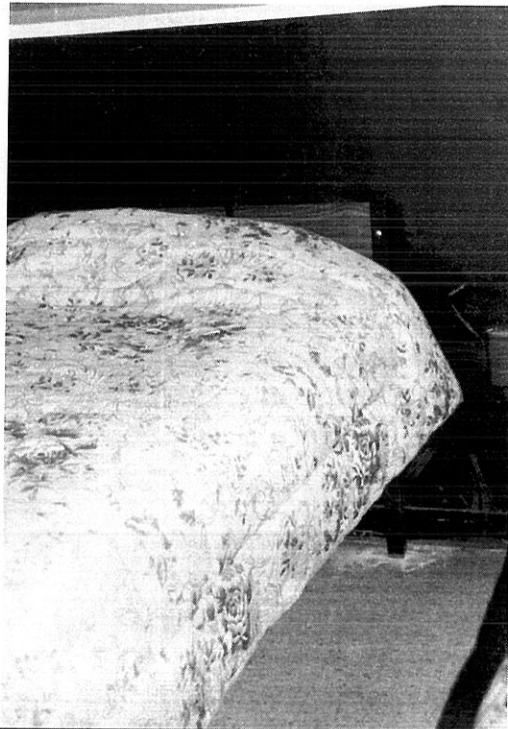


3. Ask not only what DOH and DEP should have done, but also what they could have done

.(There has been growing mistrust of EPA - over 75% of the public... But EPA shouldn't take the entire blame - and this is from an organization that sued the EPA for failure to clean up the WTC area... The city DOH and DEP are also responsible for protecting the public from hazardous substances from the WTC debris, conducting cleanup and monitor the health impacts on the public. Although the EPA takes the lead responsibility in cleaning up the WTC area under the National Contingency Plan, DOH and DEP still need to follow their own rules and regulations that mandate their involvement.

.In addition, we want to address not only about what these agencies **should have done**, but more on **what they could have done, and what they can do NOW to protect the health and safety of public and their own workers.**

**FDNY
Engine 4
Sleeping
Quarters**
42 South Street
Manhattan



ARTICLE: The Legal Control of Indoor Air Pollution*.1998 Arnold W. Reitze

The measurable economic impacts of indoor air pollution include: (1) materials and equipment costs; (2) direct medical costs; and (3) lost productivity.

- Direct medical costs include the expenses related to doctor visits, increased hospital visits, n39 hospital care, surgery, medication, n40 psychological counseling and employee sick days.
- The costs associated with lost productivity may have the most significant impact on the economy. Such costs include lost productivity n44 because of fatigue, eye irritation, and headaches.
- Expenditures to reduce lost productivity due to indoor air pollution appear justified on a monetary basis.
- However, EPA reported that the necessary expenditures are offset by increases in worker productivity of only one percent. n50 Ideally, the value of an individual's pain and suffering, and the lost opportunity costs for those caring for the afflicted individual, also should be considered when evaluating the costs of indoor air pollution abatement.

4. NEED MORE FOCUS ON INDOOR AIR POLLUTION - both residential and workplace.

“Indoor air pollution is one risk that you can do something about.” The Inside Story, EPA Guide to Indoor Air Quality - but the government had done a very bad job.

“In the last several years, a growing body of scientific evidence has indicated that the air within homes and other buildings can be more seriously polluted than the outdoor air in even the largest and most industrialized cities.” “People spend approximately 90 percent of their time indoors”

Indoor Air Pollution issue is especially important for New Yorkers since most of us (lol) do not go out much :) . Contrary to 9 to 5 work schedule the OSHA exposure standard is based on, New Yorkers tend to work much longer per day - increasing duration of exposure. One exceptional example is the firefighters.. . (go ahead,,)

The Danger Indoors: Cate Jenkins , a 22-year EPA employee, notes that outdoor readings could be lower than asbestos readings indoors, where fibers stay unless they are professionally removed.

It pays to clean up indoor air pollution - increase in productivity more than justifies the cost of clean up. “1989 EPA Report to Congress concluded that improved indoor air quality can result in higher productivity and fewer lost work days. EPA estimates that poor indoor air may cost the nation tens of billions of dollars each year in lost productivity and medical cares” An Office Building Occupant's Guide to Indoor Air Quality by EPA. 1997.

Role of the DOH

Statement of Jessica Leighton-

Assistant Commissioner for Environmental Health Assessment

Since the attack on the World Trade Center, the DOH has had a multifaceted role in overseeing and coordinating many health-related issues. These responsibilities included:

- Initially coordinating worker protection [provided 24-hour staffing to provide workers with respirators and other personal protective equipment]
- Taking a lead role in coordinating environmental sampling plans and results
- Developing fact sheets, press releases and community presentations to communicate risks
- Conducting surveillance of persons injured in attack
- Conducting ongoing surveillance of worker injuries
- Inspecting food distribution and hand washing stations
- Consulting on the environmental safety of the schools in the community

NYC Department of Health issued guidelines stating that there is nothing to worry about along with the NYC Department of Environmental Protection going out of its way to misinform the public to an egregious degree. Information is still not readily forthcoming. Agencies continue to blame each other - deflecting responsibility.

The DOH admitted in their FOIL response LETTER THAT THEY HAVE NO Occupational Lung Disease Registry reports.

NYC DOH : Children & Pregnant women : no beware

Do pregnant women and young children need to take additional precautions?



PUBLIC HEALTH ADVISORY CONCERNING AIR QUALITY IN THE AFFECTED AREA OF THE WORLD TRADE CENTER DISASTER

5. Misdeeds by NYC HEALTH DEPARTMENT:

.Public Health Advisory Concerning Air Quality in the Affected Areas of the WORLD TRADE CENTER DISASTER (green handout)

1. UNDATED
2. "Do pregnant women and young children need to take additional precautions?" Ans> No. Pregnant women and young children do not need to take additional precautions. Patently false statement
3. How can I cleanup dusts in or near my home or office? Ans. The best way to remove dust is to use a wet rag or wet High efficiency vacuums, which are now widely available in stores, should be used to remove dust.
4. Some of the advice the Health Department has posted for people on how to remove dust in their apartments, Jenkins said, is "ludicrous." One example, from the department's Web site "If curtains need to be taken down, take them down slowly to keep dust from circulating."

DOH stated OK for students to re-enter PS89 – “average the data”

- Dr. Carpenter of The Institute for Health and the Environment protested the re-admission of students at PS 89 (Chambers Street) and the DOH methodology – (averaging particulate exceedances

Children are much more vulnerable than adults to the effects of environmental contaminants, but most of the standards that have been set by EPA and other federal and state agencies are based on effects (often occupational) on adult white males. Therefore, in order to protect children it is essential that one add safety factors over what is proposed for adults. Furthermore, it is not appropriate to be concerned only with immediate, acute health effects, but also to protect children from cancer and other chronic diseases which may appear many years after the exposure to toxins. In my judgment no one has demonstrated that PS 89 is safe for reoccupancy at present, and indeed the evidence presented is clear that it is not safe. The reasons for this conclusion are as follows:

DOH stated OK for students to re-enter PS89 – “average the data” but Dr. Carpenter of The Institute for Health and the Environment protested the re-admission of students at PS 89 (Chambers Street) and the DOH methodology – (averaging particulate exceedances

NYC DEP issued only one Asbestos violation post 9/11

ENVIRONMENTAL CONTROL BOARD CITY OF NEW YORK	NOTICE OF VIOLATION AND HEARING	VIOLATION NO. 50035583M
YOU ARE REQUIRED, AND ARE HEREBY DIRECTED, TO APPEAR FOR A HEARING ON <u>1/24/2003</u> at <u>9:30 AM</u> at the Environmental Control Board, 66 John Street, New York, NY 10038, 10th Floor.		
This hearing is your opportunity to answer and defend the allegations set forth below. IF YOU DO NOT APPEAR, YOU WILL BE HELD IN DEFAULT AND SUBJECT TO MAXIMUM PENALTIES. READ THE INSTRUCTIONS ATTACHED.		
Commissioner of the Department of Environmental Protection, City of New York, Petitioner, V.		Premise <u>22 JOHN STREET</u> Borough <u>MANHATTAN</u>
<u>RELIDE REALTY COMPANY</u> <u>15 MAIDEN LANE</u> <u>NEW YORK, NY 10038</u>	Respondent Street Address of Respondent City, State, Zip Code	
Capacity of Respondent:	Contractor: <input type="checkbox"/>	Building Owner <input checked="" type="checkbox"/> Other: <input type="checkbox"/>
Upon investigation, Petitioner has determined that there is reasonable cause to believe that Respondent has violated the following subsections of		
Title 24, Chapter 1, New York City Administrative Code (Air Pollution Control Code)		
§ 6:		
Title 15, Chapter 1, Rules of the City of New York		
<input checked="" type="checkbox"/>	Section 1-25(c)	Failed to file Asbestos Inspection Report (Form ACP-7) with DEP one week in advance of the start of the work.
<input type="checkbox"/>	Section 1-51(a)	Employed uncertified workers () on an asbestos project.
<input type="checkbox"/>	Section 1-51(c)	Failed to provide and/or ensure the wearing of protective clothing () by all individuals engaged in abatement activities.
<input type="checkbox"/>	Section 1-51(g)	Failed to post asbestos warning signs.
<input type="checkbox"/>	Section 1-81(c)	Failed to shut down electric power to the work area.
<input type="checkbox"/>	Section 1-81(d)	Failed to seal fixed objects with at least one layer 6-mil plastic sheeting.
<input type="checkbox"/>	Section 1-81(m)	Failed to seal floor and wall surfaces with at least two layers 6-mil plastic sheeting.
<input checked="" type="checkbox"/>	Section 1-82(a)	Failed to provide a worker decontamination system.
<input type="checkbox"/>	Section 1-83(a)	Failed to provide a waste decontamination system.
<input type="checkbox"/>	Section 1-91(a)	Failed to utilize negative pressure equipment.
<input type="checkbox"/>	Section 1-92(a) 2	Failed to maintain an entry / exit log.
<input type="checkbox"/>	Section 1-102(a)	Failed to abate ACM by wet methods.
<input checked="" type="checkbox"/>	Section 1-102(d)	Failed to bag ACM directly upon detachment from the substrate.
<input type="checkbox"/>	Section 1-102(f)	Failed to remove all visible residue from surfaces from which ACM has been removed.
<input type="checkbox"/>	Section 1-112(f)	Failed to verify the absence of visible ACM prior to commencement of clearance air monitoring.
Other:		
(1)	1-36(a)	Failed to contract a third party air monitor.

6. DEP only found 1 asbestos violation / 150 Franklin Street / THEY STILL USE PLM!!!

.DEP only issued 1 asbestos violation – What did all the Asbestos investigators do during the end of 2001 and 2002?

Community Right to Know enforcement is DEP's responsibility. We need this info for firefighters and neighbors alike to know what is dangerously stored behind closed doors. Yet, DEP Report admits that all DEP Community Right to Know inspections ceased during the Iraqi War?

.The theme - when government does not want to find - it doesn't want to look to well - just doesn't find. The clean up is simply put - inadequate - and misleading. DEP own asbestos procedural guideline is 53 pages - with detailed plans to prevent cross contamination - to protect the resident and worker alike. Yet, these guidelines are part of the city's non-recycling heaps of paper.

NYC DEP issued only Asbestos violation post 9/11

ASBESTOS INSPECTION REPORT

PAGE 1 OF 2

PREMISE NO.		STREET				INSPECTION DATE
22 JOHN STREET / 18 JOHN STREET / 15 MAIDEN LANE						09-18-02
FLOOR	ZIP	BORO CODE	BLOCK	LOT	SQUAD #	BADGE #
ROOF AND FACADE	10098	1	65	DT	N/A	AC20
INSPECTOR		BLDG TYPE	BASIS OF INSPECT.		PHOTOS TAKEN (YES/NO)	
D. ANTZOULAKOS		A	WTC 91802		<input checked="" type="checkbox"/>	
CONTRACTORS NAME				SAMPLE NO.		
HALCY RESTORATION CORP				10918ACTB001 TO 20918ACTB024		
ADDRESS			CITY		SAMPLE NO.	
56 MASPETH AVENUE			BROOKLYN			
STATE	ZIP	PHONE (TIB)		SAMPLE NO.		
NY	11211	963-3966				
LABORATORY NAME				OWNERS NAME		
NONE				RELIDE REALTY COMPANY		
ADDRESS			CITY		CITY	
15 MAIDEN LANE			NEW YORK		NEW YORK	

DEP-9-17-02-wtc-ASBESTOS-VIOLATION-REPORT.pdf

NYC DEP request to 1700 landlords about asbestos : <300 answer

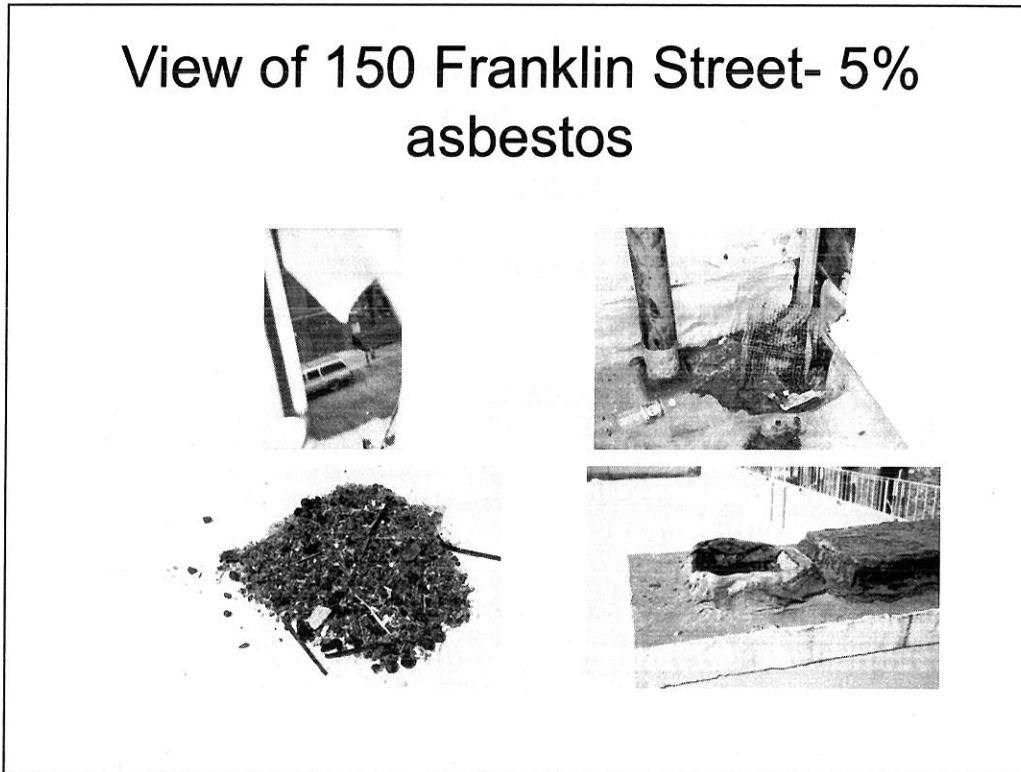
Subject: 315 BROADWAY

Dear Sir/ Madam:

In September 2001, the New York City Department and Environmental Protection (NYC DEP) and the Department of Health (NYC DOH) advised building owners regarding building maintenance and re-occupancy issues following the collapse of the World Trade Center. The steps included the professional assessment of building contamination for possible hazardous components, including asbestos, and a retrospective filing, as required, if applicable.


The NYC DEP is hereby requesting copies of the environmental hazard assessments including bulk sample results and air monitoring results and a summary of clean-up activities at the above referenced site. Please forward the requested documents to our offices within FIVE BUSINESS DAYS. They may be faxed to (718) 595-3744 or sent to the NYC DEP Asbestos Control Program at 59-17 Junction Boulevard, 8th floor, Corona, New York 11373-5108.

View of 150 Franklin Street- 5% asbestos



Lets look out 150 Franklin Street - the place that the Law Project found up to 2.6% asbestos - where an unlicensed day care center was operating. The DEP conducted a test - upon our request - and found ZERO - NOTHING - using PLM or polarized light miscroposy, a very low scrutiny test. But the EPA at our urging found up to 5% asbestos using the more stringent TEM (Transmission Electron Microscope) - the required method for asbestos testing. A week and a half later, EPA announces with full fanfare that residential cleanup up to Canal Street, several blocks north of the imaginary line of Chambers that the mentioned agencies for several months beforehand had suggested in front of the city council that was still below a level of concern.


APR-25-2002 11:04 BR441 LABORATORY UNIT P.03/05



ASBESTOS ANALYTICAL REPORT
ASBESTOS CONTROL PROGRAM LABORATORY
96-01 HORACE WARREN EXPRESSWAY
CORONA, NEW YORK 11368
(718) 596-6300 FAX (718) 596-6307

ELAP # 11845

TEST METHODS: 1) 49 CFR Part 95, Subpart F, App. A
2) Polarized Light Microscopy plus Stratified Polar-Counting Method
3) EPA/808/R-02/116



EMSL Analytical, Inc.
337 West 26th Street, New York, NY 10018
Phone: 212 239-0891 Fax: 212 239-0888 Email: asbest@emsl.com

Client: EPA 150F-3 EPA 150F-4 EPA 150F-32
Inspector: R. PRITPATRICK
Analyst: L. ATTELOMY

Incident #: 435348 **Data Collected:** 04/17/02
Received: 04/17/02
Analyzed: 04/17/02

Client #: EPA 150F-3 EPA 150F-4 EPA 150F-32
ESP Sample #: 20417/A021002 20417/A021004 20417/A021032
Laboratory #: 20417/433 20417/434 20417/438
Location Sampled: LEFT CORNER ROOF FRONT CORNER ROOF 3RD ELEVATOR SHAFT

Color: BROWN BROWN BROWN
Homogenous: No Yes No
Asbestos Present: No No No

Results (g):

Cellulose	35	Cellulose	30	Cellulose	65
Matrix	65	Matrix	70	Matrix	

Comments: 150 Franklin Street

Reviewed by: *[Signature]*
Laboratory Director

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Asbestos Analysis of Non-Friable Organically Bound materials by Transmission Electron Microscopy via NYS ELAP Method 198.4

SAMPLE ID	DESCRIPTION	APPEARANCE	MATRIX MATERIAL	NON-ASBESTOS FIBERS	ASBESTOS TYPES	TOTAL ASBESTOS
150F-1 20417/A021002	DEBRIS ON ROOF	Various Other Heterogeneous	97.7	None	2.3 Chrysotile 4.1 Amphibyle	2.3
150F-3 20417/A021002	DEBRIS ON ROOF	Various Other Heterogeneous	95.0	None	5.0 Chrysotile 1.1 Amphibyle	5.0
150F-31-ES 20417/A021002	DEBRIS LEUGE ELEV. SHAFT/3RD FL.	Brown Other Heterogeneous	98.0	None	2.0 Chrysotile 4.1 Amphibyle	2.0
150F-32-ES 20417/A021002	DEBRIS LEUGE ELEV. SHAFT/3RD FL.	Brown Other Heterogeneous	97.8	None	2.2 Chrysotile 4.1 Amphibyle	2.2

**NYC DEP using PLM finds no asbestos
EPA testing split samples finds up to 5%
using TEM**

[Signature]
Laboratory Manager or other approved laboratory

This laboratory is not responsible for the accuracy of test results when the test is not performed in accordance with the methods specified in the test report. The test report may not be reproduced without the written approval of this laboratory.

DEP continues to insist that PLM be the standard for testing despite the fact that PLM is known to produce false negatives. Cate Jenkins, a scientist at EPA, whose many memos we have on our website at www.nyenvirolaw.org, has insisted that the dust of World Trade Center debris is too fine for PLM to pick up. PLM essentially is using a normal microscope when an electron microscope is necessary to see these dangerous particles. The problem lies in that the smaller particles are able to penetrate deeper into the respiratory tract, lodging into the lungs, potentially causing asbestosis or reaching the diaphragm, causing mesothelioma, both terminal cancers. What we must understand is that it is not just asbestos but fiberglass, silica dust, and other chemicals and toxins which produce a synergistic effect, causing a much greater potential for serious health complication.

Institute for Health and the Environment
Department of Environmental Health & Toxicology
School of Public Health
*A joint venture with the
New York State Department of Health
In affiliation with Albany Medical College*



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UNIVERSITY AT ALBANY
STATE UNIVERSITY OF NEW YORK

January 3, 2003

Joel R. Kupferman
New York Environmental Law & Justice Project
351 Broadway, #400
New York, NY 10013-3902

Dear Mr. Kupferman:

Thank you for the information on the lead and asbestos testing of balconies at Southbridge Towers.

Balconies pose an important problem because there are, in fact, extensions of internal living space, although they are obviously subject to contamination from outside sources. In my view, one should apply the same clean-up standards to balconies as to indoor living areas. For lead, the EPA/HUD hazard levels are 40 $\mu\text{g}/\text{ft}^2$ on floors and 250 $\mu\text{g}/\text{ft}^2$ on sills.

All of the balcony samples which I have seen reported exceed these values. I conclude the lead in the dust on balconies poses a significant health problem, and that these balconies should be cleaned. If there are high levels of lead on the balconies, one must assume that there are also high levels on the walls of the buildings. Furthermore, considering the fact that many surrounding buildings' exteriors were cleaned, I also conclude that Southbridge's exterior should be cleaned. Since the balconies are so

7. Southbridge Towers = Agencies continue to blame each other, deflecting responsibility.

.we found lead on the balcony of Southbridge towers.. In the midst of the cleanup program... - DEP "we don't do lead" - DOH - we can't clean outside .

.Agencies are supposed to work together, in many cases, they blame each other, shift responsibility and the public is stuck in the middle.

Occupational Disease Surveillance and Reporting Systems

- Occupational disease and injury surveillance entails the systematic monitoring of health events in working populations in order to prevent and control occupational hazards and their associated diseases and injuries. occupational disease and injury surveillance has four essential components
 - 1. Gather information on cases of occupational diseases and injuries.
 - 2. Distill and analyze the data.
 - 3. Disseminate organized data to necessary parties, including workers, unions, employers, governmental agencies and the public.
 - 4. Intervene on the basis of data to alter the factors that produced these health events.
- *Encyclopedia of Occupational Health & Safety* Dr. Steven Markowitz, author
Stillman, Editor

Occupational disease and injury surveillance entails the systematic monitoring of health events in working populations in order to prevent and control occupational hazards and their associated diseases and injuries. occupational disease and injury surveillance has four essential components

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3. Disseminate organized data to necessary parties, including workers, unions, employers, governmental agencies and the public.
4. Intervene on the basis of data to alter the factors that produced these health events

Surveillance in occupational health has been more concisely described ; is counting, evaluating and acting (Landrigan 1989).

Surveillance commonly refers to two broad sets of activities in occupational health. *Public health surveillance* refers to activities undertaken by federal, state or local governments within their respective jurisdictions to monitor and to follow up on occupational

diseases and injuries. This type of surveillance is based on a population, that is the working public. The recorded events are

suspected or established diagnoses of occupational illness and injury. This article will examine these activities.

Medical surveillance refers to the application of medical tests and procedures to individual workers who may be at risk for occupational morbidity to determine whether an occupational disorder may be present. Medical surveillance is generally broad in

scope and represents the first step in ascertaining the presence of a work-related problem. If an individual or a population is exposed to a toxin with known effects, and if the tests and procedures are highly targeted to detect the likely presence of one or more effects in these persons, then this surveillance activity is more aptly described as **medical screening** (Halperin and Frazier 1985). A medical surveillance program applies tests and procedures on a group of workers with common exposures for the purpose of identifying individuals who may have occupational illnesses and for the purpose of detecting patterns of illness which may be produced by occupational exposures among the programme participants. Such a programme is usually undertaken under the auspices of the individual's employer or union.

Functions of Occupational Health Surveillance

Foremost among the purposes of occupational health surveillance is to identify the incidence and prevalence of known occupational

diseases and injuries. Gathering descriptive epidemiological data on the incidence and prevalence of these diseases on an accurate

and comprehensive basis is an essential prerequisite for establishing a rational approach to the control of occupational

disease

and injury. Assessment of the nature, magnitude and distribution of occupational disease and injury in any geographic area requires

a sound epidemiological database. It is only through an epidemiological assessment of the dimensions of occupational disease that its importance relative to other public health problems, its claim for resources and the urgency of legal standard setting can be reasonably evaluated. Second, the collection of incidence and prevalence data allows analysis of trends of occupational disease and injury among different groups, at different places and during different time periods. Detecting such trends is useful for determining control and research priorities and strategies, and for calculating the effectiveness of any interventions undertaken (Baker; Melius and Millar 1988).

A second broad function of occupational health surveillance is to identify individual cases of occupational disease and injury in

to find and evaluate other individuals from the same workplaces who may be at risk for similar disease and injury, use, this

process. Permits the initiation of control activities to ameliorate the hazardous conditions associated with causation of the index case (Baker, Melius and Millar 1988; Baker, Honchar and Fine 1989). An index case of occupational disease or injury is defined as the first ill or injured individual from a given workplace to receive medical care and thereby to draw attention to the existence of a workplace hazard and an additional workplace population at risk. A further purpose of case identification may be to assure that the affected individual receive appropriate clinical follow-up, an important consideration in view of the scarcity of clinical occupational medicine specialists (Markowitz et al. 1989; Castorin and Rosenstock 1992).

Finally, occupational health surveillance is an important means of discovering new associations between occupational agents and

accompanying diseases, since the potential toxicity of most chemicals used in the workplace is not known. Discovery of rare diseases,

patterns of common diseases or suspicious exposure-disease associations through surveillance activities in the workplace can

provide vital leads for a more conclusive scientific evaluation of the problem and possible verification of new occupational diseases.

Obstacles to the Recognition of Occupational Diseases

Several important factors undermine the ability of occupational disease surveillance and reporting systems to fulfil the functions

cited above. First, recognition of the underlying cause or causes of any illness is the sine qua non for recording and reporting

occupational diseases. However, in a traditional medical model

that emphasizes symptomatic and curative care, identifying and eliminating the underlying cause of illness may not be a priority:

Furthermore, health care are often not adequately

trained to suspect work as a cause of disease (Rosenstock 1981)

and do not routinely obtain histories of occupational exposure

from their patients (Institute of Medicine 1988). This should not

be surprising, given that in the United States, the average medical

student receives only six hours of training in occupational medicine

during the four years of medical school (Burstein and Levy

1994).

Certain features characteristic of occupational disease exacerbate

the difficulty of recognizing occupational diseases. With few ex-

ceptions-most notably, angiosarcoma of the liver, malignant meso-

lioma and the pneumoconioses-most diseases that can be caused

by occupational exposures also have non-occupational causes. The

non-specificity renders difficult the determination of the occupational

contribution to disease occurrence. Indeed, the interaction

of occupational exposures with other risk factors may greatly

increase the risk of disease, as occurs with asbestos exposure

and cigarette smoking. For chronic occupational diseases such as cancer

and chronic disease, there usually exists a long period

latency between onset of occupational exposure and

clinical disease. For example, malignant mesothelioma typically

has a latency of 35 years or more. A worker so affected may well be retired, further diminishing a physician's suspicion of p

PART 22

ENVIRONMENTAL DISEASES

(Statutory authority: Public Health Law, " 225(5)(1), 206(1)(1)

22.4 Report of occupational lung disease. Every physician, health facility and clinical laboratory in attendance on a person with clinical evidence of occupational lung disease, as categorized in section 22.5 of this Part, shall report such occurrence to the State Commissioner of Health within 10 days. Such report shall be on such forms as prescribed by the State Commissioner of Health.

Historical Note

Sec. filed May 14, 1981 and, filed Aug. 14, 1990
eff. Aug. 29, 1990

22.5 Classification of occupational lung disease. For the purpose of reporting occupational lung disease as required by section 22.4 of this Part, occupational lung disease shall be categorized according to the following probable causative agents of nomenclature as applicable.

- Coal workers lung disease
- Silicosis
- Asbestosis/Asbestos-related disease
- Berylliosis
- Talcosis
- Hard metals disease (Tungsten, Cobalt)
- Byssinosis
- Bronchitis due to occupational exposure
- Hypersensitivity Pneumonitis (occupational)
- Occupational Asthma
- Other occupational lung disease

Historical Note

Sec. filed May 14, 1981; repeated, new
filed Aug. 14, 1990 eff. Aug. 29, 1990



Reports must be sent to the New York State Department of Health within 30 days of diagnosis. State Sanitary Code, Part 22.41

Occupational Lung Disease Registry Physician Reporting Form

New York State Department of Health
Bureau of Occupational Health

Confidential Case Report

Type or print clearly using blue or black ink.

Date of Report

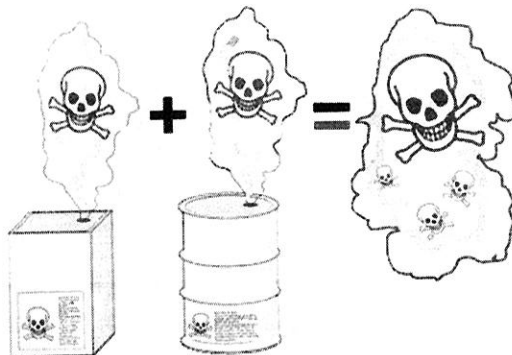
Patient Information:

Last Name		First	MI	
Address Street		City	State	Zip Code
Home Phone Number	Date of Birth	Gender	Social Security Number	
()	____/____/____	<input type="checkbox"/> Male <input type="checkbox"/> Female	____-____-____	
Race				
<input type="checkbox"/> White	<input type="checkbox"/> Black/African American	<input type="checkbox"/> American Indian/Alaskan Eskimo	<input type="checkbox"/> Asian/Pacific Islander	<input type="checkbox"/> Other
Employer (Company, Agency, Title, or Suspected Exposure)				
Suspected Agent(s) Occupation				

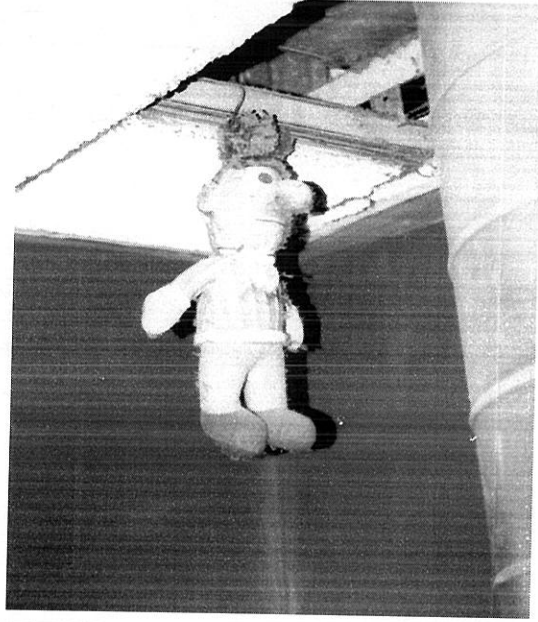
Suspected Diagnosis	Confirmed	Suspected	Date of Diagnosis	Suspected Agent
<input type="checkbox"/> Occupational Asthma	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Reactive Airways Dysfunction	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Hypersensitivity Pneumonitis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Farmers Lung Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Bird Handlers Lung Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Inhalation Fevers	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Metal Fume Fever	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Polymer Fume Fever	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Organic Dust Toxic Syndrome	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Toxic Irritant (e.g. smoke, chlorine, gas, etc.)	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Silo Filler's Lung Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Metal-Induced Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Berylliosis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Hard Metal Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Pneumoconiosis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Asbestosis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Dyspnoea	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Coal Workers Lung Disease	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Silicosis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Pleural Disorders	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Asbestos related Pleural Plaques	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Mesothelioma	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Pulmonary Fibrosis, Undetermined Etiology	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Chronic Bronchitis	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Lung Cancer	<input type="checkbox"/>	<input type="checkbox"/>	/ /	
<input type="checkbox"/> Other	<input type="checkbox"/>	<input type="checkbox"/>	/ /	

10-104 (08-00) Reports must be sent to the New York State Department of Health within 30 days of diagnosis. State Sanitary Code, Part 22.41 Page 1 of 2

The toxic effects of a combination of two chemicals, **synergy**, may be far greater than the sum of the toxic effects of each.



FDNY Engine 4 Locker Room



<http://www.chemicalspill.org/>

SUPERB WEBSITE

EPCRA

Emergency Planning for Chemical Spills

<http://www.chemicalspill.org/>

Emergency Planning for Chemical Spills

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Consequence Analysis

Emergency Responders Section

Emergency Planners Section

EPCRA 304 Chemicals

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EPCRA is All About Your Community's Right to Know

CERCLA and Flint, Michigan

Fire Fighters

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The Public Health Fallout from September 11: Official Deception and Long-Term Damage
By Joel R Kupferman

**The Public Health Fallout from September 11:
Official Deception and Long-Term Damage**

By Joel R Kupferman¹ New York Environmental Law & Justice Project

The environmental and public health nightmare that began in New York City on September 11, 2001 was unprecedented in nature, and its scope is still being discovered – mainly without the help of the Bush Administration’s environmental agencies. The persistent “WTC cough”, hundreds of new cases of asthma, the broad wind-borne dissemination of toxic elements, a by-now unmanageable spread of toxic dust initially carried out of the World Trade Center and debris-collection sites by rescue workers and since spread by former rescue vehicles like city buses and fire trucks – these are some of the reasons why, at this writing, more than 500 firefighters have sustained permanent disabilities that have forced them to retire,² why 25 percent of nurses examined at a downtown hospital in March 2002 had serious respiratory disorders,³ and why these cases are the tip of a very large iceberg.

The way the Environmental Protection Agency responded in the crisis was, sadly, an opportunity to glimpse the Bush Administration’s larger attitude toward environmental policy and toward public access to key environmental information. The EPA, which misled the public about the health impact of asbestos found in the ambient air and also failed to investigate or respond thoroughly on a range of crucial issues, led other federal, state and local authorities to rest easily with their own misdirected policies, affecting the long-term health of no one knows how many New Yorkers. In the context of the Bush Administration’s broader hostility to civil liberties, and its particular, determined retreat from environmental protections and engagement, the environmental/public health story of the World Trade Center collapse is a chilling reminder of the damage that unaccountable government can do – damage that in this case will linger for generations.

To protect an environment, including its inhabitants, requires that people have a say about the issues that affect their lives, and that the press and citizen groups hold the government to account for its stewardship of air, soil, and water. This public participation should not be hindered by political differences or undue pressure for a particular form of patriotism. At the cornerstone of urban environmentalism are the principles of self-determination and equal protection, a free-flowing exchange of information and ideas at all levels of governance. This is not merely the wish-list of the neighborhood activist. The Freedom of Information Act (FOIA) was enacted for just this purpose. The comparable New York State regulation provides a compelling preamble:

The people’s right to know the process of government decision and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy or confidentiality. . . . Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

New York Environmental Law & Justice Project

¹ Joel Kupferman is executive director and senior attorney for the Environmental Law and Justice Project, in New York.

² “Firefighters Newsletter,” Barasch, McGarry, Salzman, Penson and Lim, December 2002.

³ Conversation with Dr. David Parkinson of the Long Island Occupational and Environmental Health Clinic in Port Jefferson, New York, July 2002. Dr. Parkinson had examined the nurses where they work at NYU-Beekman Hospital in

These principles are all the more essential in a public emergency.

Another underlying precept of environmentalism is the inter-relatedness of seemingly disparate ecosystems. As researchers document PCBs migrating from urban hazardous waste sites to Arctic sea ice algae and making their way into the breast milk of Inuit women, so we must apply this concept to our cities. Toxins leaching into the ground water at the Ground Zero excavation must be assumed to have a relationship with the Hudson River, just two blocks away. As the US Geologic Survey researches winds transporting Saharan red sand to the Caribbean islands and eventually Texas, so may we assume that the steady, black plume rising for weeks from the former World Trade Center had an impact on the millions of people living in its path -- certainly in Brooklyn, Manhattan, Queens, Staten Island and Long Island, and probably beyond.

Policymakers at the EPA, and the manufacturers of literally thousands of common office and building fixtures in lower Manhattan, could not have predicted the wholesale and cataclysmic demolition of some fifteen million square feet of office space. But it would be overly simplistic to attribute the actions of public health and environmental officials to confusion under pressure, at least after the first few days. It has become evident that federal, state and city agency actions and decisions were closely tied to economic and political motivations that placed other goals ahead of public health, and that these decisions led agencies to withhold critical health information from even the communities most at risk. The principles of environmental justice -- the right to clean air, water and other resources -- were sacrificed early and then over and over, to the interests of political recovery and the bottom line.

The risks of wholesale liability loomed large. Much of the World Trade Center complex was demolished into a fine powder that spread as far as wind and water might take it; the reach of possible public health consequences, with their requirements for government response and compensation, was initially incalculable. Firefighters and police officers, iron workers and operating engineers, medical personnel and many others, were originally thought to be limited by law to consideration under Workers' Compensation and similar programs -- that is, they could collect based on the limited liability of their employers in exchange for "no-fault" determinations. But those surrounding the disaster -- survivors and residents -- had no such limitations. In the larger affected area, beyond Ground Zero, as dictated by the principle of inter-relatedness, millions of potential victims were placed at risk and could conceivably make demands for public aid or compensation.

Through its air-quality testing choices and its management of information to the public, the EPA sought to limit the government's responsibility, and liability, even at the cost of exposing people to health risks they had a right to know about and the option to avoid. This was made possible, in part, by the laziness of the local press, which should have investigated inconsistencies and demanded transparency. But the principal fault lies with those charged with carrying out environmental law and protecting the public.

Fire and Ash

_____ As the twin towers collapsed, thousands of fleeing workers and area residents were coated with a thick, white dust that quickly began to irritate their skin and lungs. Grey clouds of highly corrosive material containing concrete particles, asbestos, finely crushed windows and fiberglass and heavy metals choked the streets. Gasping survivors

downtown Manhattan.

gulped down the toxin-laden dust as the entire area - buildings, streets, and ground, interiors and exteriors – was blanketed with fallout. Once the rescue effort could be organized, an arbitrary dividing line, first at 14th Street in Manhattan, was then moved quickly southward to Canal Street and finally to Chambers Street, only five blocks from the northern perimeter of Ground Zero. The luxury developments of Battery Park City were evacuated, and residents fled much of the area below Canal Street as large parts of lower Manhattan were without power, water and telephone service.

Immediately landlords lost rental income; the retail, entertainment and tourism economies of the city shut down; the real estate market took a nosedive. Schools, the financial markets, government agencies, and all but the most necessary places of business closed. Roads, subways, bridges and tunnels connected to this area would remain closed, or with limited access, for months. Layoffs began, and what had been worrisome signs of recession before September 11 intensified. At the same time, the nation began an outpouring of affection for the city that had perhaps not been seen since the Giants won the pennant in '51. Whatever our grief was locally -- and it was great -- we in New York sensed that we were not alone.

It became somebody's job to make sure the secondary economic and political tragedy did not eclipse the WTC fire and collapse itself. A "clean" environmental bill of health for what was left of lower Manhattan was the way to get the city and the country back to work. The push was on to shift the public's understandable shock to an uneasy restoration of order, including the difficult task of trying to keep decimated financial markets from fleeing what was now deemed a major target of our enemies, and attracting back tourists. While the world mourned, the clock began ticking to re-open the New York Stock Exchange, a block away from the disaster site.

At the site itself, an inferno burned on, despite continuous streams of water from several directions and the government's continuous reassurances that the fire would soon die out. With the exception of a single day, when the wind turned north, the huge plume of black smoke emerging from Ground Zero drifted southeast, day after day, over much of lower Manhattan, Brooklyn and southern Queens.

As the EPA and its colleague state and city agencies like to insist, precisely what was in that plume will never be known; capturing the smoke for testing presented obvious hazards. But common materials of modern offices – synthetic fabrics, plastics, laminates and building supplies containing formaldehyde; fluorescent lamps containing mercury; the di-electric fluids that encase electrical cables; approximately four pounds of lead from each computer; PCBs from capacitors, electrical cable insulation, and transformers – were clearly elements in highly toxic fires and dust storms. The plume contained, at the very least, toxic lead, asbestos, volatile organic compounds, dioxins, mercury, nickel, vanadium, sulphur, PAHs, PCBs, and furans.

And there was more. The World Trade Center had housed many facilities specific to the tenant government agencies, including a Secret Service shooting range that kept millions of rounds of lead ammunition on hand. An array of hazardous chemicals was stored in a U.S. Customs lab, including thousands of pounds of arsenic, lead, mercury, and chromium, among other toxic substances.⁴ The City of New York maintained an emergency generator at its command center located at 7 WTC, with a large, above-ground fuel storage tank that had been exempted from

⁴ Toxic Targeting, Inc., "Toxic Targeting Computerized Report – WTC Complex New York New York 10048, September 11, 2001," September 18, 2001. Produced for the New York City Department of Design Construction.

violation of local building codes. And more still: some 130,000 gallons of PCB-contaminated transformer oil at an electrical substation at 7 WTC likely contributed to its collapse and to the toxic residue later found in the area.

On September 13, against a backdrop of mounting patriotism, EPA chief Christine Todd Whitman helicoptered into the city to deliver to television cameras the most uplifting news New Yorkers could hope for in those terrible days. As governor of New Jersey, Whitman had amassed a track record of effectively subordinating environmental concerns to those of industry, but in this extraordinary situation, her message was reassuring. Whitman reported that the EPA was “greatly relieved to have learned that there appear to be no significant levels of asbestos dust in the air in New York City.”⁵ The news came as welcome contrast to the grim reports of the thousands of body bags that Mayor Giuliani had ordered in. “We are working closely with rescue crews to ensure that all appropriate precautions are taken,” said Whitman. “We will continue to monitor closely.”⁶

That monitoring appeared to produce even better news, as Whitman reported on September 21, after the financial markets had reopened. She was relieved, she said, to be able to say “that a host of potential contaminants are either not detectable or are below the Agency’s concern levels...Results we have just received on drinking water quality show that not only is asbestos not detectable, but also we cannot detect any bacterial contamination, PCBs or pesticides.”⁷ This appeared to be enough for most news outlets in the city and nationally. With a few notable exceptions, warning of possible respiratory exacerbation for individuals with already compromised systems, the news media latched onto the good news with servile uniformity.

In the meantime, hundreds upon hundreds of rescue workers – firefighters, police, iron workers, operating engineers, and others -- entered and left what became known as Ground Zero, aiding in the rescue effort. They were surrounded by concentric rings of aid workers who provided food, clothing and support, many of them volunteers from all over the country. As the fire raged on for weeks, a self-contained city sprang up below Canal Street: makeshift command centers and relief stations were set up in Stuyvesant High School and other local schools, in fire-houses and local hotels and any other public spaces that could be commandeered. A dismal order gradually replaced the initial, impassioned chaos.

The Ground Zero workers were surrounded by a foul, corrosive and irritating odor that permeated lower Manhattan, provoking the widely reported “WTC cough.” The hacking cough, which plagued many New Yorkers well beyond the immediate area for months, was just one sign that residents’ long-term health was being compromised. According to Dr. Stephen M. Levin, medical director of a major center on environmental and occupational medicine, “Some of the asthma contracted by New Yorkers will persist for the rest of their lives.”⁸

⁵ EPA press release, “EPA Initiates Emergency Response Activities, Reassures Public About Environmental Hazards,” September 13, 2001, http://www.epa.gov/wtc/stories/headline_091301.htm

⁶ Ibid.

⁷ EPA press release, “NYC Monitoring Efforts Continue to Show Safe Drinking Water and Air,” September 21, 2001, http://www.epa.gov/wtc/stories/headline2_092101.htm

⁸ Stephen Levin, medical director, Mount Sinai- Selikoff Center for Occupational and Environmental Medicine, quoted in Christine Haughney, “Health Effects at World Trade Center Debated,” *Washington Post*, January 6, 2003, p.1.

After the search for survivors waned and workers at the site shifted into a recovery mode, the priority established by the EPA, the Occupational Safety and Health Administration (OSHA), and the Federal Emergency and Management Agency (FEMA) in deference to commercial downtown interests became the cleanup of the streets' exterior areas. John L. Henshaw, assistant secretary of labor for OSHA -- in an understated comment that would characterize the agencies' disinformation all down the line -- advised, "Keeping the streets clean and being careful not to track dust into buildings will help protect workers from remaining debris."⁹

But in the meantime, the most rudimentary elements of proper handling of a toxic disaster were being ignored. In one instance, which would have been laughable in other circumstances, the EPA publicized sending in vacuum trucks, but the trucks were sent without the HEPA filters necessary to suck up the dust.¹⁰ Further, the EPA did not carry out serious testing of the dust, as described below, and did only minimal and spotty testing of ambient air much beyond Ground Zero, despite the evident dispersal of dust in the wind; there was, in other words, only the most limited attempt to determine the nature and scope of the health risk to the city's population before cleanup advisories were issued. And EPA, OSHA, and the city's Department of Health did not provide much in the way of personal protective gear and respirators to the workers at Ground Zero and debris-removal areas; a study by the National Institute of Environmental Health Sciences determined that, to the extent that workers got protection, it was mainly due to the activism of the operating engineers' union, not the appropriate -- and much wealthier -- government agencies.¹¹

At this critical juncture -- in a move that has since been criticized soundly by such diverse observers as the City Council¹², accountability advocate Congressman Jerrold Nadler,¹³ and the *Wall Street Journal* -- the EPA determined that it was only responsible for cleaning and decontaminating the outsides of buildings in lower Manhattan, not for the cleanup of building interiors where people worked and lived. The EPA delegated the interiors of buildings to the overwhelmed and beleaguered N.Y.C. Department of Environmental Protection (DEP); the DEP was supposed to help residents ensure the safety of their homes with trained cleaning personnel, proper de-contamination equipment, and the like. The EPA's position in this case contradicted both its own recent experience and the law that governs it. Just days before September 11, in the town of Libby, Montana, the EPA had taken complete responsibility to clean all the homes of that former asbestos mining center -- where, as it happened, asbestos levels, while patently unsafe, were lower than those found by independent sampling in lower Manhattan.¹⁴ The EPA

⁹EPA press release, "EPA, OSHA Update Asbestos Data, Continue to Reassure Public about Contamination Fears," September 16, 2001, http://www.epa.gov/wtc/stories/headline_091601.htm

¹⁰ Kenneth R. Bazeinet, "WTC Trucks Had Wrong Dust Filters," *New York Daily News*, August 14, 2002.

¹¹ NIEHS WETP National Clearing House for Worker Safety and Health Training, press release, "NIEHS WETP Response to the World Trade Center (WTC) Disaster: Initial WETP Grantee and Preliminary Assessment of Training Needs," October 23, 2001.

¹² N.Y.C. Council, "Report from the Committee on Environmental Protection: Air Quality and Environmental Impacts due to the World Trade Center Disaster," December 2001.

¹³ White Paper "Lower Manhattan Air Quality," March 2002.

¹⁴ Remarks of EPA Administrator Christine Todd Whitman at Town Hall meeting, Libby, Montana, September 7, 2001, <http://yosemite.epa.gov/administrator/speeches.nsf>. Also, USEPA Region VII memorandum, from Christopher Weiss, senior toxicologist, to Paul Peronard, on-scene coordinator: "Amphibole Mineral Fibers in Source materials in

had taken total responsibility for the Libby cleanup because, under the Clean Air Act's NESHAP standards, the federal government is required to ensure that people are not exposed to asbestos at dangerous levels, especially in airborne or friable (readily convertible to airborne) forms. The EPA also fast-tracked Libby to a place on the National Priorities List as a Superfund site, because the governor of Montana requested it; as a result, Libby does not have to wait years for EPA to assess its hazards and make comparative cost-benefit judgments. But the World Trade Center collapse did not get this kind of treatment; Governor Pataki did not request it, and the EPA did not undertake it voluntarily.

As the *Wall Street Journal* would report eight months later, the DEP, in turn, also passed the buck, allowing landlords to determine if their own buildings were clean without the DEP testing to check.¹⁵ In a memo to New York City landlords dated May 11, 2002—two days after the *Journal* article -- the DEP tried to back-pedal by demanding that landlords provide “copies of the environmental hazards assessments including bulk sample [samples of tests on dust] results and air monitoring results and a summary of clean-up activities” for their buildings.¹⁶ As of January 2003, only ninety landlords had responded to the DEP's demand,¹⁷ and the DEP had not stepped up pressure on them to comply. The Clean Air Act and New York City asbestos laws require a certain quality of clean-up effort where asbestos is discovered, but with the EPA saying the air was clean, as discussed below, and with the DEP taking no action to test buildings, landlords were allowed to superficially assuage the clean-up issue with improper cleaning methods and in the process, destroyed easily accessible evidence of toxins. New Yorkers were left at the mercy of their landlords to determine whether their homes or workplaces were safe.

The city's health department (DOH) did as badly or worse. When the department surveyed downtown residents for a January 2002 study, 59 percent of respondents indicated that they had received information about how to clean their apartments of the WTC dust, under protocols issued by the health department itself. The DOH protocols, issued on September 17, 2001, advised residents facing re-entry into their apartments around Ground Zero, “The best way to remove dust is to use a wet rag or wet mop... Where dust is thick, directly wet the dust with water and remove it in layers with wet rag and mops.”¹⁸ Nowhere in the advisory did the health department inform that the “dust” inside these homes might well contain asbestos and myriad other toxic substances; nor did the protocols suggest that professional testing and de-contamination (otherwise known as abatement) should be sought, for residents' protection and as required by law if the dust contained more than 1 percent asbestos.¹⁹ It was this advisory that the EPA repeatedly cited in referring concerned residents to local authorities for guidance on cleaning building interiors.

The remains of the WTC complex were removed along various routes to the closed Fresh Kills landfill in Staten Island: truck convoys passed through the Brooklyn Battery Tunnel through Red Hook (with wind blowing dust

Residential and Commercial Areas of Libby Pose an Imminent and Substantial Endangerment to Public Health,” December 20, 2001.

¹⁵ Jim Carlton, “Buck-Passing Delayed EPA in 9/11 Cleanup,” *Wall Street Journal*, May 9, 2002.

¹⁶ R. Radhakrishnan, PE, director, Asbestos Control Program, NYC DEP, “Notice to Building Owners Located South of 14th Street, Manhattan”, May 11, 2002.

¹⁷ Conversation with Russell Peunies, attorney, DEP Legal Affairs Bureau, January 24, 2003.

¹⁸ Flyer, DOH, “Recommendations for People Re-Occupying Commercial Buildings and Residents Re-entering their Homes,” undated – at www.ci.nyc.ny.us/html/doh/html/alerts/wtc.3.html

¹⁹ This is required under the Clean Air Act's National Emissions Standards for Hazardous Air Pollutants (NESHAP) Regulations (40 CFR, Part 61) and under the Asbestos School Hazard Detection and Control Act (ASHERA), OSHA

off the tops of the trucks' contents), and barges moved on the Hudson River. In Fresh Kills, New York City detectives and FBI personnel sifted through the debris. A report produced by an industrial hygienist for the NYC Detectives' Endowment Association, and passed to my organization, found that while respirators were available to these workers from OSHA upon request, the agency had not provided training and fitting as necessary in their use, nor had the detectives received "quality information . . . on what the health and safety hazards might be and what controls are being implemented to reduce these hazards."²⁰ Several of the detectives were felled by the noxious fumes that rose off the landfill.

Firefighters' and detectives' associations, since immediately after the disaster, had been approaching the organization I direct, the New York Environmental Law and Justice Project, to ask for advice and share information. We were receiving a stream of statements from rescue workers and their unions, increasingly worried about exposures. At the same time, office workers and neighborhood residents near Ground Zero were complaining of eyes tearing and skin itching. They spoke of the dust that covered their furnishings and floors, of being denied the right to wear a mask indoors at their city jobs for fear of creating "panic," of clogged air filters in newly-bought home filtering machines, and awakening at night in spasms of coughing. They talked about needing asthma inhalers and nebulizers for the first time and reported that non-union contractors were being hired by landlords to "clean up" in a haphazard fashion. These people were finding it very hard to get precise, practical information from city and federal agencies. Meanwhile residents were tracking whatever dust was on their clothes around to their jobs, schools and other locations. And what incensed rescue and clean-up workers most was that they were not given even basic advice on how to limit their own and their families' exposure. Thousands of workers -- who displayed bravery beyond measure -- were exposed to a surfeit of toxic substances, while very few were encouraged to wear the scant personal protective gear available, and even fewer were advised of the potential hazards they were unknowingly tracking home to their families on their clothes and effects.

In late November 2001, Dr. Stephen Levin of the prestigious Mount Sinai-I.J. Selikoff Center for Occupational and Environmental Medicine testified before the New York State Assembly's Standing Committees on Environmental Conservation, Health, and Labor. He noted then that conditions "seen in adults who have been at *or near*" (emphasis added) the WTC site "for as little as twenty-four to thirty-six hours" included "reactive airways disease, new onset or exacerbation of pre-existing asthma, RADS [reactive airway dysfunction syndrome], sinusitis, irritant rhinitis, persistent cough, and diffuse irritation of nasal mucosal surfaces." Particularly among first-responders "or individuals who were hit by the cloud of dust and debris" following the collapse, Dr. Levin found "a dramatic increase in GERD [gastro-esophageal reflux] symptoms," which in some people are life-threatening.²¹ As of late January 2003, Dr. Levin had examined some 3,500 rescue workers and volunteers, starting immediately after the

Standards 20 CFR 1926.1101

²⁰ "Preliminary Report on Health and Safety Evaluation of the Fresh Kills Landfill Project Supporting the WTC Disaster Recovery," by Emilcott Associates for the NYC Detectives' Endowment Association, September 27, 2001. OSHA's respiratory protection standard 29CFR1910.134 requires fit-testing of all tight-fitting respirators.

²¹ Testimony, New York State Assembly Standing Committees on Environmental Conservation, Health and Labor, November 26, 2001.

WTC collapse, and found that half suffered from either serious respiratory disorders and/or psychological distress.²²

The obvious questions should have been: What was in this dust and smoke, what is causing the present ailments, and what long-term health effects might result? But the EPA, in an abdication of its responsibility, did at most insufficient testing of the area, and very limited – and unpublicized -- testing of interiors. The agency began testing the ambient air within a few days of the attack, and continued for several weeks. But it circumscribed the range of its monitoring arbitrarily – with almost no air sampling in Brooklyn, for example, though that borough got the full impact of wind-borne fallout from the burning plume. Paul Bartlett, Queens College environmental scientist and an international expert in the dispersion of toxic substances, found EPA and other agencies' monitoring inadequate to determine the degree and extent of exposure. According to Bartlett, their "detection limits are aimed at threshold levels for occupational exposure. They aren't treating this as a disaster, so they're not asking to what extent and how far are people being exposed or who is possibly being affected by the release of chemicals. They're just checking what emissions are exceeding regulations."²³

What testing EPA did do was initially withheld from the scientists and medical community, labor unions with men on-site, and local leadership. When pressed to back up assertions that all was well, the EPA tended to point, for support, to the New York City Department of Environmental Protection, the local agency with responsibility for hazardous waste cleanup and disposal. But the DEP – ill equipped for a disaster of these dimensions but unwilling to admit it – refused to release its data in timely fashion even to a joint committee of the state legislature. Moreover, when that data was finally obtained and made public by the Environmental Law and Justice Project, in November 2001 through a state Freedom of Information Law request, it revealed that the DEP had conducted testing without using the highest-quality equipment available, such that its results were always less refined and informative than they should have been about the true risks and potential impact.

To be fair, on September 11 no one could comprehend the full severity and repercussions of what had happened. But as the weeks passed, the agencies' evasions became policy. Medical experts were seeing health effects but could not properly diagnose or help patients because they did not have adequate information. Environmental scientists were expecting to learn the components of the fallout in order to make immediate decisions that would affect cleanup, recovery and future systemic planning. And meanwhile, the EPA and OSHA kept saying there was no problem.

The EPA's Testing and Reporting

It was not until three weeks after September 11 that the EPA website began posting a "representative sampling" of air-monitoring results, from various places in lower Manhattan. In those three weeks, the agency was testing the ambient air but not releasing the results, and it was not testing settled dust with the highest-scrutiny techniques available but choosing, instead, cheaper and non-aggressive techniques that, predictably, yielded lower results. Nor was it testing air inside offices or apartments near Ground Zero, where people were told it was safe to return within three days of the disaster.

²² Conversation with Dr. Stephen Levin, January 24, 2003.

²³ Quoted in Michael Ellison, "Heroes of Ground Zero At Risk Breathing Toxic Cocktail," *Guardian*, October 27, 2001.

One thing the EPA did report, in the days just after September 11, was that its own headquarters at 290 Broadway – a few blocks from Ground Zero – had been tested and found safe for asbestos. The tests had reportedly shown the presence of airborne asbestos but at “less than one-tenth of the maximum level allowed in workplaces by the Occupational Safety and Health Administration.”²⁴ Bonnie Bellow, regional spokeswoman for the EPA, would announce on Friday, September 14 that, according to tests the previous day, “There’s nothing at this point that indicates that business can’t resume in the Wall Street area on Monday as well.”²⁵ The agency also noted, however, that parts of its building had later undergone thorough asbestos cleaning. The logical question arose: If all is well, why was 290 Broadway undergoing an asbestos abatement? This question was not posed by the press, though, and EPA did not clarify the contradiction on its own.

Neither did EPA reveal a key fact about its headquarters cleanup: it had hired an industrial hygienist to use a particular type of high-sensitivity sampling method, called micro-vacuum, which sucks out even the tiniest particles and subjects them to highest-scrutiny analysis.²⁶ This seems only responsible, and indeed it was. But the EPA, in failing to reveal the facts, was then able to take a position that micro-vac testing was unnecessary for schools and residences in lower Manhattan. Not only did EPA fail to *require* the use of the most thorough tests to seek evidence of asbestos and other toxic substances in the lower Manhattan; it actively discounted results obtained when the micro-vac was used independently in the neighborhood. At 105 Duane Street, residents hired a certified industrial hygienist who used micro-vac on December 3 and found 555,000 asbestos structures per square centimeter in samples from the air-supply vent (at least fifty times the recommended safe level). The EPA criticized the testing method and contended the finding was an aberration. The landlord then failed to do a proper abatement on the building, based on EPA and DEP assurances that the test results could be ignored. Actions like this prompted an EPA scientist, Cate Jenkins, to criticize the agency in a series of memos that circulated in the scientific community and became well known to organized downtown residents.²⁷

The EPA was not the only agency withholding relevant health-affecting information, putting out positive spin, and giving residents instructions and guidance that fell short of what was legally required. A U.S. Department of Health and Human Services “fact” sheet on dust and debris issued September 16 advised: “The most immediate hazards to health and well-being are from unstable buildings, broken glass, jagged metal and other harmful things.” In response to the question, “What is in the dust?” the flyer advised, “We expect that materials that would be present would be at concentrations lower than those normally associated with health hazards,” and made no mention whatsoever of asbestos, lead, concrete, fiberglass, or any of the other known toxic substances contained in WTC building components and contents, defining dust only as “fine particles that originally made up materials of the WTC and the aircraft that struck it.”

²⁴ Dr. Cate Jenkins, “3/6/02 Draft: Asbestos in Settled Dust and Soils,” March 6, 2002. Dr. Jenkins, PhD, is an environmental scientist with the Waste Identification Branch, HWID, Office of Solid Waste, at US EPA.

²⁵ Quoted in Dan Fagin, “Tests Not a Danger Here,” *Newsday*, September 15, 2001.

²⁶ This information only came out a month later, with the release of documents requested under FOIA.

²⁷ Dr. Cate Jenkins, memo March 6, 2002 and memo “Libby v. Manhattan Different Asbestos Testing Methods,” February 14, 2002.

Given the official agencies' determination to be upbeat, and the evidence of people's endangerment, it became important to take some independent samples, which I did for the Environmental Law and Justice Project on September 19, at Vesey and Liberty Streets on the outer perimeter of Ground Zero.²⁸ ATC Associates, a laboratory that had been used by New York City and its Board of Education, analyzed the samples. Four samples indicated content of between 1 percent and 5 percent chrysotile asbestos -- that is, up to five times the level at which the law requires immediate de-contamination -- and a very high level of fiberglass, which the National Toxicology Program defines as a "likely carcinogen." (Soon after the Law Project's results became public, the New York State Department of Health threatened local labs with loss of their licenses if they processed any more "independent sampling," according to a lab director who received such a warning.²⁹)

On September 24, the Law Project hand-distributed these findings to the local area's residents and emergency workers, in a fact sheet produced with the help of Monona Rossol, an experienced industrial hygienist. Although the EPA, Mayor Giuliani and the city's health department called the Law Project's warnings alarmist, some members of the media began to call. One in particular, Juan Gonzalez of the *Daily News*, began to follow the environmental story closely and to publish what he could.

_____ When EPA began posting a "representative sampling" of air-quality monitoring data on its website, on October 3, the postings involved three grades of filtering of information: first, the EPA had tested narrowly as to location and as to matter tested, as noted above; given that the samples posted were selective and so few, and taken mostly outdoors rather than indoors, they did not give an accurate picture of what people were exposed to. Second, the postings were a selection from the total pool of EPA data available -- all of which should have been made available for scientific, health-agency, journalistic and public-health communities to examine. Third, the EPA's explication of the selective data it posted was disingenuous and scientifically misleading, and as with the other filtering this minimized the findings of dangerous toxins. For example, the website featured a significant number (27 out of 442) of ambient air samples taken in September that registered above the current AHERA (Asbestos Hazard Emergency Response Act) standard for permissible exposure levels, which is 70 structures per millimeter squared. The agency explained these as "spikes" in toxicity, momentary aberrations, even though its own testing was too spotty to establish whether such results would have been aberrations or not. And it argued that they should be averaged into the rest of the data, such that the results would not exceed AHERA or other regulatory limits, even though that is not how toxicity works: beyond certain levels, even short-term exposure to certain toxics is alarmingly dangerous.

The accompanying EPA press release on October 3 also contained some troubling inconsistencies. The agency continued to argue that the public's health was not at risk, advising yet again that testing "found no evidence of any significant public health hazard to residents or visitors to the New York metropolitan area." The agency further recommended, "There is no need for concern among the general public, but residents and business owners should follow recommended procedures for cleaning up homes and businesses if dust has entered."

In that press release the EPA advised the public that it had "been evaluating samples of air against an

²⁸ I used a plastic spoon and zip-loc bags, but this method does not affect the quality of the sampling in terms of discovering its toxic content. (I also dressed in protective gear.)

²⁹ Conversation with local lab director, late September 2001. And conversation with Dr. Robert Simon, director, ETI

extremely stringent standard, the AHERA standard.” The statement went on to stress that “levels of asbestos above the AHERA standard do not imply that there is an immediate health threat to the public.” Indeed, it said, “asbestos exposure becomes a health concern when high concentrations of asbestos fibers are inhaled over a long period.” Quite apart from misrepresenting the asbestos threat, as explained further below, the EPA misused the AHERA standard, which is intended for evaluating *after* a cleanup has taken place.

The results of the bulk sampling data, as posted on the website, were also worrisome. Forty-eight of 177 bulk samples collected by EPA contained more than 1 percent asbestos, but on the website the EPA did not report how much more. And the press release glossed this over, stating blandly, “The existence of dust that contains more than 1 percent of asbestos does not in itself constitute a significant health hazard – ambient air samples are more accurate measures of actual exposure potential, and asbestos is primarily considered hazardous after long-term exposure – but dust samples do provide important information about potential exposure.”

These statements directly contradict scientific knowledge and the EPA’s own rules, established in 1986 pursuant to the Toxic Substances Control Act. Those rules state, first of all, “Available evidence supports the conclusion that there is no safe level of exposure to asbestos. This conclusion is consistent with present theory of cancer etiology and is further supported by the many documented cases where low or short-term exposure has been shown to cause asbestos-related disease.”³⁰

The rules go on to state:

Most occupational studies have been conducted on populations exposed to high airborne concentrations of asbestos for long periods of time. However, short-term exposures have also been shown to increase the risk of lung cancer and mesothelioma. In addition, there are many documented cases of mesothelioma linked to extremely brief exposures to high concentrations....³¹

In sum, according to EPA’s own rules, there are no safe levels of exposure to asbestos, but in its press releases the agency advised that the asbestos-laden samples posed no danger. The public was being told that only long-term, high levels of exposure were dangerous, while EPA rules make clear that even short-term and low levels of asbestos exposure cannot be classified as safe.

News outlets like the *New York Times* and *New York Post* fell into line with confirmations of the EPA story. As later reported in *The American Prospect* by media reporter Alyssa Katz, the *Times* ran no fewer than thirteen stories emphasizing the safety of the site between September 12 and February 24, 2002.³² The Environmental Law and Justice Project wrote a letter to the *Times*, which was published in mid-October 2001, describing the results of our

Lab, Fairfax, Virginia, September 29, 2001. Dr. Simon’s lab had also confirmed our test results.

³⁰ 51 FR 15728

³¹ *Ibid.*

³² Alyssa Katz, “Toxic Haste: New York’s Media Rush to Judgment on New York’s Air,” *The American Prospect*, February 25, 2002.

samples, including the presence of up to 5 percent asbestos in the dust. But there were no follow-up calls from the press.

Where were the media? As *Daily News* reporter Juan Gonzalez details in his compelling book, *Fallout: The Environmental Consequences of the World Trade Center Collapse*, there was substantial pressure on the press to self-censor in the aftermath of September 11. He writes, for example, of the demotion of a *Daily News* editor who had attempted to assemble a team to report on the environmental hazards around Ground Zero. Gonzalez told *The American Prospect's* Katz, "In 25 years as a reporter, I've never faced as much scrutiny or as much difficulty getting stories in the paper as I have had around this issue."³³

The media's portrait of a scientific public-health consensus was, actually, way off the mark, and it would not have been difficult to find inconsistencies if reporters had been encouraged to investigate. In November 2001, OSHA made a presentation for the Standing Committees on Environmental Conservation, Health and Labor of New York's State Assembly, where it reported that, based on its sampling results at the WTC site, the agency was "confident that asbestos does not pose an airborne hazard to workers."³⁴ Yet the National Institute of Environmental Health Sciences, through its Worker Education and Training Program, had already issued a report in October that cited "significant risks that have been and continue to be faced by these on-site and recovery workers." The NIEHS report stated: "... the exposure data, as well as the potential for serious exposure to toxic materials (including asbestos) among the construction response workers, raises significant concerns" and found Ground Zero "to be a very dangerous working environment where many workers lack the hazard-specific training required under current OSHA standards."³⁵ Among that study's sources was a city Department of Health "WTC Disaster Site Worker Injury and Illness Surveillance Update;" that is, the city's own surveys were showing hazards. Because of reports like this one, the information was circulating at some levels; but it was not being provided to rescue workers and city residents who needed to protect themselves.

Speaking of this period, Bruce Lippy, an industrial hygienist with the operating engineers' union's National Hazmat Program, later stated that "60 percent of our samples were greater than the EPA clearance level . . ." ³⁶ And the city's health department reported in January 2002 that 50 percent of residents in lower Manhattan continued to experience symptoms likely related to the World Trade Center disaster, such as nose, throat and eye irritation. ³⁷ As of January 2003, over 1,000 claims have been filed against the City of New York by firefighters who sustain respiratory damage and/or were exposed to dangerous toxic substances as a result of the city's failure to provide them with

³³ Ibid

³⁴ Testimony, Patricia Clark, regional administrator, US Department of Labor, OSHA, before the New York State Assembly Standing Committees, November 26, 2001.

³⁵ NIEHS WETP report, op.cit..

³⁶ Quoted in James L. Nash, "Cleaning Up after 9/11: Respirators, Power and Politics," *Occupational Hazards*, May 10, 2002.

³⁷ NYC Department of Health press release, "NYC Department of Health Releases Community Needs Assessment of Lower Manhattan," January 11, 2002.

respirators during rescue and recovery efforts at the WTC.³⁸

FOIA: What Federal, State and City Agencies Knew

On September 21, 2001, the Environmental Law and Justice Project requested, under the Freedom of Information Act, all monitoring data studies and reports of air, dust, and bulk, including but not limited to hazardous materials and water samples taken in lower Manhattan and Staten Island landfills in response to the WTC collapse. On October 19, the Project picked up more than 600 pages of testing results from EPA monitoring points and stations, primarily located at or near Ground Zero. What the documents revealed was that, in spite of their assurances to the contrary, EPA, OSHA and the various other health and environmental agencies -- which met weekly throughout the crisis -- knew of the dangers present at Ground Zero and beyond, on the ground and in the air. EPA's own data listed findings above regulated levels -- information not posted on its website. (Later, the agency would claim this was an oversight.)

The documents also revealed that analyses prepared for the EPA by scientists were held back from publication, though their findings were highly relevant to health care providers trying to diagnose and treat those with acute symptoms, to say nothing of the public at large, which deserved to know its own risks. Among the reports that were withheld or delayed was one by Paul J. Liroy, which was based on testing done within a week of the WTC collapse but which was not released until April 2002. The testing was conducted at EPA's own labs in Kansas City and involved bulk samples of settled dust and smoke gathered on September 16 and 17. The labs found metals, radionuclides, ionic species, asbestos (in concentrations ranging from 0.8 percent to 3 percent), PAHs, PCBs, and a host of other toxic substances that can cause cancer and/or respiratory and/or debilitating illnesses.³⁹

The documents also revealed how high the concentration of dangerous contaminants remained even three weeks after the towers' collapse. After people were back in the area at EPA's urging, living and working full-time, the documents show that the following results were coming from the agency's downtown stations.

EPA Daily Summary, September 21: "Dust Samples: Twenty-four dust samples were analyzed between September 19 and 20, which included samples from the general area of Stuyvesant High School and Battery Park. Twelve of the 24 samples showed asbestos levels slightly above the EPA levels of concern."

EPA Daily Summary, September 26: "AIR: Non-FIXED Samples in New York City Dioxin- Analysis of four air samples showed all samples were at or above EPA's removal action guidelines, which is [sic] based on a 30-year, 24-hour exposure risk scenario. However, there is no short-term exposure problem. These samples were captured at the plume still emanating from fires within the World Trade Centers debris pile. We expect that these levels measured will only persist for a few weeks until the fires are extinguished."

³⁸ Barash, McGarry, Salzman, Penson, & Lim, "Firefighters Newsletter," Vol. I, December 2002.

³⁹ Paul J. Liroy et al., "Characterization of the Dust/Smoke Aerosol that Settled East of the World Trade Center(WTC) in Lower Manhattan after the Collapse of the WTC 11 September 2001," *Environmental Health Perspectives*, July 2002, pp. 703-712.

EPA Daily Summary, October 4: "Ambient Air Sampling: Metals - 10 samples were taken on October 2 within the vicinity of the emergency response operations. Of these chromium results for 4 samples exceeded EPA's removal guideline"

EPA Daily Summary, October 14: "Dioxin - Ten samples were collected on October 2 and analyzed for dioxin/furans. Four of the samples showed results above the guideline level at which EPA would take some type of action to reduce people's exposure."

EPA Daily Summary, October 14: "Carbon monoxide - A direct reading of carbon monoxide was detected at 19 parts per million (ppm) at one location (Greenwich and Liberty). This is above the National Ambient Air Quality Standard (NAAQS) 8-hour average of 9 ppm, but is below the NAASQ 1-hour average of 35 ppm and the OSHA permissible level of 50 ppm.."

EPA Daily Summary, Ambient Air Sampling "VOCs [volatile organic compounds]- .. Benzene was detected at three locations above the OSHA limit in the plume on the debris pile. Benzene was not detected at three parameter locations."

EPA Daily Summary, Ambient Air Sampling, October 15: "VOCs - Sampling for volatile organic compounds (VOCs) was conducted on Oct. 13 and Oct. 14 in the smoke plume within the debris pile at ground zero. Benzene exceeded the OSHA time-weighted average permissible level at two locations, on both days. Benzene was not detected in the breathing zone (approx. 5-6 feet above ground) at 3 locations several blocks from ground zero."

We forwarded the information to Juan Gonzalez, of the New York *Daily News*, whose reporting reached the front page next day.⁴⁰ This data was also immediately placed on the Law Project's website, which was visited by hundreds of government agencies, scientific groups and medical institutions over the next several months.

Additional requests for documents were filed, under New York State's Freedom of Information Law (FOIL), with both the state's Department of Environmental Conservation (DEC) and the city's Department of Health (DOH). Among information requested of the DEC was air monitoring data from stations in the city and mobile units near the WTC, for asbestos, fiberglass, cellulose, particulates and other toxic and hazardous materials. DEC initially declined to provide any information, stating, "Your FOIL request...is at this time being denied due to on-going criminal investigation."⁴¹ Only after an appeal and repeated demands did the Environmental Law and Justice Project obtain the relevant documents on November 13, 2001. They indicated, among other things, that during spot testing the DEC's monitors became clogged with dust; the monitors should have been replaced or re-set, but they were not. This was the agency to which the EPA had delegated oversight of interiors of buildings.

The city health department's testing results, when finally released after appeals, were even more disturbing.

⁴⁰ The newspaper's front page carried Gonzalez's article on October 26, with the headline "Toxic Zone."

⁴¹ Email from Louise Munster, Freedom of Information Officer, NYS DEC, Region 1, to the Environmental Law and

The DOH documents showed that when the offices of City Hall workers – the mayor’s deputy chief of staff, for example -- and others in downtown Manhattan were tested, an “overload” of dust was found. Normal procedure requires that the testing machines be recalibrated and the tests be re-done so that the overload material can be analyzed for asbestos and other toxic, but the DOH did not conduct further tests. And it did not tell the public about the overload dust finding. On its website, such results were merely listed as “n.a.”

Decontamination and Downtown Health

During 2002, as the WTC site was cleared and the city returned to some version of normalcy, environmental and health concerns seemed limited to the people living near Ground Zero and the rescue workers who remained ill, like the hundreds of firefighters who either took medical leave or continued working with new respiratory problems. The rest of the city went on with life, but downtown, long-term concerns developed into a long-term, unhappy dialogue with city, state and federal agencies. This is not to say that New Yorkers in general were sanguine: a poll taken in March 2002 found that 70 percent did not believe the EPA’s assurances about Ground Zero air safety.⁴² But downtown New Yorkers – most of whom had returned to their homes well before the end of 2001 -- were even more skeptical, and, increasingly organized, were pressing hard for both information and remedial action.

Parents of children enrolled in lower Manhattan schools such as P.S. 58, Stuyvesant High School, and the Borough of Manhattan Community College, for example, had serious concerns about the safety of the buildings where the young people spent their days. The buildings had been commandeered as emergency quarters from September 11 onwards, and required decontamination. Such corporate giants as Shearson Lehman, in abating their own affected property at the World Financial Center, had opted to completely dispose of all fibrous materials, from couches to carpets to rugs. By contrast, despite threatened lawsuits and protests from lower Manhattan citizen groups, the city’s Department of Education throughout 2002 opted not to take the same thorough measures in area schools. When parents at Stuyvesant High School hired an environmental engineer to use the ultrasonication method – an EPA-approved⁴³, low-cost, sophisticated test for carpets and other woven fabrics, which are reservoirs for asbestos and a source of continued release of asbestos particles – they found 60,000 to 2.5 million structures of asbestos per square centimeter in school carpets, an extraordinarily high concentration.⁴⁴ This was *after* the school had undergone an EPA-backed abatement. The Department of Education called the parents’ test results “inconclusive,”⁴⁵ choosing instead to dicker about what “background levels” of asbestos were acceptable for exposing young people.

The EPA’s refusal to handle abatements on the insides of residential buildings became a focus of community activism. In April 2002, in part to keep pressure on EPA to meet its responsibilities, my organization tested a residential loft building -- just north of the Chambers Street cleanup boundary set by EPA -- which happened to house a day care center, and found asbestos. Initially the EPA’s response was “Not our department.” But when an EPA official relented and agreed to cooperate with DEP in taking samples from the building, it found asbestos in

Justice Project, September 24, 2001.

⁴² *Daily News*/New York 1 poll, at http://www.732-2m2m.com/tt/2002March_articles.htm

⁴³ EPA method number 600/j-93/167

⁴⁴ Howard Bader, environmental engineer, quoted in Cate Jenkins memorandum, “Stuyvesant High School Testing,” August 29, 2002.

⁴⁵ Conversation with Deputy Schools Chancellor Klasfeld, September 4, 2002.

concentrations up to 5 percent – five times the cut-off level for immediate abatement. (By contrast, the DEP found zero asbestos at the same site – utilizing the same technology it, and private companies, had utilized since September 11 – which suggests that all along its testing methodology must have been seriously inadequate and its results therefore wildly optimistic.) In a victory for downtown residents, the EPA announced ten days later that it would undertake the substantial cleanup of all requested apartments south of Canal Street, thus expanding its zone of responsibility northward by ten blocks and finally acknowledging its responsibility for interiors. This was a \$5-10 million obligation it had tried to shirk for nine months.

The efficacy of the EPA-funded cleanup remained controversial, however, challenged by tenant organizations such as 9/11 Environmental Action as well as by Congressman Nadler and State Senator David Patterson, EPA scientist Cate Jenkins, Joel Shufro of the New York Committee on Occupational Safety and Health (NYCOSH), former Councilwoman Katherine Freed, Dr. Marjorie Clark of Lehman College, attorney Barbara Olshansky with the Center for Constitutional Rights, and others. Many felt it was too little and very much too late. And it did not include office buildings and their tenants. Meanwhile, the DEP, as noted above, was embarrassed into demanding reports on cleanups from landlords, in May 2002,⁴⁶ but neither enforced its demand nor checked on building conditions itself.

Then there was the management of contaminated city vehicles: faced with a devastating loss of personnel and equipment, the city quickly reclaimed any trucks, fire engines and buses that had initially been used to respond to the disaster. In April 2002, the Uniformed Firefighters Association, concerned about members' exposure, asked the Environmental Law and Justice Project to conduct testing on fire engines; our testing showed up to 5 percent chrysotile asbestos on vehicles that had *already* been “decontaminated” by a city contractor. In our capacity as environmental counsel to the firefighters, the Law Project obtained an internal FDNY memo which, in August 2002 – nearly a year after the disaster, plenty of time for agencies to share basic public-health information – informed Fire Department tour commanders city-wide that caked WTC debris on respirators and apparatus (this includes trucks) “does not constitute an immediate health hazard. Asbestos is only a hazard when it becomes friable and airborne.”⁴⁷ This statement is extremely misleading. The asbestos found on the trucks (and respirators) is already WTC dust and can easily become broken up into breathable particles when disturbed by fire-fighting activity.

The memo continued: “OSHA does not have any exposure limits for this time type of exposure, as it is not a hazard.”⁴⁸ Unfortunately for those who have to wear these supposedly non-hazardous respirators, the Law Project -- in random testing of oxygen tanks and masks that are stored on fire trucks and worn by firefighters to enter burning buildings – found dust containing asbestos. Why is this not being remedied?

City buses used to transport rescue workers to and from Ground Zero are another area of concern, as they do not appear to have undergone proper abatement. Officials of the Transit Workers Union have reported to the Environmental Law and Justice Project that, so far as they have been able to discover, the city has not conducted a

⁴⁶ NYC DEP memo to New York City landlords dated May 11, 2002.

⁴⁷ Memo from Salvatore J. Cassano, chief of operations, NYFD Bureau of Operations, August 2, 2002.

⁴⁸ *Ibid.*

thorough abatement on these vehicles, which were returned to service transporting city residents and reportedly continue in use at this writing. Further, a spokesman for the Army Corps of Engineers informed us that other government vehicles used in the rescue effort do not appear to have undergone proper abatement.⁴⁹ Why not, now that the immediate emergency is over and a long-term view of the consequences should be the top priority for the responsible agencies?

It is not alarmist to ask such questions, but merely sensible. And policymakers should be pursuing solutions to these problems, even if it means admitting that mistakes were made, because that is how to improve response for any future emergency, and it is the only way to retrieve the public's confidence.

The Bigger Picture

Accompanying the environmental and public health disaster in New York City is an erosion of civil liberties nationwide since September 11. The USA PATRIOT Act permits the government to shroud itself in secrecy and restrict civil liberties in the war on terrorism. Undercutting the right of citizens to obtain crucial information and to be partners in this complicated process, volumes of information critical to environmental activism and policy are being "scrubbed" from government websites in the name of deterring terrorism, including EPA website postings of key guidelines and databases.⁵⁰ For example, the National Advisory Committee for Acute Exposure Guidelines Levels (AEGs) for Hazardous Substances, managed by the EPA, will no longer post exposure guidelines for short-term emergency exposure levels. In March 2002 the EPA announced that it would limit public access to -- and data posted on -- the Envirofacts databases, a directory of toxic sites nationwide and the toxicity of the substances found there.

Freedom of Information Act requests, meanwhile, have been presented as competing with our security, such that we may lose our capacity to learn what we are breathing. Attorney General Ashcroft, in a Department of Justice memorandum on FOIA issued just weeks after September 11, contrasted "full compliance" with the FOIA with the "fundamental values that are held by our society" -- defined as "safeguarding our national security, enhancing the effectiveness of our law enforcement agencies, protecting sensitive business information, and not least, preserving personal privacy."⁵¹ The public's right to know cannot compete.

At the same time, the EPA's inaction around September 11 set a dangerous precedent by undermining the authority of all environmental statutes. In the midst of a disaster that necessitated extensive action, the EPA, New York State's DEC and the city's DEP enforced the law less aggressively than in periods of normalcy. As of this writing, the DEP has issued only three asbestos violations for lower Manhattan since September 11.⁵²

Among the environmental laws that are at risk, in this climate, are the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA)⁵³; the Resource Conservation Recovery Act (RCRA); the

⁴⁹Conversation with Lt. Colonel Douglas W. Sarvel, Army Corps of Engineers - NY District, October 2002.

⁵⁰ OMB Watch keeps a list of information removed from government websites. See www.ombwatch.org/article/archive/104.

⁵¹ Attorney General John Ashcroft, Memorandum for Heads of all Federal Departments and Agencies -- at http://www.epic.org/open_gov/foiagallery/memorandum.html

⁵² Conversation with Russell Pecunies, January 24, 2003.

⁵³ 42 USC Sec 9601-9674 CERCLA empowers the EPA to act to prevent environmental contamination and to ensure

Community Right-to- Know Act⁵⁴, and the National Contingency Plan, which gives the EPA powers, in an emergency, that the agency failed to make use of in responding to September 11.⁵⁵ Under the National Contingency Plan, the President is authorized to act whenever a hazardous substance is released into the environment which may present an imminent danger to the public health or welfare. The Administration, under law, could have pulled out all the stops to test, analyze and remediate the toxic results of the WTC collapse – and could have required state and local agencies to do the same – but, although the appropriate technology was available and although billions of dollars had already been set aside for the New York recovery effort, it chose not to do so.

Further, in a new use of an old office, the White House has attacked independent scientific inquiry within the federal purview, by subjecting any agency regulation or collection of information to a review process by the Office of Information and Regulatory Affairs, within the Office of Management and Budget. For example, in December 2002, after the EPA's cleanup of Libby, Montana, the OMB thwarted the EPA's plan to alert Americans nationwide about the dangers of Zonolite insulation – manufactured in Libby -- which contains highly cancerous fibers and is present in fifteen to thirty-five million American homes. The OMB cited cost reasons for not alerting the public to this hazard.⁵⁶

In another bureaucratic maneuver with large implications, the EPA administrator is now authorized -- by an executive order dated May 6, 2002 -- to classify information as "secret."⁵⁷ This new power threatens the release of such information as was obtained on the toxic fallout of the WTC collapse. And within the EPA, dissent and self-evaluation have become a lot harder: the Office of the Ombudsman, charged with the agency's internal oversight and for many years quite independent, has had its wing clipped. After publicly questioning the agency's decisions around the World Trade Center disaster, exposing the inaction of the EPA, and cooperating with the inquiry of officials like Congressman Jerrold Nadler, in late November 2001 Ombudsman Robert Martin and his chief investigator, Hugh Kaufman, were told that the office was to be placed under the direct control of the EPA Inspector General. This would effectively end the ombudsman's autonomy, as he or she now must clear all public statements before they are issued.⁵⁸ Martin resigned.

These setbacks for transparency are part of a wider political agenda in which the weakening of EPA's role in protecting the environment and enforcing protective laws is a foregone conclusion. In February 2002, the director of

that, when contamination occurs, it is thoroughly cleaned up, both with short-term measures and with long-term remedial action to provide a permanent remedy.

⁵⁴ See J. Echeverria and Julie Kaplan, *Poisonous Procedural "Reform": In Defense of Environmental Right to Know*, Georgetown Environmental Law and Policy Institute, gelpi@law.georgetown.edu

⁵⁵ The National Contingency Plan gives the EPA and other agencies great powers to collect data and mitigate environmental trauma. 42 USC 9604. 40 CFR 300. Acknowledging the EPA's power and responsibility in the WTC crisis, Whitman testified to the Senate Appropriations Committee that her agency is "assigned lead responsibility for cleaning up buildings and other sites contaminated by chemical or biological agents as a result of terrorism." Testimony, November 28, 2001.

⁵⁶ Andrew Schneider, "White House Office Blocked EPA's Asbestos Cleanup Plan," *St. Louis Post-Dispatch*, December 29, 2002, p. A1.

⁵⁷ Designation Under Executive Order 12958 Federal Register, Vol. 67, No.90

⁵⁸ Robert Martin, resignation letter to Gov. Whitman, April 22, 2002.

the agency's Office of Regulatory Enforcement, Eric V. Schaeffer, resigned in protest, charging that the EPA was "fighting a White House that seems determined to weaken the rules we are trying to enforce."⁵⁹ A week later, he testified before the Senate Governmental Affairs Committee that the EPA was weakening air pollution standards to appease the energy industry, in violation of the Clean Air Act. Energy companies, he pointed out, release one-fourth of the five million tons of sulphur dioxide emitted annually and two million tons of nitrogen oxide – producing acid rain and choking smog that each year lead to 10,600 deaths; 5,400 cases of chronic bronchitis; childhood asthma; and over 1.5 million lost work days.⁶⁰ EPA used to penalize these companies. But as Schaeffer predicted in his testimony, in November 2002 the EPA announced changes in pollution standards for power plants, changes that weaken emission controls. A nongovernmental study published in 2002 found a "steep decline" in environmental enforcement and fines under the Bush administration.⁶¹

Important as environmental rules, standards and enforcement are to public health, access to complete and accurate information is even more essential, because it is the guarantee of official accountability. In this regard, it is especially worrisome that so-called "whistle-blower" provisions will become vestigial law - leaving little room for dissent and challenge in the face of improper action. As the *Washington Post* reported in October 2002, "President Bush's interpretation of the new corporate accountability law that deals with whistle-blower disclosures to Congress" was used by the U.S. Labor Department's solicitor to deny protected status to a government lawyer who sought to pass reports on toxic materials on federally owned land to a U.S. Congressman.⁶²

For private workers – and virtually all the WTC cleanup work has now been privatized – there are no protections whatsoever if they wish to publicize inadequate cleanup methods or inadequate protective measures. Not only does New York State have an extremely weak whistle-blower law, but these private sources of information are not covered by it; they are at the mercy of employers.

It is only in a climate of open government that responsibilities for public health and environmental protection can be taken up with the vigor and dedication that were needed to face the tragedy of September 11, 2001. Demands for transparency from independent activists, journalists, and the public at large are not only protected by the Constitution, they are a requirement of mature citizenship. The health fallout from World Trade Center disaster will be with us for many years to come, and the fallout in terms of mistrust of the environmental authorities represents a challenge that should motivate us all.

⁵⁹ Eric Schaeffer's resignation letter is at www.ewg.org/reports/epa/schaefferltr.html

⁶⁰ Testimony, March 7, 2002.

⁶¹ ABT Associates, "Particulate Related Health Impacts of Eight Electric Utility Systems," prepared for the Rockefeller Family Fund, at www.rffundorganization.com. Eric Schaeffer now heads this organization's environmental enforcement project.

⁶² Christopher Lee "Whistle-Blower Case at Issue: Senators Decry Intervention by Labor Department Solicitor," *Washington Post*, October 25, 2002, p. A27.



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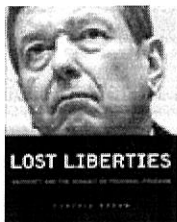
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Lost Liberties: Ashcroft and the Assault on Personal Freedom

*Edited by Cynthia Brown
With an introduction by Aryeh Neier*

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Synopsis

"To those who scare peace-loving people with phantoms of lost liberty, my message is this: Your tactics only aid terrorists."

—Attorney General John Ashcroft

Thirteen leading experts confront the justice department's assault on civil liberties.

In the wake of September 11, John Ashcroft's Justice Department has presided over an unprecedented assault on the civil liberties established in the Bill of Rights. Enacted in haste and, at times, in partial secrecy, the legislation and orders have not been carefully examined, and their implications are only now beginning to surface. Not since the internment of Japanese-Americans during the 1940s have we witnessed such abridgement of American rights.

While the loss of liberties has been met with apathy by the press and public alike, the lawyers and analysts in *Lost Liberties* provide a detailed, comprehensive look at the USA Patriot Act, chronicling the destructive impact of crackdowns on thousands of Americans and revisiting the ugly history of political repression in times of crisis.

Featuring original contributions from David Cole, Michael Tomasky, Nancy Chang, Kenneth Roth, and Anthony Romero, *Lost Liberties* will be a critical text for those who want to know in advance the long-term implications of these drastic measures.

Cynthia Brown, former program director of Human Rights Watch, is now a freelance consultant and editor based in New York.

Some of the fundamental changes to Americans' legal rights by the Bush administration and the USA Patriot Act following the September 11, 2001, terror attacks; from the Associated Press, September 5, 2002:

- Freedom from Unreasonable Searches — Government may search and seize Americans' papers and effects without

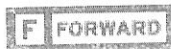
probable cause to assist terror investigation.

- Right to a Speedy and Public Trial — Government may jail Americans indefinitely without a trial.

- Right to Liberty — Americans may be jailed without being charged or being able to confront witnesses against them.

- Freedom of Association — Government may monitor religious and political institutions without suspecting criminal activity.

- Freedom of Information — Government has closed once-public immigration hearings, secretly detained hundreds of people without charges, and encouraged bureaucrats to resist public records requests.



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January 29, 2025: Testimony/Statement of Andrew J. Carboy

My name is Andrew Carboy. I serve with my colleague, Matthew McCauley, as *pro bono* counsel representing 9/11 Health Watch, a not-for profit World Trade Center healthcare advocacy group, first responders, residents, and surviving family members of those lost to September 11th illness and disease. On their behalf, we filed requests pursuant to New York's Freedom of Information Law.

Our clients seek no compensation. As their attorneys, we seek no legal fees. Our shared goal is strictly to find out what the City knew about the dangers of toxic substances released as a result of the terrorist attacks and when the City knew it.

We are here because September 11th continues to make people sick.

Be they first responders, recovery and utility workers who met the call in those terrible times, or public-school students and residents of lower Manhattan and Brooklyn, New Yorkers live with the consequences of dust plumes, fires and smoke that choked the City for months.

Our requests to the Mayor's Office and other City agencies seek answers:

What did the City know about the air quality and when did it know it?

Why the rush to reopen public schools blocks away from the burning debris and fires that raged on months later?

What explains the gap between the City's message that it was safe to return to offices and homes and the air quality test results it received from independent sources, such as utilities?

Where are those air quality test results, today?

We posed these questions by filing a Freedom of Information request with the Mayor's Office, the Office of Emergency Management and the Department of Environmental Protection.

In denying our clients' Freedom of Information requests and in denying the similar requests of the New York Congressional delegation, the City denies the most significant day in its history. The padlocked doors of the September 11th archives must be thrown open, today.

The bases of the City's denials are absurd.

We cannot believe that records concerning that terrible event, created in the days and weeks *after*, were destroyed *on* September 11th. We do not accept that the City's Department of Environmental Protection, the City's "lead agency" in the air quality response, has none of the requested records. Records of the biggest event in New York City history simply do not "vanish" from the archives.

We do not agree that a Freedom of Information request must be drafted with the precision of a menu order. If we knew the title of the documents and their contents, their current location, and the identity of the bureaucrat in whose desk they are contained, this fight would be unnecessary. Indeed, the resolution of this respected Council would be academic. But, in the face of these denials, we must all press on.

Because the City does more than deny history; it turns its back on the legacy of September 11th. For our clients and for tens of thousands of others, September 11th is not history. It is not even yesterday. September 11th is every day. Whether it's a first responder fighting multiple and distinct forms of cancer, a monitored patient checking in for a

screening and awaiting the results, or a family reeling from a needless death, the legacy of that awful morning is confronted... each new morning.

Our City was saved by those who extinguished the fires, searched for survivors, cleared two million tons of wreckage, and restored power and utilities, all the while inhaling toxic fumes and dust. Today, these men and women suffer for their bravery and selfless work. We owe them the truth. We also owe those who returned to live, work and study in lower Manhattan, one week after the collapse, and at the direction of the Mayor's Office, nothing less.

For all we know, the City genuinely did not immediately recognize the airborne dangers. Perhaps it took days or even weeks to have a genuine understanding of the toxic hazards confronting all New Yorkers. Perhaps not.

Regardless of the answer, we should learn the facts. There are, without doubt, valuable lessons to be learned from the secret 9/11 archive. The information the files contain will inform preparation for future disasters and, hopefully, optimize municipal responses. The archive's release may have the effect of rebuilding the public trust. It could also underscore the importance of questioning the pronouncements of government regarding public health and safety. We will not know, however, until the documents are made available.

Our efforts continue. We are now challenging the City's refusals in Court proceedings, but we have come to recognize the limitations of the Freedom of Information Law. We see, too, that even powerful sitting members of the United States Congress meet the same resistance.

The City Council is uniquely equipped to address this obstruction. We thank Speaker Adams for convening this hearing. We thank Council Member Brewer for her tireless work in drafting this historic resolution. We applaud the use of power vested in the Council by the City Charter to order this review. We thank each Council Member, present today, for their time and attention to this issue. We look forward to the results. Thank you, again.

A handwritten signature in black ink that reads "Andrew J. Carboy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

January 29, 2025

Andrew J. Carboy
Carboy LLC
One Liberty Plaza, Floor 23
New York, NY 10006



From: [REDACTED]
To: [Testimony](#)
Subject: [EXTERNAL] Written testimony
Date: Wednesday, January 29, 2025 12:06:20 PM

Written Testimony

Betty Vargas (First responder/NYPD/84th precinct)

As a first responder who witnessed the attacks, 9/11 will be a day forever engraved in my brain. I never experienced anything like that in my life. I was present and assigned to (meaning my assignment for the day was to stand on the Brooklyn Bridge (Brooklyn side) and helped all pedestrian cross into Brooklyn safety and as quick as possible. I witnessed the towers collapsed. I was present at Ground Zero and worked at the Fresh Kills landfill in Staten Island for up to 9 or 10 months afterwards. We (All first responders) were told by the Environment Protection Agency (EPA) that “they had not seen any reason or any readings that had indicted any health hazards” and that the air was safe to breathe. Even though the air dusk showed differently. You could tell that something was not right. I am not a scientist, nor a chemist nor a doctor but I could sense that the air was too thick and dirty because I felt small particles entered my mouth, my hair and skin (I tried to covered my mouth with my hands). I had a feeling that it was not safe but who am I and there was nothing I can do. I didn’t have proper equipment to protect myself. It's common sense to know that if two planes crashed into a building there had to be heavy metals in the air like asbestos or jet fuel plus other hazardous materials.

A couple of days (after the fact), we started to received dusk mask to use because they tested and found low levels of asbestos. Yet they issued a press release on September 18, 2001 stating that the air was safe to breathe and the water was safe to drink. According to the Union of Concerned Scientists (2003) EPA scientist Cate Jenkins stated that the EPA lied because they knew that the dust was highly caustic and in some cases as caustic and alkaline as Drano. The air smelled like burning rubber, hair and skin. The smell was awful and I got sick to my stomach. All you had to do was breathe and you would smell burn hair and skin among other things. I never knew what that smelled like until that day and I will never forget that smell. So imagine the chemicals that were lingering in the dust cloud that day that lasted for days. It went from a beautiful sunny day to one of the darkest day in history.

I retired from NYPD but now I suffered from Asthma, Breathing problems, Chronic Obstructive Pulmonary Disease (COPD), Obstructive Sleep Apnea (OSA),

thyroids problems, eye problems, lower back pain, irregular heart beats, Autoimmune disease, GERD, reflux disease to name a few. I have had five (5) surgeries in my face and eyes because I developed a huge goiter on my thyroids which was obstructing my breathing. I received radiation which was unsuccessful. They had to eventually remove my thyroids but then I developed Hashimoto and Graves' disease and had to have surgery to break the bones behind my eyes so they can move back into place. I was a healthy forty (40) year old who frequently ran marathons and races during the attacks. Now I am lucky if I can finish a 3 mile run without stopping to catch my breath and use my rescue inhaler.

I am registered with the WTC Health program but I am not certified. I attend the yearly checkup clinic when they remember my name. It is supposed to be yearly visits but it is not. All they do is referred me to my doctors and will not pay for any of my necessary medications because I am not certified with the program. All the hours of digging and recovery for nothing because the government does not care for our wellbeing. Why you asked that I am not certified? Because of the so called maximum time interval periods which is kind of dumb because some people started feeling sick right away while others (like myself) it took years to develop. According to the above mentioned article, people exposed to dangerous chemicals like that will develop serious health conditions later on in life and not right away. So you tell me?

Thank you for hearing me out.

References:

World Trade Center Rescue Workers Believed EPA, Ended Up Sick (2003, April 8). Union of Concerned Scientists

Testimony

Reso 0560-2024

The New York City Council directs DOI to conduct an investigation to ascertain the knowledge possessed by mayoral administrations on environmental toxins produced by the September 11, 2001 terrorist attacks on the World Trade Center and to submit a report to the Council thereon.

January 31, 2025

I want to thank Chair Brewer and the New York City Council Committee on Oversight and Investigations for holding the hearing to direct the Department of Investigations to investigate and report on the documentation possessed by the Mayor on environmental toxins produced by the 9/11 attacks.

I live in Independence Plaza, an apartment complex in the vicinity of the World Trade Center. In the decades that followed the attack, I have seen a number of people develop 9/11-related ailments and several have died as a result.

As a member of the 9/11 survivor community, I support Reso 560. It is important for the public to know what the City knew about the potential health effects of 9/11. These documents could potentially increase our knowledge of the scope of the disaster, identify more illnesses, strengthen support for the 9/11 Health Program, and provide lessons on how to handle future environmental disasters.

Respectfully submitted,

Diane F. Stein

[REDACTED]

[REDACTED]

From: [Gary Smiley](#)
To: [Testimony](#)
Subject: [EXTERNAL] From Gary Smiley FDNY EMS Local 2507 Uniformed EMTs, Paramedics & Inspectors WTC Liaison/Delegate 9/11 Air Quality
Date: Monday, January 27, 2025 12:11:28 PM

[REDACTED]

Hello Honorable NYC Council Members

My name is Gary Smiley and I am a 9/11 Responder and critically injured Survivor from the FDNY. I served 27 years as a Paramedic and Rescue Paramedic in the FDNY.

I know am the WTC Liaison/Delegate for the Uniformed EMTs, Paramedics & Fire Inspectors Local 2507 of the NYC Fire Dept.

It is imperative that the Air Quality Records be released and made available to 9/11 WTC Researchers and Doctors as it has been made very clear that based on the time (date of the Rescue & Recovery process) a Responder was exposed can be used to tailor treatment and gage and manage more appropriately treatment modalities.

The Science is clear on this and it is Egregious that this critical information has been kept hidden by multiple administrations including the current one.

Furthermore, Preventative Medicine is crucial to 9/11 Responder and Survivor Health and Survivability and these Air Quality Readings fall into this category. I would be happy to speak with and meet with any council member to discuss this further. I am sorry I cannot attend in person. Thank you.

Sincerely,

Gary Smiley
FDNY EMS Local 2507
Uniformed EMTs, Paramedics & Fire Inspectors
WTC Liaison/Delegate

[REDACTED]

From: [george sykes](#)
To: [Testimony](#)
Subject: [EXTERNAL] 911 Bulk Sample
Date: Monday, January 27, 2025 3:18:13 PM

[REDACTED]

As a project manager for an environmental remediation contractor who was working a asbestos removal project at Battery Park Garage/TBTA, Thursday or Friday after 9-11-01 I took a sample of dust and debris from the roof of Battery Park Garage and submitted same sample to a lab for analysis, as I was licensed to supervise asbestos but did not have a license to take a bulk sample it would not be a legitimate sample they were told to analyze for asbestos anyway. The bulk sample results revealed approximately 3.5 % asbestos.

Battery Park Garage is 4 blocks south of the towers. We as contractors needed to know what was surrounding our active asbestos containments to figure out a way to proceed with the abatement project at some point

I am member with the World Trade Center Health Registry and Have several illnesses associated with working/responding to the clean up effort.

I still currently have some of that debris in a sealed container that I put away after sending a smaller version to the lab. Don't know if this will help but that is my testimony, my Name is George Sykes and I was a project manager working cleanup at 140 West Street/Verizon to get the stock market back up and running before returning to the Battery Park Garage Project

You have my email
Sent from my iPhone

From: jocerven@ [REDACTED]
To: [Testimony](#)
Subject: [EXTERNAL] world Trade Center.
Date: Sunday, January 26, 2025 11:56:54 PM

[REDACTED]

Greetings NEW YORK CITY COUNCIL,

As a retired NYPD officer i can attest to the toxic fumes and dust that was spewn from the burning remains of the World Trade center from that fateful 11th day of september 2001 continuously till the fire was finally extinguished in January 2002.

When at the site we asked the coastguardsman that was taking air samples if the air was safe . he laughed and we all said as safe as toxins can be .

Christine Whitman the then head of the government epa stated the air quality was safe or good. She later apologized years later for her statements .. Her apology was not warmly received by the survivors of the dead , dying and infirmed

Also the nypd medical board is very resistant to giving out 3/4 s to those who are dying,debilitated and dead.

My life has continually gone down hill with the onset of many illnesses. my quality of life like all first responders is very marginal .

Respectfully ,john cervenka Retired NYPD

JUDITH E. MEYERS

San Diego, CA 92128

January 23, 2025

New York City Council
City Hall
250 Broadway
New York, NY 10007

Re: Public Hearing on Res. 560 (Brewer)

Ladies and Gentlemen:

As a former office worker in the Exposure Zone in Lower Manhattan, I am a survivor of the 9/11 attacks on the World Trade Center. In October 2019, I was diagnosed with Non-Small Cell Lung Cancer as a result of my post-9/11 exposure to the toxic air downtown. I am enrolled in the World Trade Center Health Program.

To date, I suffer from only one 9/11-caused disease; however, I do not know my risk factors for other diseases that may arise from the toxic chemicals to which we victims were exposed. It is essential that my doctors understand my prior exposure and potential health risks.

I support the passage of Resolution 560. We victims of the attacks deserve to know what we were exposed to; in fact, my lung cancer was misdiagnosed for months because my doctors were not knowledgeable about what toxins I was exposed to in the aftermath of 9/11.

I urge the City Council to finally pass Resolution 560.

Very truly yours,


Judith E. Meyers

January 29, 2025

City Council Resolution 0560-2024 Identifying the Chemicals Released into the Air
Released on 9/11/2001 Attack on the World
Trade Center in lower Manhattan

The horrific attack on the North and South Towers of the World Trade Center has killed an untold amount of people that day. There were self contained subterranean levels with stores, restaurants offices, and more in which life was vaporized. The extinguished lives, chemicals and electronics rose into the atmosphere transformed by the fire that the digging for the trapped and the dead brought to the surface. The air was engulfing the tri-state area engulfing those who were running or merely breathing the mix that was blanketing everything. No one has told us WHAT WAS IN THE AIR! THE AIR IS STILL KILLING PEOPLE. My brother, Hulan E. Jack Jr. was an Atomic Physicist, teaching evening classes at Borough Of Manhattan Community College. He has had prostate cancer and is in dementia that has eroded his brain to the point that he can't understand the books and the papers that were his daily life's work. He is cared for by his oldest daughter and youngest son. Hulan E. Jack Jr's. only grandson had just started High School at Stuyvesant High School on 9/11/2001 and he has friends that were also breathing in the deadly air. I worry that the content of the air that engulfed those students might erupt into illnesses in them or their offspring. We now have three children in the family. Both the students in the High School and the students of BMCC were told to come back to class four weeks after 9/11. Both my brother and

pg. 2

my nephew were forced to tie bandannas over their faces since the Pile was still burning and releasing toxic chemicals that caused nausea. The inability to have the report of the chemicals that were being released with the human and animal decomp that were being inhaled put the living at a disadvantage when consulting doctors regarding medical problems. This was irresponsible on the part of the state and federal government. It has been 24 years and we are still suffering. It is time to open the reports so that the chemicals can be identified and the repercussions can be identified.

Thank you for your attention

Sincerely,

Ms. Julienne C. Jack

Testimony

[Res 0560-2024](#)

The NYC City Council directs DOI to conduct an investigation to ascertain the knowledge possessed by mayoral administrations on environmental toxins produced by the September 11, 2001 terrorist attacks on the World Trade Center and to submit a report to the Council thereon.

January 29, 2025

Thank you to Chair Brewer and the Committee for holding the hearing to direct the Department of Investigations to investigate and report on the documentation possessed by the mayor on environmental toxins produced by the 9/11 attacks.

In 2015 I fell ill and could not recover. In 2016 I was diagnosed with multiple myeloma, an incurable cancer, which is treatable. Consequently, for the last nine years, I have lived with cancer, I have suffered from health impacts secondary to cancer, and I require lifelong, very expensive monthly treatments. Fortunately, I am a member of the WTC Health Program.

Like the rest of the survivor and responder community, I support Reso 560 wholeheartedly. We need this information in order to support scientific investigation into the implications of the exposure to the 9/11 toxins. This information will help the identified survivors and responders, will assist in establishing future health conditions connected to the exposure, will help identify more survivors and victims, may broaden the geographic area of exposure, and will contribute to knowledge necessary to respond to future disasters in the city, the nation, and the world.

Respectfully submitted,

Katy Bordonaro

[REDACTED]

[REDACTED]

From: [Nicolai Cauchy](#)
To: info@911healthwatch.org; [Testimony](#); [Ben Chevat](#)
Subject: [EXTERNAL] Support for NYC Resolution 560
Date: Friday, January 24, 2025 7:20:41 AM

[REDACTED]

I worked inside the crater of Ground Zero on September 12 2001, arriving less than 24 hours after the collapse of the two towers.

Although I had participated in emergency rescues previously, nothing at Ground Zero resembled in any way anything that I had seen before: first, it was the thick dust that caked the sidewalks up to three feet in depth; then the color of some of the flames still rising through gigantic shards of glass, with fumes emanating like a volcano. But mostly it was the strange, totally unknown smell of a mixture of materials that I had never known before.

My subsequent ailments (thus far pancreatic and liver cancer, plus GERD) may well have resulted from exposure to these fumes. Many others who worked in that hellhole developed terrible illnesses from which numerous people succumbed.

It is at the very least a basic right of those of us who survive to find out everything that is known about the nature of the fumes that we inhaled while working at Ground Zero.

I totally support, in fact I appeal to the New York City Council to pass Resolution 560 and mandate a complete disclosure of all the materials that may have been combusted in this tragedy, and to make that list completely known at least to the survivors and families of rescuers at Ground Zero.

Thank you for your consideration.

Nicolai Cauchy, Cambridge MA

On Wed, Jan 22, 2025, 17:31 9/11 Health Watch <info@911healthwatch.org> wrote:



NYC Council Announces Hearing on Councilmember Brewer's Resolution to have DOI Investigate What the City Knew About the Toxic Exposures at Ground Zero and When Did They Know It?

January 21, 2025

The NY City Council Oversight and Investigations Committee, Chaired by Council Member Gale Brewer announced a hearing on [Reso. 560](#), the binding resolution she introduced in the City Council. The Hearing is set for Wednesday January 29th at 1 PM in the NYC Council Chamber and can be viewed in person or on the City Council livestream.

Resolution 560, if passed would require the City Department of Investigation (DOI) to obtain and review all documents that city government has about what the City knew and when it knew, regarding the toxic chemicals that responders and survivors were exposed to in the aftermath of the 9/11 attacks. DOI would be required to complete the report no

later than two years after the adoption of the resolution.

This would be the first time that the NYC Council has invoked its authority granted by the City Charter ([Section 803](#)) to order DOI to conduct an investigation on topics the Council specifies.

You can find more information regarding this issue on the [911 Health Watch web page here](#).

Here is the Committee Hearing Notice below and as a [pdf here](#).

Who: NY City Council Oversight and Investigations Committee

What: Public Hearing on Res. 560 (Brewer),

When: Wednesday, January 29, 2025

10:00 am

Res. 560 is a binding resolution which directs the City Dept. of Investigation to obtain from city agencies and City Hall all documents about 9/11 with information about the types of toxins, the length of time the toxins were expected to remain, the immediate and long-term health impacts of human exposure, and an analysis of the contrast between the knowledge mayoral administrations possessed and the information they conveyed to the public.

Why:

The Adams administration is the fourth mayoralty in a row to refuse to disclose what they knew about the toxins and when they knew it, despite numerous requests from members of Congress, advocates, and the media. Residents and responders deserve to know.

You may testify for up to two minutes in person, by zoom, or in writing. If you plan to testify in person, please check in with the sergeants upon your arrival to the Committee Room in City Hall. If you are planning on testifying via video conference, please register in advance of the hearing at <https://council.nyc.gov/testify/>. Written testimony may be submitted to testimony@council.nyc.gov or via the Council's web- site up to 72 hours after the close of the hearing.

9/11 Health Watch
c/o NYS AFL-CIO
[100 South Swan Street](#)
[Albany, NY 12210](#)
[United States](#)



This email was sent to:

[NicoCauchy](#) [REDACTED]

[unsubscribe](#)

From: [Thomas Maguire](#)
To: [Testimony](#)
Subject: [EXTERNAL] 560 The Turk 182 Bill
Date: Wednesday, January 29, 2025 1:07:56 PM

[REDACTED]

During my zoom testimony I was unable to get to one important fact that the NYPD Inspector General is the wrong tool for this investigation. The eventual upshot will fall squarely on the shoulders of Rudolph Giuliani, an NYPD Golden Child. The conflict of interest is obvious.

This investigation needs a dedicated special investigator and a team composed of NYPD, FDNY, EMS, Construction, Demolition, Carting, as well as Zone employees and residents. We must have everyone with skin in the game sitting at this table disseminating this information publicly.

I have little doubt that the 9/11 Health monitoring service would be willing to provide dedicated scientists and health professionals to translate and make clear any documentation and it's potential health effects as they have observed for the past 20 years but have been unable to tie to the causal agent.

We now have teams of scientists and doctors playing a guessing game and then attempting to provide causal evidence that will withstand legal challenge. It is wildly inappropriate to place Rudolph Giuliani's legacy and political future before the health and safety of the people who stepped up to be the fodder restarting the financial markets post 9/11.

Who Knew? Giuliani Knew?

Who Ran (on our backs)?

Giuliani Did!

Turk 182

https://youtube.com/clip/UgkxCm1TPg9CC_59ZN2qZ_JRN5xcF9tR7sR1?si=IU8E6y11Eo8kQtqh

Sincerely,

Thomas Maguire

P.S. I hope to see you all at this year's Pisces party at The Bitter End.
Get [Outlook for Android](#)

From: [Thomas Maguire](#)
To: [Testimony](#)
Subject: [EXTERNAL] Re: 560 The Turk 182 Bill
Date: Wednesday, January 29, 2025 2:53:14 PM

I would like to also mention the Second Avenue Bell Telephone central office fire. It documented the health effects of burning large quantities of PVC in an enclosed area and led to the development of building codes specifying other types of wire insulation. Now we know that the World Trade Center was designed and approved prior to the Bell Telephone fire and certainly prior to the subsequent investigation.

Certainly every Administration since the early 70s should have this information available from multiple sources within the FDNY, the Building Department, City Emergency Management, City Environmental Protection, and the NYPD.

The burning and decomposition of polyvinyl chloride insulation from all the various wiring, plus the polyvinyl chloride in all the office furniture and other synthetics in upholstery and rugs represent undocumented threats.

Many of the "certified" illnesses stem from very simple irrefutable things like sand in the air from concrete that was pulverized. The more insidious disease stems from the carcinogenic soup that has shown fit to take some and bypass others.

Phosgene gas, a wartime chemical weapon, produced by leaking refrigerant onto hot steel is another concern.

From a cold scientific point of view, leaving behind the devastation, concealment of this data hamstring us in creating safer buildings and in that sense alone represents a moral, ethical, civil and even criminal contempt for life itself.

This is not to even mention, tasking the medical community with maintaining the 9/11 members health and well-being without all the facts that should be available. Nor the value to Medical Science of New York City's own Tuskegee Airmen.

This is not the Kennedy assassination. Truth be told, even the Kennedy assassination should not be handled the way it has been. Virtually everyone of legal age at the time of the assassination is now dead. What secrets (that led us here today) are we preserving?

After Giuliani self-destructed, I ask the same question, what are we preserving over the health and well-being of tens of thousands of New Yorkers and our neighbors who stepped up when we needed them without the proper gear.

With my sincere gratitude for your indulgence,

Thomas Maguire

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From: Thomas Maguire [REDACTED]
Sent: Wednesday, January 29, 2025 1:07:52 PM
To: testimony@council.nyc.gov <testimony@council.nyc.gov>
Subject: 560 The Turk 182 Bill

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Giuliani Did!

Turk 182

https://youtube.com/clip/UgkxCm1TPg9CC_59ZN2qZ_JRN5xcF9tR7sR1?si=IU8E6y11Eo8kQtqh

Sincerely,

Thomas Maguire

P.S. I hope to see you all at this year's Pisces party at The Bitter End.
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**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Joelyn Strauber

Address: DOJ Commissioner

I represent: 180 Maiden Lane

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

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Date: _____

(PLEASE PRINT)

Name: Jeanene Barrett

Address: DOJ Inspector General for NYPD

I represent: 180 Maiden Lane

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 1620 Res. No. _____

in favor in opposition

Date: 1/29/25

(PLEASE PRINT)

Name: Ivey Dyson

Address: _____

I represent: Brennan Center for Justice

Address: 120 Broadway, ste 1750

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Jim Brosi

Address: _____

I represent: Uniformed Firefighters Ass

Address: 125 Maiden Lane

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/29/25

(PLEASE PRINT)

Name: CARBOY, ANDREW

Address: 14 Liberty Plaza, Floor 23 NY NY 10006

I represent: Folk Requirements

Address: as above

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 560 Res. No. _____

in favor in opposition

Date: 1/28/25

(PLEASE PRINT)

Name: Thomas Hart

Address: _____ 44th St NY

I represent: 911 Health Watch

Address: _____

Please complete this card and return to the Sergeant-at-Arms

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THE CITY OF NEW YORK**

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[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: MATTHEW MCCARTHY

Address: [REDACTED] 10504

I represent: FCR Boston

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. 560

in favor in opposition

Date: 1/29/2021

(PLEASE PRINT)

Name: NICHOLAS PAPAN, ESQ

Address: 127 BROADWAY, 27th FL, NY, NY 10271

I represent: UFA (FIRM IS GENERAL COUNSEL)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KEVIN SCULLIN

Address: [REDACTED] NYC 10011

I represent: Myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. State Brewers 9/11 documents bill Res. No. _____

in favor in opposition

Date: 1/29/2025

(PLEASE PRINT)

Name: Marianna James

Address: _____

I represent: my 9/11 impacted family & other Survivors

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Wael Kufreman

Address: _____

I represent: NY ENV. LAW & JUSTICE PROJECT

Address: 301 W 107th St 4W

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Timothy Pena

Address: 257 W 29th NYC

I represent: Veterans Justice Project

Address: _____

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ben Weingberg

Address: _____

I represent: Citizens Union

Address: _____

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THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: David S. Hart

Address: _____, NYC, 10003

I represent: Surveillance Technology Oversight Project

Address: 40 Rock St 9th Fl, NYC, 10006

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THE CITY OF NEW YORK**

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I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Barbara Mané

Address: _____

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

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THE CITY OF NEW YORK**

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in favor in opposition

Date: _____

(PLEASE PRINT)

Name: ANDREW ANSBRO

Address: 204 - E 73rd ST

I represent: UFA

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/29/25

(PLEASE PRINT)

Name: Julienne Cook

Address: _____

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 1/25/25

(PLEASE PRINT)

Name: Christopher Leon Johnson

Address: _____

I represent: Self

Address: _____

Please complete this card and return to the Sergeant-at-Arms