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Chapin, Diana

From: Ilan, Lee [ilan@cityhall.nyc.gov]
 Sent: Tuesday, April 09, 2002 11:27 AM
 To: Chapin, Diana
 Subject: FW: EPA Dust Guidelines

Diana-

Do you know what is the status of Chris Ward speaking to Jane Kenny?
 See notes from yesterday's meeting on the WTC cars below- EPA is either changing their stance or their counsel is not talking to Kenny and Callahan. This really threw us for a loop, and as you can see from Steve Levi's message, the Law dept is not buying it.

--Lee

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

From: Ilan, Lee
 Sent: Tuesday, April 09, 2002 10:36 AM
 To: Sumowicz, Alessandra; Blatchford, Laurel; Kupferman, Susan; Benson, Sam
 Cc: Levi, Steven
 Subject: FW: EPA Dust Guidelines

As you can see from the message below, yesterday's meeting with EPA on the WTC vehicles took a surprising turn when EPA's counsel asserted that EPA believed all along ("and has said orally since day 3?") that people should have an abatement contractor clean their indoor spaces if there is more than minimal dust (but never said so in writing.) He also acknowledged that in Saturday's NY Times, C.T. Whitman said nothing about abatement.

[April 6, 2002 - Cleaning Set for Exteriors Near 9/11 Site - ...Mrs. Whitman formed a task force last month to address indoor air contamination. Mayor Michael R. Bloomberg has formed his own parallel task force. Even where people hired professional cleaners, using the best techniques to remove dust indoors, they must continue to be vigilant against recontamination, Mrs. Whitman said today. "The message to people living down there is to make sure that the apartment is appropriately cleaned," she said. "And then, when you keep cleaning it, keep using the HEPA vac, use the wet wipe."]

This approach is evidently being driven by the Nadler/ombudsman pressure, since EPA could not present a health-based reason for recommending abatement. DOH discussed the tests they had done on NYPD and FDNY vehicles with windows closed and vents on after a non-abatement cleaning that did not show health risk. The factors Mugden cited were:
 1-nooks/crannies in the cars could trap contaminants that a non-abatement cleaning wouldn't get to,
 2-if these cars are sold and not cleaned by an abatement outfit, the new owners would not necessarily be aware of the risk they are taking, and
 3-perception issues: EPA will be exposed to more criticism if they don't require abatement.

After a lot of back-and-forth on this, which was not moving EPA, Steve Levi proposed the following, which was the plan that came out of the meeting:

- 1- EPA will not release the letter; the City will not release the cars.
- 2- EPA will go through the state's list of certified asbestos abatement contractors and give us a list of those that are prepared to work on cars
- 3- the City will draft a letter/phone script to the owners of the 68 cars asking them to agree to have the vehicle cleaned by one of the contractors on the EPA's list and certify to the City and EPA that the work was done according to abatement methods.

Will keep you posted,
 Lee

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

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From: Levi, Steven [mailto:slevi@law.nyc.gov]
 Sent: Tuesday, April 09, 2002 10:01 AM
 To: 'Ilan, Lee'; Miller, James; 'Lai-sun Yee'; 'Mike Gilsenan';
 Sumowicz, Alessandra
 Cc: 'Kelly McKinney'; Amron, Susan; Kahn, Lawrence; Palladino,
 Elisabeth; Leoussis, Fay; Merrill, Thomas; Rohde, David; Rubin, Gail;
 Rundbaken, Eric; Santoro, David; Shaffer, Gary
 Subject: RE: EPA Dust Guidelines

THIS ATTORNEY CLIENT COMMUNICATION IS INTENDED FOR CITY AGENCIES ONLY

EPA's Counsel Walter Mugden said at yesterday's meeting that since day 3, EPA recommended "orally" that interior spaces with more than just a small amount of dust should be cleaned by a professional asbestos abatement contractor. He said that EPA's web link to DOH's public health advice was unfortunate.

I need your help to prove that EPA and the city (and state) were working together, and that EPA consented to the City's public health policy.

I need to know when EPA first recommended cleaning by professional abatement contractors:

1. if oral, please try to tell me who and when (I know this is difficult, but it is important)
2. if in writing, try to send me a copy
3. did the EPA web site ever give advice that was consistent with DOH? was EPA's web site changed?

please give any information you have to your agency general counsel, to forward to the Law Department.

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

From: Ilan, Lee [mailto:lilan@cityhall.nyc.gov]
 Sent: Monday, April 08, 2002 4:23 PM
 To: Miller, James; Benson, Sam; 'Lai-sun Yee'; 'Mike Gilsenan';
 Blatchford, Laurel; Sumowicz, Alessandra
 Cc: 'Kelly McKinney'; Levi, Steven
 Subject: FW: EPA Dust Guidelines

How timely.

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

From: Richard Wager [mailto:rwager@nycedc.com]
 Sent: Monday, April 08, 2002 11:17 AM
 To: 'Ilan, Lee'
 Subject: RE: 8 April Communications Meeting Postponed

Lee - I was just visiting the EPA website and going through the informational material they've got up. It is a little nerve racking. Particularly the section re: dust in apts. Their instructions ask residents to determine whether there apt. contains "more than a minimal amount of dust." If it does they suggest a professional asbestos cleaner, if not then use the DEP guidelines (which they do provide). If I'm a resident this is not helpful, but rather makes me more paranoid. It simply adds to my already existing concerns about their P.R. and communications skills. Just a quick FYI.

-Rich

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

From: Ilan, Lee [mailto:lilan@cityhall.nyc.gov]

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Sent: Friday, April 05, 2002 4:01 PM

To: 'borlan@nycboe.net'; 'rotnneb@ddc.nyc.gov';
'robert.d.kulick@osha.gov'; Adrian Benepe; Alan Leidner; Alessandra
Sumowicz; Anita Richichi; Anita Sher; Anne Mari Santangelo; Barry
Dinerstein; Ben Mojica; Bob Adams; Bob Avaltroni; Bob Williams; Brad
Gair; Brian Clarke; Carl Johnson - DEC; Cesar Pereira; Christopher
Zeppie; cwelsh@cdc.gov; Dana Tulis; David Ippolito; David Klasfeld;
David Nussbaum; Dawn Roberts; Diana Chapin; Dore LaPosta- EPA;
dosepu@attglobal.net; Doug Williamson; Edward Gabriel; Elizabeth McCabe;
Elizabeth Palladino; Eric Kim; Erica D'Avanzo; Erin Stevens; Frank
McCarton; gguzi@panynj.gov; Haeda Mihaltzes; Harold Shultz; Heidi
Rubinstein; Jake Cooper; James Miller; Jane Maldonado; Jessica Leighton;
Joe Picciano; John Katsorhis; Josh Sirefman; Judy Pincus; Kathryn
Tannert Niang; Kathy Callahan; Kelly McKinney; Kerry Kelly; Kym Spell;
Lai-sun Yee; Laurel Blatchford; Lisa Sacks; manimal88@earthlink.net;
Mark Silberman; Mark Topping; Mary Ellen Kris; Mary Mears;
michelled@buildings.nyc.gov; Mike Gilsenan; Pat Clark- OSHA; PESH-
Maureen Cox; Rich Wager; Robert Greene; Robert L. Chinery; Robert
Tranter; Ron Tramontano; Sam Benson; Sarah Knapp; Shuchi Batra;
snb23@juno.com; Steven Levi; Susan Amron; Susan Kupferman; Sven
Rodenbeck; Sylvia Pryce; Terry Weiss; Vincent Coluccio
Subject: 8 April Communications Meeting Postponed

The meeting of the Communications group scheduled for 12:30 on Monday is
being postponed. I will let you know when it is rescheduled.

The Buildings/Data group will meet on 9 April at 11:30, and the full Task
Force will meet on 10 April at 2:30. Both meetings in the Manhattan Room on
the 2nd floor of 100 Gold Street.

Thanks, Lee

--Lee

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