

**STATEMENT OF
DEPUTY COMMISSIONER RICHARD A. FALKENRATH
DEPUTY COMMISSIONER, COUNTERTERRORISM
NEW YORK CITY POLICE DEPARTMENT**

**BEFORE THE
NEW YORK CITY COUNCIL
PUBLIC SAFETY COMMITTEE
JANUARY 8, 2008**

Good morning Chairman Vallone and members of the Council. I am Richard Falkenrath, Deputy Commissioner of Counterterrorism for the New York City Police Department. I am joined by Assistant Chief John Colgan, Commanding Officer of the Counterterrorism Bureau, and Assistant Chief Charles Kammerdener, Commanding Officer of the Special Operations Division. On behalf of Police Commissioner Raymond W. Kelly, we are pleased to be here to express our support for the bill before you today, Intro. 650-A.

As you know, the New York City Police Department commits enormous resources to the fight against terrorism, including the daily deployment of approximately 1,000 dedicated police officers for this purpose. The Department has also engaged the private sector in this mission in several ways: by creating a terrorism hotline for reporting suspicious activity; by providing training in terrorism awareness to community groups; by assessing the security of sensitive locations and making recommendations to "harden" them as targets; by heightening awareness among those providing services or selling goods which might be attractive to terrorists; and by creating the NYPD SHIELD program, which links the Department with private sector security professionals responsible for protecting critical infrastructure.

We have identified an additional and invaluable way to increase public participation in the counterterrorism effort through the private deployment of biological, chemical, and radiological detectors. As City residents and businesses have become more aware of potential terrorist threats, they have taken measures to protect themselves, which include use of this type of sophisticated detection equipment in order to be alerted to such danger immediately. However, there are currently no guidelines regulating the private acquisition of these biological, chemical or radiological detectors. There is no consistent standard for the types of detectors used, no requirement that alerts be reported to the Police Department, and no mechanism for coordinating the alerts.

The bill before you creates a structure which will address the use of this emerging technology, identifying the types of equipment deployed and ensuring that they are appropriate and reliable. Those who wish to possess or deploy a biological, chemical or radiological detector will be required to obtain a permit from the Police Commissioner.

Intro. 650-A outlines the application process and provides for a five-year permit term, with no fee to be charged for the permit. The Police Department will work with its partners in government, particularly the Department of Health and Mental Hygiene, the Fire Department, and the Department of Environmental Protection, to develop the appropriate standards for evaluating the applications, regarding not only the technical

specifications for the detectors but also the applicant's emergency response protocols. Our mutual goal is to prevent false alarms and unnecessary public concern by making sure that we know where these detectors are located and that they conform to standards of quality and reliability.

In addition, Intro. 650-A requires anyone utilizing such detectors, notwithstanding whether the detector has received a permit, to notify the Police Department when the detector alerts them to the presence of a biological, chemical or radiological agent. In this way, emergency response personnel will be able to assess threats and take appropriate action based on the maximum information available.

The bill before you complements the efforts of City government aimed at preventing the potentially catastrophic and costly results caused by another terrorist attack. We believe that the bill builds upon resources that already exist in the private sector while providing an additional key element – the knowledge that these detectors are in fact reliable.

In closing, we remind you that Al-Qaeda and other terrorist groups have announced their desire to acquire and use chemical, biological, radiological, and nuclear weapons against their enemies. In May, 2003, for instance, Shaykh Nasir bin Hamid al-Fahd, a young Saudi cleric, wrote a fatwa justifying the use of weapons of mass destruction against those whom he called enemies of Islam. Intro. 650-A significantly contributes to our ability to address these continuing threats, and we thank you for your consideration of the bill. We strongly urge you to approve Intro. 650-A, in order to further our shared goal of protecting the people of New York City. We will be pleased to answer any questions you may have.



THE CITY OF NEW YORK
OFFICE OF THE PRESIDENT
BOROUGH OF MANHATTAN

SCOTT M. STRINGER
BOROUGH PRESIDENT

Testimony of Manhattan Borough President

Scott M. Stringer

Before

New York City Council Public Safety Committee

Tuesday, January 8, 2008

Good morning. I want to thank Chairman Vallone and the Public Safety Committee for the opportunity to testify here today. More so than most major cities in the U.S., New York faces daunting threats to public safety on a daily basis. I applaud the City Council's Public Safety Committee and the New York Police Department (NYPD) for their ongoing commitment to protecting residents, workers, and visitors to our fine city. I am, however, concerned that in its current form this bill is too broad and will unfairly obstruct the independent collection of scientific data.

The stated purpose of this legislation is to avoid "excessive false alarms and unwarranted anxiety that a large-scale public emergency may be occurring." But I cannot think of any evidence or events from our recent past involving "false alarms" that would create any urgency for this sweeping legislation. If Manhattanites have any "anxiety" related to this bill, it is the very warranted anxiety that residents have about their air quality. In the aftermath of the World Trade Center attacks, residents and workers were repeatedly lied to about the quality of the air they breathed by government agencies, and therefore, any concern about maintaining the right to independently test the air is certainly far from "unwarranted." Had Intro 650 been in place in 2001, it is possible that we would still not have an accurate understanding of air quality downtown.

When two of our City's bravest fell on August 18, 2007 at 130 Liberty Street, the former Deutsche Bank building, I saw firsthand many residents' fear, frustration, and distrust in government authorities. The local community board had repeatedly expressed concern about the building's mismanagement, and outrage at the subsequent fire exacerbated fears that testing had been improperly conducted. I applaud the governor, the mayor, the Lower Manhattan Development Corporation (LMDC), and the Environmental Protection Agency (EPA) for recognizing this legitimate concern and for going to great lengths to reassure the community of the efficacy and comprehensiveness of their testing. We have every reason to believe that the

government fulfilled its role in adequately testing the air quality after the 130 Liberty Street fire. Nonetheless, residents should also be empowered to hold the government accountable and confirm for themselves, in a timely fashion, that their air is free of hazardous chemicals.

While I believe that your aim is to protect New Yorkers, the legislation before you today could undermine an important check on government. I would hope that the City will support the many independent entities that are working to protect residents and promote the health of our families and children. If enacted, would we have the absurd result of making it illegal for parents to test whether their kids are being exposed to second hand smoke, mold, radon or other common pollutants unless they first get a permit from the City? How about air quality testing by environmental advocacy groups in East Harlem, prompted by alarming statistics that children in El Barrio have the highest asthma rates in the nation? The Police department has expressed its intention to use its discretion to ensure that the bill does not include certain safety devices already in use in residences, work places, and municipal buildings across the City. Until these exceptions are listed in the bill itself, however, its passage will threaten citizen rights that should be maintained without government intervention. Moreover, it is important to vigilantly avoid sweeping restrictions that may undermine public freedom and add unnecessary red tape. Whether it intends to or not, this bill will squelch the city's environmental advocates and concerned residents, without regard to civil rights.

Thank you again for the opportunity to testify today.



NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH

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New York City Council
Public Safety Committee

re:

INTRO 650 - PERMITS FOR ATMOSPHERIC
BIOLOGICAL, CHEMICAL AND RADIOLOGICAL
DETECTORS

joint testimony of

**NEW YORK COMMITTEE
FOR OCCUPATIONAL SAFETY & HEALTH (NYCOSH)
and
NEW YORK CITY CENTRAL LABOR COUNCIL**

January 8, 2008



New York City Council Public Safety Committee
INTRO 650
PERMITS FOR ATMOSPHERIC
BIOLOGICAL, CHEMICAL AND RADIOLOGICAL DETECTORS

testimony of
NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY & HEALTH
(NYCOSH)
and
NEW YORK CITY CENTRAL LABOR COUNCIL

January 8, 2008

This joint testimony is presented on behalf of the New York Committee for Occupational Safety and Health (NYCOSH) and the New York City Central Labor Council (NYCCLC).

NYCOSH is an independent, non-profit, union-based health and safety organization located here in Manhattan. Over 200 local unions and other labor and community organizations in the metropolitan area are members of NYCOSH, as are several hundred individual workplace safety and health activists, public health professionals and advocates, and concerned citizens. NYCOSH has been providing technical assistance and comprehensive training in occupational safety and health to unions, employers, community-based organizations, and government agencies for almost thirty years.

The NYCCLC is a non-profit labor membership organization devoted to supporting, advancing, and advocating for the working people of New York City. The NYCCLC brings together 400 local unions from every trade and occupation in both the public and private sectors of the New York City economy. We represent 1.3 million workers, including teachers, truck drivers, operating engineers, nurses, construction workers, electricians, firefighters, retail workers, janitors, train operators, bakers, and many more who are the face of today's workforce.

NYCOSH and NYCCLC join other organizations, including members of the public health, environmental, and industrial hygiene communities, in opposing Intro 650. This legislation, if enacted, would undermine efforts to protect the public health by creating

substantial and unnecessary impediments to the collection of scientific data in both routine and emergency situations.

Specifically, NYCOSH and NYCCLC oppose Intro 650 for the following reasons:

1. *Intro 650 is aimed at fixing a problem that does not exist.* The stated purpose of the bill is to reduce “excessive false alarms and unwarranted anxiety.” No data are presented to support the claim of “excessive false alarms,” nor are the types of alarms that are presumed to be excessive defined. No evidence is presented to document “unwarranted anxiety.” It is likely that no such data or evidence exist. Neither press reports nor the scientific literature nor the city’s own web site provides any support for the assertion that “excessive false alarms and unwarranted anxiety” have been or are real-world problems.
2. *Intro 650 would make it more difficult for the public, and for government agencies, to obtain environmental sampling data in a timely manner.* The inability of government agencies to rapidly deploy air monitoring instruments is well documented. For example, the earliest sampling of workers’ breathing zones at Ground Zero was conducted by the National Hazmat Program of the International Union of Operating Engineers, which came in from West Virginia. OSHA did not begin taking personal samples until September 20. Had Intro 650 been in effect on September 11, 2001, it would have been illegal for technical experts from West Virginia to respond at Ground Zero.
3. *Intro 650 would make it more difficult for the public to obtain independent environmental sampling data and to assess the accuracy of government statements.* For example, elected officials representing the areas of Manhattan most affected by the September 11th attack, including members of this City Council, employed nationally-recognized experts to conduct indoor sampling of residences adjacent to Ground Zero within days of the attacks. Sampling results indicated dangerously high levels of WTC-derived asbestos in downtown residences. At the time, EPA was proclaiming that the air was safe to breathe and NYCDOH was stating that indoor dust could be cleaned up by residents. Government agencies did not conduct indoor tests in residences until December. Had Intro 650 been in effect on September 11, 2001, it would have been illegal for the City Council and other elected officials to bring in technical experts from

outside the city to test downtown residences.

4. *Intro 650 would inappropriately and impossibly task NYPD with assessing the capabilities of air monitoring instruments and of the individuals, agencies, and organizations that utilize them.* It would put NYPD in the position of determining which employers, unions, landlords, tenants, community-based organizations, and others would be entitled to conduct independent environmental assessments. For example, community-based organizations in Harlem and Chinatown concerned about the incidence of asthma and other respiratory diseases would have to obtain police permits to monitor diesel emissions in the public streets outside bus depots.

5. *Intro 650 would immediately make illegal scores of thousands of safety devices already in place in homes, schools, businesses, and public buildings.* These devices include carbon monoxide detectors and legally required smoke detectors.

In conclusion, the goal in science is generally to obtain more data, not less. Intro 650 would serve to impede collection of and access to environmental sampling data. There is no danger to public safety or public health from the acquisition of additional data. NYCOSH and NYCCLC urge this Committee and the City Council to reject this bill in its entirety.

Thank you.



Greater New York Hospital Association

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Kenneth E. Raske, President

January
Seven
2008

To: Members of New York City Council Committee on Public Safety

Re: Int. No. 650-A

I am writing on behalf of GNYHA, which represents over 140 not for profit and public hospitals in New York City and surrounding areas, regarding Int. No. 650-A. While GNYHA is supportive of the purpose of the legislation – to protect the citizens of New York City from possible terrorist attacks involving chemical, biological, radiological, or nuclear devices or weapons – GNYHA would prefer that an exemption from the permitting process be included in the legislation for hospitals.

Hospitals are extensively regulated by the New York State Department of Health, and in the area of radiation equipment, by the New York City Department of Health and Mental Hygiene (NYCDOHMH), and in some cases, by the New York State Department of Environmental Conservation. In addition, hospitals work closely with many New York City agencies in the area of emergency preparedness, and we believe that the goals of the legislation as they relate to hospitals – to ensure that there is a coordinated response in the event of a terrorist event – can be achieved without requiring hospitals to be subjected to an additional permitting process.

While we would prefer that hospitals be provided with an exemption from the legislation, we have received assurances from the New York Police Department (NYPD) that NYPD intends to address the majority of our concerns through the rulemaking process by excluding devices which are used routinely for monitoring medical equipment, medical waste, or personal exposure. However, equipment which hospitals have purchased or which has been provided by governmental agencies (e.g., NYCDOHMH) for the purposes of detecting potential terrorist events would still be subject to the permitting process. GNYHA would prefer that all equipment possessed by hospitals, falling under the definitions of “biological, chemical, and radiological detectors” be exempted from the permitting process in the legislation, as is the case for equipment possessed or deployed by NYCDOHMH and the New York City Fire Department.

GNYHA looks forward to continuing to discuss this legislation with the Committee on Public Safety and the NYPD.

Thank you for your consideration.

Sincerely,

Doris R. Varlese
Associate General Counsel

To the New York City Council:

My name is Barry R. Weissman, I am Vice President with the Hillmann Environmental Group, LLC. I am a Certified Safety Professional and a Certified Hazardous Materials Manager. In addition, I am Certified in Homeland Security at Advance Level IV and a Certified Infrastructure Preparedness Specialist. I am submitting these comments along with Patrick J. Delaney. He is Safety and Health Manager for Ferro Corporation. He is a Certified Indoor Air Quality Manager and a Certified Microbial Remediator.

We read with interest Int. No. 650-2007, the proposal to require permits on atmospheric biological, chemical and radiological detectors. We are submitting these comments in lieu of attending the public hearing.

What is not clear in the proposed regulation is what type of atmospheric detector the council wants to permits. On any one day, there is a large number of industrial hygiene testing being performed in work areas, home and on construction sites.

Industrial Hygiene is defined by the American Industrial Hygiene Association (www.aiha.org) as the *"Science and art devoted to the anticipation, recognition, evaluation, prevention, and control of those environmental factors or stresses arising in or from the workplace which may cause sickness, impaired health and well being, or significant discomfort among workers or among citizens of the community."*

We are men and women who use these devices on a daily basis to determine the health of a workspace, a home or a construction site. We could be looking at mold, indoor air quality, noise levels, asbestos, lead, other chemicals or the amount of soil particles in the air at the fence line of a construction site.

Some of the equipment that we use include direct reading instruments that provide us with a number. That number could represent the amount of dust in the air, the sound level of a construction site or the parts per million of a solvent in the air.

Other equipment could be a pump that is pulling contaminated air through a filter media at a controlled rate. Once the amount of air that is required by the testing protocol has been reached, the filter media is sent to a laboratory for analysis.

If an employee were to be going into what OSHA defines as a "confined space" (29 CFR 1910.146), the atmosphere in that space must be measured for the percentage of oxygen, the amount of flammable vapors, if any or any other toxic material. The meter (commonly known as a 4-gas meter) is used to test this environment and will sound an alarm if certain parameters are exceeded. That alarm (local area only) indicates that the employees need to leave that space immediately.

With the exception of the 4-gas meter (or a specific, single gas meter), the other units usually do not sound an alarm nor do they transmit an alarm. They provide a number or

a dial reading that the operator has to interpret and act upon if necessary. For example; a sound-level meter giving a reading of 90 decibels (dB), what does that mean? OSHA's Noise Standard (29 CFR1910.95) says that a Time-Weighted Average of 90 dB on the "A" scale means that the employee is at his or her Permissible Exposure Level for noise and they are required to use personal protective equipment for protection.

For further information on some of these various units, I refer you to the following websites of three of the many manufacturers and a rental company who rents/leases these units.

Mine Safety Appliance	http://www.msanorthamerica.com/
RAE Systems	http://www.raesystems.com/
TSI	http://www.raesystems.com/
Ashtead Technology (rental company)	http://www.ashtead-technology.com/us/

In doing our work, we have to follow sampling protocols have been developed by OSHA, NIOSH, EPA. In addition other organizations have standard protocols that we are required to follow. For example; the American National Standards Institute (ANSI), American Conference of Governmental Industrial Hygienists (ACGIH), American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE), National Fire Protection Association (NFPA) or the Indoor Air Quality Council (IAQC), just to name a few. Part of those protocols require that these instruments be calibrated and/or standardized prior to, during and after use to ensure the accuracy of these readings.

Considerations:

Has the Council considered that in the event of an emergency when outside assistance from private-sector organization respond, will there be a delay while they need to get a permit for their detectors?

Has the Council considered the needs of companies performing research where they need to monitor what is occurring in or around an industrial process or conduct exposure monitoring of their employees?

Has the Council considered who will be calibrating this equipment to ensure its accuracy? Does this mean that the person calibrating the equipment has to be licensed? What will that cost and what agency will handle the implementation of licensening?

Has the Council considered who will be using this equipment and how to ensure the procedures being followed and the information the equipment provides will be properly understood? Does this mean that the person using the equipment has to be licensed? If so, has consideration been given to determine the criterion to qualify for the license?

Has the Council considered that smoke and carbon monoxide detectors in offices and homes are atmospheric detectors that alarm? Will all of these have to be licensed?

Proposal:

I appreciate that the Council is not assessing a fee for these permits; however, I feel that the Council may be too restrictive if it wants to include all of these monitoring devices in this law.

I would like to recommend the following language changes to the proposed law:

§10-801 Definitions: {Add the following}

The term "Industrial Hygienist" shall mean a person who by training, experience or education performs testing for any biological, chemical or radiological contaminants. This term can include non-certified persons, who meet the qualifications of training, experience or education or persons certified by, but not limited to, the American Board of Industrial Hygiene (CIH), the Board of Certified Safety Professionals (CIH), or the Institute of Certified Hazardous Materials Managers (CHMM) or similar organization.

The term "Industrial Hygiene Equipment" shall mean the meters, pumps, monitors and other similar equipment used by an Industrial Hygienist in performance of their duties.

The term "Household Detector" shall a smoke and/or carbon monoxide detector that only alarms locally and in a one-family house.

Modify §10-802 to read:

§10-802 Permits for possession and deployment of atmospheric biological, chemical and radiological detectors. It shall be unlawful for any person to possess and/or deploy an atmospheric biological, chemical or radiological detector in New York City unless such person holds a valid permit therefore, provided that the commissioner

may exclude by rule any atmospheric biological, chemical and radiological detector which shall not require such permit.

This section shall not apply to **Industrial hygiene equipment under the control of an Industrial hygienist and that does not sound an alarm or only sounds a local-area alarm for those employees involved in the area** or atmospheric biological, chemical and radiological detectors possessed and/or deployed by the department of health and mental hygiene or the fire department of the city of New York.

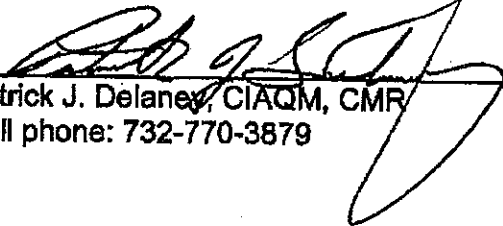
Summation:

We would hope that the Council considers modifying the proposed law to limit the scope of the detection equipment and that they consult with members of the American Society of Safety Engineers (ASSE), American Industrial Hygiene Association (AIHA), Academy of Certified Hazardous Materials Manager (ACHMM) or the American Indoor Air Quality Council (AIAQC) to assist in determining what will be proposed for thresholds as notated by §10-805(b).

Sincerely,



Barry R. Weissman, REM, CSP, CHMM, CHS, CIPS
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Testimony of
Ellie Engler,
Assistant to the President
and Director, UFT Safety and Health Department

United Federation of Teachers

Before the
Committee on Public Safety

Int. No. 650
Permits for Atmospheric
Biological, Chemical and Radiological Detectors

January 8, 2008
10:00 AM

Good morning. My name is Ellie Engler, and I am Assistant to the President and Director of the United Federation of Teachers Safety and Health Department. Speaking on behalf of our president, Randi Weingarten, I thank you for the opportunity to address this issue before you today.

As you know, the United Federation of Teachers represents over 144,000 active employees, including teachers, paraprofessionals, guidance counselors and other non-supervisory educators who work for the New York City Department of Education in some 1,400 schools. As a result, my department covers a lot of ground.

We support the intent of the New York City Council Intro. No. 650 bill, which seeks to protect the citizens of New York City from possible terrorist attacks involving chemical, biological, radiological or nuclear devices or weapons.

However, doing this by universally requiring permits for atmospheric biological, chemical and radiological detectors places an undue burden on personnel conducting routine construction-related activities in New York City. For example, immediately after the August 18, 2007, fire in the Deutsche Bank building, the UFT was in contact with the Department of Education (DOE). The DOE made arrangements for an environmental consultant to conduct monitoring for asbestos in the neighboring schools. To be able to assess the school environments so quickly was reassuring to each of the affected school communities.

Specifically for the UFT, the DOE and the School Construction Authority (SCA), this bill is not feasible and will severely interfere with our ability to investigate, assess and remediate environmental and/or industrial hygiene hazards in our members' workplaces in a timely manner. Our workplaces include all the New York City public schools as well as some private charter schools, a number of private hospitals and healthcare institutions and home child care provider sites. This law appears to require all industrial hygienists and environmental consultants to have a permit to use their monitoring and sampling equipment in New York City.

Specifically, this bill requires:

- A detailed description of the atmospheric, biological, chemical and/or radiological detector to be possessed and/or deployed.
- The manner in which it will be installed and maintained.
- The means by which it will transmit an alarm.
- The emergency action plan to be implemented in the event of an alarm.

We provide industrial hygiene and occupational safety services – including air monitoring and sampling – at these work sites as part of site inspections and during emergency conditions. We go into schools on a daily basis to monitor and assess the air quality both inside and outside the school building. For example, we may use direct-

reading instruments that monitor for the toxic gas carbon monoxide, a range of volatile organic compounds and/or airborne dust and particles. We also use sampling pumps and other equipment to take samples of biological contaminants (for example, bacteria and molds) or chemical ones (for example, asbestos) which are then analyzed by a laboratory. In addition, we use direct-reading meters to monitor for radiation hazards in our science facilities.

Our policy and practices require us to work collaboratively with the DOE and the SCA to investigate, assess and remediate environmental and industrial hazards. We often jointly develop sampling protocols and strategies, share sampling and monitoring results, and conduct side-by-side health and safety assessments that include sampling and monitoring equipment. The proposed regulation would severely restrict these agencies in their efforts to investigate, assess and remediate environmental and industrial hygiene hazards.

There have been school situations and emergencies where the UFT, the DOE and/or the SCA retained the services of an environmental or industrial hygiene consultant to immediately conduct an assessment. If such a consultant has not registered for a permit for biological, chemical and/or radiological detectors, does that mean the consultant cannot assess the school's environment even in an emergency situation?

We generally do not install our meters or equipment in schools or other work sites. However, we have requested that the DOE install detectors, such as those for carbon monoxide, in areas of concern such as classrooms. As required by law, the DOE has also installed carbon monoxide detectors in the boiler rooms of school buildings.

The way this bill is written, the UFT, the DOE and the SCA all need permits for all the environmental and industrial hygiene monitoring equipment (direct-reading as well as sampling pumps, monitors, etc.). The DOE and SCA will also need permits for all installed detectors.

We urge the City Council to reject the broad scope of this bill.

Thank you.

As faculty members at several academic institutions that participate in the Education and Research Center we have grave concerns about the wording, intent, and breadth of the proposed law Int. No. 650 which would impose an extremely broad permit requirement for any one possessing or operating “atmospheric monitoring” devices.

The Education and Research Center supported by the National Institute for Occupational Safety and Health trains students and physicians in the area of occupational medicine, industrial hygiene, environmental quality, and health and safety. The New York-New Jersey Consortium includes Mount.Sinai School of Medicine, Hunter College, New York University, Robert Wood Johnson Medical School, UMDNJ-School of Public Health, and New Jersey Institute of Technology.

A large part of occupational health and safety requires the measurement and monitoring of contaminants in the indoor and outdoor air. These contaminants are most often industrial chemicals, but include molds and radioactive substances. Industries regularly monitor their indoor environment to detect leaks and system failures, to protect workers, and for quality assurance. Industries also monitor the outside environment for compliance with emissions standards or permit requirements. Worker representatives and communities as well as public agencies also engage in environmental monitoring.

All of this has been doing on for decades, with new and improved instrumentation, long before 9/11. And it is important that these activities continue to protect public health, worker health, and industrial safety. As faculty members at the above-listed prestigious academic centers, we spend much time in training students on the appropriate selection, deployment, operation, and interpretation of monitoring equipment. This is conducted under the tutelage of trained professionals, many of whom hold a variety of certifications from nationally recognized boards including Certified Industrial Hygienists, Certified Safety Professionals, and Certified Occupational Physicians.

We can understand the Council’s concerns but wish to comment in detail on parts of the proposed bill.

As part of this effort, the City understands the importance of deploying certain instruments designed to detect the presence of certain chemicals, biological agents, and radiation in the environment.

We agree with the importance of operating a variety of instruments to measure and monitor chemical, biological and radiological contamination in New York City’s outdoor and indoor environments.

However, we have particular concerns about the following wording:

While the proliferation of these capabilities may represent a positive development in ensuring public safety, any such instruments should be deployed and operated only with the knowledge of appropriate City agencies. Moreover,

the City of New York has an interest in ensuring that any such instrument is reliable and effective so that it will not lead to excessive false alarms and unwarranted anxiety that a large-scale public emergency may be occurring. Therefore, the Council finds that the possession and deployment of atmospheric detectors should be regulated by the issuance of permits, and that alarms should be immediately reported according to prescribed procedures.

There is a non-sequitur between the capabilities representing “a positive development in ensuring public safety” and the conclusion that they should be operated “only with the knowledge of the appropriate City agencies.” The operation of such instruments is not only necessary but lawful, and there is no administrative framework that coordinates most of the monitoring that we described above.

The issuance of permits would have a stultifying effect on public health and safety. It would criminalize many activities conducted by industry, workers, academics, and students. Not only would it impose an unnecessary burden on those who work in this area, but it would impose a burden on the Police Department which and would require a new bureaucracy to manage the permits.

Perhaps, it is only a problem that the Council is unaware of the extensive use of equipment that could fall under the overly-broad rubric of “atmospheric detectors”. We want to make it clear that there are many types of equipment which can be used for performing air sampling which are not “detectors” in any sense of the word. But there are also many detectors which should continue to be used and which may be required in industries and communities.

We are entirely in agreement that such monitoring should “not lead to excessive false alarms”, and indeed that is a fundamental part of our teaching program. The way to achieve a high quality atmospheric protection programs is through the appropriate selection, calibration, and operation of such instruments for detection of chemical, biological, or radiological hazards. False alarms (false positives do occur) as well as false negatives (failure to detect a hazard), but any good monitoring program must minimize these and produce what we call very high positive predictive value (if we detect it, it really is there) and very high negative predictive value (if we don’t detect it, it really isn’t there).

In conclusion, the proposed bill would criminalize and interfere with many important public health programs that constantly evaluate the indoor and outdoor environment. We strongly suggest that it be tabled and that the Council should consult many professionals who regularly use and are certified to use monitoring equipment. It may be possible to more carefully word and narrow the definitions used in this bill to achieve the avowed purpose of preventing “unwarranted anxiety”. However, it seems much more likely that the widespread use of monitoring equipment by industry, workers, academics, and students, will go a long way towards reducing anxiety.

And as an afterword, it is becoming increasingly clear that our concern over low probability but high consequence events has negatively impacted our ability to deal with more familiar and frequent problems that we may encounter in our home, community, and workplace environments. This bill appears to fall into that category, unnecessarily encumbering the important daily roles of environmental monitoring, in the hopes of preventing some rare occurrence of uncertain magnitude.

Jacqueline Moline, MD
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David Kotelchuck, PhD, CIH
Hunter College (retired) and
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January 8th, 2008

Public Safety Committee
The City Council of New York
New York, NY 10170

Dear Council Members:

I am writing today to express my opinion on the proposed regulation referred to as “Intro 650 Atmospheric Detectors”. In short, I cannot support this measure and believe it to be seriously flawed.

As background, I am a tenured Associate Professor and director of the Environmental and Occupational Health (EOHS) program at Hunter College and have over 30 years academic experience. Our program has been teaching and training professionals in the identification, evaluation and control of environment and industrial health hazards since 1978 and has graduated over 600 students. Both our degrees (MS and MPH) are accredited by the respective councils and the program has been funded by the National Institute for Occupational Safety and Health for over 30 years. Our alumni, conduct environmental health assessments and industrial hygiene surveys throughout the US and abroad. In short, my students are the experts that use the airborne chemical, biological and radiological detectors that are addressed in this proposed bill.

The issues surrounding Intro 650 are numerous and to make understanding the implications, I’ve grouped them into 5 categories:

1. Impact on Academic Programs in Environmental Science and Public Health:

- a. The proposed regulation will seriously inhibit the laboratory portion of several of our graduate courses. Presently we teach 20-30 students per year on the proper use of direct reading instruments (atmospheric detectors) in 2 courses. As written, this proposal would require getting permits for normal academic work laboratory whereby we send student into the field to collect, analyze and interpret data. We use over a dozen instruments that measure particulates, microbes, organic vapors, and gases. Once students learn to operate these instruments, they are required to design a simple atmospheric environmental survey and collect data. Finally, they must report back to the class in the form of a professional presentation. Can you imagine the complexity of having each student (or me) getting permits for each project and doing this within a 15 week semester. I cannot imagine a swift and efficient process whereby these permits will be issued. The permit issuing process will delay the student’s projects and ultimately affect their academics.

- b. The proposed regulation will seriously inhibit our mandatory internship/capstone requirement. All EOHS students must conduct an environmental or industrial hygiene project. Usually we encourage environmental or industrial sampling to satisfy with this requirement. This proposal would add another complicating layer to approving internship projects, thesis and at other schools; doctoral dissertations.
- c. The proposed regulation will create barriers to high school science education. The regulation is correct in noting that direct reading atmospheric testers are falling in price and becoming more abundant. This is wonderful news and enables NYC High Schools to purchase and integrate this equipment into much needed science education. Select NYC High Schools are using such equipment to better understand science principles and environmental impacts. Can you imagine Bronx High School of Science, Stuyvesant and Cardozo HS students (or teachers) completing permit applications for using such equipment?
- d. The proposed regulation will create significant barriers to conducting much needed atmospheric research. Many colleges and universities in NYC already conduct air quality research using a wide variety of atmospheric testers (Columbia, Hunter, NYU, Queens College and others). The additional step of permitting atmospheric testers to this already complicated and competitive award (granting) process adds yet another restrictive step. Must we get NYPD approval before we submit a federal grant? After? Why?

2. Scientific Scrutiny and Administrative Management

- a. Having worked in environment health for over 30 years, it is my sincere belief that the NYPD is not capable of evaluating the scientific merits of an air sampling program or study design. They do not have, nor is it within their scope to conduct this highly specialize review process.
- b. Administering this program requires significant resources that are not currently in place at NYPD. If this program does not plan on having an application fee, where will the money come from? What other program will be cut to pay for the hundreds of review hours this regulation will generate.
- c. Finally, science needs to be done by scientist. I personally find it insulting to suggest that the NYPD can review the scientific merits of atmospheric testing. The proposed regulation's simplistic view of environmental testing is appalling.

3. Vague Language and Scope: the regulation, as written, has serious flaws and show a lack of understanding on the issue, among them for example:

- a. There is no differentiation between ambient, indoor or workplace sampling? As written they are all covered, so the following common atmospheric testing practices would require permits:
 - i. An environmental consultant doing mold testing in an apartment uptown must get a permit
 - ii. A private building owner who wishes to confirm an asbestos remediation did not affect their office space must get a permit
 - iii. Homeowners that have smoke or carbon monoxide testers must get permits.
 - iv. Safety and health inspectors using atmospheric testers must get permits
 - v. Hospitals having ambient radiological effluent monitoring equipment must get permits
- b. Is the detector or activity permitted? Suppose I use the same piece of equipment on 10 different days on 4 different projects? What does the permit cover?

- c. The presumption is that this law will stop a quack from making a false claim. Is this realistic? I personally think a “quack” will make a false claim whether he has a permit or not.
 - d. Permitting an atmospheric tester does not guarantee it will work or be used correctly. This is akin to saying only licensed drivers will obey the law. We at Hunter College specialize in the proper use and application of this type of instrumentation. A permit will not make use better scientist and/or practitioners.
4. **A Right-to-Know / Community-Right-To-Know Setback** Following the disasters of Bhopal India (an accidental chemical release killing thousands of people), the environmental community fought hard and successfully to achieve “community right-to-know” regulations (i.e. SARA Title III). This proposed regulation is truly a step back in those gains. Generally, we have fought for more frequent testing, more thorough sampling and free reporting. This law negates those efforts.
 5. **Finally, this law does not improve Public Health in New York City**. Our Mayor and Health Commissioner are strong proponents of a healthier New York. How is this regulation, which will truly reduce atmospheric testing and data sharing, in line with our public health mission?

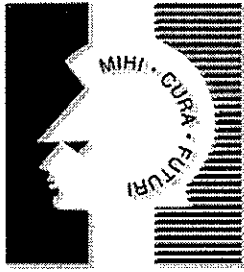
I respectfully ask that this proposed regulation be postponed and discussions opened with a large consortium of affected partners to address the intent of Intro 650. As written, this law is seriously flawed and will create major burdens for academic researchers, students, private environmental consultants and private industry throughout New York. More importantly, the proposed regulation does not speak to the intent it was designed to address.

I am firm in my belief that permitting atmospheric testers will not make for a safer New York City and will produce a reality where atmospheric testing will be hindered to the cost of public health.

Sincerely:



Associate Professor of Environmental Health and
Acting Program Director of Urban Public Health and
Track Coordinator; EOHS MS and MPH degree programs



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January 7th, 2008

Public Safety Committee
The City Council of New York
New York, NY 10170

Dear Council Members:

As faculty members in the Urban Public Health Program at Hunter College, this letter registers our collective concern about and opposition to Intro 650, a bill to require "Permits For Atmospheric Biological, Chemical And Radiological Detectors" to be issued by the Police Department.

Our main objection is that the proposed legislation is overly broad and will not protect public health. The bill presents no compelling evidence that a significant public health threat currently exists, nor that registration of all biological, chemical and radiological monitoring equipment will protect citizens from possible terrorist attacks. In fact, we fear that the bill may have the complete opposite effect – namely, to make it more difficult to carry out environmental monitoring – thereby potentially reducing not increasing information about potential air contaminants.

There are now thousands of instruments used routinely and on a daily basis to measure potentially dangerous and even life threatening chemical and radiological exposures in hospitals, utilities, construction sites and other facilities. Air monitoring is conducted throughout the city for the purposes of compliance with existing city, state and federal laws and regulations, as well as for research, educational and training purposes. Use of this equipment is already governed by a variety of standards, laws and regulations and misuse is subject to already existing penalties and product liability laws. By requiring additional permit may prohibit both routine and emergency use of such equipment.

In addition, the definitions of detectors in the bill would appear to include common radon detectors used voluntarily, smoke and carbon monoxide detectors required by law and used by private citizens, and equipment used to measure mold contamination. There are potentially hundreds of thousands of such devices currently in use. The effort required of the Police Department to evaluate the qualifications of thousands of users of hundreds of diverse pieces of equipment would appear formidable, and the logistics of registration even more so -- little public health or safety end. Moreover, permitting would furnish misusers a defense against private action to recover damages.

Finally, as faculty in public health, we work daily with problems and issues of protecting against the hazards of environmental and occupational exposures to biological, chemical and radiological hazards. We are not aware of any material danger posed by “false alarms” arising from misuse of atmospheric monitoring equipment. We are acutely aware of the consequences of non use of such equipment.

For these reasons, as professionals who have devoted our careers to protecting public health, we urge the City Council to drop this legislation.

Respectfully,

The Faculty of the Urban Public Health Program at Hunter College, CUNY

Marilyn Auerbach	Associate Professor
Barbara Berney	Assistant Professor
Jack Caravanos	Associate Professor
Jessie Daniels	Assistant Professor
Mark Goldberg	Associate Professor
Nicolas Freudenberg	Full Professor
Susan Klitzman	Full Professor
Ally Marshall	Instructor
Mimi Fass	Full Professor
David Kotelchuck	Associate Professor Emeritus
Frank Mirer	Full Professor
Jennifer Richmond-Bryant	Assistant Professor
Lynn Roberts	Assistant Professor
Arlene Spark	Associate Professor

My name is Dr. Jennifer Richmond-Bryant, and I am an Assistant Professor of Environmental and Occupational Health Sciences at Hunter College, City University of New York (CUNY). This program is part of the Urban Public Health program. I am here today with my colleagues from academia to voice my concerns with passing Intro-650, *Permits for atmospheric biological, chemical and radiological detectors*, into law. I believe that the spirit of this legislation is admirable. It is in the best interest of all New Yorkers to have high-quality measurements of air quality. However, Intro-650 may actually obstruct this goal rather than promote it. As an academic institution, Hunter provides two important services for the City: 1) training New York's environmental specialists and 2) researching New York's ambient environment. An overwhelming majority of our students remain in New York City after graduation to pursue or continue careers protecting the environment of New Yorkers.

One of my training responsibilities at Hunter is to work with Master of Science (MS) and Master of Public Health (MPH) students on implementing their Capstone. The Capstone consists of a detailed research project that is written up into a Master's report. Many of our Master's students elect to study indoor or ambient air quality. Paper topics in this area have included measuring:

- Exposure to perchloroethylene (PERC) at residents living above dry cleaning operations
- Particulate matter levels outside New York City public schools
- Mold levels in high rises before and after mold remediation methods are implemented
- Detection of hazardous gases in underground storage tanks for confined space workers
- Dispersion and deposition of lead grit within New York City street canyons

Often for a student, this experience is the first comprehensive independent exercise in designing a study, gathering data, and analyzing the results. Students measure biological contaminants, such as mold, and chemical toxins, such as hydrogen sulfide (H₂S), carbon monoxide (CO), and lead (Pb). These constituents, and the types of monitors used to sample for them, would fall under the purview of the legislation proposed in Intro-650. The practicum experience of the class calls for a preceptor who advises and oversees the student, including their lengthy data analysis process. The Master's paper is also reviewed by multiple faculty members at Hunter to ensure quality of the work, some of which is submitted for publication in peer-reviewed journals.

The permit process proposed in Intro-650 would conflict with the implementation of the student learning experience for a number of reasons, including:

- Many of our students work full-time and attend classes. This would make it difficult for the students to find time to go to the local precinct to obtain the permit. Many of our students would be dissuaded from pursuing an air quality study for their Capstone as a result.
- Students already go through a rigorous approval process, which includes obtaining approval from a preceptor at a project site and the Capstone advisor. The preceptor and I (as Capstone advisor) are trained in environmental health and safety and assist the student in developing a sound project design. A New York Police Department (NYPD) Commissioner or Designee without the same level of doctoral training may give students contradictory notions of sound study design and hence impede student work.
- Students should not automatically report alarm levels to the City, because there are a range of considerations to be made when reporting data. These include:
 - Data acquisition is typically not in real-time. Hence, by the time the alarm is "sounded", the risk could have been eliminated.

- Data analysis of indoor and outdoor measurements includes a broad look at the trends observed in a study. One or a small number of exceedances may not warrant alerting the authorities because they may be 1) flukes, or 2) due to an irregularity in the instrumentation (some instruments require continual maintenance and calibration) that can be corrected. Average levels of the contaminant may be acceptably low. Depending on the biological, chemical, or physical nature of the chemical, the long-term (chronic) exposures may be more important health determinants. Alerting the City of a brief exceedance may cause undue panic and harm.
- The alert process would also undermine the student's experience of a deliberate and rational review of their data, which includes assessment of long-term and short-term trends and eliminating false readings.
- Exceedances also depend on the sampling interval (integrated over a period of time, daily, hourly, by the second) of the instrumentation. If two instruments operate by the same principles but Instrument A is set to sample hourly while Instrument B samples by the minute or second, Instrument B will naturally show more peaks and troughs in the data. It is possible that Instrument B could cause an "alarm" while Instrument A does not despite measuring the same environment. The questions raised by discrepancies in sampling intervals raises questions about the appropriate criteria for developing alarms to be reported. This is especially difficult for students learning to acquire and analyze data properly.
- It is unfair to expect all people to develop an action plan in the event of an alarm level. This is especially true of students who are in the process of acquiring measurement and analysis skills. Many environmental professionals specialize in characterizing an environmental problem, while other emergency response personnel specialize in developing remediation plans. For any individual who is sampling to be required to develop an emergency action plan in the event of an alarm is unrealistic.
- It is unclear in Intro-650 what is the basis for sounding an "alarm". The proposed legislation does not even specify if alarms are linked to existing standards, commonly used "action levels", or some other metric. If the alarms are linked to standards, it is not clear if occupational or environmental standards should be followed. Additionally, standards do not exist for many chemical and biological substances. These factors could potentially cause severe inconsistencies in the implementation of the proposed legislation. Certainly, this issue would be quite confusing for both students and practitioners.
- The proposed legislation does not clearly specify who would be alerted in the case of an alarm. This would cause much confusion to students, and also to practitioners.
- Many students sample on private property in occupational settings. It may not be appropriate to alert the City of a problem that can be handled at the facility management level faster and more economically.

These issues raise many important questions for students as well as practitioners. But, one primary consideration is that the sampling experience is an integral part of developing the next generation of environmental specialists in New York City. Graduates of our program are the people who determine safe working and living conditions for thousands of New Yorkers. Any factors that impede this educational process will serve to reduce the numbers and capabilities of those entering the environmental health and safety field.

As a researcher, I study air quality outside New York City elementary schools in a study funded by the New York City Department of Transportation (DOT). I also have participated in air quality studies at the street level, funded by the U.S. Environmental Protection Agency. In these studies, data are acquired over numerous days or months and analyzed over the course of months to develop an accurate characterization of air quality levels and the conditions that cause them. This is a process that requires significant amounts of time and detailed study. Results from these studies are used to educate communities about the condition of their environment and to develop and inform policies aimed at improving the air quality. In the DOT-funded study, air quality results contribute to development of appropriate traffic mitigation practices around schools to reduce children's exposure to vehicle emissions.

Many of the reasons mentioned above with respect to student projects would also serve as impediments in this research process. However, the following additional reasons would infringe on air quality research conducted in New York City:

- Agencies funding research programs expect research to be conducted within some time frame. The requirement of getting permits for all project staff could very likely impose delays in a project that could undermine the acquisition of data.
- Most projects include multiple personnel. For instance, participants in the DOT-funded study has so far included nine Hunter students, one member of a not-for-profit organization, three AmeriCorp volunteers, one staff member from Hunter, and one Hunter faculty (myself). The process of acquiring permits for all of these participants would cause additional complication to the project. For paid personnel, it would also decrease the project budget by spending hourly payment on administrative issues rather than instrument preparation and entry into the field. Given the public funding for these projects, this is a waste of tax-payer dollars.
- The NYPD Police Commissioner or Designee who contradicts a project approved by a funding agency may cause contractual and scientific issues between the project personnel and the funding agency. For instance, the DOT has approved a specific course of sampling at various public schools. If the NYPD deems that this plan is insufficient and calls for changes, the investigator would be conflicted over honoring the terms of the permit and the terms of the DOT contract. This would be especially problematic in the case where a new permitting requirement is imposed during the course of existing projects, where changes to study plans would potentially undermine the design and implementation of a measurement schedule.

In summary, I implore the council not to pass Intro-650 into law. I strongly believe that, for all of the reasons stated above, this legislation will do more to undermine good air quality in New York City than to promote it.

The Council of the City of New York

Committee on Public Safety

Int. No. 650

A Local Law to amend the administrative code of the City Of New York, in relation to permits for atmospheric biological, chemical and radiological detectors.

January 8, 2008

Testimony of Patrick Timlin, President of Michael Stapleton Associates, Inc.

Good Morning. My name is Patrick Timlin and I am here today representing Michael Stapleton Associates, Inc.

I would first like to thank the Council of the City of New York for inviting me to testify at this important hearing today.

I would next like to give you a brief background of myself and Michael Stapleton Associates:

I am retired law enforcement professional and I am currently the President of Michael Stapleton Associates (MSA), a specialized security company which was built and is based in NYC, and now provides specialized security services throughout the world.

I retired from the New York City Police Department in 2002 at the rank of Assistant Chief. When I retired I was Commanding Officer of Patrol Borough Bronx. I previously served as the Commanding Officer of Detective Borough Queens, the 67th Precinct in East Flatbush and the 114th Precinct in Astoria. During my career I served in multiple patrol assignments in Brooklyn, Queens and the Bronx. Additionally, as a Police Officer, I performed duty in the high risk tactical and rescue unit of the NYPD, the Emergency Service Unit. In the immediate aftermath of the attacks on September 11, 2001, while I was the Commander of the Bronx, I was responsible for securing and maintaining the security and

perimeter of the hot zone at Ground Zero. I have been privileged to have served my entire law enforcement career in operational assignments with the men and women of the NYPD.

Michael Stapleton Associates is a specialized security company which provides services throughout New York City and the metropolitan area. We provide services to both municipal and private entities in transportation facilities, landmarks, financial institutions, commercial real estate, educational facilities and other high profile client sites. Our company was started in 1987 by Michael Stapleton, a retired NYPD Emergency Service Officer. The company has grown to be the premier provider of specialized security services, with an expertise in providing prevention and mitigation services to clients in regard to high consequence events, specifically protection against weapons of mass destruction (WMD). We employ 300 security professionals, with a large number of this staff being retired Emergency Service Officers, Bomb Squad, Haz Mat Technicians and other specialized law enforcement and military personnel. We have received Department of Homeland Security (DHS) Safety Act Certification for two of our technologies. We were one of the first security companies in the country to receive this certification. We take a great deal of pride in the services that our men and women provide.

In regard to the matter which is before the Council today, the creation of legislation to allow the New York City Police Department to regulate the possession and deployment of atmospheric biological, chemical and radiological detectors, we are in support of such legislation. We understand that the bill before us today is for the purpose of providing the Police Department the authority to regulate such devices. We look forward to the next stage of the process in which the regulations themselves will be promulgated and will provide sufficient direction to companies like ourselves who are committed to providing the highest level of protection to the public, and also to ensuring compliance with any such regulations. We stand ready to help the Police Department with the practical application and effect of such regulations in protection of life and assets in the private arena.

There is no doubt amongst law enforcement and security professionals that New York City remains target number one of terrorists, and that the threat of weapons of mass destruction being used against New York City is a real and immediate threat. This has been publicized widely. Al Qaeda has issued several pronouncements in which WMD is threatened. Additionally, Shaykh Naser al-Fahd, a radical Saudi cleric issued a Fatwa on May 21, 2003 in which he effectively gave religious blessing and justification to those terrorists who would use WMD against the west, and he removed several religious obstacles such as the Islamic prohibition against suicide.

The number of entities that require protection after 9/11 has grown exponentially. The nature of the threat has changed dramatically, and has become ominous and massive, and will not be changing in the foreseeable future. The NYPD has created a "Public-Private Partnership" with the thousands of private security professionals who work at the myriad of protected locations in our city through the "SHIELD" program and other relationships with commercial property owners, financial institutions and private security professionals. The Police realize that they cannot provide security under the current threat without the cooperation of the public. The private sector has risen to the challenge, and has committed labor and massive capital security investments in a manner which government could not do.

It is important that the Police have knowledge of the efforts that private institutions need to undertake to protect their workforces and infrastructures. It is therefore appropriate that the Police make efforts to be informed of the private security measures in WMD protection, and consider issuing permits for some atmospheric detectors of these threats.

The bill states that NYC has an interest in ensuring that such instruments are reliable and effective so as not to lead to excessive false alarms, and create unwarranted public anxiety. We believe that this is an appropriate goal of this bill and we look forward to the clarity of the identifiable regulations to provide for such reliability.

The bill states that the Police Department will after consultation with other city agencies “establish minimum technical standards” which must be met by the detection devices. We would expect that the Police Department is not going to undertake a new role as a scientific laboratory which will test products and identify the exact standards and the exact manufacturer models which have passed the Police Department’s testing and certification. There do exist today identified standardized government testing and certification criteria that the Police Department itself uses for the purchase of detection devices, and which private security professionals are also currently using. Such existing federal government standards are in use by government and private entities today, are readily available and could be referenced and incorporated into the regulations to provide clear existing direction to building owners and private security professionals to allow for continued guidance by way of standards accepted in the industry.

One such standard is the Department of Homeland Security’s “Authorized Equipment List (AEL)”, which was developed by the Interagency Board for Equipment Standardization (IAB)”. This list is on the DHS website http://www.ojp.usdoj.gov/odp/grants_equipment.htm

, and provides twenty-one categories of equipment, including detection devices, which government agencies and private security professionals use for guidance now.

The bill provides for the applicant to provide a detailed description of the device, the manner in which it is to be deployed, the means by which it will transmit an alarm, and the Emergency Action Plan (EAP) to be implemented in the event of an alarm. These are all appropriate things to be documented in an application. These things all invoke but do not state the most important component of a deployment of such devices--the human factor.

The technologies under contemplation under this bill are a tool in the private security or law enforcement professional’s belt. The technologies are a piece of equipment which are used by

professionals to make a decision to protect people. These devices and their use are similar to other protection devices existing in commercial buildings which we are all familiar with. An internal fire alarm for instance may alert in a building for a burnt piece of toast. The alert will result in an immediate response and investigation by building personnel, but will not automatically result in a notification to the Fire Department, nor will such an event result in a response by Fire units. An automatic response to an "alert" would of course result in unnecessary anxiety to building tenants.

Likewise, the language of the bill presently calls for "alarms" to be "immediately reported according to prescribed procedures". It is appropriate for the Police and Fire Departments to be informed of events, but not for every event to be characterized as an alarm. As with the burnt toast, this type of "alarm" and emergency response is not appropriate until an immediate field investigation is done by a trained professional, as per the Emergency Action Plan of the organization.

In conclusion, we believe that the purpose of the bill is appropriate, and that this bill is written broadly to provide the Police Department the authority to promulgate regulations. We look forward to the upcoming promulgation of the rules, and offer our services in support of this effort, so that these regulations will support the critical "Public-Private Partnership" and provide clear direction to the professional end users who guard the residents and business owners of this city against existing WMD threats. Indeed, private NYC corporations have already been attacked with targeted anthrax attacks. The threat is here and now, clear and identifiable standards for technologies are here, as are training requirements for persons engaged in utilizing such technologies. If the regulations themselves are drafted to recognize these realities, they will truly support the public safety efforts of government and private security.

Thank you for your attention. I will be happy to answer any questions the Council may have.