



Legislation Text

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Res. No. 747

Resolution calling upon the United States Environmental Protection Agency to abandon its technically and scientifically flawed 2006 Test and Clean Program, and work with residents and workers, community and labor organizations and elected officials to design an effective, science-based sampling and cleanup program for residences and workplaces in Lower Manhattan, Brooklyn and all affected areas.

By Council Members Gerson, Fidler, Foster, Koppell, Nelson, Sanders Jr., Weprin, Liu, Mendez, Brewer, Felder, Sears and White Jr.

Whereas, On September 11, 2001 the City of New York and the United States of America were suddenly and deliberately attacked; and

Whereas, The collapse of the World Trade Center (WTC) and the fires that burned on for months after the attacks not only killed thousands but also caused multiple contaminants, including polycyclic aromatic hydrocarbons (PAHs), lead, man-made vitreous fibers (MMVF), mercury, asbestos, and other toxic substances, to be deposited upon and within residences, places of employment, schools and mixed-use buildings in Lower Manhattan and Brooklyn; and

Whereas, Many of these toxic substances remain indoors indefinitely where they can be inhaled by children and adults as they are occasionally disturbed or stirred up into the air; and

Whereas, In accordance with the National Contingency Plan, the National Response Plan, and Presidential Decision Directive 62, the legal responsibility for ensuring a thorough and responsible cleanup of environmental disasters after such acts of terrorism rests with the United States Environmental Protection Agency (EPA); and

Whereas, On December 6, 2006, the EPA released its Final Lower Manhattan Indoor Test and Clean Program, and declared this program to be the final phase of the EPA's response to the national terrorist attacks

of September 11, 2001; and

Whereas, The EPA released its final Lower Manhattan Indoor Test and Clean Program without any input from community residents, workers, or businesses, or from the affected Manhattan Community Boards; and

Whereas, The EPA's final Lower Manhattan Indoor Test and Clean Program provides grossly insufficient financial resources - only \$7 million - to test and clean all potentially affected residences, and provides no testing, cleaning, or financial resources for testing and cleaning for workplaces and businesses; and

Whereas, The EPA's Final Lower Manhattan Indoor Test and Clean Program is almost identical to the highly criticized November 2005 draft program and remains inadequate and technically and scientifically flawed; and

Whereas, The EPA's current program, by reverting to the limited geographic area established in the 2002 program as the area south of Canal Street and west of Pike and Allen Streets and by excluding Brooklyn and affected portions of Manhattan north of Canal Street and east of Allen and Pike Streets, will fail to assess the extent of remaining contamination in buildings and in areas known to have been impacted; and

Whereas, Manhattan Community Boards 1, 2 and 3 all adopted Resolutions in 2006 calling on EPA to abandon its technically and scientifically flawed November 2005 Test and Clean Program; and

Whereas, on May 10, 2006 the New York City Council adopted a Resolution urging EPA to work with residents, workers and community and labor organizations to design a more effective science-based cleanup program; and

Whereas, The EPA's December 2006 program fails to correct the major shortcomings of its 2002-3 test and clean program cited by EPA's Inspector General in a highly critical August 2003 report, including: failure to address potential residual contamination in HVAC systems, failure to test and clean each whole building as a system to eliminate possible recontamination, failure to address residual contamination in workplaces, failure to incorporate appropriate science-based testing methods; and

Whereas, Manhattan Community Boards 1, 2, and 3 all adopted resolutions in December 2006 and January 2007 calling again on EPA to withdraw its technically and scientifically flawed December 2006 program; and

Whereas, The EPA's current program repeats a familiar pattern in which the Agency has failed to adopt a precautionary approach, and has sought to downplay the potential risks and convey false assurances regarding World Trade Center contamination, rather than develop a scientifically sound approach to assessing and reducing these risks; and

Whereas, The New York City Council's Lower Manhattan Redevelopment Committee held a hearing on January 11, 2007 to consider the EPA's new final "Test and Clean Program" and heard community and expert testimony calling on the EPA to withdraw its December 2006 program and to replace it with a comprehensive test and clean program for the entire geographic area affected by the September 11, 2001 plume of contamination; and

Whereas, Experts appointed by the EPA to its own WTC Technical Review Panel have repudiated the current program as scientifically unsound; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Environmental Protection Agency to withdraw its technically and scientifically flawed 2006 Test and Clean Program, and to work with experts and, with input from residents and workers, community and labor organizations and elected officials, to design and implement an effective, science-based sampling and cleanup program for all affected areas; and be it further

Resolved, That the EPA's 2006 test and clean program must have an expanded catchment area that encompasses portions of Brooklyn and additional portions of Manhattan which will require a significantly

larger budget, and must address contamination in workplaces and public facilities as well as residences.