

TABLE OF CONTENTS

A:	INTRODUCTION	<i>1</i>
B:	EPA DENIALS OF ANY LONG vs. SHORT TERM HEALTH RISKS -- INDOORS OR OUTDOORS	<i>3</i>
	EPA excuse – “Public missed subtleties in its intended message”	
	Compendium of EPA statements – “No indoor/outdoor hazards, no long term effects”	
	“Health standards are overly protective” – EPA and NYC DOH disown standards	
C:	SIMULTANEOUS CLAIMS BY NYC OFFICIALS – “NO HAZARDS”	<i>23</i>
	NYC officials made first statements regarding safety	
	Compendium of statements by NYC officials on safety	
	“Children and pregnant women not at greater risk” – false claim by NYC DOH	
D:	ADMISSIONS OF HEALTH RISKS BY EPA, NYC, AND FEMA	<i>33</i>
	EPA and NYC condemn WTC-contaminated cars, claim buildings never unsafe	
	New EPA study finds hazardous levels of WTC contaminants after extraordinary cleaning procedures, requires extreme precautions during cleaning procedures	
	EPA voluntary cleanup uses maximum protective gear unless tenant has already performed a do-it-yourself cleaning WITHOUT any protective gear	
	Admissions of inadequate indoor air measurements and cleanup hazards	
	Testimony by EPA Region 2 Administrator is admission of hazard	
	Admission that indoor air testing necessary – outdoor testing irrelevant	
	Professional abatement and better testing of NYC EPA building	
	“Potential long term health risks” admissions by EPA	
	Admission that exterior dusts responsible for “recontamination”	
	After-the-fact claim of advice to use professional cleaning constitutes admission	
	FEMA grants to professionally clean apartments constitutes finding of hazard	
	FEMA IG final report – “residential cleanup programs should have begun earlier”	

Report by EPA's ORD admits hazardous exposures

"Forum" investigating inferior tests after 9/11 compared to other EPA sites

E: RE-OCCUPYING AND CLEANING – EPA and NYC DOH UNSAFE INEFFECTIVE RECOMMENDATIONS

59

False implication in IG report that EPA desired citizens to take precautions

No need for EPA IG survey on whether citizens did safe cleanup of WTC dust or were adequately informed of the hazards

Early EPA recommendations for cleanup did not even recommend HEPA vacuums

Documentation – EPA only recommended NYC DOH cleanup guidelines

"We recommended professional cleaning for heavy dust" – EPA's 1st defense

"We said to presume the dust contains asbestos" – EPA's 2nd defense

"There were hazardous material clearance certification before re-occupancy" – EPA's 3rd defense for recommending NYC DOH's do-it-yourself guidelines

Excerpts from NYC DOH cleanup guidelines and press releases

Criticisms of NYC DOH do-it-yourself cleanup guidelines

FEMA accepts EPA's after-the-fact claim it recommended professional abatement

Use of NESHAP cleanup methods, even if regulations not legally binding

F: STORIES OF CITIZENS

98

G: EPA 110 LIBERTY STUDY AND DEUTSCHE BANK DEMOLITION – PROOF DO-IT-YOURSELF ABATEMENTS INEFFECTIVE AND UNSAFE

117

EPA 110 Liberty St. study shows NYC DOH guidelines cannot remove WTC toxics

Difference between 110 Liberty abatement methods and NYC DOH guidelines

Safety precautions for 110 Liberty St. study compared to NYC DOH guidelines

110 Liberty St. proves elaborate abatement does not reduce contaminants to EPA benchmarks – 2 and 3 abatements required, even with "minimal dust"

Simultaneous abatement of HVAC system necessary, 110 Liberty St. study proves

EPA study shows WTC air will fail 10⁻⁴ risk level, but not AHERA level

Amount asbestos/fiberglass on surfaces not related to thickness of dust layer

Asbestos not an indicator of lead – 110 Liberty St. study demonstrates fact

Failure to Warn

Ground Zero Task Force study also demonstrates “minimal WTC dust layers” responsible for high airborne asbestos

Demolition of Deutsche Bank, other buildings – abatement not always possible

Progress of EPA’s voluntary cleanup

H: “FIRST RESPONDERS FOR PUBLIC WARNING” – EPA IG QUESTIONNAIRE MUST ASK WHO MOTIVATED PUBLIC TO TAKE PRECAUTIONS (OBVIOUSLY NOT EPA) *151*

EPA IG after-the-fact questionnaire may be an attempt to obfuscate record

Questionnaire needs to ask who warned the public – otherwise it is invalid

Documented mistrust shows public unlikely to have relied on EPA for advice

The “First Responders for Public Warning” during September to October, 2001

EPA and NYC pressure on press, suppression of dissenting opinions

I: THE COVERUP – THEORIES AND MOTIVATIONS *179*

Council on Environmental Quality role

White House interference theory

Stock Market theory of coverup

Whitman’s Citicorp stock ownership theory of coverup

J: AIR TESTING AND STANDARDS FOR ASBESTOS *191*

AHERA clearance test not a safe level or benchmark – EPA IG report correct

EPA and NYC claims that AHERA 70 s/mm² level is a health standard

Earlier press coverage/documentation, AHERA 70 s/mm² level unsafe, not benchmark

EPA 110 Liberty St. study shows air fails 10 -4 risk level, but not AHERA level

AHERA 70 s/mm² is higher than background or typical levels

K:	1% ASBESTOS IN SETTLED DUST ALSO IS NOT A HEALTH STANDARD	<i>205</i>
	IG is in danger of mistaking the 1% level as a safety standard – 1% is just another detection limit, like the AHERA 70 s/mm ² level	
	EPA IG report in error that NCP was not invoked	
	1% asbestos trigger for NCP is for a prima facie case, lower levels also trigger	
	Emergency Planning & Community Right-to-Know Act triggered at 0.1% asbestos	
	EPA claims that 1% is safety standard for asbestos dust	
	EPA recants claim that 1% asbestos in WTC dust is safe in April, 2002	
	110 Liberty St. study – WTC dust with less than 1% asbestos cause hazardous levels	
	EPA vermiculite study – dust less than 0.1% causes hazardous air levels	
	EPA vermiculite study – dust less than 0.1% causes hazardous air levels	
L:	TESTING DUSTS – EPA REFUSAL TO USE ELECTRON MICROSCOPES	<i>223</i>
	Why TEM electron microscope asbestos methods are needed for WTC dust	
	EPA reverses – performs TEM tests for 110 Liberty St. study near Ground Zero	
	Criticisms and press coverage of EPA not using TEM analyses for WTC dust	
M:	WILLIAM MUSZYNSKI TO CHAIR “FORUM” TO INVESTIGATE WHY WTC TESTING DID NOT USE ELECTRON MICROSCOPES FOR DUSTS	<i>237</i>
N:	EPA BUILDING IN NYC – EARLY SECRET ASBESTOS ABATEMENT	<i>241</i>
	Press accounts and other documentation of Region 2 building special abatement	
O:	LIBBY SUPERFUND SITE – COMPARISON TO WTC TESTING AND CLEANUP	<i>251</i>
	WTC and Libby are being cleaned up under the same statutory authority, the NCP	
	EPA responses to comparisons between the WTC and Libby	
	Strong advocacy required to get action in Libby, just as after the WTC	
	Press coverage of comparison of Libby and WTC testing and remediation	
	Early criticism comparing Libby and WTC contamination levels and test methods	

P:	CARPET AND POROUS MATERIAL TESTING AND CLEANING	263
	EPA recommends dry HEPA vacuuming, unsafe and ineffective	
	EPA reverses, warning of hazards from carpets/porous materials, recommends disposal	
	EPA 110 Liberty St. study proves HEPA vacuuming and shampooing doesn't work	
	Recent EPA claims to citizens that carpeting will encapsulate asbestos	
	Early documentation that HEPA vacuuming ineffective and unsafe	
	Press coverage of carpet contamination issue	
Q:	ELIGIBILITY BOUNDARY FOR EPA VOLUNTARY CLEANUP PROGRAM	275
	Uneven distribution of asbestos around Ground Zero	
	EPA's inadequate testing to determine true contamination boundaries	
	Brooklyn	
	Chinatown	
	Tunnels and subways	
R:	VOLUNTARY CLEANUP PROGRAM - FAILURE TO CLEAN ENTIRE BUILDINGS – FAILURE TO CLEAN BUSINESSES	283
	EPA has the authority to force cleanups individual units and whole building	
	Recontamination problem with voluntary cleanup program	
	110 Liberty St. study shows need for HVAC as well as whole building cleanings	
	Offices need to be included in cleanup program	
S:	FAILURE TO TEST FOR OTHER TOXINS DURING CLEANUP	293
	List of WTC constituents that will be tested in EPA's voluntary cleanup program	
	Expert panel convened by EPA recommended testing for more toxic constituents	
	Earlier comments on need to test and account for the aggregate, synergistic carcinogenicity and toxicity of different toxic constituents	
	Lead	
	Fiberglass (man-made vitreous fiber, MMVF)	
	Mercury	
	Dioxins	
	PCB's (polychlorinated biphenyls)	

Polynuclear Aromatic Hydrocarbons (PAH's)

Caustic

Beryllium and other toxic metals

T: FAILURE TO PROTECT PUBLIC AT 1 in 1 MILLION CANCER RISK LEVEL – NEED TO FACTOR IN IMPACT OF EARLY WTC EXPOSURES *317*

Costs should not be consideration in the WTC cleanup, according to President Bush

10^{-4} risk level based on false premise that EPA could not test for 10^{-6} risk level

EPA statutes require a cleanup to the 10^{-6} risk level whenever feasible

EPA's 10^{-4} risk level for the WTC cleanup ignores past and concurrent exposures

10^{-4} risk level for asbestos alone ignores risk from other toxic WTC components – NCP regulations require considerations of aggregate risk from all toxic constituents

U: EPA INITIATIVE TO DOWNGRADE ASBESTOS RISK CLASSIFICATION *341*

ATSDR and EPA violate impartiality and conflict of interest requirements

ATSDR and EPA violations of Federal Advisory Committee Act

EPA and ATSDR expert panel reports based on biased, selective group of studies

Role of omitted studies in EPA asbestos reassessment

Potential conflicts, bias in scientist on both ATSDR and EPA expert panels

V: NATIONAL CONTINGENCY PLAN (NCP) DENIED AND VIOLATED *359*

What is the FRP and the NCP?

FRP and EPA regulations require EPA to invoke NCP for terrorism and disasters

EPA admits operating under the NCP for the WTC disaster

EPA responds to disaster under NCP by appointing "On Scene Coordinators" – EPA still using OSC's as of October, 2002

Violation of statutory authority if EPA is not operating under the NCP

EPA has obfuscated fact that its operations are under the NCP

EPA can delegate, but has preemption over local and state authorities

Under NCP, EPA has right of access to cleanup indoor air or other contamination

EPA admissions of responsibility for indoor air – disaster/terrorism/otherwise

REFERENCES

391

APPENDIX 1 – Chart/Plot of asbestos concentrations in bulk dust by distance and direction from Ground Zero

APPENDIX 2 – ASBESTOS STUDIES OMITTED FROM ATSDR AND EPA RE-EVALUATIONS RELEVANT TO:

- Mesothelial Tissue and Lung Tissue Asbestos Burden Studies in Human Mesothelioma Cases**
- Carcinogenicity of Chrysotile Asbestos**

APPENDIX 3 – LIST OF MEMORANDA BY CATE JENKINS ON WTC FALLOUT