



**NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH**

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**Re:**

**CITY UNIVERSITY OF NEW YORK  
and  
PAL ENVIRONMENTAL SAFETY CORP.**

**REGULATORY SUBMITTAL PART I(R)**

**REMEDATION WORK PLAN**

**REMEDICATION OF FITERMAN HALL**

**30 WEST BROADWAY, NEW YORK, NY**

**([www.bmcc.cuny.edu/fitermannews/Remediation.pdf](http://www.bmcc.cuny.edu/fitermannews/Remediation.pdf))**

**Comments of:**

**DAVID M. NEWMAN, M.A., M.S.  
NYCOSH INDUSTRIAL HYGIENIST**

**December 20, 2006**

COMMENTS OF  
DAVID M. NEWMAN, M.A., M.S.  
NYCOSH INDUSTRIAL HYGIENIST

The December 12, 2006 “email alert” from the CUNY Office of Media Relations invites the community to comment, via email, on CUNY’s “Regulatory Submittal Part I(R) - Remediation Work Plan, Remediation of Fiterman Hall.” The comments that follow are based largely on an initial reading of the Regulatory Submittal Part I(R).

Although CUNY has published additional documents pertaining to the demolition of Fiterman Hall, it appears that no similar invitation to comment has been issued. Nevertheless, I have taken the liberty of briefly commenting on some of these other documents as well.

1. CUNY’s Fiterman documents are scattered among three different websites (EPA, BMCC, and lowermanhattan.info).
  - No complete list, index, or collection of Fiterman documents has been made available to the public and/or posted on the BMCC Fiterman Hall News website. Consequently, it is difficult to find and to access the pertinent documents.
  - When accessing a document on one of these websites, it is impossible to know if the document is final or whether a more current document exists on another website. The status and content of regulators’ responses is also difficult to ascertain.
  - Because there is no complete, centralized list of documents, it is impossible to know whether the documents accessed on these websites comprise a complete collection of all relevant and current documents.

CUNY should post on the BMCC website a complete list of links, in chronological order, to all documents pertaining to the demolition of Fiterman Hall, including all CUNY proposals and all regulatory responses.

2. The Regulatory Submittal Part I(R) document (hereafter referred to as “RS”) relies upon and references several other key documents, none of which appears on the BMCC Fiterman Hall News website. These documents include:
  - the Environmental Characterization Report
  - the Facade Characterization Report
  - the January 10, 2006 Preliminary Regulatory Submittal
  - the Environmental Community Air Monitoring Program
  - the Emergency Action and Community Notification Plan.

Each of these documents is dependent upon the findings of and procedures proposed in the other documents. In particular, and significantly, the adequacy of

proposed safety precautions in the RS cannot be properly evaluated without full access to current and final environmental sampling and site characterization reports. Absent these key documents, a thorough, complete, and final assessment of the RS document is not possible.

Versions of these documents are posted on other websites, as detailed above. However, it is not clear whether the documents posted on other websites are the documents referred to in the RS. For example:

- The December 7, 2006 RS states that the Environmental Characterization Report is provided under separate cover. Does this refer to the October 31, 2006 Environmental Characterization Report, which is entitled “Preliminary”, or does it refer to some other version?
- The December 7, 2006 RS states that the Facade Characterization Report is provided under separate cover. Does this refer to the September 15, 2006 Environmental Characterization Report, which is listed as “preliminary”, or does it refer to some other version?

I urge CUNY not to submit documents to the regulatory agencies on a piecemeal basis and I urge the regulatory agencies not to approve individual documents until all relevant documents can be examined. All documents should be made publicly available prior to submission to regulators.

3. The RS calls for use of shredders. Use of shredders significantly increases the potential for resuspension in air of respirable toxic contaminants, where they become available for inhalation or unanticipated emission. No rationale is presented for the proposed use of one or more shredders. There is no hazard assessment for shredder use.
4. The RS establishes clearance levels for metals, without explanation or reference.
5. The RS makes clear that proposals for variances are intended and known. However, these proposals are not included in the RS. Although formal variance requests may appropriately be filed separately and at a later date, proposals that are known now should be included in the RS.
6. Qualifications for the Contractor Safety Officer are not specified in the remediation Health and Safety Plan (hereafter “RHASP”) or in the scaffold HASP.
7. The RHASP section on Overt Chemical Exposure states “Please note that there are no chemicals present that could be disturbed during Remediation operations.” This statement is not explained and certainly is not accurate in its present form.
8. The RHASP states “Employees must replace body fluids lost from sweating.

Employees are encouraged to drink more than the amount required to satisfy thirst, 12 to 16 ounces every half-hour is recommended.” This provision should be amended to include a directive that fluid replenishment requires exiting the containment area and undergoing decontamination.

9. The RS presumes that an emergency air horn warning system will provide adequate emergency notification to workers in close proximity to loud equipment such as shredders. However, no evidence to support this presumption is presented.
10. The RHASP lists the following “principle contaminants (known or suspected)”: asbestos, metals, man-made vitreous fibers, dioxins/furans, PAHs, PCBs, and crystalline silica. However, the RS requires personal testing only for asbestos and area testing only for asbestos and metals. Personal or area monitoring for other listed contaminants (man-made vitreous fibers, dioxins/furans, PAHs, PCBs, and crystalline silica) is not addressed in the RS.
11. The issue of applicability of, and conformance to, the Hazwoper standard is inadequately, and inconsistently, addressed.
  - The Environmental Characterization Report states that the entire building is assumed to be contaminated with WTC-derived toxic substances.
  - The RHASP states “Hazardous Waste Operations and Emergency Response (HAZWOPER) Training Requirement: There is no potential exposure to hazardous waste and none shall be generated by Remediation procedures. It will not be necessary for personnel performing the Remediation to have HAZWOPER training. Awareness training will be provided for CoPC’s and Universal Waste.”
  - The RHASP also states that in the event of an “unplanned, sudden, or non-sudden release of hazardous waste or constituents ... (workers shall) perform a controlled cleanup of the release.”

Remediation workers on site should be required to have completed 40-hour Hazwoper training, as required by OSHA 1910.120(e)(3)(i), which states “General site workers (such as equipment operators, general laborers and supervisory personnel) engaged in hazardous substance removal or other activities which expose or potentially expose workers to hazardous substances and health hazards shall receive a minimum of 40 hours of instruction off the site, and a minimum of three days actual field experience under the direct supervision of a trained experienced supervisor.” All other applicable provisions of the Hazwoper standard should be followed as well, and codified in the RHASP.

12. Figure 7-1 in the RHASP establishes action levels for certain contaminants. However, the RHASP does not specify what action is to be take in the event that an action level is exceeded.

13. The RHASP mentions the written Respiratory Protection Program but neither discusses its content nor provides access to its text. The Respiratory Protection Program should be attached to the RHASP.
14. A respirator cartridge changeout schedule should be established and codified in the RHASP and/or the Respiratory Protection Program. Provision for 24/7 access to changeout cartridges should also be established and codified in the RHASP and/or the Respiratory Protection Program.
15. Section 17.5 of the RHASP states “In the event of an unanticipated structural failure, the CSO shall immediately ... ensure that all containment isolation barriers are to remain secure until the required negative pressure has been re-established.” This statement warrants an explanation of how this is to be accomplished.
16. The issue of respiratory protection in the event of an emergency evacuation is inadequately addressed.
  - The RHASP states “Work Area Evacuation ... protect workers potentially exposed to building contaminants... Any personnel not utilizing respirators will be instructed through radio communication to immediately don respiratory protection and to proceed to the PDAA or ADAA. If respiratory protection is not immediately available, personnel must avoid inhaling or ingesting dust and proceed directly to the PDAA or ADAA. It is recommended that all personnel carry a dust mask at a minimum on their person at all times during the Remediation.”

Recommendations that workers avoid inhaling dust during a contaminant release or that they utilize dust masks for emergency respiratory protection have no scientific or regulatory basis.

Section 1910.134(d)(3)(i) of the OSHA Respiratory Protection Standard states “The employer shall provide a respirator that is adequate to protect the health of the employee and ensure compliance with all other OSHA statutory and regulatory requirements, under routine and reasonably foreseeable emergency situations.” OSHA defines emergency situation as “any occurrence such as, but not limited to, equipment failure, rupture of containers, or failure of control equipment that may or does result in an uncontrolled significant release of an airborne contaminant.”

This section of the RHASP must be reworked.

17. The October 11, 2006 Draft Emergency Action and Community Notification Plans document posted on the [lowermanhattan.info](http://lowermanhattan.info) website contains no effective provisions for community notification in the event of an emergency. Instead it relies on OEM or other agencies for such emergency notification. This

does not constitute adequate advance planning for notification of the surrounding residential and business communities in the event of a significant emergency event such as a toxic emission or a structural failure. The remediation and demolition of a contaminated high-rise building such as Fiterman Hall, located in a densely populated urban environment, warrants detailed and rigorous advance planning, including emergency scenarios and decision trees. Such advance planning should occur in partnership with the community.

18. Section 5.2 of the September 15, 2006 Environmental Characterization Report references personal exposure testing but does not provide adequate information to support its conclusions. Significantly, this section does not disclose whether workers who underwent personal testing were engaged at the time of the tests in disturbance activities similar to those to be utilized during remediation. Additionally, although the RHASP list of principle contaminants includes man-made vitreous fibers, dioxins/furans, PAHs, and PCBs, the Environmental Characterization Report did not require personnel to be tested for possible exposure to these substances.
19. Attachment 1 of the Environmental Characterization Report does not disclose whether asbestos air samples were obtained utilizing aggressive conditions.
20. My final comment does not address the content of the RS per se but rather goes to the issue of process.
  - Community comments should be shared with the community and the public at large and not be filtered or edited by CUNY.
  - Additional, regular public meetings should be held to provide information, answer questions, and hear suggestions and concerns.
  - A broad-based, representative community advisory board operating transparently should be established to help oversee the demolition process.

Thank you for this opportunity to comment on demolition proposals.