



**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***  
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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. NYCCLC represents 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.

NYPD testified earlier today that it may ultimately exclude certain yet to be determined monitoring equipment and activities from the permitting requirements. However, as Councilpersons Liu and Garodnick correctly noted, the current legislation would grant NYPD a “blank check” on rule-making, not subject to further City Council oversight or direction.

NYPD testified that its interest is detection of chemical, biological, radiological, and nuclear weaponry agents. However, this bill is not that. It is not a CBRN bill. As currently written, it covers emergency response, industrial, environmental, and academic activities unrelated to CBRN warfare. It would significantly curtail public access to independent environmental data, in line with the post-9/11 Bush agenda.

In conclusion, the goal in science is generally to obtain more data, not less. Intro 650 would serve to drastically impede independent collection of and public 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.