

City Room

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A License to Check for W.M.D.'s?

By Sewell Chan

Individuals and companies have increasingly expressed interest in buying detectors to warn them in case of a biological, chemical or radiological attack. But now a City Council committee is considering a proposal that would require New Yorkers to get a permit from the Police Department to buy or use such detectors.

The legislation — which was proposed by the Bloomberg administration and would be the first of its kind in the nation — would empower the police commissioner to decide whether to grant a free five-year permit to individuals and companies seeking to “possess or deploy such detectors.” Common smoke alarms and carbon monoxide detectors would not be covered by the law, the Police Department said. Violations of the law would be considered a misdemeanor.

Why does the administration think such a law is necessary? Richard A. Falkenrath, the Police Department's deputy commissioner for counterterrorism, told the Council's Public Safety Committee at a hearing today, “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.”

The law would also require anyone using such a detector — regardless of whether they have obtained the required permit — to notify the Police Department if the detector alerted them to 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,” Dr. Falkenrath said.

The Police Department would work with officials in the Departments of Fire, Health and Mental Hygiene and Environmental Protection, Dr. Falkenrath said, 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.”

Not everyone is enamored of the legislation, however.

The Manhattan borough president, Scott M. Stringer, said in a statement that he was “concerned that in its current form this bill is too broad and will unfairly obstruct the independent collection of scientific data.”

Mr. Stringer said that he could not “think of any evidence or events from our recent past involving ‘false alarms’ that would create any urgency for this sweeping legislation,” and that on the contrary, the law “may undermine public freedom and add unnecessary red tape.” In the statement, he asked:

If enacted, would we have the absurd result of making it illegal for patients 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?

Ellie Engler, a safety and health official at the United Federation of Teachers, , said that “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.”

And the New York Committee for Occupational Health and Safety, a labor-backed advocacy group, was even more adamant in its opposition. In a statement, the committee said the bill

- “is aimed at fixing a problem that does not exist”;
- “would make it more difficult for the public, and for government agencies, to obtain environmental sampling data in a timely manner”;
- “would make it more difficult for the public to obtain independent environmental sampling data and to assess the accuracy of government statements”;
- “would inappropriately and impossibly task N.Y.P.D. with assessing the capabilities of air monitoring instruments and of the individuals, agencies and organizations that utilize them”; and
- “would immediately make illegal scores of thousands of safety devices already in place in homes, schools, businesses and public buildings.”

At the hearing, Councilman Peter F. Vallone Jr., a Queens Democrat who is chairman of the Public Safety Committee, said the Council has been asked by the Bloomberg administration to “move as expeditiously as possible” on the bill. He and the speaker, Christine C. Quinn, support the bill but want to see the concerns about its broad language addressed.

“The consensus is that the goal of the bill is very reasonable, but we need to tailor a little more specifically so as not to hinder legitimate private uses of these detection devices,” Mr. Vallone said in a phone interview this afternoon. In principle, the Police Department should be able to know who has such devices, he said, but household detectors like smoke alarms and carbon monoxide detectors should not be included in the legislation.

“The technology in potential weapons and in detection devices is constantly evolving and needs to be examined by experts, not legislators,” Mr. Vallone said.