

# Occupational Hazards

## AIHA, NYCOSH Protest Air Monitoring Bill

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The American Industrial Hygiene Association (AIHA) urged New York City Mayor Michael Bloomberg to reconsider a bill that would require New Yorkers to obtain a permit from the New York Police Department (NYPD) to buy or use detectors that warn of a biological, chemical or radiological attack.

By Katherine Torres

The bill, known as "Int. No. 650: A Local Law to amend the administrative code of the City of New York, in relation to permits for atmospheric biological, chemical and radiological detectors," would give New York City Police Commissioner Raymond Kelly the ability to authorize, deny or delay any workplace or environmental sampling. The bill was introduced into the New York City Council at the request of the mayor.

Proponents of the bill claim it could ensure that detectors will not "lead to excessive false alarms and unwarranted anxiety." According to the first draft of the bill, instruments designed to detect the presence of certain chemicals, biological agents and radiation should be deployed and operated only with the knowledge of appropriate city agencies.

### AIHA Calls for Expert Opinions

According to AIHA President Don Hart, enacting this bill will be problematic if the proper experts are not consulted. Some of Hart's concerns include:

- \* The definition of biological agent includes all biological entities. Existing science does not provide numbers that can be used to determine good or bad exposure; instead, AIHA points out, it depends on the specific conditions of the site, the types of organisms and the comparable concentration of the organisms.

- \* The definition of detectors is also designed so liberally that each homeowner in New York City would need to file for a permit for smoke detectors.

- \* The permit application requires emergency response plans for use with the detectors, but there is no way to develop or determine plans for situations that have not yet arisen.

Hart also expressed concern that, under the bill, all exceeded limits must reported to the NYPD.

"How would this data will be evaluated, responded to and recorded?" Hart asked. "Perhaps more importantly, what will occur when the reviewer comes to a different conclusion than the site professional? Will the judgment of a seasoned exposure assessment scientist be disregarded in deference to the judgment of some administrator?"

Claiming that the new measure could create more problems than it would solve, Hart suggested that the Bloomberg administration should instead require those offering professional consultation to be "properly credentialed consultants."

"This will ensure that the individuals responsible for the final interpretation of data are qualified to make those decisions, and reduce the occurrences of untrained individuals creating unnecessary hysteria," Hart said.

### NYCOSH: Bill Poses Threat to Civil Liberties

The New York Committee for Occupational Safety and Health (NYCOSH) also opposes the new law. NYCOSH Executive Director Joel Shufro said the measure "poses a grave threat to university programs, academic research and unions, environmental and community-based organizations that conduct independent chemical, biological and radiological environmental sampling."

According to Shufro, the bill's proponents haven't presented any data to support the claim of "excessive false alarms" and they haven't identified the types of alarms that are "presumed to be excessive."

Shufro also said that the NYPD has testified that the Department of Homeland Security pushed for the bill to be introduced and, if enacted, plans to use it a model for other cities throughout the country.

Doing so would present a serious threat to civil liberties, he claimed.