



**AMERICAN SOCIETY
OF SAFETY ENGINEERS**

1800 East Oakton Street
Des Plaines, Illinois 60018-2187
847.699.2929
FAX 847.296.3769
www.asse.org

February 26, 2008

The Honorable Charles E. Schumer
United States Senate
SH-313 Hart Senate Office Building
Washington, DC 20510-3202

The Honorable Hillary Rodham Clinton
United States Senate
SR-476 Russell Senate Office Building
Washington, DC 20510-3203

RE: Concern over DHS Involvement in
Inappropriate New York City
Registration of Health and
Environmental Devices

Dear Senators Schumer and Clinton:

Enclosed is a letter to Mayor Michael R. Bloomberg of New York City expressing the opposition of the members of the Metropolitan Chapter of the American Society of Safety Engineers (ASSE) to a New York City proposed law to require permits for atmospheric biological, chemical and radiological detectors. The inappropriate effect on our member safety, health and environmental (SH&E) professionals' practices is stated well in the letter. The proposed law is simply so broadly written that it would require the registration of the most basic biological and chemical detection equipment our members use on a daily basis to measure common workplace risks like mold. The bill needs to be rewritten.

The more specific reason for this letter, however, is ASSE's concern over various unconfirmed reports that this legislation is being pursued at the request of the Department of Homeland Security (DHS) and that it is a precursor to a national effort in other jurisdictions. ASSE is not opposed to a carefully focused effort to address what we believe is the intent of this law, to give law enforcement better knowledge of the fixed biological, chemical and radiological monitoring systems established to help guard against terrorist attacks in a jurisdiction. We understand the concern in the responder community that a proliferation of fixed monitoring devices for detecting terrorism incidents could have an adverse impact on coordinated terrorist attack monitoring and response.

However, we would hope that a federal agency like DHS would follow its responsibility under administrative law to establish such a program with an appropriate opportunity for stakeholders like ASSE and others to comment on this program. If ASSE were given such an opportunity, our expert members would recommend that DHS make a phone call across Washington, DC, to Dr. John Howard, Director of the National Institute for Occupational Safety and Health within the Department of Health and Human Service's Centers for Disease Control, who could lend the expertise of highly qualified professional staff in occupational safety and industrial hygiene. These professionals could help focus this effort to appropriate devices so the practice of dedicated SH&E professionals would not be unnecessarily burdened or disrupted.

We urge you to look into this matter and, if DHS is pursuing such a program nationally, help see to it that DHS is required to follow administrative law and work with Congress, other federal agencies, stakeholders, and the public to determine appropriate means for achieving its laudable goal of helping protect the American people from terrorist attack.

As always, ASSE and its 32,000 member SH&E professionals across the globe, including 1,300 members in New York State, stand ready to provide you and your staff with whatever resources may be needed to help resolve this concern. Please contact Dave Heidorn, JD, Manager of Government Affairs and Policy at dheidorn@asse.org or 847/768-3406 if there are any questions or our members could be helpful.

Thank you for your time and attention to this matter.

Sincerely,

Michael W. Thompson, CSP
President

cc: Dr. John Howard, Director of NIOSH