

[For Environmental Hazards](#) **Coalition: Nix NYPD Control of Testing**

By ARI PAUL

A coalition of labor groups, environmental advocates and other organizations called on Mayor Bloomberg March 13 to withdraw support for a bill in the City Council that would restrict environmental testing to only those with Police Department permits.

The Mayor believes that Intro. 650, which would give the NYPD expansive authority on environmental monitoring, will reduce false alarms and improve the police's ability to respond to possible cases of biological, radiological, nuclear and chemical terrorism.

NYCOSH: 'Chilling Effect'

Groups such as the New York Committee for Occupational Safety and Health, however, say the bill would have a "chilling effect" on independent occupational health monitoring and scientific research.

"Contrary to NYPD's expressed intent, by requiring prior NYPD authorization for the use of virtually all environmental monitoring devices, Int. 650 may actually do more to hinder the flow of information about serious airborne pollutants and other environmental public health conditions faced daily by city residents and workers than it would to aid in the detection of and response to a potential terrorist attack," the coalition stated in a letter to the Mayor.

It continued, "The legislation would even subject to criminal liability an environmental advocate or medical researcher who, for whatever reason, uses the proscribed environmental monitoring devices without a license when responding to an emergency requiring immediate detection data."

If the bill becomes law, those using certain environmental monitoring devices without an NYPD permit could face prison sentences.

In January, NYCOSH sent a letter to the City Council voicing its displeasure with the bill, while the Mayor reinforced his support.

"As city residents and businesses have become more aware of potential terrorist threats, they have taken steps to protect themselves, which may include use of this type of sophisticated detection equipment in order to be alerted to such danger immediately," stated a memorandum in support of the bill from the Mayor's Office. "However, there is no requirement that these alerts be reported to the Police Department, no mechanism for coordinating the alerts, and no consistent standard for the types of equipment used. We therefore urge the enactment of this bill, which would identify to the Police Department private entities able to detect the potential use of weapons of mass destruction in New York City, and which would ensure that the detectors being used are in fact reliable and appropriate."

'NYPD Not Expert'

Among the 44 signers of the letter in addition to NYCOSH were Transport Workers Union Local 100, District Council 37, Communications Workers of America Local 1180, the American Lung Association of the City of New York, the New York Civil Liberties Union, the League of Conservation Voters and the Sierra Club.

Local 1180 Vice President and NYCOSH Chairman Bill Henning said that the NYPD has assured the groups protesting the bill that it would not regulate labor groups doing their own research, but he remained unconvinced.

"What they've done is they keep trying to throw in these exclusions, but at the end of the day it's just an unworkable system," he said in a phone interview, likening the bill to a form of prior restraint.

"They're proposing to take care of the problem of irresponsible people yelling fire in a crowded theater. The way they would take care of that is requiring everyone going into the theater to get a permit to go in and then they would be able to yank us out of the theater without any kind of due process."

Mr. Henning added that some of the groups that signed the letter to the Mayor were also skeptical that the NYPD was the appropriate agency to regulate environmental monitoring in the first place.

"They have no expertise in this area, and they admit that," he said. "It's new territory."



BILL HENNING:
Believes pain is harmful