

New York State Department of Environmental Conservation
Assistant Commissioner
Office of Public Protection, 14th Floor
625 Broadway, Albany, New York 12233-1010
Phone (518) 402-8552 • **FAX** (518) 402-9016
Website. www.dec.ny.gov



January 15, 2008

Peter F. Vallone, Jr.
Member, District 22
New York City Council
22-45 31st Street
Astoria, New York 11105

Dear Council Member Vallone

I am writing on behalf of the New York State Department of Environmental Conservation (NYSDEC) in response to the New York City Council's proposed changes to the New York City code which would require the issuance of permits by the New York City Police Department to possess and deploy atmospheric, biological, chemical and radiological detectors in the City of New York (Proposed Int 650-A)

NYSDEC is seriously concerned about the proposed changes to the code and requests that this legislation be withdrawn at this time, pending further discussion between New York State and City officials to determine the best options and to assure consistency between City code and New York State Law, including the Environmental Conservation Law. The details of the legislation proposed have potentially far-reaching implications affecting not only law enforcement interdiction efforts and homeland security (the presumed focus of these changes), but the normal operation of existing NYSDEC ambient air monitoring and vehicle emission monitoring programs, as well. The proposed changes will also have a significant detrimental impact on the ability of NYSDEC environmental assessment and environmental response contractors to operate within the City of New York.

NYSDEC has been working closely with the New York City Police Department in the Secure the Cities program. While we appreciate the concern for accuracy in atmospheric detection equipment utilized for interdiction purposes, the proposed legislation reaches beyond the scope of the police department, most notably into environmental protection and public health.

We would be happy to meet with you and other Council members to discuss environmental testing and communication of environmental data to the public. Please feel free to contact Glenn E. Milstrey, Director, Emergency Response Coordination, at (518) 402-9754.

Sincerely,

Henry L. Hamilton
Assistant Commissioner