

**TESTIMONY OF KIMBERLY FLYNN**  
**On behalf of 9/11 ENVIRONMENTAL ACTION**  
**before CITY COUNCIL PUBLIC SAFETY COMMITTEE**  
**Re: INT. 650**  
**April 29, 2008**

Thank you for the opportunity to testify. I am Kimberly Flynn, co-coordinator of 9/11 Environmental Action. My organization has for more than 6 years fought for full disclosure and proper cleanup of the hazards released into our city by the collapse and burning of the World Trade Center. We, and the community we serve, lived through the weeks and months after 9/11, when the need for independent data was never greater, and when our government's willingness to mislead us and put us in harm's way shocks the conscience.

We are committed to preserving the ability of concerned residents, workers, advocates, labor union staff and independent experts to gather essential data rapidly in an environmental emergency, or indeed whenever and wherever environmental safety concerns arise.

Therefore, we are unequivocally opposed to Intro. 650. In its entire conception, this bill is fundamentally destructive of community and worker Right-to-Know. We urge you to withdraw it.

We do not believe that this bill is responsive to real world concerns or conditions. Deputy Commissioner Falkenrath has admitted to you that there have been no false alarms from faulty monitoring equipment. We do not believe this bill will, as Mr. Falkenrath asserted earlier, encourage the deployment of monitors.

Quite the contrary, if Int. 650 becomes law, then environmental monitoring will be criminalized.

Because of the law's reliance on an NYPD determination of the intent or purpose of monitoring, it opens the door to unwarranted and excessive enforcement actions by the police. The public's recognition of the potential for intimidating interactions with police officers, including the threat of going to court and/or losing one's equipment, will clearly have a profound chilling effect, especially for individuals who are not affiliated with well-recognized institutions such as academic research programs.

The end result would be to severely undermine an essential check on government agencies that have demonstrated a pattern of providing the public with false assurances about environmental hazards. Far from protecting the public from false alarms or panic (as claimed), this legislation would facilitate the same kind of false assurances that resulted in the massive preventable health impacts of the WTC disaster.

Moreover, we are alarmed that the bill would hand the NYPD the authority to set environmental standards, something that self-evidently falls outside of its purview and expertise. This is especially troubling because NYPD would not just be setting standards for police response to

This is especially troubling because NYPD would not just be setting standards for police response to criminal activity, but substituting its benchmarks for standards used in public health response to protect populations potentially affected in a suspected chemical, biological, radiological or nuclear (CBRN) release.

The best public health guidance emphasizes that the unimpeded and timely flow of accurate information and a spirit of cooperation with the public will be critical to the success of any emergency response to a major disaster or CBRN event.

The encroachment of the NYPD into the arena of public health and a realm of previously protected activity will rightly be perceived by New Yorkers as an undesirable development that not only abridges their rights but endangers their health. This type of intrusion, especially after September 11<sup>th</sup>, promises to effectively undermine the credibility of information from official sources and the public's cooperation at the moment when we can all least afford it.