



# AMERICAN SOCIETY OF SAFETY ENGINEERS METROPOLITAN CHAPTER

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<http://metro.asse.org>



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February 5, 2008

Mayor Michael R. Bloomberg  
City Hall  
New York, NY 10007

Dear Mayor Bloomberg:

On behalf of the Metropolitan Chapter of the American Society of Safety Engineers (ASSE), I would like to express opposition to Proposed Int. No. 650-B to amend the administrative code of the City of New York by requiring permits for atmospheric biological, chemical and radiological detectors. ASSE joins others, including the American Industrial Hygiene Association (AIHA), in voicing our concern about the negative impact this legislation will have on the practices of our member safety, health and environmental (SH&E) professionals.

ASSE is the oldest and largest safety organization representing 32,000 SH&E practitioners who work day in and day out identifying hazards and implementing safety advances across all industries and in every kind of workplace to reduce workplace fatalities, injuries and illnesses. The approximate 340 members of the Metropolitan Chapter live and work in all areas of New York City's five boroughs including transportation, construction, healthcare and insurance. Enacting the proposed bill will hinder our members' ability to adequately help employers protect employees and the public in the following ways:

- The definitions for alarm, biological agent, biological detector, chemical agent, and chemical detector contained in this proposal are so broadly written that the definitions would include instruments that SH&E professionals use on a daily basis and that have nothing to do with measuring security risks. As part of their professional practice, our members use instruments that would be covered by these definitions to measure air quality and the presence of chemicals and biological elements that could pose a threat to workers as part of their professional practice. If enacted as written, our members would be subject to misdemeanor fines for simply doing their work in helping protect workers from common workplace threats. This is unacceptable.
- The proposed law would subject the day-to-day practice of our members to a requirement to file an emergency action plan to be implemented in the event of an alarm which is unfeasible given that the use of atmospheric biological, chemical and radiological detectors is often in unknown or unexpected circumstances and not a predictable event. Therefore any EAP filed would be vague and non-specific.
- The requirement to contact the NYPD in the event of an alarm could lead to an excessively high number of police responses to workplace alarms. It is unclear what benefit the NYPD response would accomplish.

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- The requirement to notify the commissioner of the possession of new atmospheric biological, chemical and radiological detector equipment may deter SH&E practitioners from using the most up-to-date detectors, which may more accurately detect the hazard and lead to a more effective response

ASSE understands the need to take measures to protect New York City's citizens from unnecessary fear of harm from biological, chemical and radiological threats. However, this proposal will not accomplish its aim if it makes every SH&E professional subject to its restrictions and penalties. Our members urge the city to work with us to refine the definitions of the devices included in this bill and to find better ways to communicate with the public about the use atmospheric biological, chemical and radiological detectors in the course of normal business. I welcome the opportunity to represent the SH&E practitioners as stakeholders in a cooperative process to help resolve the difficulties posed by this proposal.

Sincerely,



Stephanie Altis-Gurnari, CSP

cc: Christine C. Quinn, Speaker, The New York City Council  
Michael Thompson, CSP, American Society of Safety Engineers, President

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