

Comments to the LMDC April 27, 2005 Public Forum on the LMDC Draft Allocation Framework Document

I'm Kimberly Flynn and I represent 9/11 Environmental Action.

We add our voices to the community consensus you have heard all evening long, in calling for the remaining 9/11 recovery money to be spent in a timely and equitable way that responds to the full range of urgent unmet community needs for living wage jobs, low-income housing, and community-scale revitalization projects.

As we and many other groups have stated, we strongly oppose the use of CDBG funds for the JFK rail link. We reject LMDC's stated exclusive preference for capital projects as opposed to "operating funds." Many of the most important community revitalization projects appear to be ruled out by that logic.

Among these, would be programs which aim to mitigate the harm from exposure to 9/11 pollution and to protect against the harm from a variety of environmental threats throughout the rebuilding. In light of the recent medical evidence for the emergence of serious and persistent new respiratory illnesses in Lower Manhattan, I'd like to add my voice to the community demands for a comprehensive medical program to track and treat emergent 9/11-related emergent illnesses in the community. Approximately 7500 residents could be provided with proper medical exams by a physician with appropriate training in environmental medicine for \$12 million.

When LMDC ignores the need for a program like this, how can it justify spending \$70-90 million in 9/11 recovery funds for the so-called Hudson River "Park"? We oppose the use of CDBG money for any project in or over the Hudson River, as requested by Hudson River Park Trust (HRPT) authority for Hudson River "Park" (HRP) construction and demolition in and over the River. The cost is too great, both in terms of the funding pulled from projects the community needs and wants, and in terms of the environmental damage done to the Hudson River.

Now I'd like to turn my attention to another environmental threat downtown. And I'd like to ask: Will 9/11 recovery money be used to allow the people who live and work in the vicinity of 130 Liberty to become exposed all over again?

When LMDC used CDBG money to purchase the building at 130 Liberty Street, it acquired a vertical Superfund site. LMDC's own testing reveals that the levels of contamination in this building are extraordinarily high--by an order of 10 to 100 thousand times acceptable levels.

LMDC has now allocated another \$45 million in CDBG funds to upgrade the demolition. The community supports this allocation with the proviso that LMDC recoup the funds from its insurers, which LMDC has stated it intends to do.

When that allocation was announced, Mr. Rampe gave his assurances to the community and, at a February 17th hearing, to the City Council, that LMDC was serious about putting safety first. The community assumed the dialogue with LMDC about further safety upgrades would continue.

Now, however, we find to our dismay, that LMDC has filed a Request for Variance with the New York State Department of Labor (April 11, 2005) and is seeking to go backwards: to degrade the health and safety procedures for the handling of toxic contaminants, by requesting waivers of key asbestos regulations.

Though LMDC has admitted that this demolition is staggeringly complex and risk-ridden, nonetheless, in a clear cut attempt to cut costs at the expense of safety, LMDC is asking permission to engage in work practices which would unnecessarily elevate the risks of exposure for workers in the building, and the people who live and work around it.

We see this move as further evidence that the LMDC fails to appreciate the hazards of the operation. LMDC is in over its head, with respect to both how to do the job right, and how to fund it.

What is the solution?

In an April 24th editorial, the New York Times included the troubled demolition in a long list of Ground Zero issues that urgently need the Governor Pataki's attention. Like the Times, we advise the Governor to push Washington for help with the demolition. We call on the Governor to approach the Bush Administration now with a request for EPA to take charge of this most dangerous LMDC project, and the impending demolitions of other heavily contaminated buildings. EPA bears the responsibility under the National Strategy for Homeland Security--because EPA is the only entity with the expertise, capability and authority to carry out the job properly and to protect the public.

In addition, the federal government should step up to the plate and take responsibility for funding further upgrades so that precious 9/11 recovery funds are not depleted.

To return to the big picture, there is a powerful solidarity among the affected neighborhoods in evidence tonight, built from the shared sorrows of September 11th and a shared vision for a revitalization that would leave no neighborhood behind. LMDC should take this opportunity to rise to the community standard.