

**Comments for the
9/23/04 Lower Manhattan Development Corporation's Public Information Session
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The LMDC's Initial Building Characterization Study Report shows that the Deutsche Bank building remains massively contaminated. And the LMDC's plan to demolish a building of this size, in this densely populated an area with this level of contamination makes it a challenge without precedent.

A project of this magnitude, this complexity and posing this level of risk to workers and the public alike requires a centralized mechanism for government oversight and coordination.

That is why the Environmental Protection Agency must be more than just "a key party," as it was referred to tonight in the LMDC powerpoint presentation. The EPA must be the lead agency in the demolition of the Deutsche Bank building, or ANY building that cannot be reoccupied due to World Trade Center contamination.

--First, EPA has the legal responsibility.

The EPA is mandated to be responsible for the prevention and remediation of contamination from terrorist attacks under Presidential Decision Directive 62, the National Strategy for Homeland Security and other applicable environmental statutes.

--EPA has been assigned lead agency status to respond to any toxic release resulting from terrorism by both Democratic and Republican administrations precisely BECAUSE EPA is the ONLY agency with the expertise and the capability adequate to the task.

On the critical issue of public process: Right now, the WTC Community is benefiting from EPA's formalized mechanism for systematic detailed community input into the design for a proposed new sampling plan. This same Community Based Participatory Research process should provide the basis for the community to work with the EPA and the LMDC on the Deutsche Bank demolition.

--The EPA's CBPR process would guarantee the community's is right to have detailed input into the demolition plan. The public process for the Deutsche Bank demolition should not revolve around the notion of calming the community's concerns, but around the imperative of involving the community as an active partner to identify and solve problems.

For instance, the benefits of LMDC's immediately embarking on a proactive, detailed, concrete conversation with the community on an emergency plan should be obvious. This community is entitled to more than just a 24 hour cell phone number.

--The community is entitled to full transparency. No one in this situation has time for FOILs and FOIAs. The withholding of information about a situation that might affect people's health will result in the rapid erosion of the community's confidence, good will and cooperation. (Just ask the EPA.)

--Finally, the community should not be forced to reinvent the wheel with every demolition.

The technical, oversight and community participation issues LMDC must address are exactly the same issues presented in the not too distant future when Fiterman Hall needs to be torn down and disposed of. (It's at 30 West Street and it is heavily contaminated with Dioxin.)

In summary, there should be one process, one mechanism for community participation, one set of meetings for concerned community and labor representatives and members to attend to get information and to provide input. And the EPA should take the lead.

I want to make one important clarification. No one has been more critical of how the EPA mishandled the aftermath of 9/11 than my organization. We are not asking for a repeat performance. We are calling upon the EPA to do now what it should have done already, and what it knows best how to do.

Thank you.