

Comment to LMDC January 24, 2005

This written comment will differ slightly from the extemporized comments at the meeting.

1. At all the meetings that LMDC holds we keep hearing the same complaints. It's as though there's a wall between the community and the people on the dais: We're allowed to come here and vent; LMDC doesn't respond in any substantive way but they then say they engaged in a transparent public process. But this isn't and shouldn't be psychotherapy. LMDC's responses need to be real.

That brings me to a comment I've made repeatedly at LMDC hearings concerning the AHERA standard you're using for asbestos. AHERA is not a healthbased standard. I believe it developed the way it did because 70 s/cm<sup>2</sup> was the detection limit at the time the test was first deployed. Your website implies that if you have less than 70 s/cm<sup>2</sup> of asbestos, you're home free but that's far from the case.

Also I didn't realize we couldn't ask questions so I have a question: What is the size of the particles you'll be measuring? Will you be measuring particles under five microns which many scientists believe to be more dangerous to human health, contrary to what EPA has been alleging?

Answer: Yes we will.

Q: Down to what level? .5 microns?

A: We'll have a measurement for over five microns and another for under.

Comment cont'd: 2. I was also disturbed to hear you citing EPA's health based benchmarks from a document which did not pass peer review. Those benchmarks have been disputed by eminent scientists. I'm surprised you're willing to be perceived as guilty by association with an agency whose record following 9/11 has been abysmal and possibly criminal.

3. A glance at your website shows that on several occasions there have been exceedances for lead of OSHA action limits. We heard something about shutting down the site on one of these occasions. What happened the other times? [It turns out the shutdown was at 4 Albany, not 130 Liberty]

Peterson: We've never shut down the site.

Conclusion: So far, when there have been exceedances LMDC hasn't done anything but put them on their website.

Finally, I'm disturbed by your assurances that you'll behave in accordance with city, state and federal regulations. They don't apply to this deconstruction which is unprecedented so the reassurances ring hollow.

[Not in spoken comment but needs to be raised]: Any testing you do that relies on averaging may be dangerous. Averaging is based on the assumption that people are exposed equally to different parts of a contaminated site, both the highly contaminated parts and the uncontaminated parts. But such an assumption may not be appropriate here. Spikes should not be written off; they can have terrible consequences for the people exposed to them. [This issue will be addressed further when LMDC and its contractors disclose their plans vis a vis averaging.]

Jenna Orkin World Trade Center Environmental Organization

