

World Trade Center "Cough"

No clear guidance for clearing the indoor air after 9/11

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World Trade Center Cough is a syndrome afflicting firefighters and cleanup personnel who have spent weeks and months in the rubble of the twin towers. The illness has many who live in the area wondering how to safely clean their homes, while building owners and managers are unsure of their obligations to protect their tenants from exposure to contaminants.

Thousands of firefighters working at ground zero have developed a persistent cough and chest pain, a syndrome for which the NYFD coined the phrase "WTC Cough." On a more limited basis, these health problems have affected office workers and those who reside near the disaster. However, there has been very little guidance regarding the cleaning of living and working spaces neighboring ground zero.

In fact, the New York Committee for Occupational Safety and Health (NY-COSH) objects to the lack of a centralized effort to properly train janitors, maintenance staff, office workers, and residents, many of whom are cleaning their work and living spaces the same way they would conduct spring cleaning. According to NYCOSH, this is extremely dangerous.

EPA, OSHA, OR NEW YORK CITY?

Part of the problem is the lack of a central authority to oversee the cleanup of neighboring offices and homes. According to Shell J. Bleiweiss¹, an attorney specializing in environmental and OSHA law, and a frequent contributor to *HPAC Engineering*, OSHA—as the lead federal government regulatory agency on site at the WTC—is by definition concerned with occupational threats, not residential

space.

"The World Trade Center site is unique in many ways, but from an OSHA point of view, it's quite similar to any multi-employer site where you have lots of contractors and subcontractors working side-by-side at one work site," Bleiweiss said. "OSHA has two concerns. It's not only what hazards the workers at the site have been exposed to, but secondly, that this calamity has exposed employees to hazardous material blocks and blocks, if not miles and miles, away from the disaster." OSHA has distributed well over 113,000 respirators to cleanup personnel. "OSHA and EPA have both been quite involved in the cleanup effort, to some people, surprisingly so," Bleiweiss said.

CONTAMINANT MEASUREMENTS

Both OSHA and the EPA have made thousands of measurements of airborne asbestos, silica, lead, and other heavy metals, carbon monoxide, and numerous organic and inorganic compounds at dozens of monitoring sites around ground zero. The EPA's EnviroMapper Tool allows anyone to view these numbers as measured from virtually any location within New York City (visit www.epa.gov to use EnviroMapper).

But even this has been a source of contention. The EPA's asbestos reporting system incorporates a 24-hr averaging process, which critics contend hides steep spikes that occur during the day. Measurements also have focused on large asbestos particles—those that can become lodged deep within the lungs. However, the *New York Times* has reported that privately performed tests of smaller asbestos particles reveal levels far in excess of the EPA's own safety threshold.

In the Jan. 14 NYCOSH "Update on Safety and Health," the agency reports that asbestos in buildings that have not been properly decontaminated could be dangerously high. (To read NYCOSH updates, visit www.nycosh.org.)

The Ground Zero Task Force, consisting of elected officials throughout New York, released a report titled "Characteri-

zation of Particulate Found in Apartments After Destruction of the World Trade Center," which provides detailed recommendations for indoor cleanup. To obtain this report, visit the Website of Manhattan Borough President C. Virginia Fields at www.cvfieldsmbp.org.

OUTSIDE VS. INSIDE AIR

The thrust of WTC public-health efforts has so far focused on outside air, not inside air, but it is estimated that 20,000 people live within a half-mile of the Trade Center site.

While residents and property owners in lower Manhattan may feel the EPA has done too little for them, this may reflect that regulations regarding airborne particulate matter indoors and indoor-air quality in general are lacking, Bleiweiss said. If building owners bother to measure, how will they know if the amount of airborne contaminants is safe? Without this information, how can they protect themselves from liability?

During dust cleanup indoors and outdoors, respiratory protection must meet the criteria set forth in OSHA Standard 29 CFR 1910.134, *Occupational Safety and Health Standards, Respirator Protection*, which describes respirator types and filters to be used in various cleanup conditions. However, this section applies to construction sites, general industry, and shipyards—not to residents cleaning their own property, Bleiweiss said.

But even strict compliance with 29 CFR 1910.134 doesn't guarantee a building owner protection from liability, added Bleiweiss. Once a jury is involved, anything can happen.

Some building owners around ground zero may find themselves in court not regarding OSHA regulations, but state labor laws. Hundreds of laborers, mostly illegal immigrants, were hired to clean office buildings and apartments. Many now report the chronic symptoms of WTC Cough. According to the *New York Times*, many of these workers were hired illegally and many were never paid.

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