

NEW YORK COMMITTEE FOR OCCUPATIONAL SAFETY AND HEALTH

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Eric Schaaf
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June 9, 2010

Dear Mr. Schaaf:

We are writing to thank you for EPA's increased role in assessing the prevalence, health risks, and remediation options associated with PCB-containing caulks and other PCB-containing building materials in schools and in other public, residential, and commercial buildings.

NYCOSH is particularly interested in the issue of PCB-containing caulks and paints as we work closely on environmental and occupational safety and health issues with unions that represent teachers, school maintenance workers, and contractors, all of whom are potentially impacted by exposure to PCB-containing caulks and paints. In addition, NYCOSH is actively involved in green initiatives, including working with and providing occupational safety and health training to workers involved in weatherization projects. These workers are likely to encounter and disturb window caulk which may contain PCBs in the course of their work, resulting in potential occupational exposure and in potential environmental contamination of the habitable spaces in which they work.

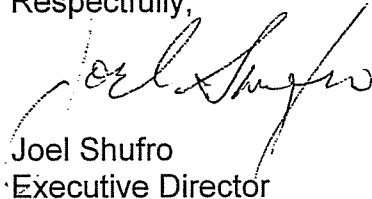
We want to express our strong concern that as EPA's position on this issue evolves it may not be adequately protective of environmental, occupational, and public health. For example, in reviewing the document entitled Remedial Investigation Work Plan for the New York City School Construction Authority Pilot Study to Address PCB Caulk in New York City School Buildings, we are concerned that both the New York State School Construction Authority and EPA may be giving inadequate consideration to a number of key issues, including but not limited to the following:

1. The essence of the issue at hand is the possible presence of PCB-containing materials in and around occupied spaces, differing exposure scenarios and potentials for exposure among various exposure populations, and potential adverse health consequences arising from such exposures. Neither the SCA's plan nor EPA's comments acknowledge the likelihood that the exposure population likely to be at greatest risk will be the building maintenance workers who work around and disturb PCB-containing building materials.

2. Inventories of all PCB-containing building materials in a given building must be the cornerstone for any study considering presence, concentration, condition, exposure scenarios, and remediation and/or maintenance options.
3. Sampling within a building must be adequately representative. Buildings that are selected for sampling must be adequately representative. Buildings that are presumed to be PCB-free should be included in the study as controls. The study should not be restricted to school buildings but should also investigate other public, residential, and commercial buildings.
4. The criteria utilized for selection of particular schools in the current pilot project are unclear. The criteria by which the data obtained in the pilot study will be evaluated are unstated.
5. Heating, ventilation, and air conditioning (HVAC) systems, whether ducted and centralized or decentralized and limited (i.e., unit ventilators) warrant increased and focused attention for their potential roles as transmitters and reservoirs of contaminants.
6. The need for operations and maintenance (O & M) programs warrants increased and focused attention with regard to both substance and implementation.
7. EPA appears to be relying solely on the 50 ppm regulatory level and to not be considering the related issues of "unauthorized use", "excluded PCB products", and use in a "manner other than totally-enclosed". This approach begs the following question: What will the agency's position be if biological monitoring finds elevated levels of PCBs in blood when bulk concentrations are measured at lower than 50 ppm, i.e., lower than the regulatory level?
8. Finally, in the rush to engage in the sampling phase of the pilot NYC study, inadequate consideration is being given to remediation criteria and methods, each of which warrant at least as robust a discussion as those aimed at sampling criteria and methods.

Thank you for your attention to these concerns.

Respectfully,



Joel Shufro
Executive Director

cc: Lisa Jackson