



January 18, 2008

Mayor Michael R. Bloomberg  
City Hall  
New York, NY 10007

Dear Mayor Bloomberg:

The American Industrial Hygiene Association (AIHA) has been closely following the introduction and debate over a pending bill before the New York City Council known as "Int. No. 650: A Local Law to amend the administrative code of the City of New York, in relation to permits for atmospheric biological, chemical, and radiological detectors." We are aware the bill was "laid on the table" at the Council hearing on January 8, but there is strong support from you and others to reconsider this bill at a future hearing. Because of this, we feel it is of the utmost urgency that we contact you directly to again express our opposition to the bill.

AIHA understands the desire of the City of New York to reduce the number of premature reactions to direct reading instruments by untrained individuals. We share this concern. However, there are numerous problems with enacting legislation of this magnitude without enlisting the input and expertise of those who are currently qualified and have the experience of using these monitoring devices for years.

We see no need to go into great detail about our concerns with this legislation. Suffice to say they are many. Some examples:

- The definition of biological agent includes all biological entities. Existing science does not provide us with numbers that can be used to determine good or bad exposure. It depends on the specific conditions of the site, the types of organisms, the comparable concentration of the organisms, etc.
- The definition of detectors is also designed so liberally that each homeowner in the City will need to file for a permit for smoke detectors. Under the law, it determines a radioactive substance as any substance that "emits ionizing radiation including alpha, beta, gamma and/or neutron radiation." Nearly all detectors on the market today are sourced with a small radioisotope.
- The permit application requires emergency response plans for use with the detectors. There is no way to determine what emergency plan could possibly be needed for situations that have not yet arisen.
- All exceeded limits must be reported to the NYPD. How would this data will be evaluated, responded to and recorded? Perhaps more importantly, what will occur when the reviewer comes to a different conclusion than the site professional? Will the judgment of a seasoned exposure assessment scientist be disregarded in deference to the judgment of some administrator?

As you can see, we feel this legislation creates more concerns than the problem it addresses. Frankly, we are not convinced that there is a problem. Perhaps rather than enacting a new law to alleviate potential fear, it may be more advisable to require all entities offering professional

consulting in this arena to have properly credentialed consultants overseeing the evaluations. Designations such as a Certified Industrial Hygienist, Qualified Environmental Professional or Certified Hazardous Material Manager are a few examples. This will insure that the individuals responsible for the final interpretation of data are qualified to make those decisions, and reduce the occurrences of untrained individuals creating unnecessary hysteria.

As a matter of background, AIHA is the premier association of occupational and environmental health and safety professionals. Our members, including our New York members, by virtue of education and other special studies and training must have the ability and competency to

- (1) anticipate and recognize the environmental factors and stresses associated with work and work operations and to understand their effects on people and their well-being;
- (2) evaluate, on the basis of training and experience and with the aid of quantitative measurement techniques, the magnitude of these factors and stresses in terms of their ability to impair human health and well-being;
- (3) prescribe methods to prevent, eliminate, control, or reduce such factors and stresses and their effects.


We should add that AIHA and its members have assisted the City of New York in the past. Following 9/11, the Occupational Safety and Health Administration contacted AIHA to enlist volunteers to assist with air quality monitoring in businesses surrounding ground zero. AIHA submitted a list of Certified Industrial Hygienists to provide these services, when requested, at no charge.

In closing, AIHA is not opposed to the City of New York enacting legislation that would better protect its citizens. On the contrary, this is the type of legislation we support. However, we ask that perhaps you step back for a moment to consider all of the potential problems created by enacting such a law with limited input from the professionals who provide these services on a daily basis.

AIHA asks that you withhold future action on this legislation, invite affected stakeholders, i.e., citizens, law enforcement, government officials, professionals in health and safety, and others to begin a dialogue that will produce a law that protects the health and safety of citizens through the combined resources of experts in all fields. AIHA offers its assistance in this endeavor in any way possible.

Thank you for your time and consideration.

Sincerely,



Donald J. Hart, PhD, CIH  
AIHA President

cc: New York City Council  
AIHA Board of Directors  
Steven Davis, AIHA Executive Director