

Congress of the United States
House of Representatives
Washington, DC 20515

October 20, 2003

Ms. Marianne Lamont Horinko
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Acting Administrator Horinko:

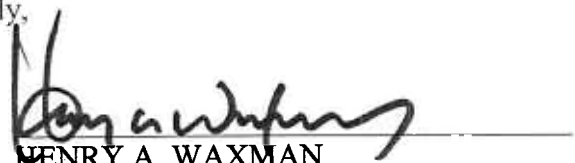
We remain very troubled by the recent reports raising questions about EPA's apparent acquiescence in downplaying concerns about environmental and health risks at and near Ground Zero in New York City. Because the majority party in the House of Representatives has chosen not to investigate this matter, Representatives Nadler, Owens, and Eshoo wrote to you on October 14, 2003, seeking relevant information under the Freedom of Information Act (see attached letter).

We agree that all of the requested materials should be given to the elected representatives of those harmed by EPA's alleged knuckling under to political pressure. And the material should be made available to the public, as well. But, we ask that you release this information now -- not just under the Freedom of Information Act (which could take months and which could limit the material provided), but under a common sense need to get the truth out. Hiding behind the "head-in-the-sand" refusal of Republicans in Congress to ask even the most basic questions or to seek the most basic information will not serve the public interest. New Yorkers, and the responders from around the country who came to their aid, deserve better.

Sincerely,



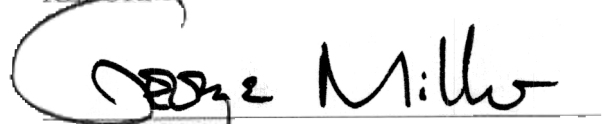
JOHN D. DINGELL
RANKING MEMBER
COMMITTEE ON ENERGY AND
COMMERCE



HENRY A. WAXMAN
RANKING MEMBER
COMMITTEE ON GOVERNMENT
REFORM



JOHN CONYERS
RANKING MEMBER
COMMITTEE ON THE JUDICIARY



GEORGE MILLEP
RANKING MEMBER
COMMITTEE ON EDUCATION AND
THE WORKFORCE

Congress of the United States
Washington, DC 20515

October 14, 2003

Marianne Lamont Horinko
Acting Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Dear Acting Administrator Horinko:

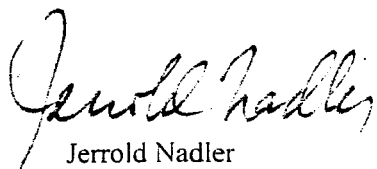
As Members of Congress representing people who live and work around Ground Zero, or who traveled to New York City as part of the rescue and recovery operations, we are writing to request important information regarding the Environmental Protection Agency's (EPA) response at the World Trade Center following September 11, 2001.


Recent reports, most notably one by the EPA Office of Inspector General (OIG), raise serious questions about the federal government's response to the environmental fallout from the collapse of the World Trade Center, in particular, the involvement of the White House in directing EPA to downplay health concerns to people living and working near Ground Zero. As reported in the New York Times last week, new documents from the OIG Report depict "screaming matches" between the White House and EPA over how to communicate the potential environmental and health risks to people exposed to WTC dust.

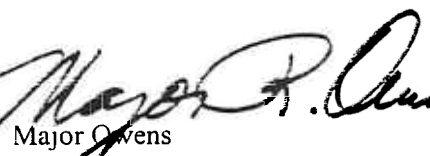
In order to fully understand the federal government's response following September 11th, we respectfully request that you provide the attached list of documents regarding the White House and EPA's relationship in managing the environmental issues at the WTC, the supporting documents to the OIG Report, and the supporting documents to the EPA's "Lessons Learned" report conducted by the Agency immediately following September 11th, 2001. The Lessons Learned report states that decisions were made "with incomplete information, and political decisions were prominent," and that "there were conflicting demands placed on individuals from high levels of government outside of EPA who lacked knowledge regarding emergency response."

Many of these documents have been requested in the past, but they have yet to be released. Therefore, as an added measure, we are submitting the same request under the Freedom of Information Act (FOIA). However, given the urgency of the situation and the importance of this issue to our constituents, we hope that we do not have to go through the full FOIA process, and that you will supply the requested documents in a timely manner.

Thank you for your prompt attention to this matter. If you have any questions or concerns, please do not hesitate to contact us.


Jerrold Nadler
Member of Congress

Sincerely,

Anna Eskoo
Member of Congress


Major Owens
Member of Congress

Congress of the United States
Washington, DC 20515

October 14, 2003

National Freedom of Information Officer: Betty Lopez
U.S. EPA, Records, FOIA & Privacy Branch
1200 Pennsylvania Avenue NW (2822T)
Washington, DC 20460

Dear Ms. Lopez:

Under the Freedom of Information Act, we are requesting the following documents to be delivered to the office of Congressman Jerrold Nadler, 2334 Rayburn House Office Building, Washington DC, 20515.

- 1 Please provide any and all physical and electronic records and documents in the EPA's possession related to communication between the White House and the EPA from September 11th, 2001 until present regarding the response to the terrorist attacks at the World Trade Center and Pentagon including, but not limited to:
 - Results and analyses of environmental monitoring;
 - Communication of hazardous substance risks to residents and workers;
 - Decisions about the selection and use of respiratory protection (respirators, dust masks, etc) for workers and residents;
 - Indoor sampling and reoccupation issues of residents, workers and people returning to schools following the collapse of the World Trade Center in New York;
 - The chain of command and emergency response decision-making authority at the World Trade Center in New York, and at the Pentagon in Virginia;
 - All emails between EPA officials, including, but not limited to, Administrator Christine Todd Whitman, Whitman's Chief of Staff Eileen McGinnis, Deputy Administrator Linda Fisher, Fisher's Chief of Staff, Assistant Administrator Marianne Lamont Horinko, Horinko's Chief of Staff, and Regional Administrator Jane Kenny and the White House regarding the World Trade Center case.

Please provide any and all physical and electronic records and documents obtained or developed by the EPA Office of Inspector General (OIG) for the report "EPA's Response to the World Trade Center Collapse: Challenges, Successes and Areas for Improvement" (Report No. 2003-P-00012), including but not limited to:

- All interviews conducted by the OIG for the report, including those of EPA, OSHA and White House officials;
- All emails obtained by the OIG, including those between the White House and the EPA, and OSHA and EPA;

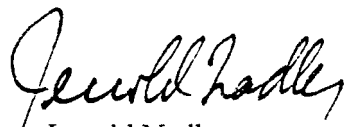
- The May 2002 memorandum from the EPA Region 2 Administrator that provided FEMA the necessary justification to authorize funding for the Indoor Cleanup Program referenced on page 48 of the report;
- All drafts of the OIG Report;
Documents related to the decision not to allow EPA air monitoring teams on the World Trade Center "pile", and only allow them around the perimeter;
All documents from the "government hearing record" referenced in the report;
List of all EPA and White House officials involved in any way in drafting and releasing the OIG report;
- Name of the official who determined which officials would be interviewed for the OIG Report.


3 Please provide any and all physical and electronic records and documents obtained or developed by the EPA for the report "Lessons Learned in the Aftermath of September 11, 2001" dated February 1, 2002, including, but not limited to:


- All interviews and questionnaires;
- All documents, including logs and meeting notes of the Environmental Assessment Workgroup Conference Calls referenced in the report, and New York City daily conference calls in which EPA participated.
- Copies of all Mission Assignments and the justification for each;
- List of all On-Scene Coordinators deployed to the World Trade Center in New York, and to the Pentagon in Virginia, the duties they were assigned to, and the date they were removed from those duties;
- Copies of all fact sheets developed by the EPA and other public agencies, such as ATSDR, concerning the health effects associated with pollutants.

Thank you for your prompt attention to this request. Please do not hesitate to contact us if you have any questions or concerns.

Sincerely,


Jerrold Nadler
Member of Congress


Anna Eshoo
Member of Congress


Major Owens
Member of Congress