

December 21, 2018

Roberta Reardon, Commissioner
NYS Department of Labor
Building 12, W.A. Harriman State Campus
Albany, New York 122240

Dear Commissioner Reardon:

I am writing today with a request for an URGENT review by the Department of Labor (DOL) in regard to the demolition being done at the Old Library Building at 310-314 N. Cayuga Street in Ithaca.

I am hearing from many constituents (emails attached) with their evident and great concern and worry about the way the demolition is being performed, given the fact that there is significant asbestos in the building. While there are outstanding concerns by many throughout our community about the City of Ithaca's condemnation of the building, today I want to relay my concern and that of many constituents about the immediate matter of the "controlled demolition" that is now underway in place of the previous comprehensive asbestos abatement plan as mandated by DOL.

I have read the regulations issued by DOL, specifically 12 NYCRR Part 56-11.5(1) for a controlled demolition with asbestos in place, which appear to contain important and necessary steps to protect human health and safety, be it that of the workers on the site or of the people who live, work or walk anywhere near this site. Those measures include "continuous wetting" of the demolition material with a large misting device, as well as a wash-down area to rinse off both workers' outer clothing and boots, as well as equipment, before anyone or anything departs the site. Workers, who are clearly most at risk on such a work site, are to be issued full protective gear as they work closely with hazardous, cancer-causing material – among many other requirements in Part 56.

However, it has been brought to my attention that such misting and washing-down may be being left out of this "controlled demolition," and that workers have not been given fully-protective gear. People who have watched from nearby windows and the attached videos show that very dusty materials are falling from the building without any kind of watering or misting to stop their spread. The wetting that does happen is intermittent, at best, and is being done with a powerful hose, which might actually cause the asbestos to disperse, rather than with a mister which is required under part 56, and would likely be more-effective in keeping the material from becoming airborne. I have also been informed that the water truck used for the hosing leaves the site to go get more water every 45 minutes or so without having its wheels or tires hosed down, so it is hard to imagine that it isn't tracking asbestos out over the streets

each time. In fact, people are reporting to me that they see this material on the street and I believe it can be seen in the photos attached. I am also deeply concerned that DOL would think of allowing workers on the site, where we know the disintegrating materials contain asbestos, without the appropriate safety equipment and protection.

Given all these great concerns, and community confusion about what is going on with the controlled demolition with asbestos in place, I URGENTLY request a temporary halt to this demolition while these issues are reviewed by DOL -- with the larger Ithaca community included in that review in order to get all such questions answered. I also would like to understand why these matters are, seemingly, not considered by the DOL to be a danger to our community and the workers on site.

For the record, my Assembly district office is just one house off kitty-corner from the library site. My office has bought facemasks of the sort worn by medical personnel or other workers, which I have made available for my staff to use outside our building. We are generally avoiding the site as much as possible, as I believe in the precautionary principle when it comes to dangerous materials such as asbestos.

Thank you for your URGENT attention to this very serious matter.

Sincerely,

A handwritten signature in black ink that reads "Barbara S. Lifton". The signature is written in a cursive, flowing style.

Barbara S. Lifton
Member of Assembly
125th District

cc: MoA Lifton's constituents

Marcos Crespo, in-coming Chair Assembly Committee on Labor

Svante Myrick, Mayor, City of Ithaca

Ithaca City Common Council members

Martha Robertson, Chair, Tompkins County Legislature

Tompkins County Legislators