

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: WORLD TRADE CENTER
DISASTER SITE LITIGATION

21 MC 100 (AKH)
PART 1 OF 2

THIS DOCUMENT APPLIES TO ALL
WORLD TRADE CENTER DISASTER SITE
LITIGATION

EXHIBIT ONE
TO
PLAINTIFFS' RESPONSIVE DECLARATION OF THE FACTS
PURSUANT TO CASE MANAGEMENT ORDER NO. 3
TIMELINE

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
9/11/2001	9/11/2001	<i>Type:</i> Correspondence <i>Author:</i> <i>Recipient:</i>	In the Port Authority of NY/NJ's (PA) Declaration served on plaintiffs, the PA admits that "PAPD officers begin participation in controlling site access; in so participating, PAPD officers are required to (and do) follow access rules and procedures established by the City of New York."
9/11/2001	10/30/2001	<i>Type:</i> Memo <i>Author:</i> Bovis/D.H. Griffin <i>Recipient:</i> DDC	This memo was sent to Tom O'Conner of the PA in regards to Bovis amending the original demolition plan demonstrating PA's involvement in demolition operations. (BOVCM3-000002144 - BOVCM3-000002144)
9/11/2001		<i>Type:</i> <i>Author:</i> <i>Recipient:</i>	NYC takes exclusive control of the site.
9/12/2001	9/12/2001	<i>Type:</i> Correspondence <i>Author:</i> Peter Tully, Pres. Tully Construction <i>Recipient:</i> Kenneth Holden, DDC	This correspondence shows that Tully was supplying services to NYC at the WTC on 9/12/01 on a time and material basis, and indicates that Tully was expecting DDC to establish procedures. (CITYCM3-00035881 - CITYCM3-00035882)
9/13/2001 - 9/22/2001	10/24/2001	<i>Type:</i> OSHA Report <i>Author:</i> OSHA <i>Recipient:</i> Bovis Staff and all Subcontractors	OSHA Air sampling Results Summary as of 10/24/01 document that 53 of 410 asbestos samples exceeded OSHA's limits and that Dioxin and PAH levels are elevated. (BOVCM3-000001973 - BOVCM3-000001974)
9/13/2001 - 9/21/2001	2/28/2002	<i>Type:</i> OSHA Report <i>Author:</i> OSHA	OSHA reports elevated levels of contaminants. (BOVCM3-000002071 - BOVCM3-

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		<i>Recipient:</i>	000002074)
9/14/2001	9/14/2001	<p><i>Type:</i> User/Training Manual</p> <p><i>Author:</i> NYDEC</p> <p><i>Recipient:</i> All agencies and contractors</p>	<p>The Accident Prevention Plan for Post-Disaster Search, Rescue, Demolition & Cleanup places control of safety and health on the contractors and employers. It states that "each site supervisor shall accept the responsibility for seeking the safest, most practical method to perform the task of search, rescue, demolition, cleanup and recovery."</p> <p>(CITYCM3-00007481 - CITYCM3-00007489)</p>
9/17/2001	9/17/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Bernard L. Meyers, Senior Vice Pres, Bechtel</p> <p><i>Recipient:</i> Michael Burton, DDC</p>	<p>Bechtel begins work at the site on 9/12/01 as per DDC's request.</p> <p>(CITYCM3-00035580 - CITYCM3-00035582)</p>
	9/21/2001	<p><i>Type:</i></p> <p><i>Author:</i></p> <p><i>Recipient:</i></p>	<p>List of objectives along with responsible lead agencies. "Develop the job and site specific PPE requirements (DDC); Develop and distribute a list of required PPE to all site emergency response and workers, including posters for staging areas (DDC); Provide respirator fit-testing, maintenance and use information, and comprehensive technical support (NYCDOH); Aggressively promote minimum PPE use in all areas where highest exposures may occur (NYCDOH, NYPD, FDNY, National Guard).</p> <p>(CITYCM3-00041537 - CITYCM3-00041558)</p>
9/21/2001	9/21/2001	<p><i>Type:</i> Press Release</p> <p><i>Author:</i> EPA</p>	<p>EPA Administrator Whitman states (quoting article, not Whitman directly), "All rescue workers in this restricted access area are being provided with appropriate safety</p>

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		<i>Recipient: Press</i>	equipment... Available results continue to show that rescue workers at the disaster site are not being exposed to hazardous materials." (CITYCM3-00008614 - CITYCM3-00008615)
9/22/2001	9/22/2001	<i>Type: Situation Report</i> <i>Author: Controlled Demolition, Inc.</i> <i>Recipient: Tully Construction</i>	Demolition Report - This report states that "it will be the responsibility of the DDC to determine which contractor should undertake work in each area." (CITYCM3-00014419 - CITYCM3-00014440)
9/22/2001	9/22/2001	<i>Type: Meeting Minutes</i> <i>Author: FDNY</i> <i>Recipient: All Agencies and Contractors</i>	Incident Command post meeting puts DOH and DDC in control of safety and health issues as well as logistics at the site. (CITYCM3-00046222 - CITYCM3-00046223)
9/23/2001	9/23/2001	<i>Type: Meeting Minutes</i> <i>Author: NYCDOH</i> <i>Recipient: All Agencies and Contractors</i>	NYCDOH documents hazards and control issues and demonstrates that OSHA's involvement was only advisory. It states: "worker safety is not under routine control by OSHA until it is a construction site..." (CITYCM3-00044444 - CITYCM3-00044446)
9/24/2001	9/24/2001	<i>Type: Contract</i> <i>Author: Mark Loizeaux</i> <i>Recipient: Mike Burton</i>	This is an agreement between Brookfield and DDC for construction of a pedestrian bridge. <i>The agreement states that it is governed by and construed in accordance with the laws of the State of New York.</i> (CITYCM3-00014313 - CITYCM3-00014340)
9/25/2001	9/25/2001	<i>Type: Inspection Report</i>	Turner/Plaza Construction Safety and Health inspection report documents contractors were in control.

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		<p><i>Author:</i> Angelo Elmi & Loan Dinh</p> <p><i>Recipient:</i> Turner Plaza Construction, Tully Construction</p>	(CITYCM3-00021207 - CITYCM3-00021207)
9/26/2001	9/26/2001	<p><i>Type:</i> Situation Report</p> <p><i>Author:</i> Bechtel</p> <p><i>Recipient:</i> All contractors and agencies</p>	<p>Shift Report documents that DDC and contractors were in control of the site.</p> <p>(CITYCM3-00011715 - CITYCM3-00011722)</p>
9/27/2001	9/27/2001	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i> turner/plaza</p> <p><i>Recipient:</i> all agencies/contractors</p>	<p>Project meeting minutes documents that OSHA is working <i>in consultation</i> mode and that DDC and contractors are controlling operations at the site.</p> <p>(TURCM3-000000837 - TURCM3-000000842)</p>
9/28/2001 - 12/28/2001	9/28/2001	<p><i>Type:</i> Order</p> <p><i>Author:</i> Maria Rodriguez, PAA 1</p> <p><i>Recipient:</i> FDNY Operation/FDNY Fire Academy</p>	<p>An FDNY order for over 5,000 respirators and 10,000 plus cartridges was prepared on September 28, 2001; however, the order <i>was not approved until November 26, 2001.</i></p> <p>(CITYCM3-00055369 - CITYCM3-00055370)</p>
10/1/2001	10/1/2001	<p><i>Type:</i> User/Training Manual</p> <p><i>Author:</i> Mary Ellen Sacchetti, Turner/Plaza Construction</p> <p><i>Recipient:</i> Brian Feigenbaum & All contractors and agencies All contractors and agencies All contractors and</p>	<p>Turner and Plaza Construction Safety & Health Manual effective on October 1, 2001, documents that the WTC site was handled no differently than any other construction demolition site. The plan mandates compliance with all environmental, OSHA regulations, and all other relevant laws and implements a system of violations which include penalties and expulsion from the site for noncompliance. It also documents the control Turner and Plaza exercised over other contractors on site establishing liability under NYS Labor Law.1. Lack of Supervision. It is a mandatory requirement that this Subcontractor provide a</p>

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		<p>agencies All contractors and agencies</p>	<p>representative, who must have the authority to make decisions financial or otherwise for the Subcontractor, to attend the weekly Project Manager Progress Meeting, Foreman's Meeting and Safety Meeting.</p> <p>2. Failure to Conduct Safety Meetings. This Subcontractor shall hold weekly "Tool Box" meetings or provide the minutes will result in a \$250.00 backcharge for each incident.</p> <p>3. Failure to Submit Daily Reports. The Subcontractor shall submit to the Construction Manager, on a daily basis, complete Daily Reports covering its work. These reports shall include the names of the Subcontractor's personnel on the jobsite, description of work enaged in, major equipment deliveries, accidents, visitors to the site, subcontractor manpower information, overtime, any any other information requested by the Construction Manager. Daily Progress Reports are to be submitted to the Plaza's Superintendent on or before 1 :00 p.m. on the working day following the work being performed. Failure to comply will result in a \$100 deduct deviation report per occurrence.</p> <p>4. Failure to Maintain Safety Policies. The Subcontractor understands that Safety Policies will be in effect and has included in the Subcontract Price the applicable costs to comply. These Safety Policies include, but are not Limited to:</p> <ul style="list-style-type: none"> a. Confined Space Entry b. Electrical Lockout and Tag Out c. Excavation Hazards d. Fall Protection e. Firewatch f. Hazard Communication g. Hazardous or Toxic Material Handling h. Orientation and Procedure i. Personal Protection Equipment

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			<p>j. . Respiratory Protection</p> <p>(CITYCM3-00022626 - CITYCM3-00022634)</p>
10/4/2001	10/4/2001	<p><i>Type:</i> Situation Report</p> <p><i>Author:</i> Cappello/Paskoff</p> <p><i>Recipient:</i></p>	<p>Work shift report documents that the DDC and contractors were in control of the demolition and debris removal operation.</p> <p>(CITYCM3-00011653 - CITYCM3-00011654)</p>
10/5/2001	10/5/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Bruce Sprague, EPA</p> <p><i>Recipient:</i> Kelly McKinney, NYC DOH</p>	<p>A letter from the USEPA to NYCHOH establishes that the <i>EPA had no control</i> over operations at the WTC site.</p> <p>(CITYCM3-00007585 - CITYCM3-00007586)</p>
10/7/2001	10/7/2001	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Bill cote</p> <p><i>Recipient:</i> file</p>	<p>The DDC assumed responsibility for the monitoring and shipment of the debris. The DDC issued "Load Debris Tickets" to the trucks leaving the WTC Site. The tickets were emblazoned with the words "DDC City of New York Load Debris Ticket" and were completed with information about the destination of the truck and its cargo. (CITYCM3-00033806: Sample DDC Load Debris Ticket). As debris was removed, DDC officials, along with Port Authority (PA) officials, were to track, coordinate and document the following:</p> <p>A)FDNY/Rescue operations; B)Structural concerns; C)Progress of work; D)Weather; E) Trucking/Traffic operations-Manifests; F) Safety concerns; G)Equipment on site; H)Idle equipment; and I)Crane issues.</p>

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			<p>(CITY CM3-00033827 DDC/PA Field Staff Responsibilities/Procedures).</p> <p>A typical example of the supporting role played by federal agencies is their participation in the debris removal program. As the Federal Emergency Management Agency ("FEMA") commented: Debris removal operations are under the direction of the...DDC. FEMA is responsible for administering the Federal Funds that will be granted to the State of New York and various applicants under this disaster. The City...is a sub-grantee. The U.S. Army Corps of Engineers (will) provide technical assistance to NYC on an as required basis as NYC requests this assistance.</p> <p>(CITY CMC-00033810 Debris Monitoring Plan</p> <p>(CITYCM3-00033799 - CITYCM3-00033846)</p>
10/9/2001	10/9/2001	<p><i>Type:</i> Environmental Analysis Report</p> <p><i>Author:</i> LZA Technology</p> <p><i>Recipient:</i> E. Velivasakis</p>	<p>DDC ordered testing identifies hazardous levels of the toxic mold <i>Stachybotrys</i> in WTC 5.</p> <p>(CITYCM3-00021678 - CITYCM3-00021681)</p>
10/11/2001	10/11/2001	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i></p> <p><i>Recipient:</i> DDC, OSHA, Bechtel, AMEC, Turner, Tully, Bovis, ATC</p>	<p>The minutes of this meeting show that OSHA was working in an advisory capacity.</p> <p>(CITYCM3-00019494 - CITYCM3-00019498)</p>
10/11/2001	10/11/2001	<p><i>Type:</i> Contract</p>	<p>Revised Draft of the Proposed Emergency Construction Management services at the</p>

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		<p><i>Author:</i> DDC</p> <p><i>Recipient:</i> AMEC, TULLY, TURNER, BOVIS</p>	<p>WTC complex - The DDC issued a revised draft of the contracts with the four major contractors indicating that:</p> <p><i>"2.2 The Contractor shall comply with all local, State and Federal laws, rules, regulations and orders issued pursuant to any Emergency Declaration applicable to this Agreement and to the work to be done hereunder."</i></p> <p>The contractors further agree to indemnify the City of New York for any work related injuries and are provided with a general liability policy. In fact ARTICLE 38 - specifically requires that:</p> <p><i>"38.1 The Contractor must strictly comply with all applicable provisions of the New York State Labor Law, including amendments thereto, and the provisions of Section 6-109 of the New York City Administrative Code, as amended."</i></p> <p>(CITYCM3-00030568 - CITYCM3-00030657)</p>
10/15/2001	10/15/2001	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i></p> <p><i>Recipient:</i> DDC, OSHA, Bechtel, AMEC, Turner, Tully, Bovis, ATC</p>	<p>AMEC Sector safety observations: "PPE is being stressed...Respirator use can be improved (OSHA)." Tully Sector safety observations: "subcontractors behind #4 not using respirators. Cutting without glasses. Drivers have no hard hats, safety glasses, and no respirators." Turner/Plaza Sector safety observations: "Compliance with respirators is a problem...police bringing through four people without PPE."</p> <p>(CITYCM3-00019473 - CITYCM3-00019476)</p>
10/15/2001 - 11/8/2001	10/15/2001	<p><i>Type:</i> Order</p> <p><i>Author:</i> Robert Scott</p>	<p>Underscoring the need for respirators, the FDNY ordered adapters that would convert 15,000 "Scott" facemasks, ordinarily</p>

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		(Stuart?) <i>Recipient:</i> FDNY Technical Assistance	connected to self-contained breathing equipment, to use with filter cartridges. (CITYCM3-00055355 - CITYCM3-00055359)
10/16/2001	10/16/2001	<i>Type:</i> E-Mail <i>Author:</i> Wilfredo Lopez, NYC DOH <i>Recipient:</i> Jeanine Prudhomme; Martha Robinson DOH	Email states NYC must follow OSHA laws regarding safety standards even if OSHA is not enforcing them. (CITYCM3-00041286 - CITYCM3-00041288)
10/16/2001	10/16/2001	<i>Type:</i> Meeting Minutes <i>Author:</i> DDC <i>Recipient:</i> Contractors	S&H Docs show NYC and private contractors in control of the site. (TURCM3-000001266 - TURCM3-000001271)
10/17/2001	10/17/2001	<i>Type:</i> <i>Author:</i> DDC <i>Recipient:</i>	DDC announces that "All DDC personnel should feel confident that they are not being exposed to unhealthy levels of chemicals and that air quality is generally good. However, when working on or around the pile, (within 25 feet of the pile) the use of respiratory protection. (BOVCM3-000001521 - BOVCM3-000001523)
10/18/2001	10/18/2001	<i>Type:</i> Chart/Graph <i>Author:</i> Mike Burton <i>Recipient:</i> Distribution List	"In the interest of maintaining a safe and healthy work site, I have tasked Bechtel Infrastructures safety and health professionals to report on observed safety discrepancies during their regular tours of the site." "The attached report summarizes safety discrepancies noted by Bechtel over the last several days. The DOC recognizes that your agencies have responsibility for the health and safety of your employees . We are providing this summary list to assist you with your safety efforts."

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			(CITYCM3-00014849 - CITYCM3-00014857)
10/22/2001	10/22/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Patricia K. Clark, Regional Administrator, OSHA</p> <p><i>Recipient:</i> Robert Fee, President, Tully</p>	<p>Letter from OSHA contains language indicating that they are not in control, but are acting in a consulting and/or advisory capacity.</p> <p>(CITYCM3-00021890 - CITYCM3-00021894)</p>
10/22/2001 - 10/23/2001	10/29/2001	<p><i>Type:</i> OSHA Report</p> <p><i>Author:</i> OSHA</p> <p><i>Recipient:</i> Bovis Staff and Subcontractors</p>	<p>Page two of OSHA's sampling summary documents reveals that dioxin and coal tar pitch levels are elevated.</p> <p>(BOVCM3-000001962 - BOVCM3-000001962)</p>
10/23/2001	10/23/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Patricia K. Clark, OSHA</p> <p><i>Recipient:</i> Kelly McKinney, NYCDOH</p>	<p>Letter from OSHA contains language indicating that they are not in control, but are acting in a consulting and/or advisory capacity.</p> <p>(CITYCM3-00023411 - CITYCM3-00023413)</p>
10/26/2001 - 10/27/2001	10/26/2001	<p><i>Type:</i> Incident Report</p> <p><i>Author:</i> FDNY</p> <p><i>Recipient:</i> All Contractors and Agencies</p>	<p>DDC and construction managers will review deconstruction process plan; using a respirator is mandatory if worker is on above in or around a pile.</p> <p>(CITYCM3-00042738 - CITYCM3-00042748)</p>
10/29/2001	10/5/2001	<p><i>Type:</i> ENVIRONMENTAL , SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> DDC</p> <p><i>Recipient:</i> All Agencies and</p>	<p>NYC DDC distributed its ES&H Plan.</p> <p>(PA-CMO3-0000559 - PA-CMO3-0000559)</p>

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10/31/2001	10/31/2001	<p>Contractors</p> <p><i>Type:</i> Inspection Report</p> <p><i>Author:</i> Dennis Colson, Clifton Oates</p> <p><i>Recipient:</i> Turner & Tully Construction</p>	<p>Turner's Safety and Health documents establish construction contractors and DDC were in control of the demolition and debris removal operations.</p> <p>(CITYCM3-00021210 - CITYCM3-00021218)</p>
11/1/2001	11/1/2001	<p><i>Type:</i> Testimonial</p> <p><i>Author:</i> Not Given</p> <p><i>Recipient:</i> Patricia K. Clark</p>	<p>Statements made before the U.S. House - To ensure that workers were fully informed, OSHA employed a variety of means to disseminate information...OSHA consistently recommended that workers wear appropriate respirators - which were selected jointly by NYC DOH, NIOSH, private K'ers, unions and others...NYC DOH asked OSHA to be the lead agency to distribute/fit.training for respirators.</p>
11/1/2001 - 11/8/2001	11/8/2002	<p><i>Type:</i> Environmental Analysis Report</p> <p><i>Author:</i> New York City Report of the Committee on Environmental Protection</p> <p><i>Recipient:</i></p>	<p>New York City Council Releases the Report of the Committee on Environmental Protection. The Report details widespread contamination from the collapse of buildings at the site and protocols for dealing with it.</p> <p>(CITYCM3-00026083 - CITYCM3-00026118)</p>
11/2/2001 - 11/3/2001	11/3/2001	<p><i>Type:</i> Inspection Report</p> <p><i>Author:</i> Not Given</p> <p><i>Recipient:</i> Not Given</p>	<p>Safety observers from NYPD, PAPD, DDC and FDNY identified concerns and violations regarding PPE for AMEC, Bovis and Tully. Photographs document these observations.</p> <p>(CITYCM3-00014784 - CITYCM3-00014786)</p>
11/5/2001	11/5/2001	<p><i>Type:</i> Map</p> <p><i>Author:</i> DDC/Bovis</p>	<p>This map, by Bovis and DDC, is identified as "Construction Site Perimeter & Access." This is strong evidence that the site was primarily a construction site.</p>

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		<i>Recipient: all</i>	(BOVCM3-000002642 - BOVCM3-000002642)
11/5/2001	11/6/2001	<p><i>Type: User/Training Manual</i></p> <p><i>Author: Pete Stafford</i></p> <p><i>Recipient: Safety & Health Orientation Training Review Committee</i></p>	<p>"All material handlers shall possess qualifications equivalent to those required for similar operations. As a best practice, the material handling subcontractor shall provide personnel with New York City and State asbestos handler certification or equivalent.</p> <p>The subcontractor is responsible for complying with all applicable training requirements relating to this SHP. The subcontractor is also responsible for providing any additional training necessary to complete their tasks safely.</p> <p>Only qualified and trained operators shall be authorized to operate any construction equipment.</p> <p>The subcontractor is responsible for providing all personal protective equipment (PPE) necessary for its employees.</p> <p>Minimum personal protective equipment includes hard hats, safety glasses, protective clothing, and appropriate respiratory protection.</p> <p>Full-body harness with lanyard attached to an approved anchorage point for employees exposed to fall hazards greater than 6 feet above a lower level.</p> <p>2.4.4 Hearing protection as needed when working in close proximity to equipment generating noise levels at or above the OSHA action level and PEL."</p> <p>(CITYCM3-00017256 - CITYCM3-00017259)</p>

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11/9/2001	11/9/2001	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Richard Sheirer</p> <p><i>Recipient:</i> All</p>	<p>OEM memorializes policy establishing access zones to the WTC site.</p> <p>(CITYCM3-00022398 - CITYCM3-00022407)</p>
11/14/2001	11/14/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton</p> <p><i>Recipient:</i> Distribution List</p>	<p>FEDERAL, STATE, LOCAL AGENCIES AND OTHER NON-CONTRACTOR ACTIVITIES SAFETY OBSERVATIONS DISCREPANCY REPORT - Numerous workers observed without the proper PPE.</p> <p>(CITYCM3-00021340 - CITYCM3-00021343)</p>
11/15/2001	9/11/2001	<p><i>Type:</i> Contract</p> <p><i>Author:</i> Kevin Sharkey</p> <p><i>Recipient:</i> Michael Gabbay, Plaza</p>	<p>A Turner/Plaza Joint Venture Agreement, dated September 11, 2001. The two companies agreed to enter into a contract with the City of New York, potentially through its Department of Design and Construction, for Demolition Services, Debris Removal, and related Construction Services. Turner and Plaza agreed to divide the interest in the project (costs, profits, liabilities and obligations) 66% and 34%, respectively.</p> <p>(TURCM3-000001812 - TURCM3-000001831)</p>
11/16/2001 - 11/16/2001	11/16/2001	<p><i>Type:</i> Environmental Analysis Report</p> <p><i>Author:</i> PNA</p> <p><i>Recipient:</i> Not Given</p>	<p>Sampling results indicate levels of contaminants above the PEL throughout the quadrants.</p> <p>(BOVCM3-000002136 - BOVCM3-000002140)</p>
11/18/2001 - 11/18/2001	11/18/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton</p> <p><i>Recipient:</i> Distribution List</p>	<p>FEDERAL, STATE, LOCAL AGENCIES AND OTHER NON-CONTRACTOR ACTIVITIES SAFETY OBSERVATIONS DISCREPANCY REPORT - Numerous workers observed without the proper PPE.</p> <p>(CITYCM3-00021324 - CITYCM3-00021328)</p>

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11/19/2001	11/19/2001	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Liberty Mutual, Mike Ramsey, CSP, CIH, Senio Industrial Hygienist</p> <p><i>Recipient:</i> Bovis</p>	<p>This documents exposure levels above OSHA's PEL. "The enclosed results contain an measurement that was in excess of the OSHA Permissible Exposure Limit for quartz. The measured exposure was approximately 1.5 times the exposure limit."</p> <p>(BOVCM3-000002091 - BOVCM3-000002091)</p>
11/20/2001 - 11/20/2001	11/20/2001	<p><i>Type:</i> Contract</p> <p><i>Author:</i> OSHA/DDC/FDNY</p> <p><i>Recipient:</i> All Agencies & Contractors & Unions</p>	<p>The agreement is simply an expression of cooperation among the signatories to advance the goal of environmental health and safety and to share safety hazard data.</p> <p>(CITYCM3-00036178 - CITYCM3-00036180)</p>
11/25/2001	11/25/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton</p> <p><i>Recipient:</i> Distribution List</p>	<p>Federal, State, Local Agencies and Other Non-Contractor Activities Safety Observations Report observes numerous workers without the proper PPE.</p> <p>(CITYCM3-00021266 - CITYCM3-00021272)</p>
11/26/2001	11/26/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Port Authority</p> <p><i>Recipient:</i> DDC</p>	<p>This letter is to advise the DDC that the engineering Dept of the PA of NY/NJ performs the role of the NYC Building Dept for all PA facilities located within NYC.</p> <p>(CITYCM3-00035831 - CITYCM3-00035832)</p>
11/27/2001	11/26/2001	<p><i>Type:</i> Chart/Graph</p> <p><i>Author:</i> Mike Burton</p> <p><i>Recipient:</i> Distribution List</p>	<p>Observations regarding safety concerns and violations were documented in the work sectors, primarily regarding use of PPE.</p> <p>(CITYCM3-00015135 - CITYCM3-00015140)</p>
11/27/2001	11/27/2001	<p><i>Type:</i></p>	<p>This document identifies Robert Adams of</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		<p>Correspondence</p> <p><i>Author:</i> Kenneth Holden</p> <p><i>Recipient:</i> Marchetto, Davoren, Wood, Cavanaugh, Tully</p>	<p>the DDC as the Director of Environmental Health and Site Safety at the WTC Site.</p> <p>(AMECM3-000000130 - AMECM3-000000130)</p>
11/30/2001	11/30/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton</p> <p><i>Recipient:</i> John Odermatt-NYC OEM, Thomas Fitzpatrick-FDNY, Joseph Dunne-NYPD, Mary Plaskon-Port Authority, Major John Melville-NY State Police</p>	<p>Safety and Health Compliance Docs.</p> <p>(CITYCM3-00021219 - CITYCM3-00021219)</p>
11/30/2001	12/6/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton, Executive Deputy</p> <p><i>Recipient:</i> John Odermatt-NYC OEM, Thomas fitzpatrick-FDNY, Joseph Dunne-NYPD, Mary Plaskon-Port Authority, Major John Melville-NY State Police</p>	<p>Report summarizing safety issues noted by safety inspectors on November 30, 2001.</p> <p>(CITYCM3-00021506 - CITYCM3-00021516)</p>
12/1/2001	12/1/2001	<p><i>Type:</i> Situation Report</p> <p><i>Author:</i> Stanley Michels, Chairman</p>	<p>The City described the EPA as the “lead agency for environmental testing.” (Air Quality and Environmental Impacts Due to the World Trade Center Disaster, December 2001 at CITY CM3-00025294).</p>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
		<i>Recipient:</i> All Agencies	The City Department of Design and Construction (“DDC”) was the lead agency on safety matters at the WTC Site. Robert Adams, Director of Environmental Health and Safety Services for the DDC, testified: All other agencies involved recognized DDC’s designation as the lead agency on safety matters and understand this does not reduce their jurisdiction. (CITYCM3-00025288 - CITYCM3-00025323)
12/3/2001	12/3/2001	<i>Type:</i> <i>Author:</i> Salvatore J. Cassano, FDNY Chief of Operations <i>Recipient:</i> John Odderman, Deputy Chief of OEM	FDNY memo to OEM documents PAPD participation in the recovery operations. (CITYCM3-00021845 - CITYCM3-00021846)
12/5/2001	12/5/2001	<i>Type:</i> Memo <i>Author:</i> Loan Dinh <i>Recipient:</i> Robert C. Adams	Proposed Air Monitoring Locations - Ground Zero - Shows DDC control over air monitoring. (CITYCM3-00020164 - CITYCM3-00020166)
12/7/2001	12/7/2001	<i>Type:</i> Bid Form <i>Author:</i> Paul Ashli, Bovis LL <i>Recipient:</i> Chris Hines, Nicholson Construction	Invitation to bid to Bovis. This document shows that the construction companies were in control of the demolition and debris removal operation and are being paid for the work at the site. (BOVCM3-000002623 - BOVCM3-000002624)
12/7/2001	12/7/2001	<i>Type:</i> Correspondence <i>Author:</i> Theodore Monette, FEMA <i>Recipient:</i> John	DDC demonstrated that the contracts and scope of work are being properly monitored; DDC made efforts to competitively bid portions of work. (CITYCM3-00036597 - CITYCM3-00036599)

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
12/10/2001 - 12/16/2001	12/10/2001	<p>Agostino</p> <p><i>Type:</i> Daily Report</p> <p><i>Author:</i> DDC</p> <p><i>Recipient:</i> Inspector: Omar Solomon & R. Zaccardi (PA of NY/NJ)</p>	<p>Resident Engineer's Daily Project Diary. On DDC form, but on many of these forms, "/PA" is written in after DDC, indicating a joint effort of some kind, or simply that it was done on PA's site. The K'er is Weeks Marine, which is the same K'er listed in; inspected by Omar Solomon of the PA.</p> <p>(CITYCM3-00011319 - CITYCM3-00011343)</p>
12/10/2001	12/7/2001	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Michael Burton, DDC</p> <p><i>Recipient:</i> Paul Ashlin/Michael Bielawa, BLL</p>	<p>Revised Trucking Cost Proposals/Award - DDC and Bovis Lend Lease (BLL) are in control of the demolition and debris removal work at the site. DDC authorizes BLL to contract with Grace Industries Inc., and EROC to cart debris from the WTC site.</p> <p>(BOVCM3-000002145 - BOVCM3-000002145)</p>
12/12/2001	12/12/2001	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Ray Master, BLL/AMEC EHS Director</p> <p><i>Recipient:</i> Bovis Staff and Subcontractors</p>	<p>A memorandum regarding "Personal Protective Equipment Use and General EHS Program Compliance" states that:</p> <p><i>"Subcontractors employers are responsible for respirator purchase and issuance. Bovis shall supply respirators and cartridges for Bovis management staff and Bovis union personnel only."</i></p> <p>This document shows that Bovis is an agent of the City responsible for enforcing the PPE requirements.</p> <p>(CITYCM3-00026251 - CITYCM3-00026252)</p>
12/14/2001	12/14/2001	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Mike Burton, DDC</p>	<p>The DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00021431 - CITYCM3-</p>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
		<i>Recipient:</i> John Odermatt-NYC OEM, Thomas fitzpatrick-FDNY, Joseph Dunne-NYPD, Mary Plaskon-Port Authority, Major John Melville-NY State Police	00021437)
12/16/2001	12/16/2001	<i>Type:</i> <i>Author:</i> Warren & Panzer Engineers <i>Recipient:</i> DDC	The Warren & Panzer Engineers Daily Report - Site Safety Phase demonstrates that PAPD officers at the site were not wearing respirators. (CITYCM3-00021998 - CITYCM3-00022006)
12/19/2001	12/19/2001	<i>Type:</i> Correspondence <i>Author:</i> Robert Servino Area Service Manager <i>Recipient:</i> Bovis Lend Lease	A letter regarding Safety Issues stated that: <i>"all OSHA safety regulations should be followed."</i> (CITYCM3-00026752 - CITYCM3-00026760)
12/19/2001	12/19/2001	<i>Type:</i> Correspondence <i>Author:</i> Charlie Vitchers, Bovis <i>Recipient:</i> Robert Adams, DDC	Correspondence regarding the "WTC Diaster Recovery BLL Project #115013.00 Chiller Plant Removal" documents that compliance with enviornmental laws is mandatory. (BOVCM3-000002695 - BOVCM3-000002696)
12/20/2001	12/20/2001	<i>Type:</i> Meeting Minutes <i>Author:</i> <i>Recipient:</i>	The PAPD is upset about not being invited to DDC/FDNY meeting and would like to be included in policy type meetings!!! PAPD also reports that their members have elevated mecury levels. (CITYCM3-00025280 - CITYCM3-00025281)

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
12/21/2001	12/21/2001	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i> PAPD, OSHA, DDC</p> <p><i>Recipient:</i></p>	<p>Agency Safety Meeting Minutes state that:</p> <p><i>"Respirator and other PPE usage has been below project compliance levels with the exception of hardhats."</i></p> <p>(CITYCM3-00018275 - CITYCM3-00018278)</p>
12/22/2001	12/22/2001	<p><i>Type:</i> ENVIRONMENTAL SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> Department of Design and Construction</p> <p><i>Recipient:</i> All Agencies</p>	<p>Environmental Health and Safety Protocol 12-2 states that: "Work with cadmium or lead containing materials requires that procedures be implemented that comply with OSHA standards found at 29 CFR 1926.1127 (cadmium) and 1926.62 (lead)."</p> <p>(CITYCM3-00024181 - CITYCM3-00024191)</p>
12/23/2001	12/24/2001	<p><i>Type:</i> ENVIRONMENTAL SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> FDNY</p> <p><i>Recipient:</i> Persons at WTC Site</p>	<p>The FDNY Incident Action Plan stated several objectives: <i>(1) to provide for the health, safety and welfare of all personnel working around the incident...</i></p> <p>(CITYCM3-00026156 - CITYCM3-00026165)</p>
12/31/2001	12/31/2001	<p><i>Type:</i> Chart/Graph</p> <p><i>Author:</i> DDC/FDNY/Contractors</p> <p><i>Recipient:</i></p>	<p>DDC/FDNY/Contractors Meeting Minutes stated that:</p> <p><i>"respirator use has been declining. Respirator usage is still in effect for all of the inner zone."</i></p> <p>(BOVCM3-000000864 - BOVCM3-000000867)</p>
1/1/2002 - 2/28/2002	1/1/2002	<p><i>Type:</i> Daily Report</p> <p><i>Author:</i> PANYNJ</p> <p><i>Recipient:</i> Ralph</p>	<p>This Daily Narrative lists contractors, a description of work they have done, equipment & labor used, and shift duration. Appears that even if PA is not doing work, they are at the very least monitoring,</p>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
		Bone, D. _____ (last name illeg. - Howell?), PANYNJ	supervising and overseeing the project. (CITYCM3-00010891 - CITYCM3-00011026)
1/3/2002	1/3/2002	<i>Type:</i> Meeting Minutes <i>Author:</i> safety committee <i>Recipient:</i> All Contractors/Agencies	In a safety meeting, DOH stated that: <i>"contractors need to start enforcing respirator policy".</i> (CITYCM3-00045068 - CITYCM3-00045076)
1/3/2002	1/3/2002	<i>Type:</i> Memo <i>Author:</i> Bruce Rottner <i>Recipient:</i> All DDC Field Staff	A DDC Memo regarding Respiratory Protection states that "half face P-100 respirators with organic vapor, acid gas, cartridges are required on site and compliance is mandatory." DDC further states that "there is a considerable decline in the use of respirators within the debris field. Current Estimates are 29% compliance." (BOVCM3-000001816 - BOVCM3-000001816)
1/4/2002	1/4/2002	<i>Type:</i> <i>Author:</i> <i>Recipient:</i>	WTC Emergency Project Visitor/Limited Site Access Environmental Safety and Health Orientation Plan was signed "Michael B." The plan states that all workers must comply with OSHA and the ES&H Plan (The ES&H Plan also must comply with OSHA). The Plan also discusses DDC senior management safety training and DDC's power to limit access to the site. The plan further states that "All DDC senior level management, who have been at the WTC disaster site since September 11, 2001, will not have to attend the Site Safety Orientation training in order to obtain a badge." This memo also outlines DDC's

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
			<p>commitment to comply with the law: "The use of chemicals on the site shall be in compliance with the requirements of 29 CFR 1910.1200, all applicable Federal OSHA regulations found in 1910.1000, and the WTC Emergency Project Spill Prevention and Response Plan...</p> <p>The Environmental, Safety, and Health Plan (ES&H Plan) defines the <i>minimum acceptable requirements for ensuring the safety and health of all site personnel at the WTC Emergency Project in New York, New York.</i></p> <p><i>"PPE shall be selected, used, maintained, and stored in accordance with OSHA requirements and the manufacturer's recommendations."</i></p> <p>(CITYCM3-00019834 - CITYCM3-00019841)</p>
1/7/2002	5/2/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Molly Evancho, FEMA</p> <p><i>Recipient:</i> Bill Cote, DDC Lana Kim OMB</p>	<p>FEMA informs DDC that it will not reimburse DDC for invoices which contain non-debris removal activities conducted by the Prime Contractors such as public utility work, and work for New York State DOT and the MTA under the debris removal Project Worksheets.</p> <p>(CITYCM3-00033597 - CITYCM3-00033599)</p>
1/11/2002	1/11/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Cate Jenkins</p> <p><i>Recipient:</i></p>	<p>Preliminary Assessment Memo by EPA includes a section entitled: "Why cleanup of WTC contamination is ineffective to date."</p> <p>(CITYCM3-00025920 - CITYCM3-00025944)</p>
1/13/2002	1/13/2002	<p><i>Type:</i></p> <p><i>Author:</i> Cate Jenkins</p>	<p>Liberty Mutual Daily S & H documents workers not wearing respirators.</p> <p>(CITYCM3-00021555 - CITYCM3-</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		<i>Recipient:</i>	00021558)
1/17/2002	1/17/2002	<i>Type:</i> Chart/Graph <i>Author:</i> Bovis/AMEC <i>Recipient:</i>	A chart of EHSS issues prepared by DDC states that "Starting Thursday 1/10/02, any personnel without the safety training badge or proper PPE will not be permitted to enter the pile within the slurry wall." (BOVCM3-000000463 - BOVCM3-000000464)
1/21/2002	1/21/2002	<i>Type:</i> <i>Author:</i> <i>Recipient:</i>	Environmental Health and Safety Plan lists numerous OSHA regulations which must be complied with, including: OSHA 29 CFR 1904; OSHA 29 CFR 1910; OSHA 29 CFR 1918; OSHA 29 CFR 1925; OSHA 29 CFR 1926; OSHA 29 CFR 1960. The document also states that "[t]he above list is not all-inclusive. Other environmental, health, and safety-related codes, standards, regulations, and requirements as directed by the New York City Department of Design & Construction (DDC), New York City Department of Health (DOH), and New York State Department of Environmental Conservation (DEC) shall be cited as appropriate." (CITYCM3-00023421 - CITYCM3-00023425)
1/25/2002	1/24/2002	<i>Type:</i> Correspondence <i>Author:</i> Michael Burton, Exec. Deputy Commissioner <i>Recipient:</i> Andy Sosa	By January 25, 2002, payments to AMEC from the City totaled nearly sixty million dollars. (AMECM3-000000634) (AMECM3-000000634 - AMECM3-000000634)
1/29/2002	1/29/2002	<i>Type:</i> Order <i>Author:</i> Mayor Bloomberg	<i>All proclamations fail to implement SDEA, NYS Natural Disaster Act, and/or suspend any environmental, safety and health, relevant regulations, codes, and/or rules.</i>

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Activity Dates	Document Date	Document Type	Timeline Event
		<i>Recipient:</i>	(CITYCM3-00059416 - CITYCM3-00059422)
1/29/2002	1/29/2002	<i>Type:</i> <i>Author:</i> Brian Peters <i>Recipient:</i> Andrew Walker	Documents show the City and Private Contractors in Control of Site and identifies contractors who have repeatedly failed to comply with Safety regulations. (CITYCM3-00021715 - CITYCM3-00021717)
1/31/2002	1/31/2002	<i>Type:</i> Memo <i>Author:</i> Not Given <i>Recipient:</i> Not given	This organizational list establishes that DDC, PAPD and the general contractors are in control of the site. (BOVCM3-000000481 - BOVCM3-000000481)
2/4/2002	2/4/2002	<i>Type:</i> Memo <i>Author:</i> Samir Shah <i>Recipient:</i> The Construction Managers	DDC demands full compliance from contractors with NYS Labor Laws (BOVCM3-000002748 - BOVCM3-000002748)
2/4/2002	2/4/2002	<i>Type:</i> Notice/Warning <i>Author:</i> Bruce Rottner <i>Recipient:</i> Ray Master	DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health. (CITYCM3-00021132 - CITYCM3-00021174)
2/7/2002	2/7/2002	<i>Type:</i> ENVIRONMENTAL SAFETY, AND HEALTH PLAN <i>Author:</i> <i>Recipient:</i>	WTC ES& H Plan Revision 1 states that: "When there is a discrepancy between this report and OSHA standards, the more stringent standard will control; <i>PPE shall be ...used...in accordance with 29 CFR 1910...</i> "; <i>"A written respiratory protection program meeting the requirements of 29 CFR 1910.134 is required for each prime contractor/subcontractor..."</i>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
			(PA-CMO3-0000178 - PA-CMO3-0000453)
2/7/2002	2/7/2002	<p><i>Type:</i> ENVIRONMENTAL SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> Bechtel</p> <p><i>Recipient:</i> All Agencies</p>	<p>The DDC and its construction manager are identified as having direct responsibility for environmental health and safety:</p> <p>The following roles and responsibilities pertain to the work directly managed by the DDC and its construction manager for the WTC Emergency Project</p> <p>1.4.1.1 Construction Environmental Safety & Health Oversight-DDC-Environmental Health and Safety Services (EHSS)</p> <p>(CITYCM3-00022229)</p> <p>(CITYCM3-00022223 - CITYCM3-00022286)</p>
2/9/2002 - 2/15/2002	2/22/2002	<p><i>Type:</i> Meeting Agenda</p> <p><i>Author:</i> Peter Monaco</p> <p><i>Recipient:</i> Michael Burton, DDC</p>	<p>Turner/Plaza weekly narrative demonstrates general contractors' control over the demolition and debris removal operation.</p> <p>(TURCM3-000002001 - TURCM3-000002005)</p>
2/12/2002	2/12/2002	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Christie Todd Whitman</p> <p><i>Recipient:</i> Hillary Clinton</p>	<p>As EPA Administrator Christine Todd Whitman explained, <i>“local governments are primarily the lead in responding to disasters.”</i></p> <p>The City requested “the EPA to assume lead responsibility for monitoring the outdoor conditions at and around the site of the event...” Accordingly, the EPA established such a monitoring program. (CITYCM3-00043079: Correspondence to Senator Hilary Clinton dated February 12, 2002).</p> <p>(CITYCM3-00043079 - CITYCM3-00043082)</p>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
2/13/2002	2/13/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>The email pertains to an incident where sludge was dumped at the WTC site. Robert Adams indicated that the Department of Investigations was aware of the situation, and requested that John Pusz draft a written statement that would satisfy DOI. Adams indicated that he would also speak with Tully about the incident. The memorandum pertains to respiratory protection. Bruce Rottner received a request for increased respiratory protection for workers involved in driving steel pins and connecting sections of the bridge ramp. Rottner saw the concerns raised as valid, and authorized the use of P-100 filters. However, Rottner indicated that the P-100 filters should not be used for any other project or activity.</p> <p>(CITYCM3-00021764 - CITYCM3-00021765)</p>
2/16/2002	2/16/2002	<p><i>Type:</i></p> <p>ENVIRONMENTAL SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> Bovis</p> <p><i>Recipient:</i> Persons at WTC Site</p>	<p>This Safety and Health Plan applies to BLL/AMEC employees and subcontractors who are potentially exposed to hazards associated with work activities conducted below grade at the WTC.</p> <p>This work environment is being classified as a "controlled work environment". BLL/AMEC employees and subcontractors shall be responsible for the execution and implementation of this S&HP and the performance of the activities defined herein safely and in compliance with applicable regulations, industrial standards and the ES&H plan.</p> <p>All parties directly associated with activities within the scope of this SHP are required to perform their work in accordance with the safety and health provision outlined herein and applicable sections of the plan. Compliance with these provisions is a minimum requirement for work in this area.</p>

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
			(CITYCM3-00026838 - CITYCM3-00026864)
2/19/2002	2/19/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations and orders corrective action within 24 hours of the notice.</p> <p>(CITYCM3-00021102 - CITYCM3-00021117)</p>
2/19/2002	2/19/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rotter</p> <p><i>Recipient:</i> Brian Peters</p>	<p>Letter regarding Freon & Working Under bldg. #6 - DDC warns of toxic airborne contaminants, oxygen displacers and the need for atmospheric monitoring and the use of self contained breathing apparatus for workers.</p> <p>(CITYCM3-00013406 - CITYCM3-00013415)</p>
2/19/2002	2/19/2002	<p><i>Type:</i> Situation Report</p> <p><i>Author:</i> OSHA</p> <p><i>Recipient:</i> Not given</p>	<p>Rreports of elevated levels of contaminants.</p> <p>(BOVCM3-000001366 - BOVCM3-000001368)</p>
2/20/2002	2/20/2002	<p><i>Type:</i> User/Training Manual</p> <p><i>Author:</i> DDC</p> <p><i>Recipient:</i> All Contractors and Agencies</p>	<p>A flow chart attached to the DDC policy document shows that DDC and contractors were in control of the site and not OSHA, EPA, or FEMA. A memo from DDC to all construction managers within this document, Bates' stamped AMECM3-000000472, states that "all workers are required to sign in/out pursuant to the New York State Labor Law (Sections 220 and 230). Due to the complex nature of this emergency project, a grace period was implemented from September 11, 2001 until October 14, 2001, which waived the sign in/out requirement during this time.</p> <p>(AMECM3-000000449-614: 2/02 DDC</p>

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Activity Dates	Document Date	Document Type	Timeline Event
			Policy Manual)" (AMEECM3-000000449 - AMEECM3-000000614)
2/20/2002	2/20/2002	<i>Type:</i> Correspondence <i>Author:</i> Ray Master <i>Recipient:</i> Nicholson 1. Abadie; P. Ashlin; P. Muldoon; B. Peters; B. Adams 1. Abadie; P. Ashlin; P. Muldoon; B. Peters; B. Adams	Bovis Lend Lease documents a PPE violation of an employee and demands disciplinary action against the offending employee. This supports that the site was operated as a routine demolition and debris removal operation with DDC and general contractors in control. (CITYCM3-00021077 - CITYCM3-00021084)
2/20/2002	2/20/2002	<i>Type:</i> Memo <i>Author:</i> Ray Master <i>Recipient:</i> Abadie; P. Ashlin; P. Muldoon; B. Peters; B. Adams	Bovis Lend Lease documents a PPE violation of Tully/EROC employee and demands disciplinary action against the offending employee. This is evidence that the WTC site was operated as a routine demolition and debris removal operation with DDC and general contractors in control. (CITYCM3-00021092 - CITYCM3-00021098)
2/20/2002	2/20/2002	<i>Type:</i> Notice/Warning <i>Author:</i> Bruce Rottner <i>Recipient:</i> Ray Master	DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations. (CITYCM3-00021100 - CITYCM3-00021101)
2/22/2002 - 2/22/2002	2/22/2002	<i>Type:</i> Memo <i>Author:</i> Bruce Rottner <i>Recipient:</i> Ray Master	DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations. (CITYCM3-00021065 - CITYCM3-00021073)
2/22/2002	2/22/2002	<i>Type:</i>	In exercising their joint control over the site

Plaintiffs' CMO3 Timeline

Activity Dates	Document Date	Document Type	Timeline Event
		<p>Notice/Warning</p> <p><i>Author:</i> Bruce Rottner, DDC</p> <p><i>Recipient:</i> Ray Master</p>	<p>with the general contractors, DDC identifies a fall hazard and requires corrective action. Within this document are other DDC notices of safety and violations to contractors on the site.</p> <p>(CITYCM3-00013380 - CITYCM3-00013388)</p>
2/25/2002	2/25/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Bruce Rottner, DDC</p> <p><i>Recipient:</i> Ray Master, BLL</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health.</p> <p>(CITYCM3-00013373 - CITYCM3-00013378)</p>
2/25/2002	2/25/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00021059 - CITYCM3-00021064)</p>
2/25/2002	2/25/2002	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Patricia Clark, OSHA</p> <p><i>Recipient:</i> Kenneth Holden, DDC Commissioner</p>	<p>In words that underscore the supervisory role that DDC actually played at the WTC Site, the Regional Commission of OSHA wrote, "a continued strong and active presence of DDC Safety staff at this site is necessary and will ensure that the injury and illness rate at this site remain low." (CITY CM3-00041049: 2/25/02 Correspondence to DDC Commissioner Holden).</p> <p>(CITYCM3-00041049 - CITYCM3-00041050)</p>
2/26/2002	2/26/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner EHSS</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(BOVCM3-000002923 - BOVCM3-000002923)</p>

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Activity Dates	Document Date	Document Type	Timeline Event
2/26/2002	2/26/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health.</p> <p>(CITYCM3-00021053 - CITYCM3-00021057)</p>
2/28/2002	2/28/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health.</p> <p>(CITYCM3-00021005 - CITYCM3-00021005)</p>
3/1/2002	3/1/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulation.</p> <p>(CITYCM3-00021034 - CITYCM3-00021043)</p>
3/4/2002 - 3/7/2002	3/4/2002	<p><i>Type:</i> Daily Report</p> <p><i>Author:</i> DDC</p> <p><i>Recipient:</i> Inspector: Omar Solomon & R. Zaccardi (PANYNJ)</p>	<p>Resident Engineer's Daily Project Diary. On DDC form, but on many of these forms, "/PA" is written in after DDC, indicating a joint effort of some kind, or simply that it was done on PA's site. The contractor is Weeks Marine, which is the same contractor listed in; inspected by Omar Solomon of the PA</p> <p>(CITYCM3-00011047 - CITYCM3-00011053)</p>
3/5/2002	3/5/2002	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i> Ray Master</p> <p><i>Recipient:</i> Attendees</p>	<p>Bovis Lend Lease/Amec weekly Environmental Health and safety meeting evidences that DDC and construction contractors control the demolition and debris removal operations at the WTC site.</p> <p>(BOVCM3-000001472 - BOVCM3-000001475)</p>

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Activity Dates	Document Date	Document Type	Timeline Event
3/5/2002	3/5/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations and orders corrective within 24 hours of the notice.</p> <p>(CITYCM3-00021019 - CITYCM3-00021029)</p>
3/6/2002 - 3/6/2002	3/6/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00013331 - CITYCM3-00013339)</p>
3/7/2002	3/7/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Lawrence Muzyka</p> <p><i>Recipient:</i> Bob Adams & Bruce Rottner</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00021003 - CITYCM3-00021004)</p>
3/8/2002	3/8/2002	<p><i>Type:</i> Testimonial</p> <p><i>Author:</i> Robert Adams, NYC DDC</p> <p><i>Recipient:</i> na</p>	<p>DDC head, Robert Adams, testifies that DDC mobilized outside contractors and took control of the WTC site within hours after the attack on September 11, 2001, and control remains with said entities.</p> <p>(CITYCM3-00042619 - CITYCM3-00042631)</p>
3/11/2002	3/11/2002	<p><i>Type:</i> Environmental Analysis Report</p> <p><i>Author:</i> OSHA</p> <p><i>Recipient:</i> All Contractors and Agencies</p>	<p>OSHA's sampling summary revealed over exposure to and elevated levels of hazardous materials on site.</p> <p>(CITYCM3-00010109 - CITYCM3-00010112)</p>
3/12/2002	3/12/2002	<p><i>Type:</i> Notice/Warning</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		<p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	(CITYCM3-00020981 - CITYCM3-00020988)
3/15/2002	3/15/2002	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> USDOL</p> <p><i>Recipient:</i></p>	<p>OSHA characterizes its role as a "support role to provide technical assistance concerning safety and health hazards."</p> <p>(CITYCM3-00021915 - CITYCM3-00021916)</p>
3/15/2002	3/15/2002	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i></p> <p><i>Recipient:</i> All contractors and agencies</p>	<p>DDC acknowledges elevated silica levels on the site and considers using full face respirators for all workers in WTC6 doing tieback work. DDC also acknowledges freon releases and states that emergency air supplies are needed for workers in that area. DDC makes reference to OSHA "commenting" on safety and health on the site. This clearly shows that OSHA had no control over action taken or work performed on the site.</p> <p>(CITYCM3-00016771 - CITYCM3-00016776)</p>
3/19/2002	3/19/2002	<p><i>Type:</i> Inspection Report</p> <p><i>Author:</i> Bovis</p> <p><i>Recipient:</i> All contractors and agencies</p>	<p>Bovis Lend Lease identifies hazards on site and that use of respiratory protection is decreasing and there is a need for improvement.</p> <p>(BOVCM3-000001477 - BOVCM3-000001477)</p>
3/19/2002	3/19/2002	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> Ray Master</p> <p><i>Recipient:</i> J. Abadie</p>	<p>Bovis Lend Lease documents a PPE violation of EROC employee and demands disciplinary action against the offending employee. Stating that "Failure to submit documented proof of the implementation of disciplinary action will result in the assessment of the following fee amount: \$12,000." This is evidence that the WTC site was operated as a routine demolition and debris removal operation with DDC and</p>

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Activity Dates	Document Date	Document Type	Timeline Event
			<p>general contractors in control.</p> <p>(CITYCM3-000209 - CITYCM3-00020951)</p>
3/20/2002	3/20/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Mary Plaskon</p> <p><i>Recipient:</i></p>	<p>PA of NY/NJ revises their health & safety requirements for Port Authority Employees who are working at the WTC site, and contractors hired by the PA to perform work on the site. This evidences the PA's control of operations at the WTC site.</p> <p>(PA-CMO3-0000801 - PA-CMO3-0000801)</p>
3/21/2002	3/21/2002	<p><i>Type:</i> Situation Report</p> <p><i>Author:</i> NYCDEP</p> <p><i>Recipient:</i> internal use only</p>	<p>Confidential document, labeled "for internal use only", identifies asbestos contamination in area buildings.</p> <p>(CITYCM3-00010015 - CITYCM3-00010019)</p>
3/22/2002	3/22/2002	<p><i>Type:</i> Correspondence</p> <p><i>Author:</i> BRIAN PETERS, SENIOR PROJECT MANAGER, BOVIS/AMEC</p> <p><i>Recipient:</i> BRUCE ROTTNER</p>	<p>PA of NY/NJ orders testing for PCBs and MTBE pursuant to its revised permit issued by NYCDEP.</p> <p>(CITYCM3-00013717 - CITYCM3-00013723)</p>
3/27/2002	3/27/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Robert Martin, EPA</p> <p><i>Recipient:</i> Jane Kenny, EPA</p>	<p>This document was written by Robert Martin, National Ombudsman. He describes all the hazards and the lack of responsible government intervention and the disregard of relevant laws at the site.</p> <p>(CITYCM3-00042227 - CITYCM3-00042232)</p>
4/5/2002	4/5/2002	<p><i>Type:</i> Notice/Warning</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		<p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	(CITYCM3-00020918 - CITYCM3-00020929)
4/9/2002	4/9/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020900 - CITYCM3-00020916)</p>
	4/10/2002	<p><i>Type:</i></p> <p><i>Author:</i></p> <p><i>Recipient:</i></p>	<p>The construction Manager of Bovis will hold each contractor/subcontractor accountable for implementing and complying with the ESHP and OSHA's 29 CFR 1926 standards".</p> <p>"An integral part of an effective safety and health program, is the ability of employees to exercise rights guaranteed under the OSHA Act and regulations. Accordingly, Bovis and the participating contractors/subcontractors agree not to discriminate against any employee who engages in safety and/or health related activities that are protected by Section 11 of the OSHA Act, and they agree to encourage employees to exercise their right to raise safety concerns without fear of reprisal."</p> <p>" This partnership provides for the immediate response to each allegation of a safety or health hazard for the WTC site which is brought to the attention of any participating contractor or subcontractor. Upon a finding that an allegation is valid, the contractor or subcontractor must promptly abate the hazard and/or remove the employee from risk".</p> <p>(CITYCM3-00029061 - CITYCM3-00029068)</p>

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Activity Dates	Document Date	Document Type	Timeline Event
4/10/2002	4/10/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> Robert Adams, EH&S Director, DDC</p> <p><i>Recipient:</i> Ray Master, BLL</p>	<p>DDC memo requires that crane operators must comply with OSHA regulations, 29 CFR 1926.550, NYC DOB Reference Standard 19 Section 23.3.4, and ANSI B30.5. This demonstrates that the City along with outside contractors were in control of the site and enforcing all applicable laws and regulations, concurrent with issuance of Proclamations Of A State of Emergency by the Mayor of the City of New York. Defendants rely on these proclamations as implementing the SDEA and thus giving them blanket immunity from liability.</p> <p>(CITYCM3-00011778 - CITYCM3-00011779)</p>
4/10/2002	4/17/2002	<p><i>Type:</i> Meeting Agenda</p> <p><i>Author:</i> Agencies present at meeting: DDC; DOH; OSHA; Liberty Mutual; PANY & NJ</p> <p><i>Recipient:</i> All Agencies and Contractors</p>	<p>World Trade Center Site Environmental, Health, and Safety Transition Issues - The NYC DDC and the FDNY were the co-incident commanders for the World Trade Center site. At the termination of the World Trade Center Incident Response, site control was transferred to the Port Authority.</p> <p>(CITYCM3-00016717 - CITYCM3-00016722)</p>
4/11/2002	4/11/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020878 - CITYCM3-00020888)</p>
4/12/2002	4/12/2002	<p><i>Type:</i> OSHA Report</p> <p><i>Author:</i> OSHA</p> <p><i>Recipient:</i> undetermined</p>	<p>OSHA reports elevated levels of contaminants.</p> <p>(BOVCM3-000002942 - BOVCM3-000002945)</p>
4/16/2002	4/16/2002	<p><i>Type:</i></p>	<p>DDC Environmental Health and Safety</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		<p>Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020899 - CITYCM3-00020899)</p>
4/17/2002	4/17/2002	<p><i>Type:</i> Meeting Minutes</p> <p><i>Author:</i> Agencies present at meeting: DDC; DOH; EPA; DEC; FDNY; OSHA; Liberty Mutual; PA Engineering Dept.; PA Inspection and Safety</p> <p><i>Recipient:</i> n/a</p>	<p>Port Authority of NY/NJ and NYC agencies meet to discuss safety and health issues and complete transfer of the site to the Port Authority of NY/NJ.</p> <p>(CITYCM3-00016738 - CITYCM3-00016740)</p>
4/18/2002	4/18/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner, Assistant Director, EH&S Services</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00011744 - CITYCM3-00011749)</p>
4/21/2002	4/21/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020844 - CITYCM3-00020855)</p>
4/22/2002 - 4/29/2002	4/22/2002	<p><i>Type:</i> Security Plan</p> <p><i>Author:</i> FDNY</p> <p><i>Recipient:</i> FDNY</p>	<p>FDNY Incident Action Plan documents that DDC and private contractors are in control of the demolition and debris removal operations at the site.</p> <p>(TURCM3-000001326 - TURCM3-000001333)</p>

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Activity Dates	Document Date	Document Type	Timeline Event
4/23/2002	4/23/2002	<p><i>Type:</i> ENVIRONMENTAL , SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i> DDC</p> <p><i>Recipient:</i></p>	<p>DDC declares that respirators are no longer required "within the confines of the slurry wall."</p> <p>(CITYCM3-00018293 - CITYCM3-00018296)</p>
4/25/2002	4/25/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020826 - CITYCM3-00020836)</p>
4/26/2002	4/26/2002	<p><i>Type:</i> ENVIRONMENTAL SAFETY, AND HEALTH PLAN</p> <p><i>Author:</i></p> <p><i>Recipient:</i></p>	<p>Close out of the WTC debris removal project - PAPD was developing safety and health plan jointly w/ OEM, DDC, NYPD and FDNY</p> <p>(CITYCM3-00035809 - CITYCM3-00035809)</p>
4/29/2002	4/29/2002	<p><i>Type:</i> E-Mail</p> <p><i>Author:</i> Liam O'Keefe</p> <p><i>Recipient:</i> Chris Spillman</p>	<p>Task specific respirator requirements implemented and working well</p> <p>(CITYCM3-00045121 - CITYCM3-00045121)</p>
4/30/2002	4/30/2002	<p><i>Type:</i> Notice/Warning</p> <p><i>Author:</i> Bruce Rottner</p> <p><i>Recipient:</i> Ray Master</p>	<p>DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations.</p> <p>(CITYCM3-00020816 - CITYCM3-00020825)</p>
5/5/2002	5/5/2002	<p><i>Type:</i> Memo</p> <p><i>Author:</i> City DDC</p> <p><i>Recipient:</i> All</p>	<p>DDC reminds all construction managers that in September of 2001, DDC EAO provided a copy of labor law 220 which required all contractors and subcontractors to properly complete daily sign in sheets.</p>

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Activity Dates	Document Date	Document Type	Timeline Event
		Construction Managers/Bovis	(CITYCM3-00028462 - CITYCM3-00028464)
5/7/2002	5/7/2002	<i>Type:</i> Notice/Warning <i>Author:</i> Bruce Rotner <i>Recipient:</i> Ray Master	DDC Environmental Health and Safety Services Assistant Director finds violations of safety and health regulations. (CITYCM3-00013245 - CITYCM3-00013260)
5/10/2002	5/10/2002	<i>Type:</i> Correspondence <i>Author:</i> Michael Burton, Executive Deputy Commissioner of the City of New York Department of Design and Construction <i>Recipient:</i> Francis Lombardi, Chief Engineer for the Port Authority of New York & New Jersey	As of May 10, 2002, the Port Authority regains control and responsibility for the site. (WTCP-CMO3-0002696 - WTCP-CMO3-0002696)
6/1/2002	6/1/2002	<i>Type:</i> User/Training Manual <i>Author:</i> Department of Design and Construction <i>Recipient:</i> Bovis	DDC's June 2002 WTC Disaster Recovery Policy Manual in Association with Bovis and Amec includes a coordinated Insurance Program from Liberty Mutual to cover worker injuries, and billing verification procedure for compelled work. (BOVCM3-000000004 - BOVCM3-000000096)
6/12/2002	6/12/2002	<i>Type:</i> User/Training Manual <i>Author:</i> Bill Cote, City DDC <i>Recipient:</i>	World Trade Center Disaster Recovery Policy Manual states that pursuant to NYS Labor Law sections 220 and 230, all workers employed by contractors and/or subcontractors must complete daily sign in sheets. The report did not explicitly waive any other Labor Laws.

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Activity Dates	Document Date	Document Type	Timeline Event
		Construction Managers	(CITYCM3-00028818 - CITYCM3-00028909)
7/8/2002	7/8/2002	<i>Type:</i> Correspondence <i>Author:</i> City DDC <i>Recipient:</i> Francis Lombardi, Chief Engineer of PA	Letter from DDC to PA confirming that PA has regained complete control and responsibility for the Site. (CITYCM3-00034333 - CITYCM3-00034336)
10/23/2002	10/23/2002	<i>Type:</i> User/Training Manual <i>Author:</i> DDC <i>Recipient:</i> all contractors/agencies	DDC Revises the DDC World Trade Center Debris Removal Policy Binder. This manual explains reimbursement procedures for debris removal and regulation of a variety of tasks performed by the contractors and other personnel at the WTC Site. (BOVCM3-000000911 - BOVCM3-000000916)
12/5/2002	12/5/2002	<i>Type:</i> Proclamation <i>Author:</i> Michael R. Bloomberg, Mayor <i>Recipient:</i>	Mayor Bloomberg's Proclamation of December 5, 2002 which fails to implement SDEA, NYS Natural Disaster Act, and/or suspend any environmental, safety and health, relevant regulations, codes, and/or rules. (CITYCM3-00058427 - CITYCM3-00058430)
3/25/2003	3/25/2003	<i>Type:</i> Chart/Graph <i>Author:</i> Robert Adams <i>Recipient:</i> Kenneth Holden, DDC Commissioner	Email from Bob Adams to DDC Commissioner Ken Holden. Attached to the email is a summary of key safety milestones at the site. These milestones indicate that DDC and construction contractors are in control of the demolition and debris removal operations at the WTC site. (CITYCM3-00036159 - CITYCM3-00036160)
8/4/2003	8/4/2003	<i>Type:</i>	NYC Law Department letter objecting to an

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Activity Dates	Document Date	Document Type	Timeline Event
		<p>Correspondence</p> <p><i>Author:</i> Kenneth Becker, NYC Law Dept</p> <p><i>Recipient:</i> Rick Beusse, EPA</p>	<p>EPA draft report. NYC law department recommended changes such as including the following sentences:</p> <p>"Our limited work in this area indicated that respirators were widely available but provisions of the site requirements for using respirators were not fully complied with for a number of reasons" [and] "Other reasons appeared to include the respirators' interference, due to the state of the technology, with the ability of emergency workers to communicate and conflicting messages about the air quality at Ground Zero."</p> <p>In response, the EPA changed the report to include an October 5, 2001 letter from the EPA to the NYC DOH stating that the EPA was concerned about the lack of respirator use but that the EPA did not have the authority to enforce compliance with non-EPA/United States Coast Guard employees.</p> <p>(PA-CMO3-0002053 - PA-CMO3-0002068)</p>