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**H. Dale Hemmerdinger**
Chairman

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OFFICE OF THE STATE COMPTROLLER
THOMAS P. DiNAPOLI
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# Metropolitan Transportation Authority

State of New York

January 2, 2009

Honorable David A. Paterson
Governor of New York
Executive Chamber
State Capitol
Albany, NY 12224

**Re: 90-Day Response to Report No. 2008-S-27 -- MTA Long Island Rail Road Compliance with Executive Order 134 – Environmental Impact of Cleaning Facilities**

Dear Governor Paterson:

On September 30, 2008, the State Comptroller issued the above-referenced final audit report.

As provided by Section 170 of the Executive Law, I am furnishing you with the attached response which addresses each recommendation contained in the audit report.

For your convenience, I have attached a copy of the final audit report.

Sincerely,

Attachment

Jamaica Station
Jamaica, NY 11435-4380
718 558-7777

**Helena E. Williams**
President

**Mark Young**
Vice President &
Chief Financial Officer

**Long Island Rail Road**

December 23, 2008

Mr. H. Dale Hemmerdinger
Chairman
Metropolitan Transportation Authority
347 Madison Avenue
New York, NY 10018

**RE: New York State Comptroller's Request for Response**
**Metropolitan Transportation Authority – Long Island Rail Road**
**Compliance with Executive Order 134 – Environmental Impact of Cleaning Facilities - 2008-S-27**

Dear Mr. Hemmerdinger:

As required by Section 170 of the Executive Law, detailed below are the updated actions that have been taken or will soon be taken to address the recommendations contained in the above referenced report. The audit contained a series of recommendations that will aid the Long Island Rail Road in promoting the use of cleaning products containing properties that will minimize the impact on human health and the environment and have been helpful in aiding the LIRR in its efforts to becoming greener and in turn providing a safer environment for its employees and customers.

**Recommendation No. 1**
Conduct an assessment for all buildings used whether owned or leased, and review and update their assessment biennially, as required by the Order.

**LIRR Response to Recommendation No. 1**
LIRR has appointed the Sr. Director - Occupational & Environmental Safety from the System Safety (SS) Department to oversee the implementation of Executive Order (EO) 134. The SS representative along with representatives from Passenger Services (PS), Procurement & Logistics (P&L) and Facilities Management (FM) have met on a number of occasions, and will continue to do so on a routine basis to review and discuss compliance with EO 134. Efforts made in obtaining compliance with EO 134, which includes an assessment for all buildings used, will be documented in the required biennial assessment report as mandated by the Order. The first report is scheduled to be completed by 4th quarter 2008.

**Recommendation No. 2**
Establish a procedure for making the biennial assessments available to employees and the general public. Consider using the MTA website to allow the assessment to be viewed by employees and the general public.

**LIRR Response to Recommendation No. 2**
Part of the responsibility of the committee noted in our response to Rec. No. 1 above, includes ensuring LIRR's biennial assessment are available to our employees and the general public. LIRR will make the biennial assessment available to LIRR employees on the Green Cleaning Information webpage currently available to all employees with access to the System Safety webpage on the Intranet. The MTA will be provided with the assessment and will be responsible for determining the availability of the assessment to other MTA employees and the general public at their discretion. The biennial report is scheduled to be completed by 4th quarter 2008.

**Recommendation No. 3**
Maintain communication with MTA Headquarters about the implementation of the Order.

**LIRR Response to Recommendation No. 3**
In addition to providing MTA with the LIRR's assessment, LIRR's SS representative will ensure that any additional information regarding compliance with EO 134 is communicated as well. Additionally, the MTA's Director – Agency-wide Environmental Policy and Compliance has been invited to participate in the routine meetings held at LIRR regarding EO134. LIRR will continue to extend an invitation the MTA's representatives - *Implemented.*

**Recommendation No. 4**
Review the OGS, Green Seal and Environmental Choice's websites to identify environmentally preferred cleaning products that simultaneously keep the railroad in compliance with the Order and meet LIRR's System Safety standards.

**LIRR Response to Recommendation No. 4**
SS, in a memo dated October 29, 2008 has instructed User Departments to refer to the OGS, Green Seal, and Environmental Choices websites for environmentally preferred cleaning products when completing the requisition form and that the user must obtain approval from SS for the requested material. PS is currently in the process of testing a unit that automatically dispenses and dilutes concentrated cleaners. The unit contains four products – three of which are Green Seal certified and the other Environmental Choice certified. To date, testing of the products has proved successful; this could potentially eliminate and replace other products currently used to clean LIRR facilities. Also, SS has started a database that includes information on products currently in use by our sister

agencies that meet compliance with EO 134. This information will be useful as LIRR transitions to approved cleaning products in compliance with EO 134.

Lastly, the LIRR will continue its policy of having all chemical products reviewed by SS during their procurement, to assure they are of the lowest hazard possible. This review has been expanded to include review of the Green Seal and Environmental Choice listings for all cleaning products, ensuring compliance with E.O. 134, for all newly procured chemical products - *Implemented.*

**Recommendation No. 5**
Phase out the use of non-environmentally preferred cleaning products within a timely manner, as required by the Order, and dispose of those that are no longer being used.

**LIRR Response to Recommendation No. 5**
As part of LIRR's product assessment process, PS has begun testing and will, if successful recommend the use of these products from the Green Seal and Environmental Choice's list. If the product is accepted, P&L will begin the process of introducing the new product and phasing out the unapproved product(s) that is currently in use. The LIRR Stores Department shall be instructed to phase out products in the most efficient and effective manner to assure these materials are eliminated as soon as possible. This will continue to be LIRR's business practice of introducing new and phasing non-environmentally friendly products. *Implemented - On-going.*

**Recommendation No. 6**
Update contracts upon renewal to include language consistent with the cleaning requirements of the Order.

**LIRR Response to Recommendation No. 6**
P&L has collaborated with the Law Department and will draft contract language that will be in included going forward in new/renewed contracts with regards to cleaning requirements in compliance with EO 134 by end of 4th quarter 2008.

**Recommendation No. 7**
Inform all LIRR employees and third party cleaning contractors about the Order.

**LIRR Response to Recommendation No. 7**
System Safety distributed a letter company-wide, informing employee about EO 134. The letter included instructions advising employees that cleaning products should not be brought to the office from home. The letter has been posted on the LIRR's SS intranet webpage. SS also posted a "12 Green Points to Green Cleaning" memo on the SS intranet site that is being used for safety talks at LIRR. PS is drafting a notice to its employees that

will include SS's "12 Green Points to Green Cleaning" as well as clear instruction to employees not to bring in cleaning products from home.

Also, P&L has distributed a letter that will encourage current and current third party contractors to comply with EO 134. *Implemented.*

**Recommendation No. 8**
Encourage LIRR lessors, building managers, and contractors for janitorial services to comply with the Order.

**LIRR Response to Recommendation No. 8**
FM has distributed a letter encouraging existing LIRR lessors and building managers to begin compliance with EO 134. *Implemented.*

**Recommendation No. 9**
Determine steps that need to be taken to implement the Order at the leased facilities.

**LIRR Response to Recommendation No. 9**
The letter provided by Procurement and Legal for compliance with Recommendation #6 above, shall also be sent to the landlords and cleaning services used within our leased spaces. In new leases and contracts with cleaning contractors, LIRR will seek inclusion of contractual language requiring the use of such cleaning products when possible. *Implemented.*

We believe this address the recommendations of the State Comptrollers Office. Thank you and feel free to contact me should you require additional information.

Sincerely,

Helena E. Williams
President