

Testimony of

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On

**The Long-Term Health Impacts from September 11: A
Review of Treatment, Diagnosis and Monitoring Effects**

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Health, Education, Labor and Pensions
216 Hart Senate Office Building
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Chairman Kennedy, Ranking Member Enzi, Senator Clinton and distinguished members of the Committee: Good morning, and thank you Senator Kennedy, for holding this hearing.

I also want to thank Senator Enzi for bringing the Committee staff to New York last year for a briefing on this topic.

It has been just over 2,000 days since terrorists brazenly attacked New York. 2,000 days. Yet even now, we still do not – and cannot – know the full extent of the damage we suffered that terrible morning.

Tens of thousands of people took part in the rescue and recovery effort – including 45,000 workers and volunteers who came from all 50 states and are constituents of every member of this committee.

Many of these workers and other people who lived and worked near the World Trade Center now suffer from a range of physical and mental health problems...And there's no telling what other illnesses may potentially develop in the future.

But there is one thing we do know: This nation must never walk away from these courageous men and women who answered the call without hesitation or who lived through this terrible ordeal.

Last September, I convened a panel of City experts who conducted a comprehensive assessment of what we know about who is sick... what their treatment options are... and what we are doing to stay on top of the science so that those who might become sick get the first-rate care they deserve.

By now, each of you should have received a copy of the panel's report, which details the latest medical findings. A few points are especially significant:

- More than 11,000 firefighters who responded on 9/11 experienced at least one new respiratory symptom within a week of the attacks – and more than 3,000 report that they continue to suffer from conditions including what is known as the “World Trade Center cough” and “Reactive Airways Disease.”
- More than 6,500 rescue and recovery workers who were examined in a program at Mount Sinai Medical Center – about 7 out of every 10 – reported at least one new or worsened respiratory symptom while engaged in WTC response efforts. These symptoms have persisted in fully 59% of the workers.
- And there are thousands of residents, commercial workers, and others have reported experiencing acute breathing problems, worsening asthma, post-traumatic stress disorder, and other mental illnesses which require sustained treatment.

The panel's report contains 15 recommendations to address the substantial health impacts of 9/11 – but two major challenges have become clear:

- Securing the sufficient long-term funding for our 9/11 monitoring, treatment, and research programs... and compensating all the victims of this tragedy fairly and quickly.
- The Federal government's support must play a crucial part in addressing both these issues.

Let me first talk about funding for our city's 9/11 health programs.

The panel I convened estimated that the gross costs to treat those who are sick or could become sick as a result of 9/11 is \$393 million per year. That estimate covers the entire potentially exposed population, including the thousands of rescue workers and others who came to New York City from all 50 states.

Over the past five years, the sick and the injured have been able to get help at three "Centers of Excellence" in the diagnosis and treatment of World Trade Center-related conditions. They are:

- A free monitoring and treatment program run by the FDNY for firefighters and EMS workers who responded on 9/11 and took part in the rescue and recovery;
- A free monitoring and treatment program for other first responders, workers, and volunteers at Mt. Sinai Medical Center, in partnership with approximately 15 affiliates across the country;
- And a free evaluation and treatment program at Bellevue Hospital which the City opened last year for anyone with 9/11-related symptoms. It's the only program available to residents and other non-responders and is virtually entirely funded by the City.

In addition, despite having never received any federal funding for this purpose, the NYPD has screened all 34,000 of its members who worked at the World Trade Center site.

All of these programs – along with the World Trade Center Health Registry – are producing valuable research, which has resulted in the publication of clinical guidelines for doctors so that we can best treat the illnesses we see now and what we may see in the future.

Yet all of these programs also could be discontinued unless they get sustained Federal support.

We estimate that sustaining and expanding these three indispensable programs... providing sufficient mental health services, supporting the NYP and supporting the research that's critical to understanding what illnesses may emerge in the future – will cost about \$150 million a year.

At the very least, the Federal government needs to cover those costs so that these essential needs can be met.

The 9/11 Heroes Health Improvement Act – which was introduced in January by Senators Kennedy and Clinton – would provide nearly \$2 billion in monitoring and treatment grants between 2008 to 2012.

This bill needs to be passed – and quickly. Congress cannot turn its back on those who responded with courage and suffered through this terrible catastrophe.

After all, 9/11 wasn't just a strike against New York—or Washington. It was an attack against all of America. It was an act of war. And our government has a clear responsibility to the casualties of that terrible morning.

Finally, let's turn to compensation.

Persistent efforts were made after the attacks to obtain insurance to cover the rescue and recovery operations. However, no one was willing to provide it.

In 2003, the Federal government set up a \$1 billion World Trade Center Captive Insurance Company for the City and some 150 contractors to defend against damage claims.

The City and the contractors who heroically rushed to help are currently defending claims from more than 8,000 City employees and other workers arising out of the rescue, recovery, and clean-up operations at the World Trade Center.

Plaintiffs allege damages that we estimate may be in the billions of dollars. And it's impossible to predict how many more lawsuits will be filed against us in the future.

New Yorkers have always been proud of the way that the city came together after 9/11, but this drawn out and divisive litigation is undermining that unity.

What's clear is that the process of determining compensation should be removed from the courts – and the best way to do that is by re-opening the September 11th Victim Compensation Fund.

The original fund was administered expertly and compassionately by Ken Feinberg – and provided a measure of relief to victims' families, while avoiding protracted litigation, where there are no winners.

Now it's imperative that Congress re-opens the fund to take care of those who were not eligible to benefit from it before it closed in December 2003. The mere fact that their injuries and illnesses have been slower to emerge should not disqualify them from getting the help they need.

It's also crucial that the Federal government eliminates the potential liability that the City and its contractors continue to face in court.

Depending on the mechanism Congress chooses, the \$1 billion available to the Captive Insurance Company could be made available for compensation.

Although we are open to other solutions, if the liability of the City and the contractors is eliminated, we could immediately transfer that \$1 billion into the re-opened Victim Compensation Fund – making it the fund's first, major installment.

Using federal resources to compensate claims – instead of litigating them – would mark an important step in healing the rifts that have surfaced since 9/11.

What's more, it would send a clear message that if – God forbid – America suffers another terrorist attack, the private sector and our first responders could respond with the same kind of urgency and selflessness that we saw on 9/11, knowing that their government will always stand by them.

We saw an incredible demonstration of the American spirit in the wake of 9/11. It's time we recapture that unity and determination for the sake of those who've already sacrificed so much – and the place to see that demonstrated is right now and right here in Congress.

Thank you for your time. I'll be happy to answer any questions.