

# Congress of the United States

Washington, DC 20515

May 31, 2005

The Honorable George W. Bush  
President  
1600 Pennsylvania Avenue, NW  
Washington, D.C. 20500

Dear Mr. President,

Included in your FY2006 budget is a \$120 million rescission of workers compensation funds made available to New York State in the aftermath of the September 11, 2001, terrorist attacks (P.L. 107-117) from the Department of Labor's budget. These funds were appropriated for "workers compensations programs" to be used for Ground Zero responders who continue to suffer from injuries and job loss as a result of their heroic efforts. It is also our understanding that your budget seeks to rescind an additional \$5 million of unspent funds from the worker retraining program established to help New Yorkers who became unemployed because of 9/11. We adamantly oppose any rescission of these funds and ask you to work with us to ensure that this \$125 million is used to assist the thousands of 9/11 responders who still need our help.

The Office of Management and Budget is arguing that these funds are not needed, but nothing could be further from the truth (see May 8, 2005, New York Post article attached). At the conclusion of the first round of federally-funded medical screenings, several thousand responders eligible for the examinations were left in need. Moreover, approximately 50% of medically screened responders (6,000) are already estimated to warrant physical and/or mental health treatment, and/or further diagnostic testing. This is according to the federally-funded national World Trade Center (WTC) Medical Screening Program, which administered comprehensive medical screening exams to approximately 12,000 WTC responders in the New York metropolitan area and nationwide through the year 2004. *Clinical* evidence suggests that this *need has not decreased over time* (see summary of medical evidence attached).

Please know that some of us have recently contacted Health and Human Services Secretary Michael Leavitt regarding the lingering health issues related to 9/11. In his response he recognized that "We (the Department of Health and Human Services) are acutely aware that much work remains to assure that all of those affected by the World Trade Center disaster are identified and receive the care they deserve." We are heartened that Secretary Leavitt recognizes the ongoing needs of those who responded to the terrorist attacks of September 11, 2001 and we have enclosed a copy of our correspondence with the Secretary. The Secretary's letter echoed the testimony of Dr. Janet Heinreich, Director of Health Care-Public Health Issues for the GAO, who, at a September 2004 congressional hearing said "There is something ethically wrong when you screen for a disease, find it, and then don't treat it, and that is what we are finding in this case [of the 9/11 response]."

The funds that your budget seeks to rescind could have a significant impact on the lives of those who responded to Ground Zero after the terrorist attacks and who are now sick. It has

also been our understanding that if it was ever determined that certain 9/11 disaster relief funding was not able to be fully used, we would have the flexibility to use this funding on other pressing needs related to 9/11. This is why we seek your immediate intervention, not only to avoid the loss of these vital funds to help compensate 9/11 workers and volunteers, but also to establish a comprehensive federal response to the unmet health needs of 9/11 responders. Specifically, we ask that your administration to:

- Determine full need of workers compensation funds
- Review of the remaining health treatment and compensation needs of 9/11 responders to ensure that those who are injured are getting help
- Redirect the \$125 million needed to help those still suffering illness and injury from 9/11

### **Determine Full Need of Workers Compensation Funds**

A September 2004 Government Accountability Office (GAO) found that the New York State Workers' Compensation Board has refused to report its approval and denial rates for over 10,000 9/11-related claims. Additionally, there has never been an actuarial review of the projected cost of current claims and anticipated future claims. We must first determine how much of these funds will be legitimately needed before any decision is made to rescind these fund.

The GAO also reports that the New York State Workers Compensation Board has chosen to report that 90% of its 9/11-related claims are "resolved," even though the State's definition for resolved is not approved or denied, but whenever the Board "had resolved all the issues that it could with the information available at that point." These concerns are backed up by the Injured Workers Pharmacy (IWP) who, in a letter to the WTC Health Effects Program, wrote "Although IWP routinely deals with disputed workers compensation claims, the ratio of disputed claims for 9/11 victims from the WTC Health Effects Treatment Program is ten times greater than that of our typical patient population." We remain concerned that 9/11-related workers compensation claims have been wrongly denied or terminally delayed, when they should have been expedited, with a fast-track review and appeal process.

### **Review of Remaining Needs of 9/11 Responders**

Second, we urge your administration to report on the remaining health treatment and compensation needs of 9/11 responders. The federal response to 9/11 health needs has so far been inadequate, having provided valuable but insufficient funds for the medical screening and monitoring of 9/11 responders, and no funds or specific programs at all for the treatment of injuries among responders or residents and employees surrounding Ground Zero. Currently, the only funding for treatment has come from private, charitable sources.

The complexity of WTC illnesses has resulted in specialized diagnostic and treatment services, specifically those offered by occupational medicine physicians. Additionally, most World Trade Center responder-patients have more than one simultaneous WTC-related condition

rendering treatment complex but essential.

We believe that the enhanced detection offered by the World Trade Center Monitoring Program should be coupled with access to treatment to minimize both short- and long-term WTC-related disability and illness. If your administration reported on the health needs of 9/11 responders and residents and workers around Ground Zero, we are sure that you would design a more comprehensive federal approach to help.

### **Redirect the \$125 Million to Help 9/11 Sick and Injured**

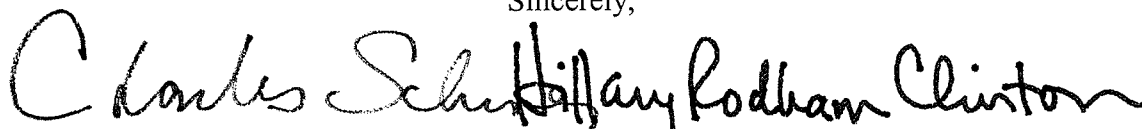
Third, we ask that rather than pulling back needed 9/11 recovery aid, your administration determine how the \$125 million could be used to help those still suffering health effects from 9/11. While it certainly could be argued that as appropriated, these funds may not have been able to be spent in the most efficient manner and large parts of the original \$175 million may yet be spent, but that should not now be a barrier for getting it right for 9/11 responders.

Some of the individuals we are concerned about are those responders whose illnesses are emerging late or lasting longer than expected and the six thousand who are waiting to be included in the health monitoring program that was established for 9/11 responders. These funds could certainly be redirected to provide monitoring and treatment to these individuals.

As stated earlier, it has always been our understanding that there would be continued flexibility with unspent 9/11 disaster relief funding to ensure those who need help will receive help. One example of this agreement comes in a 2002 *New York Daily News* article which quoted FEMA's Brad Gair saying that any 9/11 funding that has not been spent "can be moved or shifted." It is our hope that you direct your administration to consider the remaining needs of 9/11 responders and fully fund the monitoring program and provide treatment for those who are still sick as a direct result of 9/11.

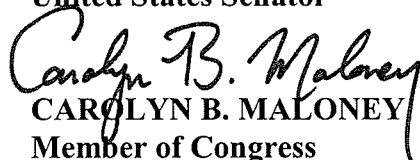
Finally, we thank you for your support of New York City since the attacks and your pledge "to do whatever it takes" to rebuild and recover from 9/11. Providing health screening and care for those who selflessly gave of themselves after 9/11 is certainly consistent with our shared goal of doing whatever it takes to rebuild. The \$125 million in funds that your budget would rescind, would be a step backward. We ask you to reconsider this rescission and provide the federal response that these 9/11 responders deserve.

Sincerely,

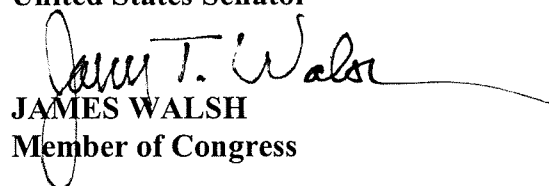


**CHARLES E. SCHUMER**  
United States Senator

**HILLARY RODHAM CLINTON**  
United States Senator




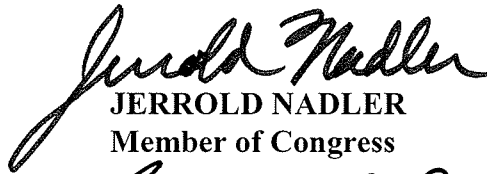
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Member of Congress

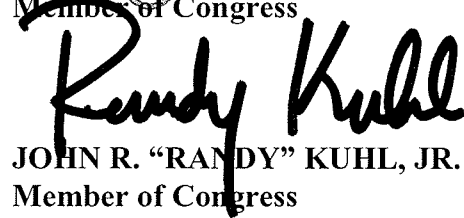


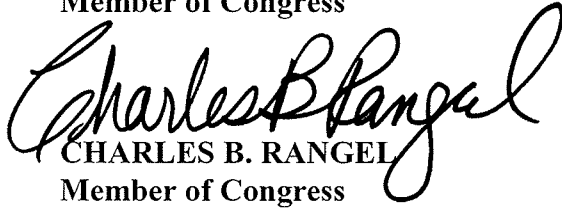
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JERROLD NADLER  
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Member of Congress

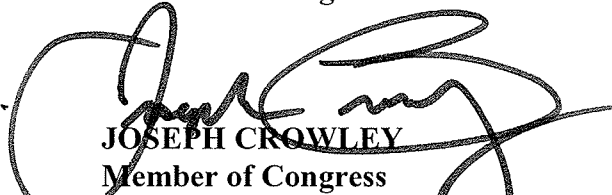
  
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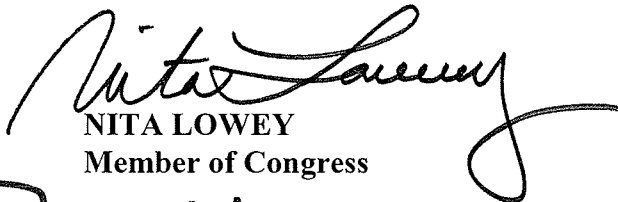
  
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Member of Congress

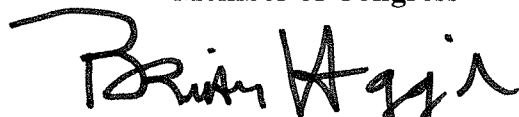
  
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SUE KELLY  
Member of Congress

  
MAJOR R. OWENS  
Member of Congress

*Eliot L. Engel*

**ELIOT ENGEL**  
**Member of Congress**

## **RECENT MEDICAL FINDINGS** **OF ONGOING 9/11 HEALTH IMPACTS**

(Compiled by the Office of Congresswoman Carolyn B. Maloney)

Four medical reports published in late 2004 substantiate the widely accepted understanding that 9/11 and its aftermath has caused severe and lasting illness among Ground Zero responders, as well as in residents and workers in the World Trade Center (WTC) region.

1) A September 2004 report summarizing data from the WTC Worker and Volunteer Medical Screening Program found that a substantial portion of Ground Zero responders exposed to air hazards during the rescue and recovery effort have experienced an onset of upper and lower respiratory conditions or exacerbated pre-9/11 upper and lower respiratory conditions.<sup>1</sup> The study analyzed a 1,138 person subset of data collected from the Program's initial 11,768 participants involved in the September 11<sup>th</sup> response.

The results indicate a substantial onset of lower respiratory (57.5%) and upper respiratory (69.8%) problems. Major symptoms included dry cough, shortness of breath, stuffy nose, congestion, throat irritation, and sneezing. Of those with a previous respiratory condition, 60.9 percent reported that the condition worsened while working or volunteering on the recovery efforts.

2) A second medical report, published in November 2004, has found that New York firefighters who had been highly exposed to WTC dust continued to show significantly higher levels of inflammation and particulate matter deposition in their throats and lungs ten months after the disaster, compared to a control group of firefighters not involved in the WTC response.<sup>2</sup>

3) In addition to the ongoing health impacts suffered by 9/11 rescue and recovery workers, several studies have shown significant and lasting health impacts among residents and those working near the World Trade Center in lower-Manhattan. On December 20, 2004, a study on the respiratory health of residents around Ground Zero found, "the data demonstrated an increased rate of new onset and persistent respiratory health effects in residents near the

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<sup>1</sup> Levin, S.M., et. al. "Physical Health Status of World Trade Center Rescue and Recovery Workers and Volunteers – New York City, July 2002 – August 2004." MMWR. Centers for Disease Control and Prevention. Sept. 10, 2004. Available at: <http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5335a1.htm>

<sup>2</sup> Fireman, Elizabeth M., et. al. "Induced Sputum Assessment in New York City Firefighters Exposed to World Trade Center Dust." Environmental Health Perspectives, November 2004 (Volume 112, Number 15).

former WTC compared to the control population.”<sup>3</sup>

Specifically, new-onset respiratory symptoms were described by 55.8% of residents in the “exposed-area” compared to 20.1% in the “control area” after the disaster. In addition, “persistent new-onset symptoms” were identified in 26.4 percent vs. 7.5 percent in residents in the exposed area vs residents in the control area respectively.

4) In November of 2004, New York City health officials released the results of a two-year study measuring the effects of air pollution on those in the vicinity of the WTC site.<sup>4</sup> After interviewing 61,087 victims, officials compiled the data into the WTC Health Registry, the largest health registry ever attempted in the United States. Even though some workers and residents who may have been most heavily affected by the disaster did not participate in the Registry as a result of legitimate concern among labor organizations that it was designed and implemented without proper coordination with affected populations, the study still confirms high levels of persistent respiratory symptoms months after rescue and recovery work had stopped. Of those interviewed, 42 percent experienced shortness of breath, 47 percent experienced sinus problems, while other respiratory problems included wheezing, persistent coughing, and throat irritation. Eight percent of registry members suffered from symptoms of psychological distress, 60 percent higher than the city average.

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<sup>3</sup> Reibman, Joan, et. al. “The World Trade Center Residents’ Respiratory Health Study: New Onset Respiratory Symptoms and Pulmonary Function.” [Environmental Health Perspectives Online](#).

<sup>4</sup> The New York Times. “Thousands Near 9/11 Attack Reported Ill Effects, U.S. Says.” 23 November 2004.

New York Post  
W. Plan Stiffs Heroes  
May 8, 2005  
By Sam Smith

The Bush administration is renegeing on its pledge of \$175 million to fund workers' compensation claims for uninsured Ground Zero responders, The Post has learned.

In its proposed 2006 budget, the administration says it will take back \$120 million in funds granted in 2002 that have yet to be spent. "These particular funds were set aside for workers' compensation needs that have not turned out to be as large as expected," said federal Office of Management and Budget spokesman Scott Milburn. "The initial need for the funds has been met."

But advocates say the federal decision will leave workers in the lurch as they continue to get sick from their time at Ground Zero, and that the money may well be needed to pay future claims.

"I'm disgusted," said Joseph Pecuro, 38, of Toms River, N.J., a Ground Zero volunteer who filed for workers' compensation last August and is worried that the Bush administration's proposal will leave him without benefits. "I can't even believe they would actually do that. They should be ashamed," he said. Pecuro, an ironworker, says his ailments forced him to quit working two years ago. "I can't afford to buy my groceries," he said.

Health professionals were concerned about the government's decision. "We don't know what the long-term health effects will be," said Dr. Robin Herbert, director of Mount Sinai hospital's World Trade Center health-monitoring program.

So far, the New York Workers' Compensation Board has paid out roughly \$52 million in benefits to 113 claimants from the federal funding. Of those, 37 are receiving biweekly payments because of the severity of their injuries.

All those payments - along with 94 claims currently being processed, another 400 filed with the state in anticipation of future health problems, and any future complaints- are jeopardized by the Bush administration's proposal.