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Special Master Kenneth Feinberg
Administrator for the September 11th
Victim Compensation Fund
780 Third Avenue, 28th Floor
New York, NY 10017

Dear Special Master Feinberg:

I write with concern for the health and well-being of thousands of volunteers, first responders, and construction workers who responded to the 9/11 disaster by rushing to Ground Zero to serve as rescue and recovery workers. As you know, many of these volunteers, first responders and construction workers are suffering from illness or injury as a result of their work at Ground Zero, but have since experienced extreme difficulty in obtaining the appropriate health care and workers compensation benefits that ought to be provided for such service in a great time of need.

The September 11th Victim Compensation Fund (VCF) has been one of the few sources available to these injured workers to seek help. I sincerely appreciate your efforts to publicize the availability of the VCF for volunteer rescue workers and your efforts to build confidence in the VCF program for those eligible. I am concerned, however, that many 9/11 workers who became sick or injured from their work at Ground Zero and applied for help through the VCF are now being denied the assistance they sought. Three specific circumstances deserve mention:

- One law firm representing approximately 500 rescue workers reports receiving approximately 125 notices of denial from the VCF, with the vast majority of these denials involving volunteer rescuers who served at Ground Zero.

- Mrs. Johnnie Johnson, of Zavalla, TX has contacted my office expressing concern that her husband, Mr. Jerry Johnson was denied assistance through the VCF, even though he verified his work at Ground Zero through a copy of the badge that the Mayor's office issued and other Letters of Testament. Mr. Johnson received a medical review by the Mount Sinai Center for Occupational and Environmental Medicine's World Trade Center Worker and Volunteer Medical Screening Program, and was diagnosed with Pulmonary Fibrosis as a result of breathing particulate matter at Ground Zero. Still, the VCF finds seven different reasons to deny Mr. Johnson with assistance. I am concerned that this example of a VCF denial, which involves a Ground Zero volunteer who has documentation of significant, long term illness as a result of his work at the site and who has provided significant documentation of his work at the site, may be representative of the broader posture the VCF has taken with regard to volunteer rescue workers at the site.

- Mr. Richard Coyne, 56, of the East Village volunteered as an ironworker at Ground Zero and reports severe long-term illness as a result of the environmental conditions at the site. He has said, "It feels like George Foreman is trying to punch his way through my lungs and out of my chest" (Daily News, June 9, 2003). He reports providing the VCF with documentation of his work at Ground Zero and with documentation of his

illness and its relationship to his work at the site, but the VCF still chose to deny his application.

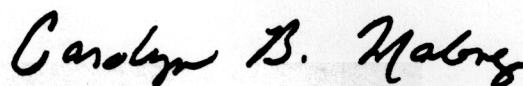
The Associated Press recently reported that "approximately 40,000 volunteers who participated in the rescue, recovery and clean up efforts faced a unique situation since they were not hired by a specific company to help search the rubble" (January 29, 2004). Of this group, the New York Times reported on December 23, 2004 that at least 3,624 people had filed injury claims with the Victim Compensation Fund. The Times also reported in that article, several statistical details of the number of applicants to the VCF and the average award for different types of applicants. My recent telephonic request to the Justice Department to obtain updated statistical information on these applicants, however, was denied. I hope, since you have made this information available in the past, that it would not be withheld at this point, when so many applicants are now facing a final appeals process.

I would like to know:

- 1) the number of Ground Zero volunteers who have become sick or injured as a result of their work at the site and who have since sought assistance through the VCF;
- 2) of that group, how many of these applicants have been approved by the VCF and how many have been rejected to date;
- 3) How many applicants were rejected because you determined there was not a causal link between their reported injury and their work on recovery;
- 4) How many construction workers applied for VCF assistance who worked on recovery and cleanup operations at ground zero and at Fresh Kills landfills;
- 5) How many of this group were accepted or rejected;
- 6) Of those who have received awards, what has been the average size of the award for those injured?
- 7.) How many applications are pending appeal and how many have been finally decided?

While VCF applicants are expected to meet the Fund's eligibility requirements, I also hope that the VCF will use the flexibility authorized under guidelines provided by Congress for the fund, to ensure that rescue workers receive the help they deserve. For instance, Newsday reported that Special Master "Feinberg has said he will use his discretion if necessary, to extend the 72 hour deadline by which they [rescue workers] must have received medical care after Sept. 11" (September 21, 2003). I hope this discretion has been applied, when necessary, and that applicants who provided sufficient evidence of their work at Ground Zero are not being rejected on grounds that they did not provided sufficient evidence of being at the site. Please feel free to contact me or Philip Craft in my district office at (212) 860-0606 should you have any questions or concerns. Thank you in advance for considering these requests.

Sincerely,



CAROLYN B. MALONEY
Member of Congress