



'BLAME THE VICTIM' FURY

By **SUSAN EDELMAN** and **CARL CAMPANILE**

May 21, 2006 -- The city has four words for many World Trade Center recovery workers who have fallen ill: It's your own fault.

In court papers seeking to dismiss all lawsuits by the workers, the city argues it did all it could to protect them from toxic dust, smoke and rubble - but many ignored the safety rules.

Workers were required to wear respirators - fitted breathing devices with air filters - on and around the WTC pile, but some defiantly refused, the city contends in a brief filed in Manhattan federal court last week.

"On several occasions, OSHA [U.S. Occupational Safety and Health Administration] inspectors confronted firefighters who were not wearing their respirators and given resistance - the firefighters told OSHA that they would not comply and that OSHA had no authority over them," the brief says.

The city says its Department of Design and Construction, which led the cleanup, reported this to ranking FDNY officials to try to get firefighters to comply.

When the DDC found construction workers not wearing safety gear, supervisors contacted the contractor in an effort to "re-educate the employee," the brief says.

The city filed the brief in asking U.S. District Judge Alvin Hellerstein to toss out all 5,000-plus claims by WTC responders, claiming blanket immunity because it was responding to a civil emergency and acting "in good faith."

The city acknowledges the WTC site was tainted with tons of asbestos and other pulverized toxins and carcinogens. But, it claims, many workers ignored or disobeyed signs posted around the site, and other reminders to wear protective gear.

The city's arguments outraged advocates and lawyers for the workers.

"It's sick that they're blaming the victim," said David Worby, who represents 8,000 workers in a class-action suit. "Most of the workers weren't given any safety protection. Others were given faulty equipment. It was too little, too late."

The class-action contends the city, in a rush to reopen Wall Street, did not have adequate safety protocols: "They never hosed down the workers. They never took their uniforms at the end of the day and gave them fresh ones. People were eating their lunch on the pile."

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