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Ground Zero Illnesses Clouding Giuliani's Legacy

By ANTHONY DePALMA

Anyone who watched [Rudolph W. Giuliani](#) preside over ground zero in the days after 9/11 glimpsed elements of his strength: decisiveness, determination, self-confidence.

Those qualities were also on display over the months he directed the cleanup of the collapsed World Trade Center. But today, with evidence that thousands of people who worked at ground zero have become sick, many regard Mr. Giuliani's triumph of leadership as having come with a human cost.

An examination of Mr. Giuliani's handling of the extraordinary recovery operation during his last months in office shows that he seized control and largely limited the influence of experienced federal agencies. In doing that, according to some experts and many of those who worked in the trade center's ruins, Mr. Giuliani might have allowed his sense of purpose to trump caution in the rush to prove that his city was not crippled by the attack.

Administration documents and thousands of pages of legal testimony filed in a lawsuit against New York City, along with more than two dozen interviews with people involved in the events of the last four months of Mr. Giuliani's administration, show that while the city had a safety plan for workers, it never meaningfully enforced federal requirements that those at the site wear respirators.

At the same time, the administration warned companies working on the pile that they would face penalties or be fired if work slowed. And according to public hearing transcripts and unpublished administration records, officials also on some occasions gave flawed public representations of the nature of the health threat, even as they privately worried about exposure to lawsuits by sickened workers.

"The city ran a generally slipshod, haphazard, uncoordinated, unfocused response to environmental concerns," said David Newman, an industrial hygienist with the New York Committee on Occupational Safety and Health, a labor group.

City officials and a range of medical experts are now convinced that the dust and toxic materials in the air around the site were a menace. More than 2,000 New York City firefighters have been treated for serious respiratory problems. Seventy percent of nearly 10,000 recovery workers screened at [Mount Sinai Medical Center](#) have trouble breathing. City officials estimate that health care costs related to the air at ground zero have already run into the hundreds of millions of dollars, and no one knows whether other illnesses, like cancers, will emerge.

The question of who, if anyone, is to blame for not adequately protecting the workers could finally be decided in United States District Court in Manhattan, where thousands of firefighters, police officers and other recovery workers are suing the city for negligence.

City officials have always maintained that they acted in good faith to protect everyone at the site but that many workers chose not to wear available safety equipment, for a variety of reasons.

Mr. Giuliani has said very little publicly about how his leadership might have influenced the behavior of the men and women who worked at ground zero. Mr. Giuliani, whose image as a 9/11 hero has been a focus of his run for president, declined to be interviewed for this article. His representatives did not respond to specific questions about the pace of the cleanup, the hazards at the site and Mr. Giuliani's reticence about the workers' illnesses.

Moreover, many of the people who ran agencies for Mr. Giuliani or who handled responsibility for the health issues after he left office would not comment, citing the pending litigation.

In the past, Mr. Giuliani has said that quickly reopening the financial district was essential for healing New York and the nation. The cost of Wall Street's going dark was enormous, and Mr. Giuliani has said he was forced to balance competing interests as he confronted a never-imagined emergency, and he acknowledged that he and others made mistakes.

A Mayor in Control

From the beginning, there was no doubt that Mr. Giuliani and his team ruled the hellish disaster site. Officials from the [Federal Emergency Management Agency](#), the [Army Corps of Engineers](#) and the [Occupational Safety and Health Administration](#), all with extensive disaster response experience, arrived almost immediately, only to be placed on the sideline. One Army Corps official said Mr. Giuliani acted like a "benevolent dictator."

Despite the presence of those federal experts, Mr. Giuliani assigned the ground zero cleanup to a largely unknown city agency, the Department of Design and Construction. Kenneth Holden, the department's commissioner until January 2004, said in a deposition in the federal lawsuit against the city that he initially expected FEMA or the Army Corps to try to take over the cleanup operation. Mr. Giuliani never let them.

In this environment, the mayor's take-charge attitude produced two clear results, according to records and interviews. One, work moved quickly. Although the cleanup was expected to last 30 months, the pit was cleared by June 2002, nine months after the attack.

And second, the city ultimately became responsible for thousands of workers and volunteers while, critics say, its health and safety standards went lacking.

"I would describe it as a conspiracy of purpose," said Suzanne Mattei, director of the New York office of the [Sierra Club](#), which has been critical of how the cleanup was handled. "It wasn't people running around saying, 'Don't do this safely.' But there was a unified attempt to do everything as fast as possible, to get everything up and running as fast as possible. Anything in the way of that just tended to be ignored."

Records show that the city was aware of the danger in the ground zero dust from the start. In a federal court deposition, Kelly R. McKinney, associate commissioner at the city's health department in 2001, said the agency issued an advisory on the night of Sept. 11 stating that asbestos in the air made the site hazardous and that everyone should wear masks.

Many workers refused. No one wanted to be slowed down while there was still a chance of rescuing people. Later on, workers said that the available respirators were cumbersome and made it difficult for them to talk.

Violations of federal safety rules abounded, and no one strictly enforced them. OSHA did not play an active role during the rescue phase, which is usually the case in emergency operations. But the agency remained in a strictly advisory position long after there was any hope of finding any survivors and at the point when, in other circumstances, it would have enforced safety requirements.

Agency officials said that enforcing rules and issuing fines would have delayed the cleanup, and contractors could have passed along the cost of the fines to the city.

With the city in charge, municipal employees were given video cameras to record recovery workers who were not wearing respirators. Violations were reported at daily safety meetings.

An official who was then with the [Port Authority of New York and New Jersey](#), who asked not to be quoted by name because he was not authorized to speak for the agency, said the focus in safety discussions was always on preventing accidents, not protecting workers from the toxic dust.

Remarkably, not one fatal accident occurred on the pile. But the city's inspectors found that by late October, only 29 percent of ground zero workers were wearing the sophisticated respirators that were required by OSHA. Even Mr. Giuliani sometimes showed up without one.

The city's handling of safety issues has been criticized by doctors, unions and occupational safety experts. Mr. Giuliani's oversight of the operation was condemned in a 2006 book, "Grand Illusion," by Wayne Barrett, a longtime critic of the former mayor, and Dan Collins. Mr. Barrett said in an interview that when it came to safety, Mr. Giuliani "said all the right things, but did all the wrong things."

In their defense against the negligence lawsuit, city officials have maintained that they cooperated with federal officials to develop an effective safety plan. On Nov. 20, well into the cleanup, contractors and city agencies agreed to follow safety rules, and OSHA agreed not to fine them if violations occurred.

The agency ended up distributing more than 130,000 respirators. Workers' unions tried to get members to wear them, but usage remained spotty without strict enforcement of the rules.

"What they were doing on paper wasn't what they were doing in practice," said Paul J. Napoli, one of the lawyers representing the more than 8,000 workers who have sued the city for negligence. He said that the construction companies were billing the city for their time and materials, and "safety slows things down."

The four large construction companies that had been hired to clear debris worked around the clock. But that was not fast enough for the city, especially after the rescue operation formally ended on Sept. 29. One reason for the push may have been concern that unnecessary delays would have added to the cost of the cleanup.

Two days after the rescue efforts ended and the full-scale recovery and cleanup began, Michael Burton, executive deputy commissioner of the Design and Construction Department, warned one of the companies in a letter that the city would fire individual workers or companies "if the highest level of efficiency is not maintained."

Danger in the Air

Much has been said and written about [Christie Whitman](#), then the [Environmental Protection Agency](#) administrator, and her statement a week after the towers fell that the air in New York was safe. But even then, the air above the debris pile was known to be more dangerous than the air in the rest of Lower Manhattan.

In those first days after 9/11, Mr. Giuliani made it clear that workers needed to wear masks at ground zero because it was more contaminated than elsewhere. But as time went on, and workers failed to heed the warnings, the record indicates that his administration sometimes said otherwise.

Even after the National Institute of Occupational Safety and Health found that workers were “unnecessarily exposed” to health hazards, officials played down the danger.

Robert Adams, director of environmental health and safety services at the Design and Construction Department, told the City Council’s environmental committee in early November that even unprotected ground zero workers would not experience long-term health risks. In an interview last week, Mr. Adams, now working for a consulting firm in Princeton, N.J., said that he still believed that based on the information available at the time, the right decisions were made.

Whatever they were saying publicly about the safety of the air, Mr. Giuliani and his staff were privately worried. A memo to Deputy Mayor Robert M. Harding from his assistant in early October said that the city faced as many as 10,000 liability claims connected to 9/11, “including toxic tort cases that might arise in the next few decades.”

The warning did not lead to a crackdown on workers without respirators. Rather, a month later, Mr. Giuliani wrote to members of the city’s Congressional delegation urging passage of a bill that capped the city’s liability at \$350 million. And two years after Mr. Giuliani left office, FEMA appropriated \$1 billion for a special insurance company to defend the city against 9/11 lawsuits.

Some experts and critics have suggested that the only way the respirator rules could have been enforced after rescue operations ended would have been to temporarily shut down the site and lay down the law: No respirator, no work. And they say the only person who could have done so was Mr. Giuliani.

“They should have backed off on the night shift, when a very limited amount of work could be done,” said Charles Blaich, who was in charge of safety for the Fire Department at the time of the attack.

Mr. Blaich, who is now retired, said he considers Mr. Giuliani’s unwillingness to enforce respirator rules a failure of judgment, not a mistake, because no one had ever faced such a crisis.

“‘Mistake’ indicates there was a known procedure that wasn’t followed,” he said. “There just was not that much logistics in place to support another course of action.”

Help for the Sick

Millions of Americans saw television news reports of Mr. Giuliani attending firefighters’ funerals. They heard him call those who died heroes.

But they have not heard him say much about the medical problems of ground zero workers. Although he pushed Congress to protect the city from lawsuits, he has generally stood on the sidelines as New York's delegation tried to get the federal government to pay for the treatment that sick workers need.

"I don't think I ever saw the mayor at a 9/11 hearing on health," said Representative [Jerrold Nadler](#), a Democrat whose district includes parts of Brooklyn and Manhattan. Mr. Nadler, who was one of the first to criticize the city's handling of ground zero, said it never occurred to him or to other Democrats in Congress to ask for Mr. Giuliani's help to influence the Republican White House.

John T. Odermatt, who was Mr. Giuliani's deputy at the city's Office of Emergency Management, said that Mr. Giuliani had to make many decisions every day during the crisis, but the priority always was "clearly more about people than getting the site open."

Mr. Odermatt, now speaking on behalf of Mr. Giuliani's presidential campaign, said he did not know whether the former mayor had ever lobbied Congress on behalf of sick workers, and the campaign did not provide any information about Mr. Giuliani's working to secure federal funds for treatment of ground zero responders. Many of those people are now sick, and they are angry.

Lee Clarke, director of health and safety for [District Council 37](#), the city's largest public employees' union, said Mr. Giuliani used "very, very poor judgment" in rushing to reopen the financial district without watching out for the workers who cheered him at ground zero.

Ms. Clarke said that if those workers found themselves in a meeting with Mr. Giuliani today, "a number of them would be standing up, wanting a piece of Rudy."

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