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Debate Revives as 9/11 Dust Is Called Fatal

By ANTHONY DePALMA

In the cold, clinical language of the autopsy report of a retired New York City detective that was released this week, there were words that thousands of New Yorkers have come to anticipate and to fear.

"It is felt with a reasonable degree of medical certainty that the cause of death in this case was directly related to the 9/11 incident," stated the report from the medical examiner's office in Ocean County, N.J.

That "reasonable degree of medical certainty" — coroner language for "as sure as I can be" — provides the first official link made by a medical expert between the hazardous air at ground zero after the trade center collapse and the death of someone who worked in the rescue effort.

The report has reopened old wounds, giving lawsuits brought by first responders and downtown residents new evidence to back up allegations that the toxic mixture of dust and fumes at ground zero was deadly.

The report has also reignited a fierce debate over whether to classify deaths like that of Detective James Zadroga, 34 — who died on Jan. 5 of respiratory failure at his parents' New Jersey home — as being "in the line of duty," making survivors eligible for more benefits.

Dr. Robin Herbert, who has screened thousands of first responders through the World Trade Center Worker and Volunteer Medical Screening Program, called Detective Zadroga's autopsy report a "sentinel event" and a warning sign.

"It should be taken very seriously and investigated with great vigor," Dr. Herbert said.

But while acknowledging that those exposed to the dust may develop fatal diseases, many medical experts who have tracked the health effects of the trade center collapse have been reluctant to cross the line in between probability and certainty.

The autopsy report went further than any other medical document to link a death to the dust, but it by no means provides conclusive proof of the dust's general toxicity and its impact on other workers at the site. That, experts generally agree, may take 20 years to play out, depending on the latency period for many cancers and other diseases that could be linked to exposure to the toxic materials.

Proving the cause of a disease, even when the cause may seem obvious, is difficult. Dr. Michael M. Baden, former chief medical examiner of New York and a forensics expert, said the phrase "reasonable degree of certainty" is the standard term used in court to mean that given the available information, "it's very likely that that opinion is correct."

That said, Dr. Baden noted that given the impact of such a finding, he would have expected the medical examiner's office to consult with doctors who had tested or treated other first responders before coming to such a conclusion. Other experts said that tests should have been done on the particles found in Detective Zadroga's lungs to compare them with the dust from the trade center.

Neither step was taken. The autopsy was performed by Dr. Gerard Breton, a 73-year-old retired pathologist who has been on contract to the medical examiner's office in Ocean County for a decade.

Dr. Breton said in a telephone interview yesterday that he did not attempt to classify the "innumerable foreign body granulomas" containing "unidentified foreign materials" in Detective Zadroga's lungs. He also did not consult any doctors besides the detective's physician, who he said had informed him of Detective Zadroga's work at ground zero.

Nonetheless, Dr. Breton said what he found was unmistakable.

"I cannot personally understand that anyone could see what I saw in the lungs, and know that the person was exposed to ground zero, and not make the same link I made," said Dr. Breton.

Detective Zadroga, who joined the New York Police Department in 1992, did not smoke and had no known history of [asthma](#). His family has long believed that the 450 grueling hours that the highly decorated officer spent working on recovery efforts at ground zero in 2001 had filled his lungs with fiberglass, pulverized concrete and a toxic brew of chemicals that fatally scarred his lungs, leading to his death at the age of 34.

For them, the autopsy report was an awful confirmation.

Joseph Zadroga, Detective Zadroga's father, said his son and other officers who had worked at the trade center site knew the air they were breathing would probably cause health problems down the road. "You had to be a fool not to realize that," he said on Tuesday at a news conference in Manhattan.

Detective Zadroga's colleagues have argued that hundreds of officers who were also exposed to the dust will probably suffer from a variety of serious illnesses, including a number of blood cancers, because of their work at ground zero.

Michael J. Palladino, president of the Detectives' Endowment Association, said that he wanted state pension law amended so that Detective Zadroga's death and others like it are reclassified as occurring in the line of duty,

qualifying survivors to receive larger benefits. A bill to make such a change has been proposed in Albany.

In Brooklyn yesterday, Mayor [Michael R. Bloomberg](#) noted that a law was passed last year allowing city workers who got sick after responding to the trade center site to qualify for full disability pensions, even after they retire. He called Detective Zadroga's death tragic, but said the autopsy report may not be definitive.

"We'll see what other doctors say," Mr. Bloomberg said. "Generally, there are lots of other contributing factors."

More than 7,300 people who worked at the trade center recovery site — police officers, firefighters and constructions workers — have joined in a class-action suit seeking damages from their employers.

David E. Worby, the lawyer handling that suit, said about 40 of the plaintiffs have already died. "At a minimum, their diseases were aggravated, and accelerated by the toxic exposure," he said.

Toxic substances known to cause [cancer](#), like benzene and asbestos, take decades to develop the disease. Mr. Worby said the doctors and scientists he had consulted believe that the complex mixture of chemicals that resulted from the collapse of the two towers — along with everything in them — may have created a compound that acts as an accelerant, vastly increasing the speed by which known carcinogens trigger cancer.

"It's a horror show," he said.

In a separate class-action lawsuit against federal environmental officials, residents and schoolchildren from Lower Manhattan claim they were given false assurance that the air around ground zero was safe enough for them to move back in a few days after the attack.

In February, a federal judge in Manhattan ruled that statements about safety made by officials after 9/11 were misleading and "without question conscience-shocking."

Kareem Fahim and Diane Cardwell contributed reporting for this article.

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