



Legislation would provide medical treatment for Ground Zero workers

BRIAN TUMULTY • Journal Washington Bureau • September 9, 2010

WASHINGTON — Nine years after the terrorist attack that destroyed the World Trade Center, the House is on the verge of passing legislation that would address collateral damage caused by the smoldering fires at Ground Zero and the toxic dust that blanketed nearby streets.

Residents of lower Manhattan, first responders and volunteers from around the country who worked at Ground Zero on the rescue and clean up efforts have reported a growing number of illnesses.

The House legislation, called the James Zadroga 9/11 Health and Compensation Act, would provide health coverage and financial compensation to Ground Zero workers such as the iron workers who removed steel beams from the site, the volunteers who helped carry away debris, and the search-and-rescue teams who combed through the wreckage for survivors.

The bill is named after a New York City police detective who died in 2006 because of lung problems that the medical examiner who performed his autopsy linked to work at Ground Zero.

The bill, estimated to cost \$7 billion over 10 years, would:

— Establish a World Trade Center Health Program within the National Institute for Occupational Safety and Health to research Ground Zero-related illness claims.

— Expand on an existing program that provides medical monitoring and treatment benefits to emergency responders and recovery and cleanup workers who worked at Ground Zero. It would allow 15,000 new participants beyond the current 40,000.

George Kielb, a battalion chief with the Yonkers Fire Department, said the program established a link between his respiratory problems and his work at Ground Zero the first two days after the terrorist attack.

"They did multiple CAT scans and they said there are these particulates on my lungs," Kielb said. He said the particulates are similar to those found in other Ground Zero workers.

— Provide health evaluations, monitoring, and treatment benefits to New York residents who lived near the site, other building occupants and area workers harmed by the attacks, and volunteers who traveled to New York from around the country. Another 15,000 people would be added to the program beyond the 2,700 already certified.

— Reopen the 9/11 Victims Compensation Fund, which has been closed since 2003. The fund compensates 9/11 victims for economic losses as long as they give up their right to sue.

Advocates say it would help resolve many of the lawsuits filed on behalf of 11,000 people with injury claims. David Worby, a Westchester County attorney who represents some of those claimants, said his clients would be covered by the compensation fund if the legislation becomes law.

Busloads of first responders from the New York City area will gather in Washington Wednesday to lobby House members to pass the bill.

Democratic House leaders have promised a vote the week of Sept. 20, according to Reps. Carolyn Maloney and Jerrold Nadler, the two New York City Democrats who are prime sponsors of the bill.

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Getting the bill through the House shouldn't be a problem. In July, it almost passed under a fast-track approach that requires two-thirds support and bars amendments. This time, it will need only majority support.

Freshman Republican Rep. Chris Lee of the Buffalo suburb of Clarence, the only member of the New York House delegation who voted against the bill in July, said he supports the legislation's objectives but opposed how Democrats had proposed offsetting its cost — by changing a tax provision affecting foreign corporations.

Only 12 Republicans supported the legislation in July. Other Republicans objected that the legislation would create a new federal entitlement program that wouldn't be funded on a five-year authorization basis, like most federal programs.

Supporters of the bill make no apologies. "These people are entitled," Rep. Anthony Weiner, D-N.Y. said during the July floor debate. "They are entitled to our care. They are entitled to our indebtedness. The difference with this entitlement and others is that there are no more people. In fact, there are fewer and fewer every single day because they are dying. They are dying because they were heroes on behalf of this country."

Another GOP objection is that certain New York hospitals participating in the 9/11 health program would get Medicare reimbursement rates of 140 percent.

Former New York Gov. George Pataki, a Republican, accused House Speaker Nancy Pelosi, D-Calif., of unnecessarily making the legislation a partisan issue by bringing it up in July under suspension of the rules that normally govern legislation.

"It's not about achieving results," he said Wednesday. "It's about achieving political goals and being able to point fingers."

Pataki said the legislation is personal to him. "I was down there on the pile with people from all over the country," he said. "And people didn't worry about whether there was asbestos in the pile ... They were trying to save lives."

A Senate vote on the legislation hasn't been

scheduled. Sen. Kirsten Gillibrand, D-N.Y., the prime sponsor of the Senate version, said she's working with Senate Majority Leader Harry Reid to get a floor vote before the end of the year.

"It's a moral obligation for my colleagues to support the 9/11 health care bill," Gillibrand said. Fran Vogler, a doctor with the Los Angeles Fire Department's urban search and rescue team who developed a chronic cough after working for 10 days at Ground Zero, said passing the 9/11 health care legislation would send an important message.

"They served their country in a time of need," she said of the Ground Zero volunteers. "I think it's important to believe that if you are a first responder, or you are in the public health service, or in the military, that your country will be there for you."

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