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Rejecting '06 Finding, Report Says Detective Didn't Die From 9/11 Dust

By [ROBERT D. McFADDEN](#)

New York City's chief medical examiner has concluded that the death of a city police detective who worked hundreds of hours on the smoldering debris pile at ground zero after the Sept. 11 attacks was not caused by exposure to toxic dust there.

Contradicting a New Jersey pathologist who had found the death "directly related" to ground zero dust, the medical examiner, Dr. Charles S. Hirsch, acknowledged that "foreign material" had been found in the lungs of the detective, James Zadroga, but insisted that it had not come from the trade center site.

In a letter to the detective's father, Joseph Zadroga, of Little Egg Harbor, N.J., Dr. Hirsch did not cite a cause of death. But he said his review of medical records, the earlier autopsy report and slides of the victim's lung tissue — all provided by the detective's family — had found no link to the trade center.

"Our evaluation of your son's lung abnormality is markedly different than that given you by others," Dr. Hirsch wrote in the letter, dated Tuesday and also signed by Dr. Michele S. Stone, another medical examiner. "It is our unequivocal opinion, with certainty beyond doubt, that the foreign material in your son's lungs did not get there as the result of inhaling dust at the World Trade Center or elsewhere."

The medical examiner's conclusion quickly reopened old wounds and renewed debate on questions that have generated lawsuits on behalf of thousands of responders and residents of Lower Manhattan. And it prompted a round of responses: bitter comments by the victim's family, demands for clarification by a congresswoman, and renewed pledges by Mayor [Michael R. Bloomberg](#) to seek health care and justice for all who have suffered as a result of 9/11.

Mr. Zadroga said last night that the medical examiner's letter had struck his family like a blow.

"My wife went completely hysterical," he said. "She was really just starting to get over his death."

The father said his family wanted no money from the city, only a recognition that he had died of sarcoidosis — a lung-scarring disease — caused by the dust at ground zero.

He added, however, that the city's finding had not been unexpected.

"We knew the city was going to say this," Mr. Zadroga said. "They've been lying since Jimmy got sick. They've been lying about all these W.T.C. people getting sick. They would never admit that Jimmy got sick. They treated him like a dog all those years."

Representative [Carolyn B. Maloney](#), of Manhattan and Queens, said in a statement that if Dr. Hirsch was certain that the material in the detective's lungs was not caused by trade center dust "then it's incumbent upon the M.E. to tell Mr. Zadroga's family where he thinks it did come from, and why he thinks that Mr. Zadroga's W.T.C. exposures did not contribute to his death."

Mayor Bloomberg said the medical examiner's finding "does nothing to change New York City's commitment to make sure that all who were affected by 9/11 get the health care they need." The Associated Press reported on the medical examiner's letter yesterday.

The highly decorated detective, who died in January 2006 at the age of 34, did not smoke and had no history of asthma, and his family has long believed that his 450 grueling hours of work at ground zero had left his lungs fatally scarred with toxic chemicals, fiberglass and pulverized concrete.

That belief was reinforced in April 2006 by an autopsy by Dr. Gerard Breton, a retired pathologist who had worked for the Ocean County medical examiner's office for a decade. He concluded "with a reasonable degree of medical certainty" that the death was due to respiratory failure that was "directly related to the 9/11 incident."

While the autopsy went further than any other medical judgment to link a death to the dust, it by no means offered conclusive proof of the dust's toxicity and its impact on others at the site.

Dr. Breton's autopsy found "unidentified foreign materials" in the lungs, but it did not compare those particles with actual dust from the trade center. Nor did he consult with other doctors who tested or treated first responders.

Nevertheless, it was the first official link by a medical expert between hazardous air at ground zero and the death of someone who had worked in the rescue and recovery effort.

The finding appeared to make the detective's death one of the strongest cases arising out of post-Sept. 11 illnesses, and it gave momentum to lawsuits on behalf of thousands of responders, downtown residents and others claiming injuries related to 9/11.

Legal experts have noted that there is a major difficulty in proving direct links between the ground zero dust and the illnesses and deaths of firefighters and police officers who worked there because many had also worked at previous fire scenes where toxic materials might have been inhaled.

David E. Worby, a lawyer representing what he estimated to be 10,000 people in lawsuits currently in federal court in Manhattan, said last night that Detective Zadroga had not been a plaintiff in the lawsuits.

His father said last night that the family had not even retained a lawyer.

"I'm not looking for money from the city," he said. "I'd like to see them give him a medal or something. I'm not looking for anything from the city, but they're denying that he was sick. All I want is recognition."

Mr. Zadroga and his family had asked Dr. Hirsch to review his son's case in a bid to be listed officially as a victim of the Sept. 11 attacks.

Dr. Hirsch ruled earlier this year that Felicia Dunn-Jones, 42, a civil rights lawyer who was engulfed on Sept. 11 as she ran from her office a block away, had died later from exposure to dust from the destruction of the trade center.

Obviously aware that the findings would be an emotional hardship for the detective's family, Dr. Hirsch invited the Zadrogas to meet with him for a fuller explanation.

"We regret that we cannot agree with your belief, but we must interpret the facts as we see them, without regard to personal considerations," the medical examiner wrote.

Sewell Chan contributed reporting.

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