

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR

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March 30, 2015  
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HELD AT: Council Chambers - City Hall

B E F O R E:  
I. DANEEK MILLER  
Chairperson

COUNCIL MEMBERS:  
COSTA G. COSTANTINIDES  
DANIEL DROMM  
ELIZABETH S. CROWLEY  
ROBERT E. CORNEGY, JR.

## A P P E A R A N C E S (CONTINUED)

Jacklyn Blank  
Congressman Nadler's Office

Shelby Gardner  
Congressman Maloney's Office

Catherine McVay Hughes  
Chair  
Community Board 1

Esther Regelson  
World Trade Center Survivor Steering Committee

Mariama James  
Community Board 1

Gilla Mejia  
District Council 37

Lee Clark  
Citizens for the Extension of James Zadroga Act

Michelle Keller  
First Vice President  
Civil Service Technical Guild Local 375 of DC37

Gregorial Romaro  
District Council 37

Charlene Obernauer  
NY Committee for occupational Safety and Health

[gavel]

CHAIR: Good morning. Okay. I'm Council Member I. Daneek Miller. I'm the chair of Committee and the Civil Service and Labor. I'd like to thank everyone for coming out this morning. Today we were discussing the resolution number 553A calling upon the United States congress to pass and the president to sign the Zadroga 9/11 health compensation reauthorization act. As most of you already know it's Detective James Zadroga passed away in 2006 was the first person acknowledge as having died from a 9/11 related illness following the attack, the attacks detective Zadroga worked over 470 hours performing recovery rescue missions at the World Trade Center site. Soon after completing his work at the site Detective Zadroga developed a serious illness that lead to his death. In 2011 the US Goveernment honored the detective by passing the James Zadroga 9/11 health compensation act which created the world trade center health program which provides health treatment to people who work or reside in the vicinity of the world trade center on or after the events of September 11<sup>th</sup>, 2001. The act also reauthorizes September 11

1  
2 victim compensation fund created by congress  
3 shortly after 9/11 which handles claims from  
4 victims of 9/11 attacks or their representatives  
5 for compensation economic or non-economic losses  
6 related to the attacks. Because of the Zadroga act  
7 expires in October 2015 and the victims  
8 compensation expires in October 2016 this year New  
9 York Congress Member Caroline Maloney, United  
10 States Senator Kristen Gillibrand introduced HR5  
11 503 and S, and 2844 to reauthorize, reauthorize  
12 Zadroga which will also reauthorize the victim, the  
13 victim compensation fund again, the committee  
14 passed two resolutions urging congress to pass this  
15 act in the last session which they finally did in  
16 bipartisan support. This extension should also pass  
17 with both republican and democratic votes. Because  
18 when it comes to taking care of our Americans who  
19 are hurt in the aftermath of 9/11 there should no  
20 bipartisan. There is no room for it. Before we  
21 begin the hearing I would like to acknowledge the  
22 civil service and labor committee. Then, which is  
23 Danny Dromm thank you and of course the staff Matt  
24 Carlen and Goffers Zolof and of course Mr. Ali... And

1  
2 without further ado I would like to pass it over to  
3 the bill's sponsor, Council Member Chin.

4 COUNCIL MEMBER CHIN: Thank you  
5 Chairman. Good morning. I'm Council Member Margaret  
6 Chin. I'm here to speak on behalf of resolution 533  
7 which I introduced calling for the reauthorization  
8 of the Zadroga Act in congress. I want to first  
9 thank Council Member Miller for sponsoring this  
10 resolution with me an the speaker and for holding  
11 this hearing. I also want to thank our central  
12 staff Goffers Zolof [phonetic] on this resolution.  
13 It's been 14 years since the September 11 terrorist  
14 attacks. And it is remarkable how much we have done  
15 to rebuild our community. However long and serious  
16 impacts of the attacks may not be felt until years  
17 from now. Our government assure everyone that the  
18 air was safe to breathe and that it was fine to  
19 return home. But we know, we now know how sadly  
20 that was not the case. Thousands of our residents  
21 and workers and first responders who were there  
22 that day and in the aftermath were exposed to  
23 toxins. Some have already develop cancer and some  
24 have even die as a result as James Zadroga did in  
25 2006. Because many of these conditions don't

1  
2 develop until years later we can only expect that  
3 we will see more of these tragic cases in the next  
4 few years. Unfortunately when the Zadroga acts was  
5 sign into law in 2011 it included sunsets provision  
6 to end the programs this year and next. We must not  
7 and cannot let the Zadroga Act expire. We have a  
8 responsibility to our community to ensure that they  
9 have the health coverage and compensation they need  
10 to get the treatment they deserve. I want to thank  
11 all the advocates who are here today to testify in  
12 favor of this resolution and for your tireless  
13 efforts since 9/11 to ensure that justice is done.  
14 I hope my colleague will aslso support this  
15 resolution. Thank you very much.

16 CHAIR: Okay now we'd like to call the  
17 first panel. And from Congressman Nadler's office  
18 that would be Jacklyn Blank and from the Office of  
19 Representative Carolyn Maloney, Shelby Gardner. Can  
20 begin your testimony. Just state your name and  
21 begin your testimony.

22 JACKLYN BLANK: Good morning. My name is  
23 Jacklyn Blank and I'm here to testify on behalf of  
24 Congressman Nadler who could not be here today.  
25 September 11<sup>th</sup>, 2001 foreveer changed the city of

1  
2 New York. Today we remember those who displayed  
3 unparallel bravery and courage on that morning and  
4 in the weeks following as they risked their lives  
5 to search for victims amongst the rubble and return  
6 to their homes, schools, and workplaces downtown.  
7 Over the last 14 years the negative health effects  
8 of the toxic worksite at ground zero, a site the  
9 federal government assured New Yorkers was safe or  
10 clear more than 30 thousand responders and  
11 survivors are struggling with one or more chronic  
12 illnesses and many are disabled and no longer able  
13 to work. Nearly 3,000 have been diagnosed with one  
14 of the 60 cancers medical research has linked to  
15 exposure at Ground Zero. Tragially more than 60 New  
16 York Police Department officers and 70 New York  
17 firefighters have died from illnesses linked to  
18 September 11<sup>th</sup>. For that reason I was proud to work  
19 with my congressional colleagues to pass the James  
20 Zadroga 9/11 Health and Compensation Act in 2010.  
21 This necessary legislation established the World  
22 Trade Center Health Program and reopen the victims  
23 compensation to ensure that tens of thousands of  
24 New Yorkers and people around the country have  
25 access to the care an support they need to treat

1 and monitor 9/11 related illnesses. The programs  
2 are working. Residents of all 50 states are  
3 enrolled in World Trade Center Health Program and  
4 receiving care for a wide array of 9/11 related  
5 illnesses. These chronic often life threatening  
6 illnesses are a major economic burden for these  
7 responders and survivors. The World Trade Center  
8 Health Program eases this burden and ensures that  
9 every first responder and survivor can receive the  
10 treatment they need. Similarly the Victims  
11 Compensation Fund has provided economic  
12 compensation to individuals around the country who  
13 are injured on 9/11 and during the aftermath. To  
14 date the program has provided more than 3,000  
15 responders and residents, over 804 million dollars  
16 in compensation, a number that continues to grow  
17 every day. But our work is not done. In October  
18 2015 the World Trade Center Health Program will  
19 expire followed by the Victims Compensation Fund in  
20 October 2016. Congress must act to reauthorize these  
21 vital lifesaving national programs before they  
22 expire. I am proud to be working with congressman  
23 Carolyn Maloney and Congressman Peter King on  
24 legislation to reauthorize these programs. The  
25



1  
2 reauthorization we will introduce this year will  
3 extend the World Trade Center Health Program and  
4 the Victims Compensation Fund for 25 years through  
5 2041 ensuring that individuals with chronic  
6 illnesses or who develop cancers with long latency  
7 periods like mesothelioma will not lose access to  
8 care or support at the moment that they need it  
9 most. Reauthorization will also enable the national  
10 institute of occupational safety and health to  
11 continue researching 9/11 related illnesses to  
12 develop new treatment and cures for those impacted  
13 by the attacks. It will also maintain the the  
14 city's ten percent cost share of the World Trade  
15 Center Health Program and continue the World Trade  
16 Center Health Registry to monitor the health of  
17 first responders and residents. We will never  
18 forget those we lost on September 11<sup>th</sup> and we will  
19 never forget the strength, bravery, and resilience  
20 our city demonstrated that morning. And we must  
21 never abandon the brave first responders and  
22 survivors who risk everything in the days, weeks,  
23 and months following the attacks to rebuild our  
24 city and their lives. We must reauthorize these  
25 programs. Just as they did not hesitate to answer

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2 our call 14 years ago we cannot turn our back on  
3 them now. We stood together as a nation on  
4 September 11<sup>th</sup> and we stood strong in 2010 to  
5 create these programs. We must join forces again to  
6 ensure that the first responders and survivors are  
7 not abandoned when they need us most. I urge the  
8 council to adopt this resolution and send a clear  
9 message to my colleagues in congress that we must  
10 pass reauthorization this year. Thank you.

11 CHAIR: Thank you.

12 SHELBY GARDNER: Hello I'm Shelby  
13 Garner. I'm here on behalf of Congressman Carolyn  
14 Maloney who regrets she can not be here herself. I  
15 would like to thank Committee Chair Council Member  
16 Miller for holding this hearing and for co-  
17 sponsoring the resolution calling on the United  
18 States Congress to reauthorize the James Zadroga  
19 9/11 Health and Compensation Act. I would also like  
20 to thank Council Member Chin and the City Council  
21 for supporting this vital reauthorization  
22 legislation just as it did when we made a push to  
23 pass the original James Zadroga 9/11 Health and  
24 Compensation Act. I'm pleased to be working again  
25 with my colleagues and friends, Congressman Jarrold

1  
2 Nadler and Peter King as well as colleagues in New  
3 York, in the New York congressional delegation and  
4 other members of congress. It seems that every week  
5 I hear of the passing of a first responder from  
6 9/11 related health complications. Since 9/11 more  
7 than 82 New York police officers and over 90 New  
8 York firefighters died fom their 9/11 related  
9 illnesses. We know now that the air was not safe  
10 and that in the aftermath of the collapse of the  
11 twin towers the first responders, recovery workers,  
12 community residents, area workers, and school  
13 children were exposed to a toxic concauction that  
14 has led to a variety of medical complications  
15 ranging from asthma to gastroesophagial reflux  
16 disorder to cancers like mesothelioma and leukemia.  
17 In 2010 congress reaffirmed its commitment to never  
18 forget the sacrifices made on September 11<sup>th</sup> by  
19 passing the bipartisan James Zadroga 9/11 Health  
20 and Compensation Act of 2010. That law established  
21 the World Trade Center Health Program in the  
22 nationwide provider network and reopen the  
23 September 11<sup>th</sup> Victim Compensation Fund to provide  
24 the thousands of injured and ill 9/11 responders  
25 and survivors with medical treatment for 9/11

1 related health conditions and economic compensation  
2 for losses resulting from the attack. The  
3 authorization for those two programs expires this  
4 congress which is why Reps Nadler, King, and I  
5 along with Senators Gillibrand and Schumer plan to  
6 introduce the James Zadroga 9/11 Health and  
7 Compensation Reauthorization Act. Thanks to the  
8 Zadroga Act over 70 thousand responders or  
9 survivors are getting treatment or medical  
10 monitoring across the country. The individuals  
11 receiving care have at least one injury though many  
12 have multiple injuries and more than 3,800 of those  
13 have been certified as having a 9/11 related  
14 cancer. The Zadroga Act also reopened the September  
15 11<sup>th</sup> Victim Compensation Fund to provide for  
16 economic damages and losses for individuals  
17 incurred from, in the aftermath of the attacks. The  
18 VCF has made almost 4,100 compensation  
19 determinations and has deemed over 10,000 injured  
20 9/11 individuals eligible for compensation. The  
21 programs cover those present on and in the  
22 aftermath of 9/11 and parts of New York City and at  
23 the Pentagon and in Shanksville, Pennsylvania.  
24 There are participants in the health program from  
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1  
2 all 50 states and individuals receiving treatment  
3 currently reside in 429 of the 435 congressional  
4 districts. So we are gathering bipartisan support  
5 from our congressional colleagues across the  
6 country to reauthorize this important law. I thank  
7 you all for holding this important hearing and  
8 bringing up this resolution calling for the passage  
9 of the James Zadroga 9/11 Health and Compensation  
10 Reauthorization Act. It is for those individuals,  
11 individuals that we've lost and those who are sick  
12 and injured from 9/11 that we must fight to renew  
13 this, the Zadroga Act Programs. Thank you.

14 CHAIR: There, there were a number of  
15 questions that I have wanted to pose to the members  
16 but number one I think that their, their message  
17 that was delivered through the both of you was, was  
18 quite articulate and informing as to the impact of  
19 the act on those who have been impacted as well as  
20 potentially what can happen or what will happen if  
21 this act is not reauthorized. If you care to  
22 further elaborate that's fine. If you don't that's  
23 okay because I think the letter kind of said it  
24 all. Oh oh well if you could then speak to the kind  
25 of political climate in DC in, in the passage we

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2 know that there was a, a little give and take the  
3 last time around and it took a little work and is  
4 the environment any better now and does it help  
5 that we have bipartisan support here in the city of  
6 New York in the passage and do you anticipate any  
7 problems that would require assistance of the  
8 council and others in this room in, in ensuring  
9 that we can get this passed?

10 SHELBY GARDNER: I mean I, I cannot  
11 speak entirely to the climate in DC but obviously  
12 any help is always a nice thing considering the  
13 climate and, and considering the, the current  
14 congress that we're, we're dealing with right now.

15 JACKLYN BLANK: And I would just say  
16 hopefully that the success of the program so far  
17 would mean that it would be more likely to have a  
18 smoother passage this time.

19 CHAIR: Okay thank you. Council Member  
20 Chin.

21 COUNCIL MEMBER CHIN: Yeah I just wanted  
22 to really thank Congressman Nadler and  
23 Congresswoman Maloney for your leadership, for  
24 their leadership on this work. And I know that with  
25 the real authorization there was another deadline

1  
2 set. Was it 2041, so another 25 years. I mean we  
3 were hoping that they didn't have to set a deadline  
4 but I guess as a compromise we have to do that. But  
5 hopefully going forward in better climate in  
6 Washington that maybe we can continue to fight for  
7 that because who knows what's going to happen after  
8 25 years. But still there were childrens [phonetic]  
9 that were affected and young people... So this is  
10 something that we will probably have to continue to  
11 fight for. But thank you. But please express you  
12 now our gratitude to the congress representative.  
13 Thank you.

14 CHAIR: Thank you Council Member Chin.  
15 Council Member Dromm.

16 COUNCIL MEMBER DROMM: Do you know if  
17 the original Zadroga Act covered undocumented  
18 immigrants?

19 JACKLYN BLANK: I don't but I can get  
20 that information for you.

21 COUNCIL MEMBER DROMM: If I'm not  
22 mistaken I do not believe that it did. And I have  
23 any undocumented immigrants in my district who came  
24 to the call of this country and stepped up to the  
25 plate and worked down there for many many months,

1 many of whom are also suffering the consequences.  
2  
3 And I don't believe that they were included in the  
4 original bill and I would urge that we continue to  
5 fight for all responders and that they be included  
6 regardless of immigration status in delivery of  
7 health services to them.

8 CHAIR: Thank you Council Member Dromm.  
9 That is a great question. And thank you to the  
10 panel for coming out and sharing your insight and  
11 participating. Call the next panel now. Thank you.

12 COUNCIL MEMBER CHIN: Catherine McVay  
13 Hughes Chair of Community Board 1, Esther Regelson  
14 World Trade Center Survivor Steering Committee, and  
15 Mariama James also from CB 1. Thank you.

16 CATHERINE HUGHES: Good morning. Thank  
17 you Chairperson Miller and Council Member Chin and  
18 Council Member Dromm and other committee members  
19 for holding this important hearing today and  
20 inviting our testimony. My name is Catherine McVay  
21 Hughes and I represent Manhattan Community Board 1  
22 in Lower Manhattan. Our district includes most of  
23 Manhattan below Canal Street and south of the  
24 Brooklyn Bridge. The World Trade Center lies at the  
25 heart of CB1 and many of us who were here when the



1 towers were attacked are still living and working  
2 here. Some of us volunteered as first responders  
3 and many of us continue to work or attend school  
4 downtown in the aftermath of the September 11<sup>th</sup>,  
5 2001 terrorist attacks. Community Board 1 has  
6 strongly supported the James Zadroga 9/11 Health  
7 and Compensation Act for many years and we're very  
8 glad when the bill finally passed at the very end  
9 of the federal legislative session at the end of  
10 2010. It is critical that the World Trade Center  
11 Health Program continues to provide treatment and  
12 monitoring to those whose health has been harmed by  
13 the 9/11 attacks. Community Board 1 remains  
14 strongly committed to the James Zadroga Act and  
15 other legislative initiatives to address the health  
16 and environmental ramifications... 9/11 for our lower  
17 Manhattan community first responders and  
18 stakeholders. In this regard we commend US Senators  
19 Jilibran and... who announced this past Friday on  
20 March 27<sup>th</sup> the passage of their amendment to the  
21 Senate Budget Resolution that will facilitate  
22 future legislation to renew and extend the James  
23 Zadroga 9/11 Health and Compensation Act. Earlier  
24 this year on February 5<sup>th</sup> our full board passed the  
25

1 following resolution supported the proposed  
2 resolution number 533A which is before you today.  
3 We also recommend the amendment to include the two  
4 following items whereas various documented chronic  
5 debilitating illnesses continue to affect first  
6 responders, residents, and volunteers today and  
7 will do so in the future. And whereas funding for  
8 the James Zadroga 9/11 Health and Compensation Act  
9 should be appropriated as a yearly budgeted line  
10 item to ensure continued medical care when an  
11 illness represents itself at any one time. Thank  
12 you very much for letting us testify today.

14 ESTHER REGELSON: Hello. My name is  
15 Esther Regelson. On behalf of the World Trade  
16 Center Health Program Survivor Steering Committee I  
17 would like to thank you all for holding this  
18 hearing. The Zadroga Act created the federal World  
19 Trade Center Health Program that provides for the  
20 9/11 related health needs of both responders and of  
21 residents, students, and area workers, groups  
22 Zadroga calls survivors. The majority of survivors  
23 receive WTC healthcare locally through the WTC  
24 environmental health center, the center of  
25 excellence for those who are sick as a result of

1  
2 being exposed to the disaster in lower Manhattan or  
3 western Brooklyn. EHC has WTC clinics in three of  
4 the health and hospital corporations, public  
5 hospitals, Bellevue, Gouverneur and Elmhurst.  
6 Survivors who have moved away from New York or  
7 people who were visiting and were caught in the  
8 dust cloud can now receive their WTC, TC treatment  
9 through the health program's extensive nationwide  
10 provider network. All care for eligible survivors  
11 is at no out of pocket cost. Survivor Steering  
12 Committee of which I am a member was created by  
13 Zadroga to advise the WTC Health Program on the  
14 evolving 9/11 health needs of survivors. Currently  
15 8,276 survivors are enrolled in the WTC EHC  
16 Survivor Program including pediatric patients ages  
17 14 through 18. Of those approximately 400 have been  
18 diagnosed with a WTC related cancer. I, myself am a  
19 patient of the WTC EHC. When I first went to the  
20 clinic my lung capacity was 45 percent. I can  
21 breathe a lot better now but will never be at 100  
22 percent. Without the WTC EHC I and thousands like  
23 me would not be getting specialized care that the  
24 Zadroga Act provides for. It is unthinkable that  
25 the federal government would cut off the funding

1  
2 stream and cut off care to the people who came  
3 under attack on September 11<sup>th</sup> and to the heroes  
4 who came to the rescue. Thank you.

5 MARIAMA JAMES: Hi my name is Mariama  
6 James, CB1 member originally seated on the World  
7 Trade Center Redevelopment Committee Youth and  
8 Education and Financial District and presently  
9 still on Youth and Education and Financial District  
10 Committees. I'm also a resident, a local resident  
11 of the area. I live on Gold Street. And a parent of  
12 children that were affected and a member of the  
13 Surviving Steering Committee for the bill. I didn't  
14 formally prepare anything but I just wanted to  
15 speak quickly to some of my experience and why I  
16 support the reauthorization. I have always taken my  
17 children to the doctor. Some people don't go  
18 regularly annually semi-annually whatever it is. I  
19 have always taken them. And although we have some  
20 very renowned in some cases doctors but in all  
21 cases capable I can tell you even having sat on the  
22 cack [phonetic] for the World Trade Center Registry  
23 and contributing to the guidelines that they made  
24 for physicians across the country I ca tell you  
25 that the physicians that are not connected to the

1  
2 program are not aware of how to treat these, these  
3 illnesses. So despite going to the doctor regularly  
4 I only found out recently in going to the World  
5 Trade Center Clinic that my eldest daughter was  
6 below 50 percent lung capacity Esther just spoke  
7 to. So only those doctors could give her that  
8 treatment and could make that diagnosis. It doesn't  
9 matter how famous her pediatrician is and he is  
10 quite famous actually at least in these areas. My  
11 youngest daughter was, is only a month younger than  
12 9/11. She was born in October of '01. And under  
13 the, the way the program is being instituted at  
14 least I some cases she's not eligible because of  
15 her age for some of the treatment. So whereas prior  
16 to the authorization of the bill she was diagnosed  
17 with GERD. In third grade she was missing a lot of  
18 school. She would get violently ill at school and  
19 I'd have to go pick her up. And she was diagnosed  
20 by the people at the original program with this  
21 very serious stomach illness that she still has.  
22 But for whatever reason the program doesn't cover  
23 it under the bill the way, the way it's being  
24 implemented or the way it's written I'm not sure.  
25 But the point is I wouldn't have known what to do.

1  
2 I wouldn't have been able to you know at least try  
3 to seek treatment even if I had to pay for it  
4 myself had I not taken her to those very specific  
5 professionals. You know so I, I can't say enough  
6 you know good things about the program because it  
7 has actually saved my children's lives and, and  
8 continues to.

9 CHAIR: Thank you. I, I just have a, one  
10 or two brief questions specifically for this panel  
11 and, ad the community folks that were impacted and  
12 that is how did 9/11 first respond to families and  
13 those in the lower Manhattan community impacted in  
14 ways that are outside of the scope of the treatment  
15 covered by the Zadroga Act. And were any groups  
16 excluded by the act or covered under other  
17 programs?

18 CATHERINE HUGHES: Boundaries are always  
19 an issue and originally the area for healthcare  
20 treatment was smaller and it was expanded. And a  
21 lot of discussion went into it. And there is  
22 continued debate on you know where that boundary  
23 should be.

24 CHAIR: Okay thank you.  
25

1  
2 CATHERINE HUGHES: But it's important  
3 that we have a program in place for the people who  
4 are covered.

5 CHAIR: Absolutely.

6 MARIAMA JAMES: I would say again  
7 especially if the reauthorization is at least in  
8 part intended to cover children as they grow older  
9 that there are some missing links there in their  
10 regard. I mean I, I know at least particularly like  
11 I just spoke to you about the, the GERD. For  
12 whatever reason my youngest daughter cannot be  
13 certified with GERD so therefore they can't, they  
14 can't administer the, the prescriptions for you  
15 know the, the treatment of the GERD or anything  
16 like that. They can tell me she has it. They can  
17 tell me what to do, where to seek you know help for  
18 it and you know maybe tell your doctor specifically  
19 you need XYZ in order to treat this problem but it  
20 doesn't fall under the program as I'm told. Also  
21 the, the mental illness aspect is you know come,  
22 it's a little, falls a little short of what a  
23 person experiencing those types of things would  
24 probably want you know while it's appreciated what,  
25 what does exist.

1  
2 CHAIR: The, is, in your opinion is that  
3 because of her age or because of a specific  
4 illness?

5 MARIAMA JAMES: Well I was told by the  
6 doctor that the, the GERD was because of her age.  
7 [cross-talk] She's 13. She was born in October of  
8 2001.

9 CHAIR: Mm-hmm.

10 MARIAMA JAMES: So I don't know how the  
11 determination was made that she shouldn't have GERD  
12 but she definitely came down with it you know prior  
13 to the authorization of the, the original bill.

14 CATHERINE MCVAY: Can I just make  
15 another point of clarification as a mom with two  
16 kids down the area. We're happy for the coverage  
17 and the studies that have happened over the last  
18 almost 14 years but the guidelines for pediatric  
19 healthcare was the last guideline to be  
20 established. First it was for adults. And we all  
21 know that children with their growing body are in,  
22 impacted in a different way than adults are to  
23 chemical exposure. And for kids who went to school  
24 in the area or lived in the area it could have been  
25 24/7. So if you lived in the area and you went to



1  
2 school in the area you didn't get a relief from,  
3 from that exposure. And then a lot of the studies  
4 were first on adults so you have great programs in  
5 place for whether it's FDNY. You know you have a  
6 baseline before and after, and doctors who are  
7 focused on that. But a lot of the children go to a  
8 lot of different doctors. And so it's a diverse  
9 group and again there have been not as many studies  
10 on children's health as there have been for the  
11 adults.

12 ESTHER REGELSON: Right if you can't be  
13 certified for something then, then you therefore  
14 wouldn't be eligible for that aspect of the VCF  
15 either, you know the, the VCF requires  
16 certifications in these different conditions.

17 CHAIR: Okay so I, I guess that does  
18 directly answer the question about other groups  
19 that may have been impacted that are not included  
20 or included at the level, at a sufficient level of...  
21 [cross-talk]

22 ESTHER REGELSON: Yeah.

23 CHAIR: ...support.

24 ESTHER REGELSON: And I would add if I  
25 may...

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CHAIR: That would be pediatric care.

ESTHER REGELSON: Mm-hmm. If, if I may..

CATHERINE HUGHES: And, and that was the last program that actually went into place. So it was a struggle to get the survivor community acknowledged. It was first an occupational exposure and Mount Sinai was terrific at that. And then finally Bellevue at HHC Health and Hospitals Corporation with some donations that cobbled together was able to put a great program together.

ESTHER REGELSON: If I may add to, in answer to your question and the gentleman on the end, the other member who's asking about undocumented workers. Also in my experience and understanding as a member of the surviving steering committee undocumented members are, citizens are covered. However we all have to go through like the terror watch list and the no-fly list and things like that. And so those people might be hesitant to come forward. And, and there was some more restrictions to that and added with the Health Care Act as well. You know you have to fill out forms to determine whether or not you're eligible or, to waive being, accepting the healthcare act. And so

1  
2 in that you provide information that you otherwise  
3 probably wouldn't want to if you're an undocumented  
4 worker or citizen until there's that like loophole.  
5 Yeah.

6 CHAIR: Council Member Dromm.

7 COUNCIL MEMBER DROMM: Thank you for  
8 that information. And, and I vaguely recall that  
9 being the issue probably I think. What about LGBT  
10 folks because I think there was a problem there as  
11 well with partners prior to marriage equality. Do  
12 you know anything about that?

13 ESTHER REGELSON: Ooh wow, no I haven't  
14 come across that at all.

15 COUNCIL MEMBER DROMM: Okay thank you. I  
16 was just wondering if you might know.

17 CHAIR: Okay. Thank you to the panel for  
18 coming out this morning.

19 [background comments]

20 CHAIR: Acknowledge Council Member  
21 Crowley.

22 COUNCIL MEMBER CHIN: Okay the next  
23 panel... Gilly Mejia from DC37 Safety and Health  
24 Director, Michelle Keller DC37, Gregorial Romaro  
25 DC37, Lee Clark also DC37, and Charlene Obernauer,

1  
2 okay, New York Committee for Occupation Safety and  
3 Health.

4 GILLA MEJIA: Good morning. My name is  
5 Gilla Mejia and I'm the Director of the Safety and  
6 Health Department for District Council 37. First I  
7 want to thank Council Member Miller and the members  
8 of the Committee on Civil Service and Labor for  
9 holding this hearing and providing a forum that  
10 allows us to send a strong and unified message to  
11 congress that the Zadroga Act must be reauthorized.  
12 We applaud and support the city council's  
13 resolution. The establishment of the Federal World  
14 Trade Center Health Program was recognition that  
15 the attack on September 11 was an assault on the  
16 nation. The response on September 11 in the weeks  
17 and months that followed was unprecedented. The  
18 nation came together and workers from across the  
19 country came to New York and assisted with the  
20 rescue recovery and cleanup efforts. And when they  
21 arrived they found themselves in some very  
22 dangerous condition, unstable grounds, fires  
23 flaring unexpectedly, smoke spewing, pulverized  
24 debris strewn about, and the presence of high  
25 concentrations of multiple contaminants in the air

1  
2 and on the surfaces. All of these conditions took,  
3 took a toll on the health of personnel at the side  
4 and in the surrounding areas. And despite the  
5 horrific conditions the responders, the cleanup  
6 workers, along with the residents and the area  
7 workers perform heroically. Today these individuals  
8 are suffering from the consequences of their  
9 determined actions. The health programs have  
10 provided some of them with hope that with quality  
11 medical care and treatment their lifespans will not  
12 be shortened. For others their exposures were too  
13 great for their bodies to handle and have since  
14 passed away. Others are so incapacitated that they  
15 can no longer be employed and have been removed  
16 from the work force. Let me just share some  
17 statistics with you so you can understand the  
18 magnitude of this program. There are over 71  
19 thousand individuals enrolled in the program today  
20 and, and they are living in practically every  
21 state. 429 congressional districts out of 435. And  
22 when you break down this number you'll see that  
23 about 2,000 are living in Florida, 475 are in  
24 California, Connecticut has 381 enrolled, Georgia  
25 has 268. And even Alaska has 29 participants in the

1  
2 program. I've attached a list of, of states and the  
3 membership to my testimony so you can see the, the  
4 numbers. So for those of, for anyone who thinks  
5 that this is just a New York New Jersey issue I  
6 mean they certainly, they certainly are wrong. More  
7 than 8,000 participants are in the national health  
8 program which provides treatment and monitoring for  
9 those living outside of New York and include  
10 responders from the pentagon and the Shanksville  
11 crash site. Over 30 thousand have been diagnosed  
12 with at least one condition and many have multiple  
13 health certified conditions. And overall there are  
14 about 38 thousand participants who have been  
15 certified as having cancers. And this number  
16 continues to grow today. The bottom line is this is  
17 that the program, the doors of the health program  
18 are shut 71 thousand individuals will be left  
19 without a safety net. Without our collective voice  
20 today we are sending a strong, with our collective  
21 voice today we are sending a strong message to  
22 Washington that the health program must be funded  
23 and it cannot cease to exist in 2016. DC37 strongly  
24 supports the city council resolution asking for the  
25 reauthorization of the Zadroga Act. Thank you.

1  
2 LEE CLARK: Good morning. My name is Lee  
3 Clark. And I'm here today representing and as a  
4 Director of the Citizens for the Extension of the  
5 James Zadroga Act but I am also the assistant to  
6 the President of Local 1549 DC37 Eddie Rodriguez.  
7 So I just wanted to be clear today of who I'm  
8 representing. I thank the chair and the committee  
9 members for holding this hearing. It's extremely  
10 important. I, I submitted written testimony, very  
11 brief written testimony so I, I don't want to read  
12 it. I'm sure your staff will have an opportunity to  
13 look at it later. But you heard, I just want to  
14 talk about a couple of things. You've heard  
15 statistics about the thousands and thousands of  
16 workers that are currently in the program. I need  
17 to let you know there are thousands and thousands  
18 of workers who are not and residents and other  
19 survivors who are not in the program today and need  
20 to be in the program that there is ongoing outreach  
21 to these groups of, of people that are not  
22 currently receiving proper health care for their  
23 world trade center exposures. Many groups such as  
24 NYCOSH and District Council 37 a lot of unions are  
25 trying to reach out. People retired, so much time

1  
2 has passed, people retired and, and the early days  
3 the program didn't exist so people didn't know  
4 about it. And they, and there's a lot of people  
5 across the country that still don't know about it.  
6 And I think if you look at the numbers there are  
7 numbers on the website, our website, the Citizens  
8 for the Extension of James Zadroga of the amount of  
9 people coming into the program on the monthly  
10 basis. So the need is there. The, the need is there  
11 for the program. Not only for the thousands of  
12 people but one of the panelists before talked about  
13 if you go to your regular family physician they're  
14 not acquainted with a lot of, how, how to treat  
15 some of the conditions and they're not, they're not  
16 putting one, two and two together and saying oh  
17 that condition may be related to the... trade center.  
18 You have funding, federal funding for centers of  
19 excellence with expert doctors who know how to  
20 identify these health conditions and treat these  
21 health conditions. That's a main consideration for  
22 why Zadroga needs to be extended. I applaud this  
23 committee. I applaud the council people for really  
24 helping to keep this issue front and center. When  
25 we were down in Washington I was part of the



1  
2 original group working with Congresswoman Maloney  
3 and Congressman Nadler and at that time Senator  
4 Clinton and Schumer to try to get the bill through.  
5 At that time it was classified as a New York City  
6 problem. It's all a New York City problem. And  
7 you've heard statistics from the prior speaker  
8 showing that almost every single congressional  
9 district in this country had people come here and  
10 respond to help. The question the councilman raised  
11 earlier about undocumented workers... I was in  
12 committee hearings where that issue was raised. And  
13 some of the dumbest, I've heard some of the dumbest  
14 things in my life during that hearing about, about  
15 how and why undocumented workers shouldn't be  
16 treated. It was a horrible, horrible discussion to  
17 have to witness. And you know the union stood up,  
18 the union stood up and, and the people who we  
19 brought down there and the responder stood up and  
20 said hey nobody asked to see a green card when  
21 people came down here and nobody should be asking  
22 for a green card for people to be treated and taken  
23 care of. And, and I'm going to tell you and I'm  
24 sure you sense it that this is going to be a long  
25 struggle trying to get a bill of this nature passed

1  
2 in, in the congress that we have right now but I'm  
3 hopeful, I'm very hopeful that we don't have to go  
4 there again with the arguments on both sides of the  
5 aisle. I'm hopeful that we'll, we will have a good  
6 bipartisan group of people where common sense will  
7 prevail and their hearts will open up and help keep  
8 this bill, or help extend this bill for an  
9 appropriate amount of time and not five years and  
10 not six years. We're looking at a population that  
11 was a young population, very healthy people that as  
12 a result of their exposure had to retire early. The  
13 fabrics of the families were torn apart because of  
14 the financial and economic devastation that these  
15 people are looking at having to retire very early  
16 in their career. So again you have the statistics,  
17 you have the stories, we could bring in hundreds of  
18 people in here whether they were first responders  
19 or community residents that had to wait a long time  
20 to get health care. I know that you understand the  
21 issue. I know you're going to help us with the  
22 issue. And I know you're going to keep this issue  
23 front and center. I will share one more thing with  
24 you and you can tell me to shut up. A lot of the  
25 people that were down in that pit were public

1  
2 sector workers. And I'm not talking about just  
3 firefighters and police officers, I'm talking about  
4 civilian public sector workers. You have pest  
5 control people down there to deal with the rats in  
6 the pit. You had architects, engineers, you have  
7 our people from DEP, people from transit, and the  
8 list goes on and on and on and on and on. And  
9 unfortunately a lot of these heroes have taken a  
10 back seat to the uniforms and there should be no  
11 competition, no competition once so ever of, of who  
12 was there and who was more important. City workers..  
13 [cross-talk] workers do not receive any time off to  
14 get health care treatment within this program.  
15 That's something you should think about. Thank you.  
16 Thank you for the opportunity to testify.

17 MICHELLE KELLER: Thank you so much.  
18 Good morning.

19 CHAIR: Good morning.

20 MICHELLE KELLER: To the council  
21 committee Honorable Daneek Miller, distinguished  
22 colleagues, all of our advocates, our political and  
23 our community partners my name is Michelle Keller.  
24 I am the first vice president of the Civil Service  
25 Technical Guild Local 375 of District Council 37.

1  
2 Ask me, we are the reunion. Greetings from..  
3 president. 7,000 members; engineers, architects,  
4 chemists, technical workers professional in their  
5 capability, everyday heroes, our patriots  
6 vigorously ready to serve their community, agency,  
7 and their country. Our members of the guild  
8 voluntarily and involuntarily move to build and  
9 rebuild on sacred ground. Our devastation started  
10 that dark day of seven, of September 11<sup>th</sup>, 2001. We  
11 cannot forget the victims nor our responders. This  
12 ease is a slow and a dreadful process. Many of the  
13 heroes have left a little part of themselves at the  
14 9-1-1 work site without hesitation or the worry of  
15 themselves or the families now or in the future. 13  
16 years hence and counting we are beginning to mourn  
17 the lives of our colleagues and our friends. None  
18 of our sisters or brothers neglected the public at  
19 that time. None have given up their livelihood no  
20 matter, no matter the medical unknown organ  
21 erosions, pressurized headaches, new breathing  
22 issues, digestive burn, and illnesses yet to be  
23 discovered. No one, not the city, our commissioner  
24 or paddock profiteer should get in the way. Our  
25 patriots were required to serve and they did so

1  
2 proudly, adequately, tenaciously. We must get out  
3 of their way and continue to give them all of the  
4 support they need saving lives through this Zadroga  
5 bill, reauthorize and protect New York City. Thank  
6 you for listening.

7 GREGORIAL ROMARO: Good morning. My  
8 name's Gregorial Romaro. I'm a DC37 member... day  
9 one... start with the city. I'm also a veteran and  
10 when that call got, was presented to me I stood up  
11 and say yes I'll be there. I was there from  
12 September 14<sup>th</sup> to January 31<sup>st</sup>. And seeing my  
13 colleagues as I know them now have lost about four  
14 of them close by me. And it was very painful when I  
15 heard every other month someone was passing away.  
16 As of this moment I have two colleagues of mine who  
17 are very ill who which one of them could not be  
18 here today. I got a call this morning and Greg can  
19 you be there. I said I'm there. I'm there for the  
20 team. Yeah I'm a team worker. And very stressful at  
21 that time seeing everybody just collapsing and... not  
22 having the proper equipment that we needed, the  
23 breathing... came like two weeks later and I was one  
24 of them that I was, I... blessed that I'm here, I'm  
25 able to talk about it and walk. And I've seen my

1  
2 friends and colleagues and all going through all  
3 this headaches as the, as the years went by. We had  
4 a gathering we do have every year and every year  
5 someone was lost or they couldn't be there because  
6 of the illness. Like I said one of them right now  
7 is Charlie Kay [sp?] who have... Vietnam war and  
8 right now he's very ill. He, he's breathing one  
9 lung. And every day I call to see how he's doing.  
10 And it's very painful to see a friend who just  
11 became a grandfather and it's stressful for us. And  
12 I'd like to have this bill be approved for the next  
13 40 50 years because those colleague behind us who  
14 had kids and now they are growing and they're  
15 getting older as time goes by. For me, like I say I  
16 have a breathing and, at time I get sick because I  
17 cannot digest my food correctly, I have to watch  
18 what I eat. But compare my health to others I'm  
19 blessed. And like I said I just got my call this  
20 morning, I was not really prepared, I'm just  
21 talking to the heart and, and telling my pain I  
22 went through. Like I said I'm a veteran and when I  
23 got a call I stood up, as a New Yorker I'm there.  
24 And... knows me I give a hundred percent. And I wish  
25 the congress give us a hundred percent that we need

1  
2 to fulfill our family needs. And that talking,  
3 during that process I lost my house because I was  
4 not there to give 100 percent to my family and I  
5 lost it because I didn't have the proper documents  
6 and I lost the house. And we're very stressful, my  
7 kids, my kids asking dad where we going to go now?  
8 I lived in a hotel for six months. And nobody could  
9 help me out. Michelle Keller knows what I went  
10 through. So please grant this wish that we waiting  
11 for. Thank you all. God bless.

12 CHAIR: Thank you. Thank you so much for  
13 your service. Before we here from Ms.... I'd like to  
14 acknowledge Council Member Consta, Costa  
15 Constantinides and we have a very special guest  
16 from, the mayor of Greek City of Caios [phonetic],  
17 Mayor Menolis Verneca [phonetic]. Did I, I'm sure I  
18 butchered it but thank you so much for being here.  
19 And he's with the former assembly member Matthew  
20 Meronus [sp?]. Thank you Assembly member.

21 GREGORIAL ROMARO: I'd like to say one  
22 thing also that got me a little frustrated being  
23 down there that one of our colleague Mike Kenny was  
24 trying to help out a labor, trying to help him out  
25 and then he got harassed and a fight broke out. The

1  
2 police and all attacked him.. not who he was, and  
3 that was very painful to seen that we all there to  
4 fight and help out each other and how can another  
5 civil server attack another civil server not  
6 knowing the proper cause, what, what he was doing.  
7 He was just trying to help out another labor who  
8 didn't have the proper... didn't speak English. And  
9 that was a really frustrating thing to see but  
10 overseen.

11 CHAIR: Okay... here.

12 CHARLENE OBERNAUER: Hi, good morning.  
13 The New York Committee for Occupational Safety and  
14 Health appreciates this opportunity to testify  
15 before the New York City Council regarding the  
16 resolution calling upon congress to pass the  
17 Zadroga 9/11 Health Act. And first I want to thank  
18 Chairperson Miller, Council Member Chin and the  
19 entire council that is here today for introducing  
20 this bill which we see as critical to supporting  
21 residents, volunteers, and workers who responded to  
22 9/11. We're recommending that the council vote yes  
23 on this resolution. You all know what it is so I'm  
24 not going to go into that. But I wanted to talk a  
25



1  
2 little bit about you know the story of someone  
3 who's the friend of a lot of us... [cross-talk]]

4 CHAIR: I'm sorry Ms.... could you  
5 identify yourself?

6 CHARLENE OBERNAER: I'm sorry. I'm, I'm  
7 Charlene Obernauer with the New York Committee for  
8 Occupational Safety and Health. And so I wanted to  
9 just tell the story of someone who is a friend to  
10 many of us and a hero to the people in this room;  
11 Francisco "Poco" Vega was one of the many people  
12 who responded after 9/11. Mr. Vega was a business  
13 manager of Heat and Frost Insulators Asbestos  
14 Workers Local 12A and was one of more than 23  
15 hundred asbestos workers hired to remove the toxic  
16 dust blown into surrounding buildings after the  
17 World Trade Center Attacks. Like many other workers  
18 including firefighters and police officers that  
19 were called in Mr. Vega and other workers were  
20 exposed to a wide array of toxins. As federal and  
21 city officials said that the air outside the city  
22 was, the air outside was safe and Wall Street  
23 resumed business as usual workers followed their  
24 lead. A lot of people, I mean one of the most  
25 tragic things is if you go to the 9/11 museum or

1  
2 you go to a lot of these places where there's  
3 photos of people you just see people with their  
4 masks off eating lunch, with their respirators off  
5 eating lunch and just kind of hanging out without  
6 respirators on because again they really believe  
7 that the air was safe. Mr. Vega like so many other  
8 workers, volunteers, and residents became sick  
9 after 9/11 as a result of his exposure. While there  
10 are many asbestos and other workers that came  
11 forward with illnesses after 9/11 many have not and  
12 some have not yet been diagnosed. For example  
13 mesothelioma, a common among asbestos workers and  
14 military service members is a rare cancer that most  
15 commonly develops in the lining of the lungs.  
16 Symptoms of mesothelioma can take as long as 50  
17 years to arise from the time someone is initially  
18 exposed to asbestos. Therefore this cancer along  
19 with many other illnesses could emerge after the  
20 World Trade Center Health Program Funding runs out  
21 in 2016 leaving many without health coverage.  
22 NYCOSH and many organizations and unions that did  
23 work after 9/11 are now mourning the recent death  
24 of Mr. Vega and many others. Today we are calls, we  
25 are, we are calling upon the city council to ensure

1  
2 that the sacrifices and activism of many after 9/11  
3 are not forgotten. Many of us will not forget  
4 Francisco "Paco" Vega and his advocacy for 9/11  
5 responders. This resolution asks that the  
6 government not forget him and so many others who  
7 heroically served our country and our city. Thank  
8 you.

9 CHAIR: Thank you. Council Member  
10 Constantinides.

11 COUNCIL MEMBER CONSTANTINIDES: Thank  
12 you Chair Miller and I, I you know truly thank you  
13 for taking the leadership on this and making sure  
14 that this is heard today and that we have the  
15 opportunity to really ask congress to do the right  
16 thing. I really don't have a question. I just want  
17 to say that our country owes our responders to 9/11  
18 a great debt, one that we can never truly repay and  
19 the, the thing that we must do is take care of  
20 their, their needs. We owe them much more than that  
21 but that should be the minimum that we should take,  
22 do so... I firmly support this resolution. I firmly  
23 support us doing the right thing and I thank you  
24 for those that were there, that are here today, and  
25 those that are here and being represented I want to

1  
2 make sure you please pass those great deal of  
3 thanks from this body. Thank you.

4 CHAIR: Council Member Chin do you have  
5 a, a statement?

6 COUNCIL MEMBER CHIN: I just you know  
7 want to thank everyone for coming in. We have to  
8 continue to remember all the individual sacrifice  
9 and that's why we have to continue to fight to get  
10 this Zadroga Act reauthorized. And hopefully  
11 congress will get the message as we all have heard  
12 from the statistic it's not just a New York New  
13 Jersey issue. And I think that we need to send a  
14 loud and strong message. So thank you for coming in  
15 to testify and for all the work that you do.

16 CHAIR: And I would like to say as one  
17 who spent some time down at 9/11 transporting  
18 workers as a member of the... transit union and  
19 ultimately being a part of the negotiations that  
20 were put together around the public employees and  
21 their confidence in the pact that, that, to ensure  
22 that the proper services and, would be given to the  
23 workers that had participated and really helped out  
24 and sacrificed for a great deal of time. And, and  
25 we all know of so many individuals that made such

1  
2 grave sacrifices that continue to be impacted  
3 themselves, lost lives, and their families. But for  
4 me the residents and the families of that local  
5 community and their impact is something that I had  
6 not really had the opportunity to witness first  
7 hand as in in the testimonies of the community  
8 board members and the residents to see that through  
9 no fault of their own that they were absolutely  
10 impacted and that their, their, their children and,  
11 and loved ones have been impacted and will be  
12 impacted for years and decades to come and that we  
13 have that responsibility to ensure that all those  
14 that were involved whether they volunteered or  
15 through no fault of their own that they're taken  
16 care of. Again I salute all those workers that  
17 sacrifice and that volunteered to go down there,  
18 spend the many hours putting themselves in harm's  
19 way for, for their service. And we again have that  
20 responsibility to do whatever we can to, to assist  
21 the congress in providing resources that are  
22 gravely necessary for us to move forward. And this,  
23 this committee is, is committed. I'm honored to be  
24 a part of this and be able to chair this and I'm so  
25 thankful for the members that have dedicated in

1  
2 the, and those who have signed on and I assure that  
3 the council will be moving this forward and we will  
4 be working with our colleagues and federal  
5 government... to ensure that those services are  
6 delivered and that they remain here. So with that I  
7 thank everyone for coming out. Look forward to a  
8 continued partnership around this important issue  
9 and this hearing is adjourned.

10 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date \_\_\_\_\_ April 13, 2015 \_\_\_\_\_