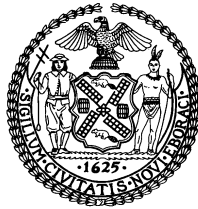


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THE COUNCIL OF THE CITY OF NEW YORK

COMMITTEE REPORT OF THE HUMAN SERVICES DIVISION

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COMMITTEE ON HEALTH

Hon. Mark Levine, *Chair*

December 17, 2018

Oversight: Survivors State of Health - Health of 9/11 Responders and the Surrounding Community

Res. No. 655-2018:

By Council Members Miller and Brannan

Title:

Resolution calling upon New York City to grant sick leave to all civilian officers and employees of the City of New York seeking treatment for a qualifying World Trade Center condition

Introduction

On December 17, 2018, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, and the Committee on Health, chaired by Council Member Mark Levine, will hold a joint oversight hearing: “Survivors State of Health - Health of 9/11 Responders and the Surrounding Community.”

The hearing will generally address multiple issues stemming from the September 11, 2001 (9/11) terrorist attacks, including the current health issues faced by first responders, how the World Trade Center Health Registry (Registry) is used and the data it has collected on New York City residents, how the World Trade Center Health Program (WTCHP) is being run, and the funding status of the Victim Compensation Fund (VCF). The Committee on Civil Service and Labor will also hear Res. No. 655, introduced by Council Member Miller, calling upon New York City to grant sick leave to all civilian officers and employees of the City of New York seeking treatment for a qualifying World Trade Center condition. Witnesses invited to testify include the Office of Labor Relations, Department of Health and Mental Hygiene, the five New York City pension systems, unions, World Trade Center survivor organizations and other interested parties.

Background

On September 11, 2001, 19 terrorists, associated with the Islamic extremist group al-Qaeda, perpetrated a series of airline hijackings and suicide attacks against New York City, Washington, D.C, and Shanksville, Pennsylvania that have been named the deadliest terrorist attacks on American soil in United States’ history.¹ These attacks directly caused a total of 2,977 deaths, with an indirect death and injury toll still being calculated.² The events of 9/11 triggered

¹Bergen, Peter L. “September 11 attacks.” Encyclopedia Britannica, (September 10, 2018) available at <https://www.britannica.com/event/September-11-attacks>.

² Id.

an enormous response from the United States to terrorism across the globe, and influenced the start and perpetuation of the U.S.' wars in Afghanistan and Iraq.³

The 9/11 terrorist attacks in New York City left hundreds of thousands of people exposed or potentially exposed to dust, particulates, and other environmental contaminants on that day, and for months and years following.⁴ It is estimated that 2,000 tons of asbestos fibers were released into the air by the collapse of the Twin Towers, with buildings next to Ground Zero having an asbestos level 112,000 times above the legal limit.⁵ Firefighters, police officers, construction workers, transit workers, volunteers, contractors, and others from across the country came to “Ground Zero”—the colloquial term used to refer to the area where the World Trade Center (WTC) came down—in efforts to aid in the search for survivors and to aid in recovery and clean-up efforts at the site.⁶ The work took months and required employees from city, state, and federal agencies working tirelessly to rebuild the area. Following the immediate devastation caused by the attacks, there was concern that the attack could have longer-term consequences for the health of responders, clean-up workers, residents, office workers, school children, and others, with an estimated 410,000 people exposed to the contaminated air within the vicinity of Ground Zero.⁷ A growing body of evidence and research suggests that significant physical and mental health conditions, associated with exposure to the disaster, have emerged.

³ Id.

⁴ Mauney, Matt “Asbestos, 9/11 and the World Trade Center.” The Mesothelioma Center. <https://www.asbestos.com/world-trade-center/>.

⁵ Id.

⁶ Id.

⁷ Id.

World Trade Center Programs

A. Registry (New York City Department of Health and Mental Hygiene (DOHMH))

The Registry was developed to document and evaluate the long-term physical and mental health effects of 9/11 and gaps in care.⁸ The Registry is the largest registry in U.S. history to track the health effects of a disaster.⁹ It was planned by DOHMH and the Federal Agency for Toxic Substances and Disease Registry (ATSDR).¹⁰ It has been funded by the National Institute of Occupational Safety and Health (NIOSH) since May 2009.¹¹ New York City, however, has funded some specific Registry projects such as the Registry Study of Lower Manhattan residents and office workers exposed to the disaster.¹²

Enrollment in the Registry was voluntary for people who lived, worked, or went to school within the vicinity of the disaster or were involved in the recovery efforts. Enrollment was intended to be time limited with enrollment closing in 2004.¹³ The people who were eligible to complete the initial survey were: people who were in the buildings, or the subway south of Chambers Street on 9/11; people involved in the rescue, recovery, or clean up at the WTC site or the WTC recovery base in Staten Island for at least one shift between 9/11 and June 30, 2002; student and staff enrolled in schools or day care centers south of Canal Street on 9/11; and people who were living south of Canal Street on 9/11.¹⁴ More than 71,000 people enrolled by completing a 30-minute telephone interview.¹⁵ The subsequent surveys were given to the same original enrollees. To

⁸ NYC 9/11 Health, “Frequently Asked Questions.” Available at: <https://www1.nyc.gov/site/911health/about/frequently-asked-questions-faq.page>

⁹ Id.

¹⁰ “World Trade Center Health Registry: Frequently Asked Questions” NYC 9/11 Health <https://www1.nyc.gov/site/911health/about/frequently-asked-questions-faq.page>

¹¹ Id.

¹² “World Trade Center Health Registry” NYC 9/11 Health. <https://www1.nyc.gov/site/911health/about/wtc-health-registry.page>

¹³ “Who Is Enrolled” NYC 9/11 Health. <https://www1.nyc.gov/site/911health/about/who-is-enrolled.page>

¹⁴ Id.

¹⁵ Id.

initially enroll, people completed a confidential health survey, with the initial survey, “Wave 1,” completed in 2004.¹⁶ This initial data was used by health professionals to compare the health of those directly exposed to the disaster with that of the general population. No blood tests or medical exams were required to enroll.¹⁷ The first follow-up survey, “Wave 2,” was completed for adults in 2007 and for children in 2008.¹⁸ In 2011, the Registry launched its second follow-up survey, “Wave 3,” for adults, adolescents and parents of adolescent enrollees. The fourth major survey, “Wave 4,” was completed in 2015 for all age groups.¹⁹ The Registry did not delineate between first responders and survivors. Instead, the original questionnaire was sent to all those affected in the area including first responders. Following this, studies were done on various groups such as children, adolescents and adults. The DOHMH website provides data from the Registry’s surveys.²⁰

Registry findings from these surveys are shared with enrollees, the public, and health providers who may treat those affected by 9/11. However, the Registry does not provide health care or financial assistance for health-related issues.²¹ Notably, the Registry releases an annual report, detailing information on the Registry’s current activities and accomplishments, as well as details on recent findings about the health consequences of 9/11.²² For example, in the 2017 Annual Report, information regarding: where and how to get care for 9/11-related health

¹⁶ “World Trade Center Health Registry” NYC 9/11 Health. <https://www1.nyc.gov/site/911health/about/wtc-health-registry.page>

¹⁷ Id.

¹⁸ Id.

¹⁹ Id.

²⁰ NYCDOHMH, Health Data Tools. <https://www1.nyc.gov/site/911health/researchers/health-data-tools.page>.

²¹ Id.

²² Id.

conditions; adolescent and young adult research findings; and young adult enrollees' 9/11 experiences were discussed in detail.²³

Lastly, the Registry runs a program called the Treatment Referral Program (TRP) that links those on the registry with the WTCHP.²⁴

B. WTCHP

In 2011, Congress passed the James Zadroga 9/11 Health and Compensation Act establishing the federal WTCHP, which offers high-quality care to those directly affected by the 9/11 terrorist attacks in New York, Washington, D.C., and Pennsylvania.²⁵ The WTCHP provides treatment for a specific list of physical and mental health conditions – covered conditions – that have been determined to be caused by exposure to the 9/11 terrorist attacks, which include:

- Acute Traumatic Injury, such as burns, complex sprains, eye injuries, fractures, and head trauma;
- Aerodigestive Disorders (Airways and Digestive Disorders), such as asthma, chronic cough syndrome, chronic rhinosinusitis, gastroesophageal reflux disorder (GERD), and interstitial lung diseases;
- Cancer, such as childhood cancers, malignant neoplasms, Mesothelioma, and rare cancers;
- Mental Health Conditions, such as acute stress disorder, generalized anxiety disorder, panic disorder, post-traumatic stress disorder (PTSD), and substance abuse; and
- Musculoskeletal Disorders, such as carpal tunnel syndrome (CTS), and lower back pain.²⁶

²³ “World Trade Center Health Registry 2017 Annual Report” available at <https://www1.nyc.gov/assets/911health/downloads/pdf/registry/wtchr-annual-report2017.pdf>

²⁴ NYCDOHMH, Your 9/11 Health Care. <https://www1.nyc.gov/site/911health/enrollees/9-11-treatment-referral-program.page>

²⁵ “About the Program World Trade Center Health Program.” Centers for Disease Control and Prevention. <https://www.cdc.gov/wtc/about.html>.

²⁶ “World Trade Center Health Program. Covered Conditions” Centers for Disease Control and Prevention. <https://www.cdc.gov/wtc/conditions.html#cancers>

WTCHP recognizes hundreds of illness related to the attack and provides funding to help people diagnosed with any of them.²⁷ Congress reauthorized the program in 2015, extending the provision of compensation to 2020 and its health care measures to 2090.²⁸ The program is administered by the NIOSH and receives funding from the federal government.²⁹ The program provides healthcare to those individuals with a qualifying WTC-Related Health Condition, which includes medical monitoring and treatment.³⁰

In an effort to provide comprehensive services, the program splits up 9/11 survivors and responders into four categories: FDNY Responders, General Responders, NYC Survivors and Pentagon/Shanksville, PA Responders. Once enrolled in the program, these members can choose the clinic to visit for their medical screening and care.³¹ General Responders' clinics are located across the city and nationwide. In addition, the FDNY through the FDNY Responder Health Program provides its own monitoring exams and treatment for FDNY members who participated in the WTC rescue and recovery efforts. According to the most recent quarterly report from the program submitted on June 20, 2018, the total number of members enrolled in the WTCHP was 88,484.³²

²⁷ "James Zadroga 9/11 Health and Compensation Act of 2010" (January 5, 2010) available at <https://www.gpo.gov/fdsys/pkg/BILLS-111hr847enr/pdf/BILLS-111hr847enr.pdf>

²⁸ Brune, Tom "Zadroga Act Extension Approved by Congress" Newsday (December 18, 2015) <https://www.newsday.com/news/nation/congress-overwhelmingly-oks-extension-of-zadroga-act-1.11243479>

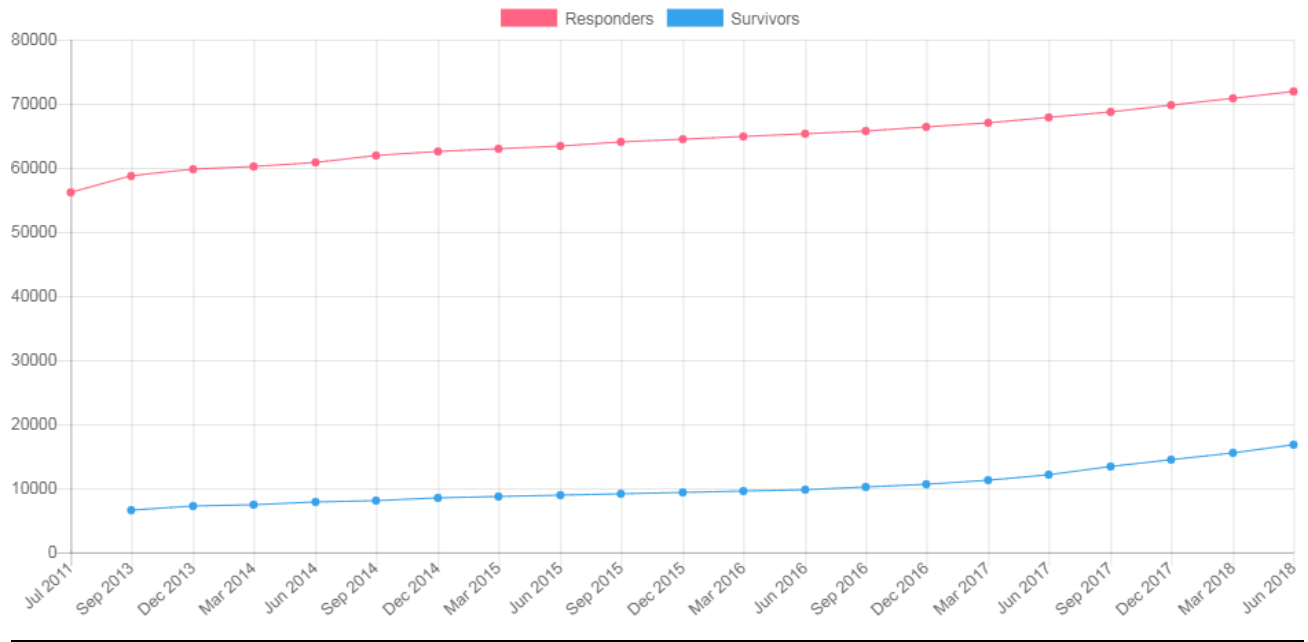
²⁹ "History" World Trade Center Health Program <https://www.cdc.gov/wtc/history.html>

³⁰ Currently the WTCHP is housed within NIOSH which in turn is under the umbrella of the Center for Disease Control ("CDC"). Under the 2019 fiscal year budget for NIOSH put forth by President Trump, the agency would be carved out of the CDC and placed within the National Institute of Health however, the WTCHP would remain behind within the CDC. The proposal was rejected by Congress and abandoned.

³¹ "Eligible Groups" World Trade Center Health Program <https://www.cdc.gov/wtc/conditions.html>

³² "Program Statistics" World Trade Center Health Program <https://www.cdc.gov/wtc/atagance.html#enrollmentWTC>

Figure 1: Overall Enrollment in the WTCHP

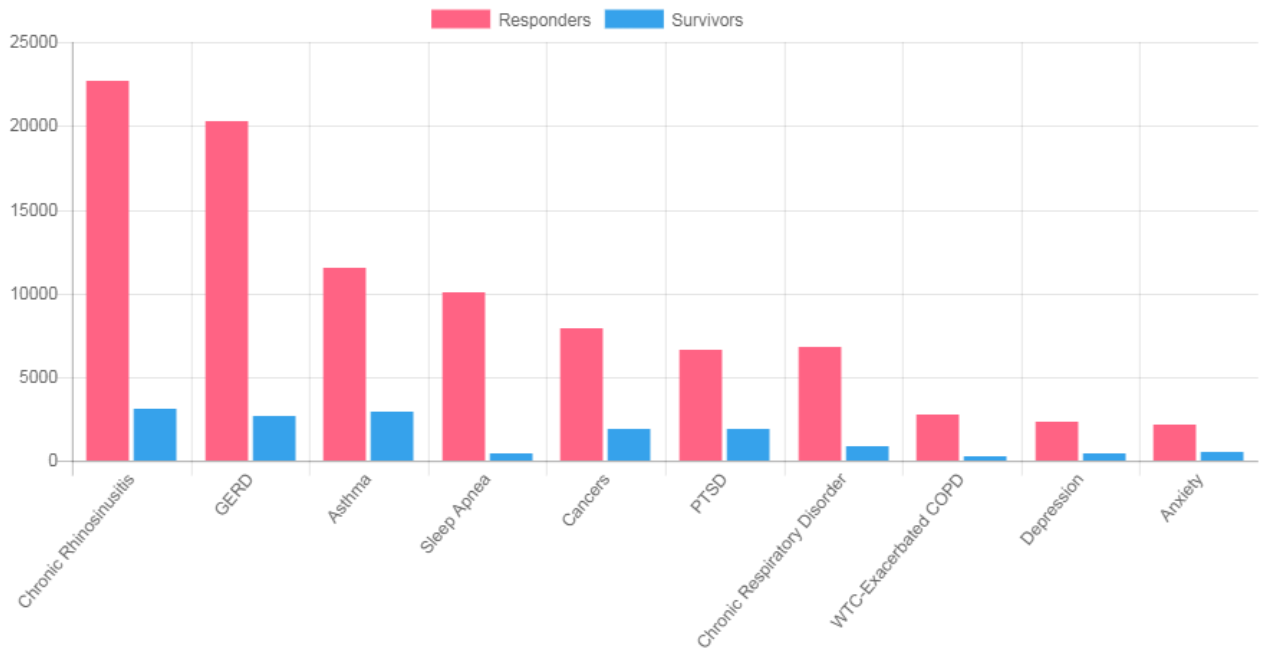


Source: WTCHP

The WTCHP provides a list of covered conditions in the program, however the list is subject to change as the organization continues its research and learns about the effects of 9/11 exposure on health.³³

³³ “Covered Conditions” World Trade Center Health Program <https://www.cdc.gov/wtc/conditions.html>

Figure 2: Top Ten Certified WTC Conditions



Source: WTCHP

According to WTCHP’s data, the top ten certified conditions among individuals affected by the attacks of 9/11 are:³⁴

1. Chronic Rhinosinusitis: Cavities around sinuses become inflamed and swollen, which interferes with drainage and causes mucus buildup. Breathing through the nose becomes difficult and the areas around the eyes and face can get swollen, followed by pain and tenderness.³⁵
2. GERD: Gastroesophageal reflux disease is a digestive disorder that affects the ring of muscle between the esophagus and stomach. The muscle is weak or relaxes inappropriately allowing for the stomach’s contents to flow up into the esophagus.³⁶

³⁴ “Top 10 Certified Conditions,” WTCHP, available at <https://www.cdc.gov/wtc/ataglance.html#top10Conditions>

³⁵ “Chronic Sinusitis” Mayo Clinic available at <https://www.mayoclinic.org/diseases-conditions/chronic-sinusitis/symptoms-causes/syc-20351661>

³⁶ “Gastroesophageal Reflux Disease (GERD)” WebMD <https://www.webmd.com/heartburn-gerd/guide/reflux-disease-gerd-1#1>

3. Asthma: Disease that affects the airways of the lungs, with airway lining tending to always be in a hypersensitive state characterized by redness and inflammation. This hypersensitive state makes the airways react to everyday things or asthma “triggers.”³⁷
4. Sleep Apnea: Occurs when the upper airway becomes blocked repeatedly during sleep, reducing or completely stopping airflow. Undiagnosed or untreated sleep apnea can lead to complications such as heart attack, glaucoma, diabetes, cancer, and cognitive and behavioral disorders.³⁸
5. Cancers: Collection of related diseases where some of the body’s cells begin to divide without stopping and spreading into surrounding tissues. As cells become more and more abnormal, old or damaged cells survive when they should die, and new cells form when they are not needed.³⁹ The cancer that 9/11 first responder and survivors in the program suffer from the most is non-melanoma skin cancer, with close to 3,000 victims.⁴⁰ Second to this is prostate cancer, with close to 2,000 victims suffering from the disease.⁴¹
6. PTSD: Post-traumatic stress disorder is a psychiatric disorder than can occur in people who have experienced or witnessed a traumatic event. People suffering from PTSD have intense, disturbing thoughts and feelings related to their experience that last long after the traumatic event has ended.⁴²
7. Chronic Respiratory Disorders: Encompasses various types of chronic diseases of the airways and structures of the lungs that can be caused by pollution and occupational risks.⁴³

³⁷ “How Asthma Affects Your Body” American Lung Association. <https://www.lung.org/lung-health-and-diseases/lung-disease-lookup/asthma/learn-about-asthma/how-asthma-affects-your-body.html>

³⁸ “Sleep Apnea” National Heart, Lung and Blood Institute. <https://www.nhlbi.nih.gov/health-topics/sleep-apnea>

³⁹ “What is Cancer?” National Cancer Institute. <https://www.cancer.gov/about-cancer/understanding/what-is-cancer>

⁴⁰ Id.

⁴¹ Id.

⁴² “What is Posttraumatic Stress Disorder?” American Psychiatric Association <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>

⁴³ “Chronic Respiratory Diseases” World Health Organization. http://www.who.int/respiratory/about_topic/en/

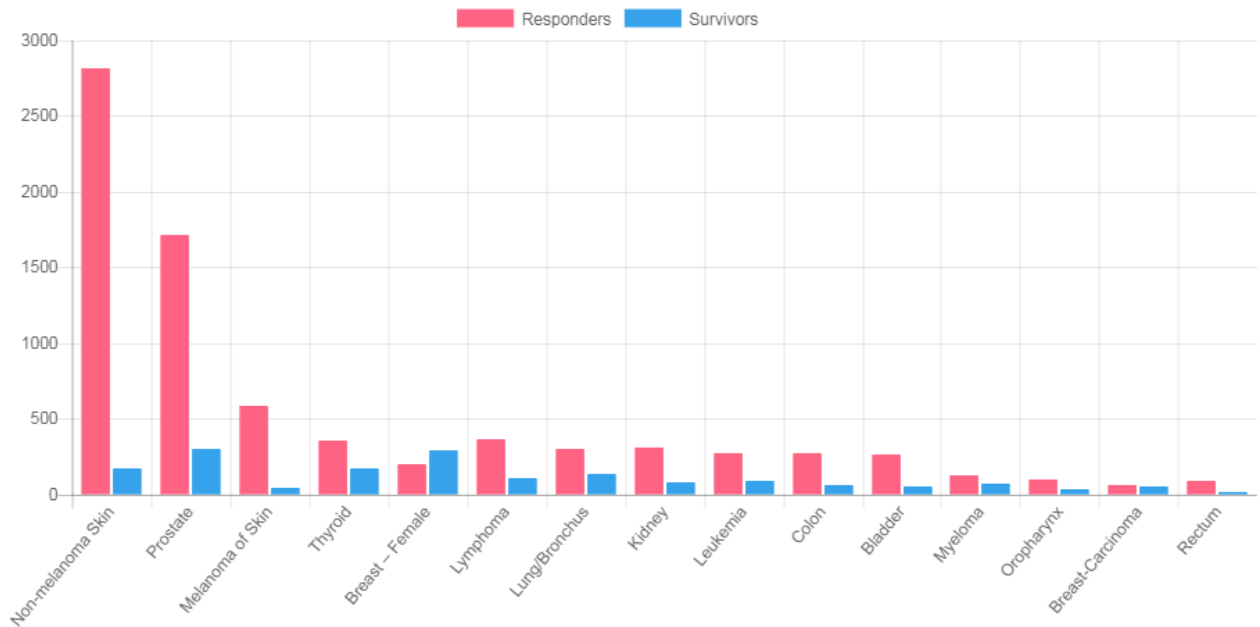
8. WTC-Exacerbated Chronic Obstructive Pulmonary Disease (COPD): COPD is an umbrella term for a variety of pulmonary conditions such as chronic bronchitis, pulmonary emphysema, pulmonary function decline, respiratory insufficiency, airway obstruction or airflow limitation. COPD is a progressive disease that causes breathing difficulties, excessive mucus production, wheezing, shortness of breath and chest tightness.⁴⁴
9. Depression: Causes feelings of sadness and/or a loss of interest in activities once enjoyed. It can lead to a variety of emotional and physical problems and can decrease a person's ability to function at work and at home.⁴⁵
10. Anxiety: Category of mental health diagnoses that cause nervousness, fear, apprehension and worry. Can alter how a person processes emotion and behaves, also causing physical symptoms.⁴⁶

⁴⁴ "What is COPD?" COPD Foundation. <https://www.copdfoundation.org/What-is-COPD/Understanding-COPD/What-is-COPD.aspx>

⁴⁵ "What is Depression?" American Psychiatric Association <https://www.psychiatry.org/patients-families/depression/what-is-depression>

⁴⁶ "What are Anxiety Disorders?" Medical News Today. <https://www.medicalnewstoday.com/articles/323454.php>

Figure 3: Top Ten Certified Cancers



Source: WTCHP

Despite the known diseases already linked with 9/11, there have been additional reports of diseases in victims who have been exposed to the air around Ground Zero after the attacks. Thousands of people who lived or worked in the neighborhood at the time found themselves breathing in air thick with toxic fumes and particles from the pulverized, burning skyscrapers. Many have since become sick or have died, with new cases that are linked back to the poisons that were in the air around the wreckage still occurring all the time.⁴⁷ There have been reports of male breast cancer in victims that were exposed to the air post 9/11, even though the disease accounts for just one percent of breast cancer annually.⁴⁸ Victims also include students from the vicinity

⁴⁷ Durkin, Eric “September 11: Nearly 10,000 People Affected by ‘cesspool of cancer’” The Guardian September 11, 2018. <https://www.theguardian.com/us-news/2018/sep/10/911-attack-ground-zero-manhattan-cancer>

⁴⁸ Campanile, Carl “Growing Number of Ground Zero-area men Have Breast Cancer.” NY Post (October 10,2018) <https://nypost.com/2018/10/10/growing-number-of-ground-zero-area-men-have-breast-cancer/>

who have also reported illnesses stemming from the disaster. Former students, including those from Stuyvesant High School just four blocks away from Ground Zero, are developing illnesses including cancers, asthma, and gastrointestinal illnesses.⁴⁹

Unlimited Sick Leave for All City Workers

Responders and survivors after 9/11 have been suffering from various health and mental health conditions that have stemmed from their presence at Ground Zero. These conditions are known as qualifying WTC-Related Health Conditions. First responders in New York who were members of the Fire Department of New York (FDNY), New York Police Department (NYPD), the Department of Corrections or the Department of Sanitation and had suffered from a qualifying WTC-Related Health Condition were able to get unlimited sick leave through their “line of duty” coverage as a result of having suffered an injury/illness while in the line of duty.⁵⁰ However, other city employees such as Emergency Medical Technicians (EMTs), laborers, engineers, and other employees across City agencies, who were working near Ground Zero or served in the recovery efforts were not granted access to unlimited sick leave for their qualifying WTC-Related Health Conditions.

On September 11, 2017, Governor Cuomo signed A.7901A/S.26398,⁵¹ under which individuals would be eligible for unlimited paid sick leave at 100 percent of their regular salary dating back to the time of diagnosis for qualifying WTC-Related Health Conditions, as defined in section two of the New York State Retirement and Social Security Law.⁵² Importantly, the only individuals who benefitted from this law were government employees *outside* of New York City.

⁴⁹ Rahhal, Natalie “Students with 9/11- Related Illnesses Describe Their Horrific Diagnosis” (February 9, 2018) <https://www.dailymail.co.uk/health/article-5373627/Students-9-11-related-illnesses-diagnoses.html>

⁵⁰ N.Y. Gen. Municipal Law.

⁵¹ A.7901A/S.26398, Reg. Sess. 2017-2018 (N.Y. 2017).

⁵² “Governor Cuomo Signs Legislation Expanding Unlimited Sick Leave Benefit” NYS News.

<https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-expanding-unlimited-sick-leave-benefit-new-yorkers-who>; Retirement and Social Security Law § 2,

There was backlash caused by the exclusion of NYC employees, as there remained a substantial number of New York City employees who were first responders and did not have “line of duty” coverage, and therefore, would not receive unlimited sick leave for their WTC-Related Health Conditions. At the time, Mayor Bill de Blasio’s administration opposed legislation to extend the benefits to New York City employees, believing that the issue needed to be addressed and negotiated with the unions representing the City municipal workforce.⁵³

Ultimately, on October 23, 2018, Mayor de Blasio extended unlimited sick leave protections for a number of New York City civilian first responders. The solution involved a deal with District Council 37, the City’s largest municipal worker labor union, and is expected to serve as a foundation for additional agreements with other unions.⁵⁴ The agreement is estimated to affect 2,000 city employees and will be retroactive from September 11, 2001.⁵⁵ It will be provided to employees in a range of titles across several City agencies, including employees of the union’s various divisions such as EMTs, peace officers, laborers, engineers, and others.⁵⁶ It will cost the City tens of millions of dollars over the next 15 years.⁵⁷ It should be noted that the City’s Fiscal Year 2018 budget was \$87.44 billion.⁵⁸

⁵³ “Doing Right by Sick 9/11 Workers,” *NY Times*, <https://www.nytimes.com/2018/09/27/opinion/doing-right-by-sick-9-11-workers.html>

⁵⁴ Herzfeld, J. “NYC Gives Unlimited Sick Leave to Employees with 9/11-Related Ills,” *Bloomberg Law*. Oct. 23, 2018, available at: <https://news.bloomberglaw.com/daily-labor-report/nyc-gives-unlimited-sick-leave-to-employees-with-9-11-related-ills>.

⁵⁵ *Id.*

⁵⁶ Mayoral Press Release “Mayor de Blasio and DC 37 Announce Unlimited Paid Sick Leave For 9/11 Responders” (October 23, 2018) <https://www1.nyc.gov/office-of-the-mayor/news/520-18/mayor-de-blasio-dc-37-unlimited-paid-sick-leave-9-11-responders>.

⁵⁷ *Id.*

⁵⁸ New York City Council, Fiscal 2018-2022 Financial Plan Overview. Available at: https://council.nyc.gov/budget/fy18-22_financial_plan_overview/.

Disability Pension Concerns

Another growing concern stemming from 9/11 is the disparities in disability pensions granted to first responders of 9/11. One acute example is FDNY paramedics and EMTs who responded to the 9/11 attacks and now suffer from WTC-Related Health Conditions. Paramedics and EMTs, unlike firefighters, are enrolled in the New York City Employments Retirement System (NYCERS).⁵⁹ According to an October 2, 2017 *New York Post* article, the NYCERS board had rejected nearly half of the disability claims related to 9/11 filed by EMTs and paramedics over that past year (56 out of 116).⁶⁰ By comparison, the Fire Department Pension Fund has approved 75 percent of disability claims submitted by firefighters and officers within the FDNY stemming from the attacks. The difference is significant, as the average disability pension is \$75,043, while the average regular service pension is \$44,659.⁶¹ EMTs who have been denied their disability pension have been addressing their concerns with the state. Specifically, former-State Senator Martin Golden, who chaired the committee that oversees government work and pension legislation, was investigating the disparity in NYCERS disability claims.⁶²

According to the NYCERS July 17, 2018 *Executive Director Update*, since the fall of 2017, NYCERS has initiated a number of changes including policy changes, process changes, medical board changes, increased staffing and technological improvements aimed at “help[ing] [NYCER] members who served the City of New York in the Rescue, Recovery, and Clean-up efforts to expeditiously receive all the benefits that they are entitled to.”⁶³ No similar efforts could be identified on the websites of the remaining New York City pension boards.

⁵⁹ Campanile, Carl “City is Denying 9/11 First Responders Disability Pensions” (October 7, 2017) <https://nypost.com/2017/10/02/city-is-denying-911-first-responders-disability-pensions/>

⁶⁰ Id.

⁶¹ Id.

⁶² Id.

⁶³ New York City Employee Retirement System, “Executive Director Update” (July 17, 2018) <https://www.nycers.org/executive-director-update>.

Further, issues have arisen regarding disability pensions granted by the NYPD pension board. Specifically, NYPD first responders who have illnesses related to their efforts have been frustrated with the NYPD's pension board process. The board's process includes verification of WTC participation, often requiring first responders to produce credible evidence of participation. Every applicant must provide two forms of documentation that show that they were present during the recovery efforts.⁶⁴ The NYPD defended their actions stating that:

verification of WTC participation is made based on the totality of the credible evidence amassed...Approximately 1,006 members have had their participation verified and approximately 9 members were denied due to a lack of verification...The NYPD seeks nothing but fairness for its members and Pension Fund decisions are subject to judicial review if a member is dissatisfied with the result.⁶⁵

Funding for 9/11 Victims

The September 11 VCF was created to provide compensation for any individual or personal representative of a deceased individual who suffered physical harm or was killed as result of the 9/11 attacks or the debris removal effort that took place in the immediate aftermath of the crashes. The original VCF operated from 2001 to 2004.⁶⁶ From 2001 to 2003, the fund received 7,408 claim submissions and awards were made in 5,560 of those cases, totaling over \$7 billion.⁶⁷ Additionally, the fund received 2,963 death claims and funds were distributed in 2,880 of these cases with an average award of \$2 million, and as high as \$7 million.⁶⁸

⁶⁴ Manskar, Noah "Pension Fund Stonewalling Cops Who Responded to 9/11, Adams Says" (September 10, 2018) <https://patch.com/new-york/heights-dumbo/pension-fund-stonewalling-cops-who-responded-9-11-adams-says>.

⁶⁵ "9/11 Responders Voice Frustrations with Pension Process" News12 Brooklyn (September 10, 2018) <http://brooklyn.news12.com/story/39063078/911-responders-voice-frustrations-with-pension-process>

⁶⁶ "About the Victim Fund Compensation" September 11th Victim Fund

⁶⁷ "September 11th Victim Aid and Compensation Fast Facts" CNN (September 3, 2018)

<https://www.cnn.com/2013/07/27/us/september-11th-victim-aid-and-compensation-fast-facts/index.html>

⁶⁸ Id.

In 2011, pursuant to the Zadroga Act, the VCF re-opened for a period of five years, ending in October 2016. In 2015, the reauthorization of the Zadroga Act included an extension of the VCF.⁶⁹ The new law extends the VCF for five years, allowing individuals to submit claims until 2020. Since its re-opening in 2011, the VCF has received 37,652 total eligibility forms and of that, 20,391 claims have been approved.⁷⁰

A notice by Rupa Bhattacharyya, the special master of the VCF, was published concerning the risk of the fund running out of money. The fund currently has \$7.4 billion allocated.⁷¹ Further, the fund had paid out \$4.3 billion on 32,689 claims as of August 31, 2018, but more claims are anticipated, raising the possibility that not enough money has been set aside for victims.⁷² A bipartisan group of federal legislators from New York has urged their colleagues in Congress to permanently fund the VCF.⁷³ Specifically, they have introduced legislation S.3591/H.R. 7062, “Never Forget the Heroes: Permanent Reauthorization of the September 11th Victim Compensation Fund Act,” which would respond to any shortfalls in funding by permanently authorizing the VCF.⁷⁴ Senator Kirsten Gillibrand (D-NY) is sponsoring the legislation in the Senate along with fellow Senators Charles Schumer (D-NY) and Cory Gardner (R-CO). Sponsorship in the House is being led by New York City Democrats Jerrold Nadler and Carolyn Maloney and Long Island Republican Peter King.⁷⁵ The legislation was introduced with a strong show of initial support with

⁶⁹ Id.

⁷⁰ Id.

⁷¹ Dowdy, Zachary “NY Legislators Call for Permanent Funding of 9/11 Victim Compensation Fund” *Newsday*. October 2, 2018. <https://www.newsday.com/long-island/9-11-victim-compensation-fund-ny-1.21388981>

⁷² Id.

⁷³ Durkin, Eric “Sick Survivors of 9/11 Could Be Granted a Permanent Compensation Fund” *The Guardian*. October 12, 2018 <https://www.theguardian.com/us-news/2018/oct/12/sick-survivors-of-911-could-be-granted-a-permanent-compensation-fund>

⁷⁴ “Bipartisan Bill to Permanently Reauthorize and Fund VCF for 9/11 Heroes and Their Families...” *Citizens for the Extension of the James Zadroga Act*. October 12, 2018. <http://www.renew911health.org/bipartisan-bill-to-permanently-reauthorize-fund-vcf-for-9-11-heroes-and-their-families-is-introduced-s-3591-h-r-7062/>

⁷⁵ Id.

18 bipartisan sponsors in the Senate and 39 in the House with members of Congress from across the country signing on.⁷⁶

Mental Health Conditions and Services

Those affected by the attacks on 9/11 have experienced a wide range of short-term and long-term mental health conditions and risk factors, including fear, depression, horror, anxiety, and trauma-related conditions. According to the Registry data, 70% of enrollees in the Registry reported witnessing traumatizing events on 9/11, including seeing people running away from the dust cloud, seeing collapsing buildings, seeing people injured or killed, seeing people falling or jumping from the towers, or seeing an airplane hit the towers.⁷⁷ Immediately after 9/11, 16% of enrollees screened positive for probable PTSD, and 8% screened positive for serious psychological distress (SPD).⁷⁸ PTSD was reported higher among: those who reported Hispanic ethnicity (30%); household income of less than \$25,000 (31%); and those who were injured (35%).⁷⁹ The Registry estimates that between 34,600-70,200 of adult enrollees experienced PTSD following the attacks.⁸⁰

Apart from short-term conditions, there are also long-term mental health conditions resulting from the attacks on 9/11, including PTSD, depression, general anxiety disorder (GAD), and substance use disorders.⁸¹ Although suicide rates among New Yorkers declined significantly six months after 9/11,⁸² individuals directly affected and individuals *not* directly affected by 9/11

⁷⁶ Id.

⁷⁷ “Estimated Number of People Eligible for Enrollment in the Registry,” *available at* <https://www1.nyc.gov/assets/911health/downloads/pdf/registry/estimated-number-for-enrollment.pdf>

⁷⁸ Farfel M, DiGrande L, Brackbill R et al. An Overview of 9/11 Experiences and Respiratory and Mental Health Conditions among World Trade Center Health Registry Enrollees. *Journal of Urban Health: Bulletin of the New York Academy of Medicine*. 2008, 85:880-909, *available at* <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2587652/>

⁷⁹ Id.

⁸⁰ Id.

⁸¹ “Psychological Impact of the WTC Attacks,” NYC 9/11 Health, *available at* <https://www1.nyc.gov/site/911health/enrollees/mental-health.page>

⁸² Claassen CA, Carmody T, Stewart SM et al. [Effect of 11 September 2001 Terrorist Attacks in the USA on Suicide in Areas Surrounding the Crash Sites. *British Journal of Psychiatry*. 2010 196\(5\):359-364.](#)

continued to report PTSD symptoms six months after 9/11.⁸³ Low-income individuals were twice as likely to experience longer-term mental health conditions such as depression, anxiety, and PTSD, and were more likely to suffer functional impairment and work loss.⁸⁴ PTSD increased by more than 13% two to three years after the attacks, and increased more than 16% five to six years after 9/11.⁸⁵ More than 21% of enrollees in the Registry reported new PTSD symptoms five to six years after 9/11.⁸⁶ A study of 2,300 New Yorkers interviewed one to three years after 9/11 showed that problem drinking, alcohol use, and other mental health problems were connected to psychological trauma up to four years after 9/11.⁸⁷

Regarding mental health services for individuals affected by 9/11, the WTCHP's covered services include:⁸⁸

- Acute stress disorder
- Adjustment disorder
- Anxiety disorder (not otherwise specified)
- Depression (not otherwise specified)
- Dysthymic disorder
- Generalized anxiety disorder
- Major depressive disorder
- Panic disorder

⁸³ Galea S, Vlahov D, Resnick H, et al. Trends of probable post-traumatic stress disorder in New York City after the September 11 terrorist attacks. *American Journal of Epidemiology*. 2003. 58;514-524.

⁸⁴ Neria Y, Olfson M, Gameroff MJ et al. The Mental Health Consequences of Disaster-related Loss: Findings from Primary Care One Year after the 9/11 Terrorist Attacks. *Psychiatry*. 2008 71(4):339-348.

⁸⁵ "Physical and Mental Health," 9/11 Health, *available at* <https://www1.nyc.gov/site/911health/researchers/physical-and-mental-health.page#ref>

⁸⁶ Id.

⁸⁷ Cerda M, Vlahov D, Tracy M & Galea S. Alcohol Use Trajectories among Adults in an Urban Area after a Disaster: Evidence from a Population-based Cohort Study. *Addiction* 2008; 103: 1296-1307.11.

⁸⁸ "Covered Conditions," WTCHP, *available at* <https://www.cdc.gov/wtc/conditions.html>.

- Post-traumatic stress disorder (PTSD)
- Substance abuse

While these services are available to the four categories of covered individuals under WTCHP (FDNY Responders, General Responders, NYC Survivor, and Pentagon/Shanksville, PA Responders), this coverage does not include family members or loved ones who may also experience mental health conditions relating to the attacks and aftermath of 9/11. Additionally, unlimited paid sick leave for NYC and non-NYC employees⁸⁹ covers mental health conditions, as defined in section two of the New York State Retirement and Social Security Law.⁹⁰ The 9/11 VCF does not include coverage for mental health conditions.

Conclusion

Today's hearing will address the various issues related to the terrorist attacks on 9/11, including the health of survivors and responders, and the current concerns faced by those who continue to face the devastating mental and physical health effects of the attacks.

⁸⁹ A.7901A/S.26398, Reg. Sess. 2017-2018 (N.Y. 2017).

⁹⁰ "Governor Cuomo Signs Legislation Expanding Unlimited Sick Leave Benefit" NYS News.

<https://www.governor.ny.gov/news/governor-cuomo-signs-legislation-expanding-unlimited-sick-leave-benefit-new-yorkers-who>; Retirement and Social Security Law § 2,

Res. No. 655

Resolution calling upon the Mayor of the City of New York to grant sick leave to all civilian officers and employees of the City of New York seeking treatment for a qualifying World Trade Center condition

By Council Members Miller and Brannan

Whereas, The aftermath of the September 11, 2001 attacks on the World Trade Center exposed thousands of first responders to toxic dust and fumes, which, according to the World Trade Center Health Program, has resulted in ongoing physical and mental health conditions linked to exposure to such dust and fumes at the World Trade Center and other affected areas; and

Whereas, Subparagraph a of paragraph 36 of section two of the Retirement and Social Security Law defines the term “Qualifying World Trade Center Condition” and provides for making the determination as to whether a condition is World Trade Center-related; and

Whereas, According to the New York City World Trade Center Health Registry, nearly 60,000 New York City employees, 4,177 of whom are civilian employees, have reported that they participated in rescue, recovery and cleanup operations following the World Trade Center attacks; and

Whereas, Many civilian employees have been forced to exhaust their own sick leave, miss work without compensation or retire prematurely in order to attend doctor’s appointments and receive treatment for their qualifying World Trade Center conditions; and

Whereas, On September 11, 2017, Governor Andrew M. Cuomo signed into law section 92-d of the General Municipal Law, granting unlimited sick leave to public employees outside of New York City seeking treatment for a qualifying World Trade Center condition; and

Whereas, New York City grants line of duty sick leave to uniformed employees belonging to the Department of Correction, Fire Department, Police Department and Department of

Sanitation, a benefit those employees may use while seeking treatment for a qualifying World Trade Center condition; and

Whereas, On October 23, 2018, the Mayor of the City of New York announced that approximately 2000 civilian workers would receive sick leave, retroactive to September 11, 2001, to seek treatment for a qualifying World Trade Center condition; and

Whereas, Many civilian employees of New York City still do not receive sick leave benefits through General Municipal Law § 92-d, line of duty sick leave or the Mayor's recent announcement; and

Whereas, New York City bears a special responsibility to ensure that all public employees who have developed health conditions as a result of their participation in World Trade Center rescue, recovery and cleanup operations have access to as much paid sick leave as necessary to receive the best possible treatment for such conditions regardless of the department or division in which they are employed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Mayor of the City of New York to grant sick leave to all civilian officers and employees of the City of New York seeking treatment for a qualifying World Trade Center condition.

LS # 4776
10/29/18
AS