

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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September 19, 2011  
Start: 11:05am  
Recess: 11:32am

HELD AT: Council Chambers  
City Hall

B E F O R E: JAMES SANDERS, JR.  
Chairperson

COUNCIL MEMBERS:  
James F. Gennaro  
Melissa Mark-Viverito  
Michael C. Nelson  
Domenic M. Recchia, Jr.  
Larry B. Seabrook  
Eric A. Ulrich

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

Frank Tramontano  
Research Director  
NYC Patrolmen's Benevolent Association

Valerie Dabas  
World Trade Center Health Coordinator  
NYC Patrolmen's Benevolent Association

Julie Menin  
Chair  
NYC Community Board 1

CHAIRPERSON SANDERS: Good morning.

Good morning, all. [gavel] This Committee will now come into session. Good morning and thank you for coming. My name is Council Member James Sanders, Jr. and I am the chair of the Committee on Civil Service and Labor. Today we are hearing and voting upon an important pre-considered resolution calling upon the administrator of the World Trade Center Health Program to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and to reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

Sometimes we deal with difficult issues in this Council and especially on this Committee, but when it comes to taking care of the medical needs of the first responders and others who assisted with the rescue and recovery efforts of the World Trade Center site after 9/11, this should be easy. This Committee heard those three resolutions urging congress to pass the Zadroga bill. Now that it is the Zadroga Act—mm, having fun here—here we are again. Despite the fact that testimony heard by this Committee indicated that cancer was a big

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2 problem for the group of people affected by this  
3 law over a year ago, cancer has so far not been  
4 included in the list of covered diseases. Now new  
5 persuasive evidence has been compiled and it looks  
6 indisputable to me. First responders who were at  
7 Ground Zero are getting cancer at a much higher  
8 rate than the ones who weren't. I'm not a  
9 scientist, but that sounds like proof to me. So  
10 today we urge the administrator of the program to  
11 look at this evidence and come to the obvious  
12 conclusion that cancer should be covered. Thank  
13 you everyone for coming, and I of course want to  
14 acknowledge my colleague, Councilman Nelson from  
15 Brooklyn and say that we're in the middle of  
16 several hearings at the same time, so you will see  
17 council members come in and leave. I also want to  
18 acknowledge and thank the Committee staff--our  
19 great counsel, Matthew Carlin; our great policy  
20 analyst, Faith Corbett. And now sir, would you be  
21 kind enough to call the first witnesses?

22 MALE VOICE: We have Frank  
23 Tramontano and Valerie Dabas from Patrolmen's  
24 Benevolent Association and Julie Menin,  
25 chairperson Community Board 1.

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2 CHAIRPERSON SANDERS: In the order  
3 that you were called, if you would be kind enough  
4 to speak. You may begin, sir.

5 FRANK TRAMONTANO: Alright. Good  
6 morning. My name is Frank Tramontano, and I'm the  
7 research director for the Patrolmen's Benevolent  
8 Association for the city of New York. I am here  
9 with Valerie Dabas, who is our World Trade Center  
10 health coordinator for the PBA, and she's also a  
11 member of the WTC Health Program Scientific  
12 Technical Advisory Committee, which was created in  
13 the James Zadroga 9/11 Health and Compensation  
14 Act, signed by the President in January 2011. We  
15 would like to thank the Speaker Quinn and Chairman  
16 James Sanders and their staffs for putting  
17 together forth this resolution, calling up the  
18 administrator of the World Trade Center Health  
19 Program to reconsider adding cancer as a medical  
20 condition covered for treatment under the  
21 aforementioned James Zagroda 9/11 Health and  
22 Compensation Act. As the Committee may know, the  
23 PBA has been in the forefront of efforts to have  
24 cancer added as a WTC-related illness. In April  
25 2009, it was the PBA that first expressed

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2 reservations about the Zadroga Act because it did  
3 not cover the cancer and blood diseases that were  
4 already manifesting themselves in a significant  
5 number of responders. In response, the bill was  
6 subsequently modified to require the program  
7 administrator of the WTC Health Program to conduct  
8 periodic reviews of available scientific and  
9 medical evidence to make a determination regarding  
10 whether to add cancer to the applicable list of  
11 WTC-related health conditions. Later that year in  
12 testimony before this Committee, the PBA  
13 successfully lobbied to amend Reso 924 to include  
14 language in that resolution calling up Congress to  
15 consider adding cancer as a qualifying condition.  
16 Some of our testimony from that Committee hearing  
17 is included in the resolution being presented  
18 today. Subsequent to those efforts, the PBA has  
19 identified approximately 300 cancer cases among  
20 NYPD responders. By way of specific example, we  
21 have two cases of a rare nasal cancer, which have  
22 resulted in deaths. This nasal cancer occurs at a  
23 rate of less than 1 in every 100,000 in general  
24 population. Last year in a follow up to the  
25 multiple myeloma study identified in your

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2 resolution before the Committee today, it was  
3 reported that there are 28 confirmed cases when  
4 the expected rate is 12. Additionally a cancer  
5 study among the New York City firefighters, that  
6 you alluded to earlier, published in the medical  
7 journal *The Lancet* has concluded there is greater  
8 evidence of cancer among firefighter responders  
9 than non-exposed firefighters. There will be a  
10 subsequent cancer study of all other responders  
11 that is expected to be released by the end of this  
12 year. It will be shocking if the results are not  
13 similar. Sadly and tragically for our members  
14 more has not been done to document and study  
15 cancers in the police community. While we have  
16 been assured that the release of the new study by  
17 Mt. Sinai is eminent, we must not delay the  
18 treatment of responders who suffer from WTC-  
19 related cancers while the slow wheels of the  
20 bureaucracy and science turn. We have been saying  
21 for years now if properly studied, science will  
22 definitely establish proof that cancer is a health  
23 condition caused from exposure to the toxins from  
24 the terrorist attack on the World Trade Center;  
25 however, to wait for the conclusion of

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2 epidemiological studies, which can take up to 30  
3 years, to prove this sufficiently to the  
4 scientific community will result in a lost  
5 opportunity to treat those who are ill.

6 Responders who have cancer as a result of their  
7 exposure need treatment now. We have already lost  
8 far too many responders who have not had the  
9 benefit of this program and as a result, have  
10 suffered medically and financially. Without the  
11 inclusion of cancer as an approved medical  
12 condition covered for treatment, many other  
13 responders will fail to get qualified treatment  
14 and suffer similar significant financial loss.

15 Recently, the geographic scope of covered  
16 residents were expanded to--in a complete absence  
17 of any science--to support that expansion.

18 Fairness and equity [phonetic] demand that our  
19 most ill and suffering members and families be now  
20 included within the coverage of the Zadroga Act.

21 We believe, as many of you in this room believe,  
22 there is sufficient evidence in the published data  
23 on cancer to draw a conclusion based on the weight  
24 of this evidence to support the connection between  
25 cancer and exposure to toxins from the terrorist



1  
2 attack on the World Trade Center. It is now that  
3 the WTC program administrator must come to this  
4 same conclusion and add cancer as a covered  
5 medical condition. Thank you for your time today  
6 and putting forth this resolution to Congress and  
7 Valerie Dabas and myself are here and will gladly  
8 answer any questions that you have.

9 CHAIRPERSON SANDERS: Thank you,  
10 sir. Our next witness, Madam Chair.

11 JULIE MENIN: Hi, I'm Julie Menin,  
12 chairperson of Community Board 1 in Lower  
13 Manhattan. And let me just thank you, Chairman  
14 Sanders and members of the Council for once again  
15 hosting this very important hearing. As you heard  
16 from certainly the first responder community, It  
17 is absolutely vital that our heroes, the first  
18 responders, are covered for cancer. I cannot  
19 overstate the importance of that and how these  
20 heroes basically saved the lives of so many of us  
21 in Lower Manhattan and how appreciative we are to  
22 them. But let me talk for a minute about the  
23 Lower Manhattan residential community and I've got  
24 prepared testimony. I'm going to speak  
25 extemporaneously because this really comes from

1  
2 the heart, and this is so important to all of us.

3           Thousands of us in Lower Manhattan  
4 stayed in our neighborhood in the days and weeks  
5 after 9/11. We were told emphatically that the  
6 air was safe to breathe by then head of the EPA,  
7 Christie Todd Whitman. I've included in my  
8 testimony--because I think the quotes are so  
9 incredibly important--the actual words that the EPA  
10 Administrator used to assure us that the air was  
11 safe to breathe. In reliance on those statements,  
12 we stayed and now hundreds of us are sick and  
13 dying of cancer. It is unconscionable to even  
14 think that the federal government would not deem  
15 the cancer should be covered. We, in the  
16 residential community, have testified time and  
17 time again about this. I've got so many  
18 colleagues both on the community board and in the  
19 larger residential community of downtown who have  
20 unfortunately at very young ages been stricken  
21 with cancer, some of whom have died. And so for  
22 the government to even have a doubt about whether  
23 or not cancer should be covered is honestly a slap  
24 in the face to of course the first responders, but  
25 also to the residential community.

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2                   So in our testimony, we've included  
3 all the statements that were made by the federal  
4 government assuring us that the air was safe to  
5 breathe and in reliance we stayed in our  
6 community. We've also included on the medical and  
7 scientific front a number of the studies that have  
8 been done to date that do show that there clearly  
9 is a linkage between breathing in those WTC toxins  
10 and unfortunately getting types of rare cancer.  
11 As was noted by the first speaker, obviously it  
12 takes time to get cancer, so we're not even  
13 beginning to see all of the effects that we're  
14 unfortunately going to see in the community of  
15 people who are stricken with cancer as a result of  
16 being told the air was safe to breathe. So that  
17 is why we're here today, and I just want to end  
18 with a statement that Christie Todd Whitman made  
19 on September 18<sup>th</sup>, 2001. She said, "Given the  
20 scope of the tragedy from last week, I'm glad to  
21 reassure the people of New York and Washington  
22 D.C. that their air is safe to breathe and that  
23 their water is safe to drink." Thank you.

24                   CHAIRPERSON SANDERS: Although I  
25 had statements to make, I'm going to yield to my

1  
2 colleagues who are here. Council Member Nelson?

3 COUNCIL MEMBER NELSON: Thank you,  
4 Mr. Chair. I agree with Frank and Julie. The  
5 government has been put in a position it spears  
6 like the banker on Deal or No Deal to give as  
7 little as possible and to get people just to go  
8 away or in this case and many cases, nothing.  
9 When we had this particular crisis, it was an  
10 attack like Pearl Harbor on our soul. I used to  
11 fancy myself one that would run to a victim if  
12 need be. I'm not so sure I would at this stage.  
13 People run whether they were mandated to run or  
14 the many volunteers that did, and they got sick,  
15 and now they've been told basically, "We're not so  
16 sure. Wait it out." Well, these people waiting it  
17 out--or in some cases is a death sentence--an  
18 expensive one for them and their families. This  
19 is not the way government should run. This is not  
20 the way we want government to run. Anybody who  
21 got sick--even if there's an iota of truth, any  
22 truth whatsoever, and if we don't have certain  
23 proof as a matter of fact, I don't think that  
24 should matter in this case. It's hard to prove  
25 certain things, but if we know somebody was at

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2 Ground Zero - - live there or they were responding  
3 to this emergency, government should cover their  
4 health cost at the very least. I'll be very happy  
5 and proud to vote for this resolution. Thank you,  
6 Mr. Chair.

7 CHAIRPERSON SANDERS: Thank you,  
8 sir. Council Member Jackson?

9 COUNCIL MEMBER JACKSON: [off mic]  
10 Well, let me thank you, Mr. Chair and the  
11 Committee members. I am not a member of the Civil  
12 Service and Labor Committee, but obviously, this  
13 is an extremely important issue that affects  
14 thousands of people who worked at Ground Zero and  
15 thousands of New Yorkers. I agree with our Chair  
16 of Community Board 1, Julie Menin, when she says  
17 that the message was loud and clear from the U.S.  
18 Government that the air is safe to breathe, when  
19 in fact we all know that was a lie—that it was  
20 unsafe. And in fact, you know that research right  
21 now and I think in some laboratory they have  
22 pounds and pounds of the dust and debris from the  
23 World Trade Center disaster for future testing  
24 down the road when—as you know, research and  
25 medicine always increases with time, but to say

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2 that people who develop cancer should not be  
3 covered is a slap in the face not only for New  
4 Yorkers, but all Americans because everyone knows  
5 that when the call came out, people didn't say,  
6 "Am I going to be covered if I get sick or if I  
7 get hurt?" The call went out and people said, "I'm  
8 coming. I'm coming to help." And as an example,  
9 we want people to say and start to question or not  
10 if they get injured whether or not they're going  
11 to be covered? Of course not. An example of the  
12 American spirit of the spirit of the brothers and  
13 sisters of human beings is—and everyone saw it on  
14 TV—when a 21 year old young man on a motorcycle  
15 was stuck underneath the car and the car was  
16 burning, and people got together and lifted the  
17 car up off of him and dragged him out. That's the  
18 type of spirit that we want here. I support this  
19 resolution because it's the right thing to do.  
20 Even though I'm not impacted, there are thousands  
21 of people that are impacted and especially those  
22 that worked at Ground Zero and those that lived in  
23 the immediate area. And so, I clearly support  
24 this resolution, but I was just a little curious  
25 as to the PBA's position on this. I believe I

1  
2 read and you read in the record that not only PBA  
3 members that were down at Ground Zero should be  
4 covered, but their family members also. Can you  
5 explain why the family members should be covered  
6 also when this resolution based on everything that  
7 I read, unless the family members lived in the  
8 downtown area, would not be covered?

9 FRANK TRAMONTANO: I don't think  
10 that's in my testimony that the family members—I  
11 think I alluded to the burden on the family, but I  
12 don't know if there was some reference to family  
13 members being covered. Our responders are what we  
14 are asking to be covered. Yes.

15 COUNCIL MEMBER JACKSON: Okay. I  
16 was just reading the testimony that said fairness  
17 and equity demand that our most ill and suffering  
18 members and families be now included, so that's  
19 why I was curious as to that. Let me just tell  
20 you, I don't want to deny anyone the coverage if I  
21 fact they were impacted.

22 FRANK TRAMONTANO: I think that  
23 reference was in regard to the burden on the  
24 families.

25 COUNCIL MEMBER JACKSON: Okay.

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2 Clearly, I totally agree with you then. I'm very  
3 clear. Let me just thank you and Julie. You have  
4 been a constant fighter on this particular matter  
5 and continue to lead, knowing that this City  
6 Council and my opinion is going to hopefully  
7 unanimously pass this pre-considered resolution,  
8 so that we can send a clear message to all those  
9 that are skeptics, that don't believe that  
10 individuals who suffered should not be covered.  
11 So I thank all of you for coming and giving  
12 testimony on behalf of the people that are being  
13 negatively impacted as a result of them  
14 volunteering and living in downtown New York City,  
15 where clearly the message was that the air is safe  
16 to breathe. Thank you.

17 CHAIRPERSON SANDERS: Thank you,  
18 Council Member. It's good that you were diligent  
19 and studied those things. It just shows that  
20 we're all being diligent here. We have been  
21 joined by Council Members Larry Seabrook of the  
22 Bronx and Melissa Mark-Viverito of Manhattan. I  
23 remember those terrible days—that strange time of  
24 9/11. I remember them very well, and I remember  
25 that we were also down here working. We were



1  
2 coming to City Hall. We had been told that the  
3 air was safe. Many a Council Member walked as  
4 close as we could to the site and just looked at  
5 the horror around us, and we too inhaled and were  
6 just part of those misguided. We were all led to  
7 believe that if you were a few feet away, you were  
8 safe. Perhaps, if you were there, you might want  
9 to put on a little mask and that would be more  
10 than enough. We were absolutely misguided. It  
11 seems that would should err on the side of  
12 caution—that if there is a question and then we  
13 should give it to the defenders because there but  
14 for the grace of God, go all of us. I remember  
15 when the call came out and in my own local  
16 community, we first gathered socks and blankets  
17 and things of that nature for those people that  
18 were staying down there, and by the time we got it  
19 together, they said that they were flooded. There  
20 was too much blankets and things of that nature.  
21 Then I organized some people and we were about to  
22 go down there and see what we could do to help dig  
23 folk out ourselves and we were told that they had  
24 enough people. Otherwise, I would be on the other  
25 side of this table. I believe that you would,

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2 Council Member Nelson. I know that the logical  
3 part of all of us with the advantage of 20-20  
4 hindsight, the smaller part of us would say, "Hey,  
5 I see that you guys are going to be unfair," but I  
6 think that the human spirit is such that it would  
7 overrule all of those things. A small part of you  
8 would be yelling at you saying what you shouldn't  
9 do, but the larger part of you would drown that  
10 out and you too would join in aiding in the  
11 defense of America, aiding in the defense of  
12 humanity, so I think that everybody would. So  
13 under those conditions it is an honor to put this  
14 forward and to say that we need to just do the  
15 right thing—that the nation as a whole needs to do  
16 the right thing, and we in the New York City  
17 Council will be the first voices in calling all of  
18 us to do the right thing. This was an attack on  
19 America. This was not an attack on New York City.  
20 No one decided somewhere in some cave somewhere  
21 that they were going to simply attack New York  
22 City. They said, "Let us attack America." We need  
23 to respond as Americans with the fortitude and the  
24 generosity, not with a meagerness and a tepidness.  
25 We need to say that we are responding still to

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2 that struggle against us and we should see it in  
3 the same light. And by doing so, we need to  
4 include all the illnesses that are befitting—that  
5 are hitting those defenders and not say, “This is  
6 okay, but not this.” No, let’s include it all and  
7 send a strong message to all of those petty  
8 tyrants that not only will we track you down, but  
9 we will also take care of the defenders at the  
10 home stretch also. Are there any other speakers?  
11 Would anyone else want to speak on this issue?  
12 Would you be kind enough to read a statement from  
13 D.C. 37?

14 MALE VOICE: I’m reading the  
15 statement of Wanda Williams, director of D.C. 37—  
16 District Council 37. D.C. 37 full supports the  
17 pre-considered resolution calling upon Dr. John  
18 Howard, administrator of the World Trade Center  
19 Health Program, to examine new evidence indicating  
20 a link between exposure to Ground Zero toxins and  
21 cancer and reconsider adding coverage for cancers  
22 under the James Zadroga 9/11 Health and  
23 Compensation Act. As you are aware, D.C. 37  
24 represents thousands of members, both responders  
25 and area workers, who have become ill as a result

1 of exposure to World Trade Center (WTC) toxins and  
2 contaminants. The full effect of WTC toxins and  
3 contaminants exposures are still emerging ten  
4 years after the attacks. Recently, published  
5 evidence of an increased risk of cancers among  
6 firefighters who served at Ground Zero highlights  
7 the severity of WTC toxins and contaminants  
8 exposures. Therefore, I am writing to express  
9 support for the resolution calling upon Dr. John  
10 Howard, administrator of the World Trade Center  
11 Health Program, to examine new evidence indicating  
12 a link between exposure of WTC toxins and  
13 contaminants and cancer and reconsider adding  
14 coverage for cancers and - - James Zadroga 9/11  
15 Health and Compensation Act. Section 3302 of the  
16 Zadroga Act requires the administrator to  
17 establish the WTC Health Program Scientific  
18 Technical Advisory Committee subject to the  
19 Federal Advisory Committee Act to review  
20 scientific and medical evidence and make  
21 recommendations to the administrator on additional  
22 WTC program eligibility criteria and additional  
23 WTC-related health conditions. Appointments to  
24 the advisory committee were announced on September  
25

1  
2 9<sup>th</sup>, 2011. We believe this committee should be  
3 convened at the earliest possible date and begin  
4 consideration of cancer and other comorbidity  
5 health conditions. On behalf of the 125,000  
6 members of D.C. 37 and 50,000 retirees, we urge  
7 the City Council to pass this pre-considered  
8 resolution and work with us to ensure the needs of  
9 this population are met.

10 CHAIRPERSON SANDERS: Council  
11 Member?

12 COUNCIL MEMBER MARK-VIVERITO: No,  
13 I just have a quick question. I want to thank all  
14 those that are here to advocate for this and  
15 obviously I'm a very strong supporter for all the  
16 reasons cited. Has there been anything equivalent  
17 to a reso at the State level that you're aware of?  
18 Is there one that is being presented? Is there  
19 any...?

20 FRANK TRAMONTANO: Not on the  
21 Zadroga Act, but the State legislature was the  
22 first to act by making a presumption for  
23 illnesses—the criteria was similar in terms of if  
24 you were down there these certain days, these  
25 times, and you developed cancer, you were allowed

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2 to get a compensation. You were allowed to retire  
3 as a disability under work-related as a condition  
4 of employment. So they were the first to act.  
5 They made this presumption way back in 2005—that  
6 cancer was presumed to come out of that work  
7 there. So this is just a follow up to that. I  
8 think the state legislature did their part early.

9 COUNCIL MEMBER MARK-VIVERITO:

10 Wonderful. Thank you for that clarification.

11 CHAIRPERSON SANDERS: Thank you.

12 If there are no other questions, I am prepared to  
13 recommend a yes vote on this and to call the roll.  
14 I will take that to mean that there are no other  
15 questions. I think that this is an important  
16 piece of legislation because it sends a message  
17 that we are clearly with the defenders. Although  
18 the cameras may have moved away and the press may  
19 find other things to report on, we New Yorkers are  
20 clearly behind the defenders and ours is a long-  
21 term commitment as we see this terrible attack  
22 through—as we see it through to its conclusion.  
23 So I'm recommending a yes vote on this. Would you  
24 be kind enough to call the roll?

25 COMMITTEE CLERK: Kevin Pin,

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2 Committee Clerk, roll call in the Committee on  
3 Civil Service and Labor. Council Member Sanders?

4 CHAIRPERSON SANDERS: I vote aye  
5 and we have been joined by Council Members Domenic  
6 Recchia and Eric Ulrich. Council Member Recchia  
7 is from Brooklyn and Ulrich is from Queens—the  
8 beaming Queens Councilman.

9 COMMITTEE CLERK: Nelson?

10 COUNCIL MEMBER NELSON: Aye.

11 COMMITTEE CLERK: Recchia?

12 COUNCIL MEMBER RECCHIA: Aye.

13 COMMITTEE CLERK: Seabrook?

14 COUNCIL MEMBER SEABROOK: I vote  
15 aye [off mic].

16 CHAIRPERSON SANDERS: Gladly, sir.

17 COMMITTEE CLERK: Mark-Viverito?

18 COUNCIL MEMBER MARK-VIVERITO: I  
19 vote aye and would like my name added to the reso.

20 CHAIRPERSON SANDERS: Gladly.

21 COMMITTEE CLERK: Ulrich?

22 COUNCIL MEMBER ULRICH: Aye.

23 COMMITTEE CLERK: By a vote of six  
24 in the affirmative, zero in the negative and no  
25 abstentions, the item has been adopted. Members,

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please sign the Committee report.

COUNCIL MEMBER RECCHIA: Excuse me,  
Mr. Chairman?

CHAIRPERSON SANDERS: Yes, sir?  
Council Member?

COUNCIL MEMBER RECCHIA: Council  
Member Domenic Recchia. I would like my name also  
added to this bill.

CHAIRPERSON SANDERS: Gladly, sir.

COUNCIL MEMBER RECCHIA: Thank you  
very much.

CHAIRPERSON SANDERS: Gladly,  
Jackson, also and Nelson. Gladly. We're going to  
leave this hearing open for thirty minutes, so  
that our other colleague can come. This hearing  
is now in recess. Thank you all for coming.

COMMITTEE CLERK: Gennaro?

COUNCIL MEMBER GENNARO: Yes.

COMMITTEE CLERK: Final vote in the  
Committee on Civil Service and Labor, seven in the  
affirmative, zero in the negative and no  
abstentions.

COUNCIL MEMBER GENNARO: this  
hearing is hereby adjourned.



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[gavel]

C E R T I F I C A T E

I, Kimberley Uhlig certify that the foregoing transcript is a true and accurate record of the proceedings. I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

Signature \_\_\_\_\_

Date October 1, 2011