

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CIVIL SERVICE AND LABOR JOINTLY
WITH COMMITTEE ON HEALTH

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December 17, 2018
Start: 10:15 a.m.
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HELD AT: Council Chambers - City Hall

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

MARK LEVINE
CHAIRPERSON

COUNCIL MEMBERS: Adrienne E. Adams
Daniel Dromm
Andy L. King
Alan N. Maisel
Eric A. Ulrich
Jumaane D. Williams
Alicka Ampry-Samuel
Inez D. Barron
Mathieu Eugene
Keith Powers

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

Steven Banks, General Counsel, New York City Office
of Labor Relations, OLR

Sherif Soliman, Senior Advisor to the First Deputy
Mayor

Mark Farfel, Department of Health and Mental Hygiene

Karen Mazza, Deputy Executive Director, New York
City's Employees Retirement System, NYCERS

Alicia Slack, General Counsel, New York City's
Employees Retirement System, NYCERS

Ellie Engler, Executive Assistance to President
Michael Mulgrew of the United Federation of Teachers,
and Director of Staff

Oren Barzilay, President, FDNY EMS, Local 2507

Mary Fetchet, Founding Director, Voices of
September 11th

Stephanie Landau, Program Director, Voices for
September 11th

Linda Mercer, Traffic Agent, NYPD

Leonard Sorgie, 9/11 Survivor

John Feal

Matthew McCauley, 9/11 First Responder, Now Legal
Counsel Representing Linda Mercer & 9/11 Survivors

Michael Barasch, Managing Partner, Law Firm of
Barasch & McGary

Richard Alles, FDNY Deputy Chief & Former Political
and Legislative Director of the UFOA.

[sound check] [pause] [gavel]

CHAIRPERSON MILLER: Good morning. I'm Council Member I. Daneek Miller, and I'm the Chair of the Committee on Civil Service and Labor, and I'm happy to be joined by my colleague Council Member Mark Levine, the Chair of the Committee on Health. I would like to thank everyone for coming out to this morning's hearing. Today's joint oversight hearing will focus on the health of September 11th responders and the surrounding community. We will be receiving an update on the state of 9/11 survivors and its first responders health. In addition, this important oversight the Committee on Civil Service and Labor will be hearing a resolution introducing—introduced by myself Resolution 655, which will call upon the Mayor to grant sick leave to all civilian officers, employees—officers and employees of New York City seeking treatment—seeking treatment for qualifying World Trade Center related conditions. The terrorist attack of—the terrorist attack of September 11, 2001 had a profound and lasting effect on New York City and the nation as a whole. One of these was the harmful health effects of those who were first responders and survivors of these attacks. Aside

1 from the large number of direct deaths and acute
2 injuries felt on that day, thousands have been left
3 with chronic health issues ranging from asthma,
4 cancer and mental health conditions. These health
5 issues have had ad-adverse consequences on many
6 people's daily lives including continue to work and
7 finding future employment. Some of the city's
8 workforce were entitled to earn the new sick leave.
9 Otherwise known as online-In Line of Duty Sick Leave
10 because they were injured while in the line of duty.
11 Regrettably, this limited-it was limited to the
12 uniform services, Fire Department, Police Department,
13 Sanitation and Corrections. However, other city
14 employees such as EMT, engineers, peace officers,
15 laborers and others who participated in the recovery
16 efforts, and now suffer from World Trade Center
17 related health conditions, do not have the same
18 benefits. Notably, after many years this problem has
19 been partially addressed by Mayor de Blasio
20 announcing on October 23rd that an agreement had been
21 reached with DC37, the city's largest municipal labor
22 union. The agreement stipulates that the city will
23 provide unlimited 9/11 sick leave to an estimated
24 2,000 active city workers who participated in ground
25

1 zero recovery and clean-up operations and contracted
2 a World Trade Center related health condition. More
3 importantly, this sick leave is retroactive to
4 September 11, 2001, and leave taking since then will
5 be restored. While we are glad that these workers
6 will now be compensation for the treatment they
7 sought for their illness, the time the city—the time
8 is now for the city to do right by all members of its
9 workforce who went above and beyond the call of duty,
10 and it is now past due. Though we anticipate the
11 announcement of future agreements with other unions
12 representing these brave workers, as each day passes,
13 they will continue to use their regular sick leave
14 and miss work, retire prematurely or simply just die
15 waiting for a benefit that they should have received
16 a long time ago as a matter of general principle and
17 not collective bargaining. I'd like to thank—today's
18 hearing we will also look at the issue of city
19 workers being denied or delayed authorization and
20 disability pensions due to their efforts in the—on
21 the line of duty at Ground Zero. While this Council
22 has no direct legislative oversight over various city
23 pension systems, we can certainly shine a light on
24 this issues and advocate for the thousands of city
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1 works who simply are waiting to be treated fairly and
2 with the dignity by the city and leadership of the
3 pension system for city employees. I look forward to
4 hearing from those who testify, and understanding how
5 these health and employment concerns are being
6 addressed. I'd like acknowledge the Council Member
7 [pause] Here we go—I would like—and I would also
8 like to thank my Legislative and Policy Aid, Brandon
9 Clark; Senior Policy Analyst Joseph Goldblum; the
10 Council Policy Analyst and Finance Joseph Goldblum;
11 Council Policy Analyst and Finance Analyst Malcomb
12 and Kindler (sic). With that, I will now turn it
13 over to my Co-Chair for his opening statement

14
15 CHAIRPERSON LEVINE: Thank you so—so much
16 Co-Chair Miller. I am excited about this topic. To
17 our knowledge it has been a long time since this
18 Council has focused on the critical issue of the
19 health of those women and men who working for the
20 city had their health directly really impacted by a
21 proximity to Ground Zero. I'm excited that we are
22 joined here today by our colleagues, Council Member
23 Danny Dromm, Council Member Adrienne Adams; and
24 Council Member Alan Maisel. Today's hearing will
25 look at various issues stemming from the terrorist

1 attacks of 9/11 particularly at the continued health
2 of survivors, first responders and community members
3 and the challenges faced by those who continue to
4 suffer from the effects of the 9/11 attacks. The
5 effects of 9/11 have continued to manifest themselves
6 in the brave first responders who rushed to the
7 scene, and then the people who lived in the
8 neighborhoods surrounding Ground Zero. These effect
9 have been both mental and physical caused by
10 traumatizing scenes and contaminants released in the
11 air by collapsed buildings. Symptoms that have
12 proven to be directly linked to the 9/11 attacks are
13 known as qualifying World Trade Center related health
14 condition. The Department of Health and Mental
15 Hygiene and the Federal Agency for Toxic Substances
16 and Disease Registry created the World Trade Center
17 Registry, which is a data gathering effort that
18 started in May 2009 to document the effects of Ground
19 Zero on people working, living and studying in the
20 vicinity. The Registry has since led to city funded
21 offshoots that focused on more specific groups such
22 as the study of Lower Manhattan residents and office
23 workers exposed to the disaster. Thanks to the World
24 Trade Center Registry and in accordance with the
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1 World Trade Center Health Program we now know what
2 the top 10 certified World Trade Center conditions
3 are and can track World Trade Center conditions with
4 more certainty and regularity. These conditions have
5 been documented affecting police officers,
6 firefighters, emergency medical technicians,
7 civilians living in the area, an even Stuyvesant High
8 School students who were attending school when the
9 attacks occurred. With this data we must ensure that
10 every New Yorker and person affected by 9/11 receives
11 the care to which they are entitled, and those
12 impacted by the worst terrorist attack in American
13 history, must receive meaningful and effective care.
14 In this hearing we hope to find out about the state
15 of health of New York City communities affected by
16 proximity Ground Zero and we aim to hear from people
17 both previously and newly diagnosed World Trade
18 Center health conditions to gain a better
19 understanding of how their lives have been affected,
20 and understand what resources were available to them
21 and how all of this has affected their quality of
22 life. We also seek to learn from DOHMH what the city
23 plans and continues to do to meet and address the
24 needs of all our residents to make sure that no
25

1 person or detail is neglected. The outstanding
2 bravery and sacrifice exhibited by New Yorkers have
3 made their mark on our nation. We must ensure that
4 those efforts are met with the sufficient care and
5 attention they deserve. It's customary at the end of
6 opening statements to thank you committee staff,
7 which I'm going to do, but I have to give them an
8 extra, extra, extra, extra special shout-out because
9 the Health Committee has staff no fewer than nine
10 hearings in the last five weeks. It's a remarkable,
11 remarkable run. I'm exhausted just thinking about
12 it. So, I do want to really thank and acknowledge
13 our committee counsel Ze Emanuel Hailu and Sara Lis;
14 Policy Analyst Emily Balking, Finance Analyst Janette
15 Merrill and my Legislative and Policy Team Amy
16 Slattery, Aya Keefe, and Jake Sporn for making this
17 hearing and the previous eight hearings possible.
18 Thank you very much, and I think we're going to turn
19 it over to the Administration. Yes? And we'll--
20 we'll do the affirmation please. Thank you.

22 LEGAL COUNSEL: Would you please raise--
23 raise your right hand. Do you affirm to tell the
24 truth, the whole truth and nothing but the truth in
25

2 your testimony before this committee, and to respond
3 honestly to Council Member questions?

4 STEVEN BANKS: Yes.

5 SHERIF SOLIMAN: Yes.

6 LEGAL COUNSEL: Please state your name
7 and title and begin when you're ready.

8 STEVEN BANKS: Good morning. Thank you,
9 Chair Miller, Chair Levine and members of the Council
10 here today for holding this important hearing to
11 discuss the health of 9/11 responders and the
12 surrounding community. My name is Steven Banks,
13 General Counsel of the New York City Office of Labor
14 Relations. The primary purpose of my testimony will
15 be to describe and lay out recent progress the city
16 has made with its municipal unions regarding sick
17 leave benefits for civilian employees who respond on
18 and after 9/11/2001. But before I get into the
19 substance of those recently negotiated agreements and
20 on behalf of Commissioner Lynn, I would like take
21 this opportunity to note the profound gratitude and
22 respect that the Office of Labor Relations as an
23 institution has for city employees, but particularly
24 those who responded to the catastrophic attacks of
25 September 11th. It's sometimes taken from granted

2 that our-that our municipal employees answer the call
3 to rescue their fellow citizen and perform all the
4 necessary functions to keep the city moving and
5 thriving. During and after the 9/11 attaches, all
6 types of city employees did so with honor, pride and
7 courage. The issue-less than two months ago in late
8 October were able to reach a settlement with DC37 to
9 provide a brand new 9/11 sick leave benefit, and
10 thereby resolve an issue that had been concerning for
11 many of those who responded and helped the city get
12 back on its feet after 9/11. The issue had been that
13 while the city's uniform services or Police, Fire,
14 Correction and Sanitation received unlimited sick
15 leave. Most civilian employees accrue a set number
16 of days usually one per month or 12 per year. Most
17 civilian employees also accrue up to 27 annual leave
18 days, which are used for vacation and other personal
19 business. It was brought to our attention that there
20 were and are civilian employees who participated in
21 the rescue, recovery and clean-up operations relate
22 to 9/11 and later developed illnesses, which did not
23 require retirement, but affected employees' ability
24 to continue working. The reason I mention retirement
25 is that there have been amendments to the Pension

1 Law, which affected these same employees. In 2005,
2 the landmark—the landmark World Trade Center
3 Presumption Law was passed, and has been expanded
4 through amendments thereafter. This ground breaking
5 law provides a presumption in the New York State
6 Retirement and Social Security Law that certain
7 enumerated illness were contracted as a result of the
8 participation in the World Trade Center rescue,
9 recovery and cleanup. Those deemed to have
10 participated according to eligibility criteria and
11 the law may qualify for accident disability benefits
12 and in the event of death, the survivors may also
13 qualify for an accidental death benefit. Now the
14 issue of a separate sick leave benefit for 9/11
15 responders as a supplement to the existing benefits
16 in place first came to my attention last spring based
17 on a bill that was proposed in Albany to provide a
18 new benefit. We thought that the appropriate forum
19 to address the issues of these workers was at the
20 collective bargaining table. Paid leave benefits are
21 generally considered a mandatory subject collective
22 bargaining and provisions providing various types of
23 paid leave are in all of our collective bargaining
24 agreements with the city. In general we all do
25

1
2 firmly believe that collective bargaining negotiation
3 is the best way to solve these sorts of issues
4 because it allows for all side to be heard, and for
5 all interest to be balanced. From a labor relations
6 standpoint, we in New York City want to be the answer
7 to Wisconsin, and we want to show that collective
8 bargaining does, in fact, work for both the employees
9 and the taxpayers. We believe we've demonstrated
10 this in a number of ways including with other paid
11 leave issues. Earlier this year Commissioner Linn
12 testified next door regarding paid parental leave for
13 teachers at the DOE, and a couple months later we
14 announced an agreement with the UFT providing a new
15 paid parental leave benefit. In this case with
16 regard to 9/11 sick leave, the city led by Sherif
17 Soliman--who is here with me today--engaged with DC37
18 and worked out mutually benefit--mutually beneficial.
19 The key terms are unlimited sick leave for any
20 civilian employees who participated in the World
21 Trade Center Rescue, Recovery and Clean-Up Operations
22 and has contracted a qualifying World Trade Center
23 condition, which renders them unable to work. Now
24 both of terms the rescue, recovery and cleanup and
25 qualifying World Trade Center conditions are terms of

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2 ours, which until now have been used for the
3 eligibility for the pension benefits that I described
4 earlier, and so we tracked those same criteria for
5 sick leave benefit. Employees receiving this benefit
6 will be subject to medical monitoring not unlike our
7 uniformed employees who report to the medical-medical
8 division at their respective agency while they're out
9 on unlimited sick leave. And for employees who are
10 currently active and have, therefore, not been able
11 to benefit from the Pension Amendment described
12 earlier, sick leave will be restored retroactively as
13 the Chair mentioned for absences in the past that
14 were connected to the World Trade Center condition.
15 Now, since the agreement was reached with DC37 in
16 October, we've approached every other civilian union
17 and offered that they sign on under the same terms.
18 This is necessary because each employee organization
19 has a legal right to negotiate the benefits for their
20 members. To date, nine other unions after DC37 have
21 signed on, and we expect others to follow suit in the
22 coming weeks and months. We're also working on
23 implementation issues. We have a meeting with DC37
24 tomorrow to discuss some of the rollout and standing
25 up of this new benefit. We are extremely proud to

2 have partner with our unions to solve an important
3 issue for those who served us in the fact of
4 unspeakable tragedy. I'd like to recognize the
5 leadership of the Mayor and the First Deputy Mayor in
6 allowing this to move forward, and I'm be happy to
7 answer any questions about the labor negotiations and
8 the new 9/11 sick benefit., and if there are
9 questions about the registry, we have folks from the
10 Department of Health and Health and Hospitals to
11 assist in answering those questions as well. Thank
12 you.

13 CHAIRPERSON LEVINE: Thank you Mr. Banks.
14 If I could just ask we have Mr. Farfel from—from DOH.
15 Would you mind joining the panel just so that we can
16 ask you questions as well as they come up. [pause]
17 And we'll—we'll as our committee counsel to do the
18 affirmation for you. Thank you.

19 LEGAL COUNSEL: Please raise your right
20 hand. Do you affirm to tell the truth, the whole
21 truth and nothing but the truth in your testimony
22 before this committee, and to respond honestly to
23 Council Member questions?

24 MARK FARFEL: I do.

1
2 CHAIRPERSON MILLER: Okay, Mr. Soliman
3 does not have testimony. So, let me just say—first
4 say that we've been joined by Council Members Maisel,
5 Eugene and Adams, and everyone is here now. So, with
6 that being said, I'm going to start off with Mr.
7 Banks' testimony where he described briefly the
8 agreement with DC37, and so now that the agreement
9 has been reached with DC37 to provide their members
10 with unlimited sick, how many other unions, which you
11 said I think is 11, that you have reached out to
12 better understand this universe we are talking about,
13 how any non-uniformed employees including DC37 did
14 not have access to the line of duty unlimited sick
15 leave or how many DC37 employees will be covered in
16 this new agreement?

17 STEVEN BANKS: So, in terms of your
18 question about the number of civilian employees,
19 there's just under 300,000 civilian city employees,
20 almost 100,000 in DC37. Most of those have come on—
21 into city employment well after 2001/2002. So, in
22 terms of the number affected, it's going to be a
23 small subset of that population who actually were not
24 active city employees in—in 9/11 and the year after
25 and participated in the rescue, recovery and cleanup.

2 I mean I think I mentioned during my testimony since
3 DC37, we reached an agreement in October, and nine
4 other unions have signed on in the couple of months
5 since that.

6 CHAIRPERSON MILLER: Could you identify
7 those other local unions?

8 STEVEN BANKS: Sure. Teamsters Local
9 237; Local 246 Auto Mechanics; Fire Alarm
10 Dispatchers; the District Council of Carpenters; the
11 Probation Officers Association; Operating Engineers
12 Local 15, Local 300, Local 1199, and the--the Atlantic
13 Maritime Group.

14 CHAIRPERSON MILLER: And--and the--the
15 language in this provision is consistent with that of
16 DC 7?

17 STEVEN BANKS: Yeah our goal was to come
18 up with a consistent civilian benefit that would
19 apply to--to any civilian employee.

20 CHAIRPERSON MILLER: And what is the
21 estimated time frame to reach the agreement with the
22 necessary unions to provide unlimited sick leave to
23 city employees with the World Trade Center related
24 injuries that--that we--what is the timeframe that we--
25 that we're able to recapture that entire universe?

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2 STEVEN BANKS: So, I mean that's not
3 completely within our control. It's just a bilateral
4 conversation, but we've reached out to all those
5 unions. Some have come back with very legitimate
6 questions about how the process works. In the
7 example of DC 37, we had a long back and fourth of
8 negotiations. So, some of our other union partners
9 have to get up to speed. But they've been sort of
10 rolling in on a--on a weekly basis. So, it's our
11 expectation that most, if not all, will be wrapped up
12 in the coming weeks.

13 CHAIRPERSON MILLER: So, you say that
14 you've reached out to all the--all the relevant units
15 represented by the State of New York. How--how have
16 you--? [pause] What--so what was the outreach? Did
17 you just send out a general memorandum that--that of
18 those who may have been impacted by 9/11 related
19 illnesses should respond that there is a renewal of
20 the registry and--and potentially collective bargaining
21 opportunity over unlimited sick time or have we--was
22 there some form of the databased that has identified
23 those who had served curing recovery in 2001 and
24 beyond?

25

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2 STEVEN BANKS: Yeah, we found from
3 anecdotal information that it's likely that all or if
4 not all then almost all of our city unions will have
5 been touched even if there's a few employees who
6 participated. So our goal is to just reach out to
7 all of the—the civilian (sic) unions, and so our
8 office, you know, through myself and some of the
9 other negotiators at OLR reach out to each union
10 individually, explain what had happened with the DC
11 37 agreement, and suggest that—that a similar
12 provision be extended to their members.

13 CHAIRPERSON MILLER: And that would kind
14 of include folks like traffic enforcement that were
15 down and—and had babies? Because I know that over
16 the past five years that I've done hundreds of
17 general member ship meetings with—with local unions
18 and—and this has been a topic of conversation, and—
19 and—and I just wanted to make sure that those who I
20 have spoken to over the past five years had been
21 included with this and—and—and—and then perhaps
22 without getting into detail, detail the overtone of
23 the framework that that looks like. Because I know I
24 was many, many years ago when—when the original plan
25 (sic) we drafted for uni—uniform agencies that it was

2 very specific to the work that they were doing, and
3 that just want to be sure that the same opportunity
4 exists and that the proper outreach was being done
5 that recaptured the entire universe of folks that had
6 been impacted. So, just again could you elaborate on
7 how that was done, and—and as well as—as well as we—
8 we are now—we have now established that folks are
9 suffering not just physical but mental and emotional
10 related issues as well, and how have we been
11 addressing that and—and incorporated that into the
12 language that—that we've been using for the past
13 decade.

14 STEVEN BANKS: Yeah, I mean so, certainly
15 our goal would be cover any civilian city employees.
16 So that would include traffic enforcement agents like
17 you mentioned. We have school safety agents who are
18 working in the schools like Chair Levine mention, you
19 know, who are potentially as well. I mentioned auto
20 mechanics. If you just think of, you know, they were
21 fixing the vehicles that have been down at the Ground
22 Zero site, and, you know, folks in or 911 system. I
23 mentioned the fire alarm dispatchers and, you know,
24 my understanding and I'm not an expert in this area,
25 but my understanding is that the existing Pension

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2 Law, it's a qualifying conditions does include a
3 range of mental health uses as part of the qualified
4 conditions. So, you know, we believe that the
5 structure that we've establish does cover those sorts
6 of issues for the people who need it.

7 CHAIRPERSON MILLER: And—and—and do you
8 believe that the—the—the language that was used to
9 provide this benefit to DC37 members and subsequently
10 the other members gives you the type of latitude that
11 is necessary to serve those members moving forward.
12 So sometimes that the—the previous language may have
13 been restrictive in what we see so far as addressing
14 mental health and other issues and particular
15 concerns of this workforce. Does this give you the
16 latitude? DO you have the latitude within the
17 framework of this language to—to be able to move
18 forward in serving those employees, and allowing them
19 to the benefits that they need?

20 STEVEN BANKS: Just speaking for a
21 collective bargaining perspective, we thought that
22 the existing pajala (sic) did provide a good
23 framework for defining not only the service in terms
24 of rescue, recovery and cleanup but the—the
25 qualifying conditions that was pending in Albany used

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2 some of those structures as well. So, we—we did
3 think that that appropriately covered our employees,
4 and that ultimately was the—the structure that we
5 agreed to with our union so there obviously was some—
6 some bilateral agreement that that—that that
7 structure made sense.

8 CHAIRPERSON MILLER: So--

9 STEVEN BANKS: So, if we need to look at
10 something in the future, the good thing about
11 collective bargaining right is we can always come
12 back to the table if something needs to be addressed.
13 You know, if—if there is something that the parties
14 haven't anticipated, you can always come back to the
15 table.

16 CHAIRPERSON MILLER: Okay, good. With
17 that, I'm going to pass it over to Council Member
18 Levine.

19 CHAIRPERSON LEVINE: Thank you, Mr.
20 Chair. I just want to emphasize the extent to which
21 this hearing is focused on a group of victims of the
22 worst terrorist attack in American history who too
23 long were being ignored. The public generally only
24 thinks about the people who perished the day of the
25 attack and secondarily of the heroic first responders

1 who absolutely deserve every bit of support from this
2 city and the society for their sacrifice, but there
3 was another group of victims, which is people who
4 reported to work out of duty to their city and ended
5 up spending days, weeks, months breathing in air
6 which we now understand was toxic, and we owe it them
7 to ensure that they have every accommodation to get
8 the care they need to avoid financial hardship, and
9 what this hearing is about, and we are pleased that
10 you've achieved a landmark agree now wit DC 37 and
11 that this now being followed by other unions. I-I
12 just want to follow up, if I can—as much as I can
13 clarify the excellent question so my colleague, how
14 soon can we expect that every city employee who was
15 exposed will be covered by this new policy?
16

17 STEVEN BANKS: Yeah, so again that's not
18 completely within our control. That's a bilateral
19 discussion between us and each—each union, but based
20 on the feedback the we've received so far, obviously
21 it's a new benefit on top, or, you know, we're not
22 asking for any give-backs or trade-offs, right, we--

23 CHAIRPERSON LEVINE: [interposing] And--
24 and—I'm sorry to interrupt because that point is so--
25 so, so key. If—usually in collective bargaining one

1 side gives something and the other side gives
2 something, and I don't think it would be fair if
3 workers who didn't ask to be sent to work near Ground
4 Zero now are told they have to give something up to
5 receive the benefit of paid sick time. So, can you
6 just clarify the extent to which we can avoid that
7 unfair arrangement. Yes, please Mr. Soliman.

9 SHERIF SOLIMAN: Sure, Chair Levine. So,
10 from the outset when we started discussions with the
11 unions on this benefit, our intention was to keep the
12 discussion solely on the issue of extending sick
13 leave benefits to affected employees. In no way did
14 we intend nor did we ask or engage in conversations
15 about trade-offs or any sort of compromises outside
16 of this issue for any other labor issue. Our intent
17 from the very beginning and it is today to make sure
18 that we have a program that works, that meets the
19 balance of both labor and on the city side. So, it-
20 this is not intended to make sure we have any
21 compromises outside of this actual benefit.

22 STEVEN BANKS: That's such an important
23 point, and I appreciate you clarifying that. For the
24 Department of Health, so, the-the-the Registry can

1
2 you update us on the number of people who are
3 currently participating?

4 MARK FARFEL: Sure, the Registry was
5 established in 2003-2004 when 71,000 people
6 voluntarily involved in the Registry to help us
7 understand long-term 9/11 health impacts. So, we have
8 worked very hard over the years. We've had repeated
9 health surveys to get health updates from our
10 enrollees and we give our enrollees many, many ways
11 to stay in touch with us, give us their updated
12 contact information so that we can continue to
13 communicate with them about their health. So, we-
14 we've had really great participation in our surveys
15 and, you know, we still try to include all 71,000 in
16 the various research projects that we do and, you
17 know, we've had quite a bit of success over the years
18 in documenting the long-term health impacts of 9/11.

19 CHAIRPERSON LEVINE: Do you also track
20 whether these individuals have health insurance, and
21 do you have a sense of how many lack health
22 insurance?

23 MARK FARFEL: No, I-I don't have that
24 information on the top of my head, but what we do put
25 emphasis on is referring our enrollees to the World

1 Trade Center Health Program. So, we—we make many
2 efforts to—to inform everybody in the Registry of the
3 existence of the World Trade Center Health Program,
4 and then more importantly for those individuals in
5 the Registry to tell us that they have 9/11 related
6 symptoms and conditions on our health surveys, we
7 reach out to them personally, and we encourage them
8 to apply for the program, and we offer them an
9 application and assistance. And so, over time we've
10 reached out to more than 20,000 people just since
11 2013, and we know that 7,000 of our enrollees so far
12 have made an application to the World Trade Center
13 Health Program. So it's an ongoing process. It's—
14 it's a core part of what we do as a registry because
15 as you know, we don't provide care. It's not our
16 mission. The World Trade Center Health Program does
17 that, but a very important aspect of our work is a
18 devoted unit that tries to reach out and encourage
19 people to apply.
20

21 CHAIRPERSON LEVINE: do you track
22 qualifying medical conditions that these individuals
23 might have—have contracted?

24 MARK FARFEL: No, we're basically, we
25 learn about health through the Self Report, but the

1 World Trade Center Health Program for privacy HIPAA
2 reasons does not inform us of that type of
3 information.
4

5 CHAIRPERSON LEVINE: What about
6 fatalities?

7 MARK FARFEL: We—we do—we do engage in
8 studies to—to monitoring mortality among the World
9 Trade Center Health Registry enrollment,

10 CHAIRPERSON LEVINE: How many people—how
11 many people have died due to injuries sustained in
12 this attack.

13 MARK FARFEL: I—I don't have the
14 information on the number of deaths in my head, but
15 the core focus of the—the research on mortality is
16 the question of whether—whether you see mortality
17 happening at a rate higher than comparable or general
18 populations, and we're generally not—not seeing that
19 yet in these studies, but they will be ongoing.

20 CHAIRPERSON LEVINE: So-so can you
21 estimate how many people have died due to sicknesses
22 contracted? Are we talking hundreds, thousands?

23 MARK FARFEL: No, I'm not able to give an
24 estimate because as—as I said, you know, the research
25

1 to date does not show an overall increase in
2 mortality. So, I—I don't have those numbers.

3
4 CHAIRPERSON LEVINE: Does—does the
5 federal program have those number?

6 MARK FARFEL: I'm—I'm not sure.

7 CHAIRPERSON LEVINE: But there certainly
8 are going to be cases where people have a severe lung
9 disease that can be quite clearly attributed to
10 breathing toxic air. This is not only about
11 statistical estimations. No, there are no individual
12 case we can point to where the cause of the mortality
13 was clear?

14 MARK FARFEL: I think I would just bounce
15 that question over to our Health Program colleagues
16 who are actually seeing—seeing the patients in clinic
17 and—and dealing with these types of conditions that
18 you just mentioned.

19 CHAIRPERSON LEVINE: Youi know, it's
20 commonly said that—that about 3,000 people died in
21 the attack of 9/11. That number clearly
22 underestimates the toll, and it's—it's upsetting to
23 me that we don't actually know how many other livers
24 were lost in the aftermath. I think we need to
25 ascertain that number for the good of the—the

2 individuals and families and—and for the benefit of
3 history. So, we—we—we would like to continue to
4 explore that question with you. Mental health
5 services are available to those who are suffering
6 from the emotional after effects. Is that correct and
7 are you making referrals for such purposes?

8 MARK FARFEL: Yes. When I mentioned the
9 Registry's treatment referral program, the—the way it
10 works is if our enrollees are reporting 9/11 related
11 mental or physical health conditions, then we do
12 include them in our outreach most definitely

13 CHAIRPERSON LEVINE: Okay. There were
14 children in school near Ground Zero as soon as
15 several weeks after the attack, Stuyvesant High
16 School being a block away. It's frightening to think
17 about the possible impacts on young lungs of
18 breathing that air. Can you state anything specific
19 to children who were exposed?

20 MARK FARFEL: Yes. The World Trade Center
21 Health Registry through their parents we had enrolled
22 about 3,200 people who were children at the time of
23 9/11, and in the mix of all of the various studies
24 that the registry has done, we have taken a look at
25 respiratory and mental health impacts on children as

2 well as behavioral impacts, and we have a number of
3 publications in that are that we could share with
4 you, but we do—we do in the broad—the broad range of
5 research we do. We have a number of studies that are
6 focused on children and earlier in the introduction
7 it was mentioned the various respiratory studies that
8 were done, and we've looked at studies of
9 adolescents, and how their physical and mental health
10 has progressed over time, and we have also
11 collaborated with external researchers who have
12 recruited our registry enrollees into more in-depth
13 studies of children's emotional and mental health.
14 For example, studies at Columbia University or NYU.
15 So, we—we not only do research ourselves in-house,
16 but we provide a platform for qualified expert
17 external academic type researchers to do even more
18 in-depth studies.

19 CHAIRPERSON LEVINE: So, DOHMH has a very
20 sophisticated system for communicating to hospitals,
21 doctors, physicians, medical providers about emerging
22 trends that you see in public health. So you have a
23 system in place to communicate to medical providers
24 with trends you're seeing among health conditions
25 amongst--

2 MARK FARFEL: [interposing] Yes, I can—I
3 can mention several avenues that we—we've tried to do
4 that. One is that the—the Health Department
5 collaborated with the Clinical Centers of Excellence
6 over time on producing physician guidelines for—for
7 doctors who are caring both survivors and responders.
8 Those guidelines were—were updated, and there's also
9 a set of guidelines focused on physicians taking care
10 of children. So, that's one avenue. The other is
11 the—we have the 9/11 Health Information website, and
12 on the website the registry makes all of its
13 research, findings available. We have information on
14 the website on the 9/11 Health Program there. We—we
15 have summaries of the health impacts of 9/11. So, we
16 have a lot of useful information, and that's updated
17 periodically and then we communicate routinely with
18 our enrollees with annual reports, and we include all
19 of those resources as well as the research findings.

20 CHAIRPERSON LEVINE: Okay, thank you. I
21 want to pass it off to—to my Co-Chair who has some
22 additional questions. I just want to make the—the
23 important final point that we've really had a two-
24 tiered system now for people who because of their
25 working for the city were exposed to the dangers of

2 ground zero and we have thankfully and rightly give a
3 very robust set of benefits to the first responders,
4 but for the broader number of municipal workers who
5 were classifying survivors, where there's been too
6 many obstacles in place, and we know that there are
7 people who have had to lose their jobs because the
8 need to take sick time and we know that that has put
9 them in some cases into bankruptcy, and we know that
10 people who are no longer working are probably more
11 likely to see their health deteriorate because of all
12 the benefits that remain in the workforce would
13 provide. So, we want to continue to push to make
14 sure that every worker and who was doing their job
15 for the city, every resident of the neighborhood,
16 every student in every school nearby get the support
17 they need for their medical care, for their financial
18 benefits to make sure that the city never forgets the
19 sacrifice they made on the most difficult day in
20 American history. I'm going to pass it back to you,
21 Mr. Chair.

22 CHAIRPERSON MILLER: Thank you Chair
23 Levine. So, to follow up on what—what Chair Levine
24 just mentioned in terms of those who have been
25 separated from—from the city's employment, what is

1
2 the outreach on those who have retired or been forced
3 to retire or who has in some way separated service.
4 How—how have we outreached and what is the
5 relationship, and have you collaborated with NOC and
6 other bargaining units to be able to identify those
7 individuals.

8 STEVEN BANKS: So, thank you, Chair
9 Miller. So, just speaking broadly I think what we—
10 what we have achieved here with these agreements
11 filled a gap that existed, right? What we view—how
12 we view this is sort of providing a continuum of
13 care. We has the pension piece that was set in law
14 since 2005. That—that covered people who were
15 disabled because of 9/11 work, and then upon their
16 death, their survivors could qualify for an
17 accidental death benefit. The gap was for people who
18 were still employed by the city and who wanted to
19 stay working for the city, and so I think with these
20 agreements we have started to fill that gap, fill the
21 void and so we have people who currently are on
22 payroll, which, you know, essentially make up the
23 lion's share of—of the eligible population. We
24 certainly have people who have separated from the
25 service since then, and we have people are still

2 employed by the city not on active payroll, but are
3 on some kind of leave. So, so it is the people who
4 have separated from city service who are not on leave
5 and who have not retired that I think we want to have
6 a robust dialogue with the unions about how to reach
7 out those individuals to make sure that are they able
8 to come back to work first of all, or are they
9 awaiting for example a retirement benefit and to see
10 if there's anything that could be done for—for that
11 group of employees. But I think for the most part we
12 have employees who are on active payroll or who are
13 on some kind of leave, or who have since retired
14 pursuant to the disability laws that are on the
15 books.

16 CHAIRPERSON MILLER: So, that—it's—that I
17 said need a little light on—on where we're trying to
18 get with this because obviously you want to capture
19 as much of the universe as possible, and we know that
20 those individuals are certainly out there. Based on
21 the registry now I know in—in my situation in my
22 years in 2001 in the—with the MTA and—and—and members
23 that I once represented including myself that were
24 down there that—that signed onto the registry. That
25 registry is—is no longer available, but we do know

1
2 that for those who sign up now considering that these
3 conditions manifest themselves over time that people
4 are coming in. So, number one, I want to kind of
5 fall back and be able to talk about the registry, how
6 folks that—that come in and—and—and use the services
7 of Department of Health and Mental Health, and kind
8 of identify these—these illnesses as 9/11 related,
9 what then—how—how are they are treated and how do we
10 move forward with that if they were not previously
11 on—on a part of the registry. Certainly we want to
12 speak to that, but again and how do we—how are we
13 identifying those individuals who are separated from
14 service. I'm glad that there's outreach, with the
15 unions in—in doing so, but for those who—what are we
16 relying on for those who are separated from service
17 and even those who are working who are not a part—a
18 part of the registry, how are we identifying and
19 serving those individuals?

20 STEVEN BANKS: Sure. So, it's important
21 to note that for not only the pension laws, but also
22 for this 9/11 sick leave benefit the gateway to the
23 benefit is that you are pre-qualified under the
24 Pension Law and the ability to file what's called a
25 Notice of Participation, which allows your to be

1
2 prequalified by the pension systems. The-the
3 deadline has been extended numerous times by the
4 state legislature, and you can file a notice at any
5 time before September 11 of 2022. So, the
6 opportunity still exists for employees who have
7 participated in Rescue, Recovery and Cleanup
8 Operations to file with the retirement systems a
9 Notice of Participation. So, that opportunity then
10 still exists for them to access the 9/11 sick leave
11 benefit. So that has not been foreclosed.

12 CHAIRPERSON MILLER: Okay. That is
13 great, and I just want to make sure that all the
14 bargaining unit representing these employees are—are
15 aware of this information. What happens to those
16 employees that are non-represented, the managerial
17 staff and others? Do they have an opportunity to
18 take advantage of—of this new round of bargaining as
19 well?

20 STEVEN BANKS: Absolutely. So, as we do
21 in other cases, we will—we will be—we will be doing
22 the mayoral personnel order to cover managers and for
23 the non-represented employees so that they're
24 covered.

1
2 CHAIRPERSON MILLER: So, that—that is
3 pretty thorough. As I just kind of scanned the room,
4 I noticed as well as when we talked about the—when
5 the Chair mentioned that it's Stuyvesant High School,
6 and—and those students, and I did not as you talked
7 about those bargaining units at—those 11 bargaining
8 units, I did not hear UFT. Certainly that
9 conversation is ongoing as well.

10 STEVEN BANKS: Yeah, we've reached out to
11 them. We're in conversations.

12 CHAIRPERSON MILLER: Okay, thank you.
13 Okay, okay, thank you so much for your testimony.

14 COUNCIL MEMBER POWERS: I'm sorry.

15 CHAIRPERSON MILLER: Oh, we been joined--

16 COUNCIL MEMBER POWERS: I just have a
17 couple of questions.

18 CHAIRPERSON MILLER: --by Council Member
19 Powers.

20 COUNCIL MEMBER POWERS: Thank you and
21 it's—it's actually not a question.

22 CHAIRPERSON MILLER: You can ask that
23 first.

24 COUNCIL MEMBER POWERS: Thank you. I
25 appreciate it. It's not question. I just wanted to

1 say first off, than you to the folks here for your
2 efforts to—two months ago I guess with DC37 to help
3 bring more folks into it, but I also—I really thank
4 the chairs for having this hearing because we always
5 say never forget but often times we—we actually do
6 forget to help those who helped us in our most
7 critical moment in this city. I think everybody has
8 a story about where they were on 9/11 and when they
9 found out the news. In some cases people—it was an
10 election day, if you remember and folks out there
11 actually doing their democratic duty as has happened.
12 So, I just want to say thank you to the chairs for
13 keeping this conversation moving forward so that no—
14 anybody who worked at or around the city on at ground
15 zero is not left out of important critical service
16 they have. So, I have no questions, but I just
17 wanted to say thank you for the collective effort
18 here to make sure those are continuously taken care
19 of and remembered. Thank you.

21 CHAIRPERSON MILLER: Thank you, Council
22 Member Powers. Again, I just want to echo that as
23 well. Thank you for the efforts and having
24 represented those workers on each side and in part of
25 the early negotiations even with the original package

2 representing uniformed workers. It is so important
3 that we not forget, and that we understand unintended
4 consequences and that—that this is something that has
5 evolved, and that we want to be able to ensure that
6 we capture that—not just the universal folks that
7 had—were involved in, but the next gen that
8 potentially are involved that we keep this dialogue
9 open, and—and certainly the Administration is to be
10 applauded for providing this benefit that had for so
11 long been missing, and was mentioned, created two
12 tiers of benefits for those who have served. And so
13 bring in equities is always important, and really
14 keeping he light on those who—who so valiantly served
15 in no matter what capacity is—is very important and
16 I—I thank you for—for your testimony. And this is
17 open-ended just as it is with those bargaining units
18 involved. It is certainly with the Council. I ask
19 that whatever happens as we move forward there to
20 continue to keep the Council informed and—and because
21 we are certainly a partner as we move forward. So,
22 thank you so much for your testimony.

23 STEVEN BANKS: Thanks. Thank you.

24 [pause]

2 CHAIRPERSON MILLER: Now the next panel
3 is Karen Mazza, Alicia Slack from NYCERS and Nicole
4 from the Police Printing Fund. [background
5 comments/pause] For those who have recently joined
6 us, if you are looking to testify, please fill out a
7 witness slip. [background comments/pause] We've been
8 joined by Council Member Ampry-Samuel. [background
9 comments] Could you please state your name for the
10 record and begin your testimony.

11 KAREN MAZZA: Good morning I'm Karen
12 Mazza. Thank you for this opportunity to appear
13 before you here today. I'm the Deputy Executive
14 Director New York City's Employees Retirement System,
15 and with me here today is Alicia Slack our General
16 Counsel. Our Executive Director Melanie Winters
17 sends her regards and he regrets that she could not
18 be here today as she is traveling back from a
19 previously planned visit her mother. For background,
20 as you may know NYCERS is one of the city's five
21 defined benefit plans. It is the largest municipal
22 pension system in the country and provides benefits
23 to a diverse population of city employees from
24 Sanitation workers and correction officers to City
25 Council Members and the Mayor. NYCERS provides

2 disability benefit to its members under provisions of
3 law, but in light of today's agenda, I will focus on
4 the laws related to the World Trade Center. The
5 World Trade Center Disability provides in part that
6 certain disabling injuries, illnesses or disease
7 incurred by certain state and city employees
8 including NYCERS members who participated in World
9 Trade Center Rescue, Recovery and Cleanup Operations
10 are presumed to have been incurred as a result of an
11 accident sustained in the performance and discharge
12 of duty. For any member to qualify for disability
13 retirement under the World Trade Center Law, the
14 member must file a notice of participation and be
15 verified as having participated in WTC Rescue,
16 Recovery and Cleanup Operations that meet certain
17 criteria. The members notice of participation is
18 filed with NYCERS and then provided to the agency
19 where the member worked during the qualifying period.
20 The agency is asked to verify—to either verify the
21 member's participation or statewide the agency could
22 not verify that the member participated. If an
23 agency cannot participation, the member is given an
24 opportunity to dispute the agency's findings by
25 submitting additional evidence to support the claim.

2 If the agency still cannot verify after reviewing the
3 additional evidence, the member's case is reviewed by
4 NYCERS' Board of Trustees World Trade Center Review
5 Committee. A verified notification is a place holder
6 in the event that the member becomes subsequently
7 ill. The member becomes ill and applies for World
8 Trade Center Disability/Retirement, they submit
9 medical evidence in support of their claim and the
10 case is brought before NYCERS Medical Board. The
11 Medical Board is an independent board of three
12 physicians appointed pursuant to New York City
13 Administrative Code. The Medical Board must
14 determine whether the member is suffering from World
15 Trade Center qualifying condition or impairment as
16 defined by law. To make this determination the
17 Medical Board will use all medical evidence and
18 conduct some interview and physical examination of
19 the member. By law, the Medical Board's
20 determination regarding disability is binding on the
21 Board of Trustees. If the Medical Board determines
22 that the member is disabled by a World Trade Center
23 qualifying condition, then the Medical Board is
24 required to presume the condition is a result in the
25 member's participation in Rescue, Recovery and

2 Cleanup. However, the presumption can be rebutted if
3 the Medical Board finds that documentation, interview
4 and examination support a finding that the
5 presumption is rebutted. In that case, the Medical
6 Board makes a recommendation to the Board of Trustees
7 that the World Trade Center presumption is rebutted.
8 The member may appeal the Medical Board's
9 recommendation to the Board of Trustees. After such
10 appeal, the medical—the Board of Trustees makes a
11 final determination regarding whether the member
12 qualifies for disability under World Trade Center
13 Law. That's the World Trade Center Law—I'm sorry.
14 That's the World Trade Center Disability process at a
15 very high level. There are many more detailed steps
16 in the process, and every member's case and
17 circumstances are different. I encourage you to
18 visit the World Trade Center section of our website.
19 It contains information helpful to members such as
20 information on the law, forms, frequently asked
21 question and links to other organizations such as the
22 World Trade Center Health Program, the 9/11 Victim's
23 Compensation Fund, Workers Compensation and more.
24 There are also two reports from our Executive
25 Director that highlight the improvements that NYCERS

2 and Board of Trustees have made in the World Trade
3 Center and disability process. The entire NYCERS
4 team is committed to working with our stakeholder,
5 the Medical Board and the Board of Trustees to
6 continue to make changes that would help our members
7 who served New York City during a terrible tragedy to
8 receive all benefits they are entitle to
9 expeditiously and compassionately. Thank you.

10 CHAIRPERSON MILLER: Okay. [pause] We
11 are glad to see that this information is readily
12 available on the NYCERS website, and for those
13 members who access in advance of applying for
14 disability retirement and what is necessary and what
15 are qualifying conditions certainly, but could you—I
16 know that in reviewing testimony from—from past
17 hearings that NYCERS was involved with—with the
18 pension system that there's a distinct discrepancy in
19 those who would qualify for disability pensions
20 particularly those EMTs and others that did not have
21 a specific agency pension that NYCERS was a little
22 more stringent. Are they—are your qualifying
23 qualifications and requirements for disability
24 pensions different from Police of Fire pensions?
25

2 KAREN MAZZA: The law that covers both
3 NYCERS and police pension funds are—are the same.
4 They're in different parts of the law, but as far as
5 qualifying conditions and participation in Rescue,
6 Recovery and Cleanup the definitions are the same.

7 CHAIRPERSON MILLER: So, how do you
8 explain the discrepancy in the numbers of those who
9 have been approved by NYCERS as opposed to those?
10 It's nearly a 25% difference.

11 KAREN MAZZA: The only thing I could say
12 is that Medical Board is an independent board. They
13 make the determination on disability and their
14 determination on disability is binding by law and the
15 Board of Trustee.

16 CHAIRPERSON MILLER: And these
17 independent medical examiners they are experts in
18 World Trade Center conditions?

19 KAREN MAZZA: I would say that we have
20 made an effort since this—these issues have come to
21 our attention to get them more familiar with the
22 conditions related to World Trade Center. We've had
23 meetings with the World Trade Center Health Fund
24 doctors, and we brought different—different—different
25

2 types of doctors onto the board to provide that kind
3 of coverage.

4 CHAIRPERSON MILLER: And those employees
5 who have come before the—those who applied and been
6 denied they have been given an opportunity obviously
7 under and appeal but they have been—is the appeal
8 with the same doctors or the doctors that you have
9 brought in with more extensive World Trade related
10 experience? Are they the ones now making the
11 determination.

12 KAREN MAZZA: If a member has been denied
13 it depends on their status at the time that they're
14 denied. For example, if someone is a pensioner, has
15 already retired, they would apply to be reclassified,
16 and they probably would see a different board than
17 they saw initially. The same goes for a member who
18 is still in city service who reapplies. They
19 probably would be seen a different board.

20 CHAIRPERSON MILLER: And so, did you just
21 add the—a number of additional independent medical
22 examiners? Did you increase that number or did you
23 replace them, the ones that were previously there
24 that may or not had the specific qualifications that
25

2 are necessary to make a-a-an adequate judgment about
3 retirement?

4 KAREN MAZZA: Where we--where we had
5 opening on the Boards, we filled them. However, the
6 number of doctors that we're allowed to appoint from
7 the three--the three appointing facilities is set in
8 the Administrative Code, and we're hoping that we
9 will get some legislation this year to allow us to
10 expand the number of doctors that we can have on
11 each--in each--in each Department of Health. DCAS and
12 NYCERS as appointees to allow us to have more medical
13 boards and to have more doctors with different
14 backgrounds.

15 CHAIRPERSON MILLER: So, again, how does--
16 so how would you--how would you describe the
17 discrepancies between those approvals or lack thereof
18 between the principal ones?

19 KAREN MAZZA: I really can't describe why
20 there's discrepancies. The Medical Boards that
21 Police Department and the Fire Department are
22 different boards than at NYCERS, and as I said it's--
23 it's an independent board that makes the
24 determination.

2 CHAIRPERSON MILLER: Okay, Council-
3 Council Member Levine. [pause]

4 CHAIRPERSON LEVINE: Thank you, Mr. Chair
5 and thank you all for being here. Can you give us
6 the number of World Trade Center related disability
7 claims that you've received to date.

8 KAREN MAZZA: The number of people who
9 have filed for disability 551 active members and 637
10 pensioners have applied up to this-up to November
11 30th of this year.

12 CHAIRPERSON LEVINE: And so that
13 represents the numbers that you have accepted. Have
14 you-correct, have you denied? Is there a larger
15 number of claims that you have denied?

16 KAREN MAZZA: On the approval side
17 there's been 137 active members approved and 226
18 pensioners. Denials have been 201 active and 244
19 pensioners.

20 CHAIRPERSON LEVINE: So, it seems like
21 you're denying about two-thirds of the claims.

22 KAREN MAZZA: I'm not a mathematician so
23 I can't do it in my head that quickly, but it's not
24 that we are denying them. It's the Medical Board
25 that's denying them or it may be that they are not-

2 they're either found not disabled or they may be
3 found to have not participated in Rescue, Recovery
4 and Cleanup.

5 CHAIRPERSON LEVINE: Okay, but—but am I
6 correct on the—on—the estimation that over half
7 have been denied?

8 KAREN MAZZA: 1,100. Yes. Yeah, just
9 about half. There's about 1,188 that have been—
10 applied and 445 have been denied.

11 CHAIRPERSON LEVINE: Okay, so just under
12 half.

13 KAREN MAZZA: Uh-hm.

14 CHAIRPERSON LEVINE: How many of those
15 denial have been reversed on appeal—upon appeal?

16 KAREN MAZZA: I don't have that
17 information available, but we'll certainly provide it
18 to the Council, and these are—

19 ALICIA SLACK: Can I just—can I just ask
20 for clarification on what you mean by appeal?
21 Because there's different ways. I mean there's
22 appeal before the Board of Trustees, there's appeal
23 before the Medical Board and there's also an Article
24 78, which would be in the Supreme Court. So, I just
25

2 want to make sure we get you the right numbers. So,
3 if you could clarify what you've--

4 CHAIRPERSON LEVINE: [interposing] Well,
5 it would be great to get each of those categories.
6 Do you have those numbers handy?

7 KAREN MAZZA: Not hand right now--

8 ALICIA SLACK: [interposing] Not here.

9 KAREN MAZZA: --but we can get those.

10 CHAIRPERSON LEVINE: Okay, well we--we
11 would certainly like to get them, and--and for those
12 who have been denied because this is so sensitive,
13 is--is there any referral work that you--that you do to
14 help the pensioner or the claimant restore to full
15 health and overcome whatever challenges they are
16 currently living with?

17 KAREN MAZZA: I'm not--I don't understand
18 what you're asking me.

19 CHAIRPERSON LEVINE: If--if someone is
20 denied, is there anything the city can do for them to
21 support them short of approval of their claim?

22 KAREN MAZZA: Not from the Pension system
23 side.

24 CHAIRPERSON LEVINE: Okay. [pause]
25

1

2

CHAIRPERSON MILLER: Council Member

3

Adams.

4

COUNCIL MEMBER ADAMS: Thank you, Mr.

5

Chair. Good morning and thank you so much for your

6

testimony here today. Just taking a look at the

7

resources that are available, you noted in your

8

testimony that there's helpful information on your

9

website including FAQs, forms and links to other

10

organization, which is great. Your website also has

11

an extensive Executive Director update that outlines

12

a numerous set of changes at NYCERS to facilitate

13

more claims processed, and enhance the customer

14

service experience for those individuals that are

15

filing the claims. Can you share some of the

16

operation changes that have been made and how you

17

plan to build on those successes?

18

KAREN MAZZA: Yes. Thank you. The first

19

that we did was we created two additional World Trade

20

Center Review Committees, the Board of Trustees

21

Review Committees, which is able to review 21 cases

22

on appeal on each day. Those are cases where the

23

agencies cannot verify that the member participating

24

in Rescue, Recovery and Cleanup. They then come

25

before a committee of three of the Board of Trustees

2 members. By adding two additional boards—we only had
3 one board. By adding traditional boards, we're able
4 to see more cases every month. We've also allow now
5 for simultaneous filing where a member can apply for
6 both, can apply for accident disability under World
7 Trade Center, ordinary disability and service, and
8 whichever one is completed first, they are retired
9 under so they can continue to collect some form, of
10 pension, and continue their health insurance. And
11 then once the accidental disability claims is
12 completed, they can either switch over to accidental
13 or if they need to appeal, they can do that. Members
14 can also—this is one of our biggest accomplishments I
15 think. Now, members can actually go online onto our
16 website and review their Notice of Participation and
17 the process that's going on with that, whether
18 they've been verified or not verified and where they
19 are in the process. We also added two additional
20 staff to the Medical Division staffing, and these
21 people provide intensive World Trade Center work.
22 So, members who are filing for disability or who have
23 already filed for disability under World Trade
24 Center, we have two dedicated staffers to deal with
25 them, to provide follow, and to make sure they get

1 scheduled timely. And also, we—under the
2 reclassification process, which is where you've been
3 retired already. You come back because you developed
4 a World Trade Center illness, initially if you were
5 retired under World Trade Center for any illness, we
6 did not allow you to come back and-and reclassify.
7 However, we found that that was limiting pensioners'
8 ability to file for other benefits. So, for example
9 if you were disabled for World Trade Center under
10 psychological disability you can now reclassify if
11 you become ill with another—with another World Trade
12 Center qualifying condition.
13

14 COUNCIL MEMBER ADAMS: That's a lot.

15 Thank you. I just had one follow-up along those
16 lines. Co-Chair Levine asked about numbers a little
17 while ago and according to your July 17, 2018
18 Executive Director Update, the number of notices of
19 participation had dramatically increased—I'm sorry—
20 decreased from 977 at the end of 2017 to 394. Do you
21 know what that number is as of today?

22 ALICIA SLACK: I have to report that that
23 number actually went up, and the reason it went up
24 was because as Mr. Soliman testified, the law
25 allowing people to file notices of participation was

1 extended. So we did see a jump in people filing
2 notices of participation. So—so at the end of
3 November, the number was up to 582, but many of those
4 are as a result of the extension of filing period.
5

6 COUNCIL MEMBER ADAMS: Okay, terrific.
7 Thank you very much.

8 CHAIRPERSON MILLER: Thank you so much
9 Council Member Adams. Can I get back to the
10 explanation of required participation? Now is that
11 the owner's responsibility on the member applying and
12 why would not their agency be able to provide that
13 information?

14 ALICIA SLACK: As we get further and
15 further away from 2001, we're finding that for
16 example during Super Storm Sandy, several agencies
17 had things filed—stored in basements that got
18 flooded. So, records of—or participation were—were
19 lost in that. As administrations change and—and
20 staffing changes, people don't know people who had
21 originally worked there, which is why we created the
22 World Trade Center Committees, which allows a member
23 to come in with any information they have and also to
24 provide testimony to say when they were there, what
25 they were doing. Many times people were bringing

2 things like badges from down at the World Trade
3 Center site, affidavits from other employees who were
4 there with them, and they bring it to the—the
5 committee, which is like I said three members of the
6 Board of Trustees to review.

7 CHAIRPERSON MILLER: So, how many—how
8 many folks who were denied appealed based on this new
9 information, and new opportunity, and how many folks
10 were denied based on participation or lack of proof
11 of participation?

12 KAREN MAZZA: So, we have—let me start
13 with we have a total of 11,103 notices of
14 participation. We've sent them all to the agencies
15 to verify. We've received back 10,551 verifications,
16 552 are waiting agency reports. Of the—of those—of
17 the total, 3,513 were not qualified, 7,038 were
18 qualified. The 3,513 are then offered the
19 opportunity to send in additional evidence to support
20 their claim that they participated. Again, if the
21 agency cannot verify on the second round, it goes to
22 the World Trade Center Review Committee.

23 ALICIA SLACK: And to further help the
24 members what happens is that if ultimately the Board
25 of Trustees were to find that there wasn't enough

1 evidence on the subcommittee's review, it's not a
2 final determination. So if at any time a member can
3 get more affidavits, can get more documents and wants
4 to resubmit, those documents will go before the
5 agency first because it is the agency's
6 responsibility to verify, but if the agency still
7 can't verify, we'll then again go before the
8 subcommittee for another review. It's not until the
9 member has a disability application on file, and
10 they're making a determination regarding disability
11 that there would be a final determination regarding
12 participation, and at that time the member would
13 still be given one more chance to submit any further
14 documentation in support of its claim.

16 CHAIRPERSON MILLER: I'm-I'm-I'm really
17 glad that this-this latest opportunity is-is being
18 provided, but I also am dismayed and disappointed
19 that agencies aren't able to provide the qualifying
20 information, and that where they're not able to
21 provide qualifying information that this is
22 acceptable. Having been a life long public servant
23 having served at recovery efforts, I would-if-if need
24 be and the New York City Transit Authority was not
25 able to provide times sheets and-and-and pay stubs,

1
2 and—and assignments, would be just ridiculous no
3 matter what the time frame is that—that you don't
4 know where and when your employees are at all times
5 that you are responsible for the employees. There
6 are things that occur that, you know, say someone was
7 transporting as I, and at some point not 9/11
8 related, there was—there was a lawsuit. They need to
9 find out who was driving vehicle, who was where at
10 what time. Otherwise the city is liable. Every
11 effort would be made to find out who was that that
12 time, who was—whether it was in the area pulling all
13 assignments and—and time cards and—there's just a
14 plethora of ways for them to know where their
15 employees were at any given time, and I—I find it
16 really unacceptable that folks that have—have been
17 denied whether this opportunity has been is being
18 provided for them not now is—is really a slap in the
19 with those who are serving and potentially have been
20 denied a benefit that not—it's just that they are
21 entitled to that they so sorely need. So, whatever
22 provisions that are in place I hope that it is not
23 just the Board that are making these decisions.
24 They're certainly—they're—and agencies that they are
25 talking with—with workers and—and those bargaining

1 units that represent those workers. They
2 understanding to watch this of each individual agency
3 so that they can identify ways to tell whether or not
4 a person is there, that is pretty ridiculous that
5 someone denied such a crucial, critical life saving
6 benefit because an agency, which they serve, which ha
7 provided services to all of our citizens of the city
8 not just during that time of 9/11 can't provide their
9 whereabouts. That's pretty unacceptable, and I-I
10 would hope that we will do all that we can moving
11 forward. Furthermore, I would love to hear from
12 Police Pension some of the things that they have in
13 place and ways that they were able to address some of
14 the nuances that—that caused denials on the other
15 side, being able to identify or prove participation
16 and—and also whether or not your doctors were versed
17 in World Trade Center condition as opposed to just
18 apparently general practitioners.
19

20 KAREN MAZZA: So, the New York City
21 Police Pension Fund Medical Board, which is a subset
22 of the Board of Trustees, similar to NYCERS is a
23 panel of three independent doctors, one of whom is
24 appointed by the Department of Health, from the
25 Department of Citywide Administrative Services, and

2 the third directly from the Police Pension Fund Board
3 of Trustees. We have several panels that meet
4 regularly and one throughout city that our members
5 both active and retired appear in front of in
6 conjunction with applications for disability
7 retirement. We also have the verification process
8 where our members have to file a Notice of
9 Participation stating that they spent 40 hours
10 participation in the Rescue, Recovery and Cleanup
11 Operations at the World Trade Center site, or they
12 were present for the first 48 hours from when the
13 first plane hit the first tower. The Police Pension
14 Fund works very closely with the New York City Police
15 Department in order to verify our members. We have
16 dedicated personnel at the Police Pension Fund who do
17 review Police Department records such as command
18 entry logs, rollcalls, overtime slips, et cetera to
19 ensure that we can provide that our members were down
20 there if, in fact, they were. And then once that
21 documentation is called, it's given to the Board of
22 Trustees who ultimately makes the determinations to
23 whether or not the members' participation can be
24 verified.

2 CHAIRPERSON MILLER: Thank you. So,
3 NYCERS are we using best practices and—and—and
4 collaborating with the Police Pension as to how we
5 can identify first of all participation and then
6 secondly, do we have anyone from your panel of
7 independent doctors? Where do they come from? The
8 second question.

9 ALICIA SLACK: As far as coordinating as
10 police does, police—the Police Pension Fund has one
11 employer that they call from, which is the Police
12 Department. NYCERS has every agency in the city
13 including CUNY and Transit Authority, Health and
14 Hospitals. So, we would not be able to have the same
15 access to records that police have, and I'm not clear
16 on what your second questions was as far a—

17 CHAIRPERSON MILLER: The—the first
18 question was best practice in—in terms of being able
19 to identify participation to identify the litany of
20 ways to identify whether or not people were actually
21 at Ground Zero. I think it would behoove NYCERS to
22 adopt—to adopt some of those policies and identifying
23 if you haven't already done so. So, my question was
24 about best practice, but you also—you know, you have
25 the MLC and kind of a collaboration of agencies and a

2 collaboration of bargaining units, and I'm—I'm not
3 understanding why workers aren't being represented on
4 the board.

5 KAREN MAZZA: I wouldn't say that
6 agencies are not responding to us, but as I said,
7 some of them have records that were destroyed because
8 they were stored in basements and they were destroyed
9 during Super Storm Sandy and we work very closely. We
10 have three union representatives on our board. We
11 have DC37, have Teamsters Local 237 and Transport
12 Workers Union Local 100. So, we have labor
13 representation, which is very active in assisting
14 members to get more information. So, we do—we do have
15 a lot of reach-out in that—in that respect

16 ALICIA SLACK: Also, since the hearings
17 at the State Senate have occurred, NYCERS and the
18 Mayor's Office have reached out to the various
19 agencies, and—and given them the specific name of
20 people that need to be verified to ask for
21 assistance, and we have received a bunch back,
22 denotes Melanie's report back in July that the number
23 of notices were decreasing. So, we have been in
24 contact with a bunch of the agencies to try and—and

2 help them as much as we can. But the burden on the
3 agency based on the law.

4 DR. MAYBANK: Okay before—before you go,
5 just for the record could you identify those agencies
6 whose paperwork were lost in Super Storm Sandy?

7 KAREN MAZZA: That I don't know off the
8 top of my head, but I can certainly get that
9 information back to you.

10 CHAIRPERSON MILLER: Do you how many of
11 the agencies—how many agencies there were?

12 KAREN MAZZA: I don't know.

13 CHAIRPERSON MILLER: Okay, could you—so,
14 Counsel will be sending a letter with additional
15 questions. I ask that you respond appropriately and
16 timey, and I--

17 KAREN MAZZA: [interposing] Can I—Can I—

18 -

19 CHAIRPERSON MILLER: [interposing] Yep.

20 KAREN MAZZA: --point out one other
21 thing, which is that sometimes verification is not
22 about the agencies not receiving information, but
23 it's because the law require that the member
24 participate for 40 hours of Rescue, Recovery and
25 Cleanup, and it has to be Rescue, Recovery and

2 Cleanup as defined by a the law. So, there are times
3 when it's not the agency's fault. It's that the
4 member doesn't qualify under the law.

5 CHAIRPERSON MILLER: But that wouldn't be
6 participation, right, in terms of whether or not the
7 person was there, whether or not they qualified base
8 on--so you're saying based on a particular part--the
9 particular type of work that was performed?

10 KAREN MAZZA: [off mic] Yes.

11 ALICIA SLACK: [on mic] Yes, based on
12 the type of work a member has to in order for a
13 Notice of Participation to be verified by an agency.
14 A member must either have participated on September
15 11th of 2001, September 12th of 2001, and any time for
16 any period time for 40 hours between September 11,
17 2001 and September 12 of 2002, and they must have
18 participated in Rescue, Recovery and Cleanup
19 Operations, which is defined by in general terms as
20 having participated and has been clarified by the Law
21 Department.

22 CHAIRPERSON MILLER: But what is that?
23 So-so again, if--if the folks that I represented at
24 the MTA were responsible for transporting from Ground
25 Zero to Ground Zero and other locations throughout

2 the city, and they met the 40-hour requirement, would
3 they then meet the requirements of-of the work
4 specifications?

5 ALICIA SLACK: In a broad sense and every
6 case very specific it's hard to talk in the broad
7 sense, but in a broad sense if the person
8 participated for 40 hours in doing the job that you
9 are describing, most likely they would have qualified,
10 whether the agency has qualified them or the special
11 trial-I mean Special Review Committee of NYCERS has
12 qualified them depends on whether the agency has
13 records or whether person has come and testified
14 before NYCERS and has established that work.

15 CHAIRPERSON MILLER: Okay, thank you very
16 much. Thank you for your testimony. It's been-it's
17 been helpful. As I said, we-we-we do have further
18 questions we'll send and-and-and some-some of the
19 things that you weren't able to respond to
20 appropriately today, we're hoping that we'll receive
21 that as well, but the conversation as we move forward
22 obviously we've learned some things today that-that
23 it-that we hope to work with some of our colleagues
24 on the state side to be able to amend and advance
25 opportunities for-for people to get their benefit

1 that they deserve. Thank you. [background
2 comments/pause] Our next testimony will be from Ellie
3 Engler of the UFT. [background comments/pause]
4 [gavel] [pause]

6 ELLIE ENGLER: Hi.

7 DR. MAYBANK: Please.

8 ELLIE ENGLER: Okay. Good morning,
9 Chairs Miller and Levine, and to the members of the
10 Committee on Civil Service and Labor and the
11 Committee on Health. [coughs] My name is Ellie
12 Engler and I'm the Executive Assistance to President
13 Michael Mulgrew of the United Federation of Teachers,
14 and I'm also the Director of staff. I want to thank
15 you and the entire New York City Council for this
16 opportunity for standing up for the health of the
17 survivors of 9/11. Everybody has been saying thank
18 you, and feeling grateful, but I am very dismayed and
19 disappointed in the testimony I've heard thus far.
20 About 20 years ago I was brought into the United
21 Federation of Teachers and as industrial hygienist.
22 Randy Weingarten asked me to join the union, and I
23 have a little story to tell you about myself, which
24 will lead me into an ask of this committee, and it's
25 major ask. Came into the union representing a couple

1
2 hundred thousand staff member-members and a million
3 kids, and I started doing my work on school
4 construction, asbestos, lead in the water, things
5 like that, communicable diseases, and I had a role in
6 developing citywide protocols for doing construction
7 and renovation in school buildings while schools were
8 occupied. This expertise took on a whole new meaning
9 in the after-aftermath of 9/11. [coughs] I have to
10 find my page, which it disappeared on me. So, 9/11
11 happens, the Chancellor was Chancellor Levy, and
12 Randy Weingarten and Chancellor Levy stood on the
13 promenade and watched the buildings fall. I was on
14 my through the Holland Tunnel, through the Brooklyn
15 Battery Tunnel--it's called something else though--
16 into my office to take a look at some buildings down
17 in Chinatown, and I was called by a member of the
18 Division of School Facilities, Bernie Orland, a good
19 friend of mine who currently still works at the Board
20 of Education. I also was called by Alex Lampert
21 another good friend of mine who works at School
22 Construction Authority. Both of them told me don't
23 go in. It was the time when you had a telephone that
24 was as big a shoe box in your. I don't know if you
25 remember but that was that time. The towers fell,

2 and our first concern was how do these kids get out,
3 and my members, my union nurture over a million kids
4 in school buildings and some way somehow they carried
5 kids in wheelchairs down the step. They carried them
6 up the Westside Highway, they took them home with
7 them, they walked across the Brooklyn Bridge. They
8 did whatever was necessary to make the children safe,
9 and that's exactly what happened. Not one child was
10 hurt after 9/11. Some of them stayed in the school
11 until the coast was clear. So, what was going to
12 happen? We came together as a team, School
13 Construction Authority, the UFT and DOE and we figure
14 out the number of schools, which ones. We had to
15 decide. The DOE decided. It had to be relocated to
16 other sites, and as a team we worked together to
17 relocate all these kids, and I remember the union
18 having vans packed. We were up on-on 21st Street
19 packed with textbooks, and construction paper and all
20 kinds of things because they were going to schools
21 that they were collocated with or other buildings,
22 and I cannot tell you what a great effort and what a
23 great team we were in the DOE, UFT, and SCA. We
24 worked together terrifically. Several days of after
25 9/11 a team of us three from the UFT more from the

1
2 DOE, more from School Construction Authority began
3 our hunt in the 10 or 11 schools that closed around
4 the Towers. Those schools were evacuated. We had
5 our mental health experts in the schools making sure
6 that the kids who saw this horrific event and the
7 teachers who saw this had the support they needed,
8 and we started top to bottom, roof to basement
9 looking at what the buildings looked like, assessing
10 the dust, assessing the vents, conducting air
11 monitoring, reviewing the results, and figuring out
12 how are we ever going to open this school in the zone
13 of the World Trade Center. As time went on, we all
14 know that EPA told us the air was safe, and there was
15 a reopening of the schools. It didn't happen
16 overnight. The first school to reopen was Stuyvesant
17 High and then there was a rolling admissions of
18 school—a rolling re-entry of schools into their
19 buildings I think through March. So, after that
20 happened in March, we went back to business. I was
21 dealing with Tuberculosis. I was dealing with
22 [coughs] communicable disease. I was dealing with
23 lead and water, asbestos. That was my job. Oddly
24 enough in August of 2016, the AFL-CIO gave me a big
25 award. It was the Zadroga Award. And I was very

1 proud to receive it, and I thought it honored my work
2 during 9/11. I'm very proud. It hangs on my wall
3 today, but here's the kicker: That's all I thought,
4 I put it up on my wall, and it wasn't until my two
5 close friends Michael Barasch and Richard Alles asked
6 to meet with me. So, Bridget Ryan another good
7 friend and colleague of mine set up a meeting, and we
8 sat down and talked, and they said, Ellie, what are
9 you doing about your members? I said my members?
10 What do you mean my members? What--what should I be
11 doing about my members? Well, they're survivors as
12 you both pointed out, and I'll get to the big ask in
13 a minute. I had done nothing. I had done nothing
14 from 2001, the passage of the Zadroga, the
15 reauthorization 'til that day I sat down with these
16 two gentlemen. It hadn't occurred to me that not only
17 were my member survivors that came back to work and
18 worked there through May, but I myself was a
19 responder. We were--we were searching buildings for
20 dead body parts and through the--we were looking in
21 ventilation systems, looking at rugs, doing air
22 testing. What a meeting that was. What a meeting
23 that was. So, just to let you know, three people on
24 my UFT Team two of us have to answer, myself being
25

1
2 one and my other colleagues. One-one has not gotten
3 to cancer. I can't speak for DOE or the School
4 Construction Authority about their teams, but two out
5 of three of us have gotten cancer since our exposure-
6 heavy exposure to the 9/11 air. So, as a result of
7 that, we did some research. No one ever did outreach
8 to us. No one. I got this award and I met with
9 these two gentlemen who said: What about you? What
10 about your members? I am certified as a first
11 responder, and we began the process of identifying
12 every member that worked in the-in the buildings
13 during 2001 and 2002. We went through per-payroll
14 records, as you said, and found every single member,
15 and there was approximately a thousand of them. What
16 we did after that was we sent out letters. We've
17 held three or four forums and the numbers of cancer
18 related illnesses, Asthma, respiratory diseases is
19 astounding, and to this day when we continue to reach
20 out to the-we've done a reach-out five times, and we
21 continue to have forums. We've had one at
22 Stuyvesant. We had one in Chinatown. Then we had
23 one in my office at 52 Broadway about two weeks ago.
24 Twenty-five people showed up from those that received
25 letters. One in particular I'll tell you about, an

1 Asian woman taught in Chinatown, lives in Chinatown.
2 She just came because she got the message and said
3 let me see what this is about. I did a presentation
4 as did the attorneys. They're not pitching for
5 clients. They have given me information, and I'm
6 just giving my members information because no one has
7 ever done outreach to my members, but my members have
8 a good union that protects them. A little late, but
9 we're doing it. This Asian woman turned to me and
10 said, "I have cancer. I taught in Chinatown. My
11 husband died of cancer. He lived in Chinatown. My
12 cousin has cancer." That's just an example of a
13 member coming to a meeting not expecting anything,
14 and realizing the she was entitled to healthcare, to
15 benefits, to compensation. We will continue to do
16 our work. With all due respect the city says and the
17 Health Department says they've reach out. They have
18 not reached out. It's up to you. I just got a call
19 from a custodian who was diagnosed with—the attorneys
20 for a custodian who was diagnosed with leukemia, and
21 he doesn't know how to get his records. So, I
22 personally wrote to the Board of Education and got
23 documentation for him that he was actually working in
24 it, Murray Bergtraum during that period in the zone.
25

1
2 So, we continued our talk and I realized a light bulb
3 went off: What about the kids? What about the kids?
4 We're talking about a 5-year-old in kindergarten who
5 went to school everyday as soon as schools opened up.
6 I'm not even talking about the ten that were closed.
7 I'm talking about the ones in Chinatown Murray
8 Bergtraum, the elementary schools. They walk through
9 that zone every day. Today, that 5-year-old is what?
10 22? A high school—a senior from high school at
11 Stuyvesant is what, 32, 33? Is that right?
12 Something like that. What about all those kids? The
13 Department of Education and New York City Department
14 of Health has done nothing, zero, nothing to reach
15 out to those kids, and that's what I'm asking you for
16 today because how many of those kids from 22 to 32
17 know that a cancer that they've develop--and there
18 are many of them—is related to the exposure that they
19 had while walking to school, getting off the subway
20 walking to school, leaving their apartment walking to
21 school. They have done nothing. The story about
22 having records flooding out—flooded out during
23 Hurricane Sandy has come to me, too. They said
24 Stuyvesant oh the basement got so wet. At 234 the
25 basement was wet, and that's where the records are,

1
2 but I know that the Health Department has records of
3 every child. You can't get into school unless the
4 Health Department knows-knows you've been immunized,
5 and that has to be in a data base, and they have done
6 nothing. So, I come to the Council. I will protect
7 my members. I will meet with TRS. I will meet with
8 first to make sure they have a good understanding of
9 what it means to see my members who have deceased—my
10 members that needed disability and review all of
11 their records because I can identify every person
12 that has been exposed. I will meet with these DC37
13 with 32BJ, with the Custodial Union. I'll do the
14 work of the union that the city hasn't done for us.
15 What I'm asking you to do is help me get the city to
16 get those—use whatever methods they have. This isn't
17 a lot of money. Post on Facebook. Take out some ads,
18 do some digital stuff, but any child that was in
19 school has the right to know, the right to know that
20 they had an exposure, a serious exposure and they've
21 never been told. I ask for your help. We will
22 devote staff from the union to help in any way we
23 can. We're committed to doing that. President
24 Mulgrew has given me the assurances that ever—
25 whatever we need to do, if it's going down into the

1
2 basement and getting those records, we will do it.
3 We will find those children. Thank you very much.

4 CHAIRPERSON MILLER: Thank you so much
5 for that testimony and—and I just want you to know
6 that the purpose of this hearing while we—we—we, you
7 know, we're—we're hearing a resolution. We want to
8 talk about workers, but the purpose is to ensure that
9 we're—we're looking at all the unintended
10 consequences that we're capturing the entire universe
11 and talking about those who haven't been spoken about
12 that they have a voice here today, which certainly
13 you have just given them, and—and the Council is—is
14 going to work with you, and the UFT and others to
15 make sure that—that we capture that entire universe
16 and that everyone has been impacted, that—that we
17 know who they are, and they're being provided the
18 services that that they are entitled to, but with
19 that—I want to pass it over to the—to the Chair of
20 the Health Committee.

21 CHAIRPERSON LEVINE: Thank you, thank
22 you, Mr. Chair. Ellie, I have to say that's one of
23 the most powerful testimonies I've ever seen in my
24 five years in the Council and your bravery in
25

1 standing up and telling your personal story and
2 advocating not for yourself--

3
4 ELLIE ENGLER: No. I'm out for my
5 members.

6 CHAIRPERSON LEVINE: Yes and so to-to
7 critics of-of organized labor who think that it's
8 only about defending their members, I mean you are a
9 perfect example of the broader vision especially of
10 teachers who obviously are in this work because they
11 care about the kids first and foremost, and you are
12 perfectly reflecting that. So, I thank you from the
13 bottom of my heart for speaking out for the kids. It
14 seems to me that the city should know down to the
15 last name exactly who were the children who were in
16 schools in proximity to ground zero during this
17 critical period. So, we must have a list. I don't
18 know how many kids are on the list, hundreds, maybe a
19 few thousand.

20 ELLIE ENGLER: A few? We have thousands.

21 CHAIRPERSON LEVINE: So, we must have a
22 list of those names, and some of them are going to
23 still be-well, maybe-at this point none would still
24 be in the schools, but we would have last known
25 address. We might have a last known phone number.

1 That would be a starting point. So, have we not
2 mailed letters to the last know address for example
3 of these several thousand now former students?
4

5 ELLIE ENGLER: The city has not. The
6 Department of Education claims that there's no such
7 list.

8 CHAIRPERSON LEVINE: But—and the Health
9 Department has no such list?

10 ELLIE ENGLER: No, they said no. I know
11 they do, but they say no.

12 CHAIRPERSON LEVINE: [interposing] It-it
13 wouldn't require much work. Again, this is knowable
14 information. These are children who were enrolled in
15 schools within a certain geographic zone during that
16 critical—basically it's—it's one school year
17 basically.

18 ELLIE ENGLER: Yes.

19 CHAIRPERSON LEVINE: Right. So, it's the
20 school year of—of '01 to '02 who were enrolled in a
21 certain geographic area. You've probably thought
22 about maybe it's one-mile radius. I'm not sure.

23 ELLIE ENGLER: We know—the schools will
24 below—below Canal Street, and then I think some below
25

1
2 Houston, but the ones below Canal has more direct
3 exposure.

4 CHAIRPERSON LEVINE: Okay, so and we are
5 very committed to see--

6 ELLIE ENGLER: [interposing] Right.

7 CHAIRPERSON LEVINE: --that we identify
8 the kids and do everything we can to reach them, and
9 that seems to me to be quite doable, and I also--and I
10 also endorse your idea of some broader outreach on
11 social medial because there are going to be some
12 families who have moved and who we can't easily
13 reach, but let's at least start by mailing to the
14 known address, calling to the last know phone number,
15 and then move to working with alumni groups and other
16 possible channels to reach out to these kids. I'm--
17 I'm personally, and I think I can say that my co-
18 chair are absolutely committed to doing that, and I
19 again want to thank you for that very, very moving,
20 brave testimony that you offered.

21 ELLIE ENGLER: Thank you very much.

22 CHAIRPERSON MILLER: Thank you so much
23 Ellie. [pause]

24 CHAIRPERSON LEVINE: Okay, next up we are
25 going to hear from Oren Barzilay from FDNY EMS Local

2507; from Linda Mercer and her—and her colleague
Matthew McCauley, from Steven Landau. [background
comment] Sorry. Stephen Lan—Stephanie Landau.
Forgive me. Mary Fetchet from the Voices of
September 11th. If you all could please make your
way up.

ORAN BARZILAY: Okay.

CHAIRPERSON LEVINE: Okay and are you
Oren, is that correct.

ORAN BARZILAY: Oran, yes.

CHAIRPERSON LEVINE: Would you like to
lead us off, please.

ORAN BARZILAY: Sure, if you don't mind.
Okay.

CHAIRPERSON LEVINE: And just protocol,
we ask that you start by stating your name and
organization

ORAN BARZILAY: Sure. My name is Oren
Barzilay, President of FDNY EMS, Local 2507. Good
morning and thank you for having me today, allowing
me to testify in front of you. Deaths from September
11th caused diseases currently greatly outnumber
those lost on that fateful day. We at FDNY EMS lost
two members: Carlos Lelo (sp?) and Ricardo Queen to

2 the terrorist attack. In the course of the last 17
3 years a hundred additional members have made a
4 supreme sacrifice in service to our great city. Our
5 active duty workforce on 9/11 was 2,500; 431 are
6 currently still on active duty, and are being treated
7 for 90 separate, separate health conditions related
8 to work at the World Trade Center. That equates to
9 17% of the workforce. Of those 431, 88 or 22% are
10 currently battling cancer. It bears mentioning that
11 the average age of these members is 49 years. They
12 are now suffering from diseases that are normally
13 seen in in subsequent (sic) generations—generians.
14 I'm sorry. Asbestos related cancer notably lung
15 cancer can take 20 years for symptoms to show up.
16 These cancers are beginning to appear at an alarming
17 rate. Bearing witness to that fact, in this month
18 alone I have attended the funerals of three of my
19 members. That leaves mothers and fathers burying
20 their children and spouses burying their loved one.
21 The well of backbites and stately departmental—
22 departmental funerals is but little consolation. We
23 also have 700 retirees on the treatment. These
24 retirees while a bit older are developing acute
25 health issues at an alarming rate. So, of the 2,500

1
2 EMS members employed on that fateful day, 1,009 are
3 being treated for health related issues caused by the
4 terror attack. We have rebuilt the World Trade
5 Center. We have pledged that we will never forget.
6 Yet, problems still remain in adjudication and
7 administration of 9/11 related claims. The Governor
8 has legislated World Trade Center related diseases by
9 presumptively related to the rescue and recovery
10 efforts. But because of the link between a
11 particular medical condition and the World Trade
12 Center exposure is not always definitive, the city
13 has challenged a high portion of 9/11 related Workers
14 Compensation Claims. The denial rate of NYCERS 9/11
15 disability pension remains unchanged at around 50%.
16 While has been learned, the entire spectrum and
17 trajectory of World Trade Center related disorders
18 and the mechanizeable (sic) onset persistence remain
19 to be fully described, and while those mechanisms
20 are continually evolving, we need to maintain extent
21 and grant options to our members. While listening to
22 others testify here today, I took some notes. There
23 was questions whether the unions had to negotiate for
24 this benefit. The fact is we did have to negotiate.
25 There is give-back. When our members have to—when

1
2 our members reach retirement whatever sick leave bank
3 they have, they have to return it to the city. In 17
4 years, our members endured unpaid sick leave day,
5 hundreds of hours. Some of them have lost their
6 homes, their spouses. Yet, when the Governor
7 legislated this benefit for the entire state, the
8 city opposed it, and we were left out. [pause] They
9 wanted our vacation day on top of that, but we fought
10 back. The only thing that we got was our vacation.
11 [pause] Some of the Mighty Robin (sic) has been a
12 staunch advocate on helping us. It's been a year
13 since numerous NYCERS hearings have been held. As of
14 today, there are still no oncologists to examine our
15 members. How does somebody with no experience in
16 cancer examine our members? [pause] Some of them
17 haven't even—have even been diagnosed with PTSD.
18 Yet, PTSD is not recognized as a medical condition
19 under the World Trade Center Compensation Fund.
20 Therefore, leaving our members stranded, and appeal—
21 after an appeal, still stranded. It leaves us no
22 choice, but now to go up to Albany again and
23 legislate to include PTSD. Mental Health is a
24 serious issue. Anybody who experienced that day has
25 some sort of mental issue. Thank you for your time.

CHAIRPERSON LEVINE: Thank you, Mr.
President. Thank you . Please.

MARY FETCHET: [off mic] Good morning.
[pause] Is this on? Okay. Good morning. I want to
thank the Committee for inviting us here today. My
name is Mary Fetchet and I'm Founding Director Voices
of September 11th, an organization that I co-founded
in 2001 following the death of my 24-year-old son
Brad who was working on the 89th floor of the South
Tower. I'm here today with Stephanie Landau who has
worked with Voices for 11 years as Program Director—
12 yeas as Program Director. At the time of the
attacks, I was working as a Clinical Social Worker
and established Voices to provide support services
and access to resources and mental healthcare for all
those impacted by 9/11. Over the past 17 years our
staff has provided over 160,000 hours of support
services and wide range of programs for victims'
families, survivors, responders and their families,
and it's worth noting that the support services that
we provided are funded by money that we actually
raised privately. For six years Voices worked along
with other outreach partners to assist survivors and
responders in accessing treatment through the World

1 Trade Center Health Program. Today, we continue to
2 be focused on providing continuity of care by working
3 collaboratively to provide programs that address the
4 long-term mental health needs of the 9/11 community.
5 Our testimony is focused on the long-term needs of
6 9/11 victims' family members, survivors, responders
7 and their families. The families of the 2,977
8 victims lived around the country and around the
9 world. Ninety countries lost citizens that day.
10 Since 2001, the needs of victims' families have
11 evolved. In 2015, Voices conducted a scientific
12 research study that was actually funded by the
13 Canadian Government to evaluate the long-term needs
14 of 600 victims' families. The findings demonstrated
15 that 15 years later many families have a range of
16 needs. A third of the family members who
17 participated are resilient and have been able to
18 integrate and accept the loss of their loved one, and
19 move forward in a productive way. A third have
20 mental health needs that fluctuate from time to time
21 possibly based on subsequent losses, news of other
22 tragedies, illness or changes in their support
23 system. A third of those who participated are still
24 experiencing serious mental health conditions such as
25

2 depression, anxiety and PTSD. Many families that we
3 contacted about the study were actually unwilling to
4 participate for a variety of reasons. Most indicated
5 that reflecting back on their personal experience
6 would be too painful, would reopen old wounds or
7 complicate their mental health conditions. Based on
8 our research and our daily contact with 9/11
9 families, we have found longstanding mental health
10 issues that have not been addressed for children of
11 the victims who are now young adults, which are
12 complicated by misdiagnosis, intergenerational
13 issues, substance abuse and other developmental
14 challenges. For example, a victim's child who was 13
15 years old at the time struggled through high school
16 and college and was misdiagnosed and treated with
17 stimulants for Attention Deficit Disorder when in
18 reality he had anxiety and depression. This in turn
19 led to substance abuse, and the need for years of
20 private therapy. Another example of mental health
21 stressor is the continued identification of human
22 remains, which continues today. The Office of Chief
23 Medical Examiner's Office of New York City still has
24 7,000 unidentified human remains. Of the 2,753
25 victims, at the World Trade Center site, over 1,100

1 victims' families have never been notified. Many
2 families have by choice have been notified multiple
3 times. Our family has been notified six times of our
4 son's remains, the most recent just three months ago.
5 Over 17 years later we received calls from victims'
6 families that are contacting us for the first time
7 asking for support services. Many have never sought
8 mental health treatment, and their conditions have
9 been magnified due to other losses, lack of support
10 and unforeseeable circumstances out of the control.
11 As far as the survivors, in 2006, Voices worked with
12 Morgan Stanley to analyze a number of survivors who
13 were present in Lower Manhattan on 9/11. The study
14 indicated that over 400,000 people lived, worked or
15 went to school within a quarter mile-of a mile of the
16 World Trade Center on 9/11. Of that number only
17 about 18,000 survivors are currently enrolled in the
18 World Trade Center Health Program and many do not
19 know they qualify or that it's still open. Some
20 survivors still reside in the area, yet. Others have
21 relocated to other parts of the country, which makes-
22 makes it much more complicated than to make them
23 aware of the program. Some survivors have become
24 sick and sought treatment for illnesses with their
25

1
2 own private medical doctors not recognizing the—the
3 connection with their exposures at the World Trade
4 Center site. As an example, we received a call from
5 the husband of a woman who worked at a—at a school in
6 the area, and was diagnosed with brain cancer. Her
7 husband called the day before her surgery wondering
8 if she should apply to the program. We helped
9 expedite her application. Some terminally ill
10 survivors never recognize the connection between the
11 9/11 related exposure, and it' not until many years
12 after they're death that their families contact us
13 asking for help. Although they've perished, we can
14 assist the families by connecting them with attorneys
15 that are helping them apply for the Victims'
16 Compensation Fund. The overlooked survivor community
17 are the thousands of individuals who worked in the
18 World Trade Center building, but just didn't happen
19 to be at work that day. Many of them lost hundreds
20 of friends and colleagues that day, and were tasked
21 with rebuilding their companies. Recognition of
22 their need for support varies from company to
23 company. Nearly 75,000 responders are currently
24 registered in the World Trade Center Health Program.
25 John Feal who has been working tirelessly and helping

1
2 responders apply to the program is here today, and
3 we're often contacted by responders who have moved
4 out of the area who came from other parts of the
5 country to work in the rescue and recovery effort.
6 For instance, we were contacted a response team from
7 Phoenix, Arizona who had 42 colleagues who came to
8 the area, and they actually worked with one of the
9 attorneys to get them into the Compensation Program.
10 As of September 30th, I know this came up earlier of
11 2019--

12 CHAIRPERSON MILLER: [interposing] Susan,
13 I'm sorry, but we do—we do have—we have to be out of
14 here.

15 MARY FETCHET: Oh, okay.

16 CHAIRPERSON MILLER: There's another
17 hearing. So, I'm asking you to please wrap up,
18 summarize and wrap up.

19 MARY FETCHET: Well, I know—I know you
20 mentioned about the 2000—there's 2,104 people that
21 are on record that have died since 9/11, and I think
22 that's under-estimate actually of the people that
23 have died because it's really not recognizing the
24 people that committed suicide, and it's also not
25 recognizing the people that may have died and not

1 recognized them until after—after they have deceased,
2 when the family approaches us and I'm going to turn
3 it over to Stephanie.
4

5 STEPHANIE LANDAU: Thank you. [coughs]

6 So overall the challenges we're trying to describe
7 are very, very significant for the families of the
8 survivors and the responders. It's very confusing.
9 There are multiple, multiple layers of services that
10 are provided. A lot of them all have the same name.
11 You've got the Victim Compensation from the World
12 Trade Center Health Program, and then you—they have a
13 Survivor Program, a Responder Program, a National
14 Program, and there's really no way for people, that
15 se try to help people navigate through all these
16 systems, and we just really wanted to make sure that
17 you're aware that there's a lot of challenges to
18 these systems that are there. Their families have no
19 support. A lot of times family members are sick.
20 They're taking care of somebody who is sick, and they
21 have nobody supporting them. They have to give up
22 their time to take people to their medical treatments
23 that also are not being recognized as time off. So,
24 it's a very, very complicated system, and they
25 really, really need help navigating, and this is only

2 going to get worse, as was mentioned. With asbestos
3 related diseases you're going to have a lot more
4 families that are going to be depending and looking
5 to the city for services. What we would like to do
6 is really to conclude is that we're here today to
7 support the entire 9/11 community. We would like to
8 applaud all the Centers of Excellence who provide
9 incredible, compassionate expertise in taking care of
10 everybody who has gotten sick. We would also like to
11 give a little shout-out to John Feal and all the
12 attorneys that are here who represent the survivors
13 and responders and their families with great
14 emphasis—impetus—empathy--that was hard—as they
15 continue to battle for additional funding for the
16 victims' compensation, and for fair treatment and
17 sick leave for all those who have been impacted

18 MARY FETCHET: And I know you mentioned
19 best practices. I think we've learned a lot over the
20 last 17 years, and I'm hoping that it's taken into
21 account What we have learned if, God forbid, you
22 know, there's another attack or acts of mass
23 violence.

24 CHAIRPERSON MILLER: Okay, thank you—
25 thank you so very much. We've been joined by Council

1
2 Member Barron, and I'm going to allow my Co-Chair
3 here to kind to jump right in.

4 CHAIRPERSON LEVINE: Mr. Barzilay, thank
5 you for your very, very powerful testimony. It's
6 hard to think of any group of workers have more
7 clearly sacrificed on behalf of the city and service
8 in the Post-9/11 period and have—clearly deserve
9 every measure of support we can offer—

10 ORAN BARZILAY: [interposing] Thank you.

11 CHAIRPERSON LEVINE: --including
12 undoubtedly support for those who suffer from PTSD,
13 and I just want—want to ask you to clarify because
14 when I look at the statistics from the World Trade
15 Center Health Program, they do list PTSD as one of
16 their conditions. In fact, it's one of the most
17 common for both responders and survivors. Can you—

18 MARY FETCHET: So, they'll treat it, but
19 they don't—they don't—initially support it.

20 CHAIRPERSON LEVINE: Okay, so they're
21 tracing this condition without offering financial
22 support? Is that accurate?

23 ORAN BARZILAY: Correct.

24 MARY FETCHET: Yeah.

25 ORAN BARZILAY: That is correct.

2 CHAIRPERSON LEVINE: Okay, and that—that
3 means support for mental health services and paid
4 sick days, et cetera?

5 ORAN BARZILAY: Correct.

6 CHAIRPERSON LEVINE: Could you—are those
7 the two things—

8 ORAN BARZILAY: [interposing] So, so, if
9 you're permanently disabled let's say from a mental
10 condition, you're entitled to an award rather it's a
11 pension three-quarter of disability. That's not
12 recognizable.

13 CHAIRPERSON LEVINE: Okay, so it's
14 pension—it's qualifications for the pension, perhaps
15 paid sick--

16 ORAN BARZILAY: In the World Trade Center
17 Fund.

18 CHAIRPERSON LEVINE: Right.

19 ORAN BARZILAY: Not—it's not—you're not
20 entitled to a claim.

21 CHAIRPERSON LEVINE: Okay, well clearly
22 it should be, and the fact that we're tracking this
23 as a medical condition is a contradiction in the
24 city's response to this, and we—we thank you for
25

1 highlighting that contradiction, and we certainly
2 support you on that.
3

4 ORAN BARZILAY: Thank you.

5 MARY FETCHET: Can I clarify that a
6 little bit? The Zadroga Act created two sort of
7 equal branches. One is the Victim Compensation Fund,
8 which is financial rewards, and that does not include
9 any mental health awards. On the other hand, you have
10 World Trade Center Health Program, which has all
11 sorts of variations, which is why it gets confusing.
12 They will treat—they will physically—they will
13 actually provide treatment but no financial
14 compensation. So, you can go in for counseling, but
15 it—it makes it so you can't work. It doesn't get
16 included in your financial compensation. So, they're
17 recognizing it, but they're not recognizing it as
18 financial loss.

19 CHAIRPERSON LEVINE: Okay, thank you.

20 CHAIRPERSON MILLER: Thank you, Mr.
21 Chair. So, if—there's a lot going on here, and—and
22 you've provided a—a—a—just a plethora of—of really
23 credible and necessary—necessary testimony here
24 today—and—and pretty much answered most of the
25 questions that we have here about what are next

1 steps. What has not been done? Have we kind of
2 captured that universe of everybody that is being
3 impacted and—and certainly your collective testimony
4 have—have dealt with that, but if we had to
5 prioritize initiatives, programs—and as we move
6 forward, what would be our first steps, and what
7 would be those priorities? [pause] From each of
8 you.
9

10 ORAN BARZILAY: From my perspective and
11 for—for everybody that's involved with FDNY, I would
12 say some issues with NYCERS have to be adjusted
13 getting them the appropriate funding for maybe the
14 doctors that we're asking for, the specialists. You
15 know, you have members with cancers who are being
16 diagnosed with PTSD, fatigue instead of being
17 authorized for a cancer diagnosis for—for their
18 retirement.

19 CHAIRPERSON LEVINE: So, I—I—I think that
20 we've acknowledged that piece there, and I personally
21 have a lot of experiences with—with—within—with IMEs,
22 and they—they never work for workers. I think that
23 we're addressing that. More importantly, I think the
24 hearings that our colleagues did in—in Albany has
25 really shined light on that, and because of that,

1 they have brought other individuals in, but we're
2 going to keep at the forefront and—and certainly
3 that's why we have these hearings, right, to give
4 voices to those who—who have been historically
5 disenfranchised around these areas hear, and that is
6 quite frankly unacceptable. I think they've begun to
7 make changes, and we want to stay—stay on them to
8 make sure that they have credible qualified folks
9 making these determinations, and that we close these—
10 these disparity gaps about who is receiving the
11 qualified disability pension, and who is not. And—
12 and so certainly that's something we want to deal
13 with. From—from—from a civilian standpoint, what are
14 the next steps?

16 MARY FETCHET: Well, I think there's
17 still a lot of stigma attached to mental health and,
18 you know, that's something that has to be addressed
19 generally, but, you know, I'm just struck by, you
20 know, victims and —and people that are directly
21 affected by John Feal and—and others that have to
22 come forward to push the government to do what should
23 be, you know, common sense. You know, so I think to—
24 to really look at the bigger picture and—and for you
25 all to be thinking about how can you move this

1 forward? How can simply it for these people? How
2 can do what's right so that people have both the
3 mental health and the medical care that they need and
4 deserve.

5
6 CHAIRPERSON MILLER: Okay, thank you. I
7 hope that we've seen that--that the--the city of New
8 York at the very least have--have really taken steps
9 to understand the general mental health issues, but
10 in particularly as it pertains to those survivors
11 and--and--and--and family members of survivors and the
12 unintended consequences that they have had there, and
13 that we--we have a responsibility to--to--to provide
14 them with the necessary services and I think just the
15 dialogue and the conversations that we've had over
16 the past five years in communities throughout the
17 city and particularly around 9/11 that--that we are
18 addressing that, but we want to continue this
19 dialogue.

20 MARY FETCHET: Well, if I could just add
21 I think one thing that makes things difficult is
22 having to fight for things that you deserve, and--and
23 when there's multiple organizations and agencies
24 providing a small sliver of what the--the support
25 should be, it makes it very difficult for people to

1 navigate. So, I think to-to think about a
2 collaboration and messaging and-and making things
3 easy because the navigation of many of these issues
4 what-is what complicates the mental health
5 conditions.
6

7 CHAIRPERSON MILLER: Okay. Thank you so
8 very much for your testimony. I'm sorry, we have
9 Council Member Adams.

10 COUNCIL MEMBER ADAMS: Thank you, Chair
11 Miller. I-I just wanted to make a comment, and-and
12 thank the co-chairs for continuing this dialogue.
13 You know, the-the more we peel this-this onion back,
14 the more layers there seem to be, and I just really
15 appreciate your testimony here today, your passionate
16 testimony here today. I happen to have a family
17 member who was diagnosed for the third or fourth time
18 three months ago with another illness as a direct
19 result of being a first responder on 9/11. So, I-I
20 certainly do sympathize and-and empathize with
21 everything that you've said here today. So thank you
22 very much. In addition to that, testimony that was
23 provided by Ellie Engler at little while ago from UFT
24 where she reached out, and she was very, very
25 passionate about the children and wanting to get

1
2 information to the children and families of the
3 children. This information that you've provided in
4 your packet: *9/11: Were You There?* specifically
5 addresses her concern, and—and for our estimation and
6 my estimation it looks like this is the answer that
7 she was looking for to that question: How are we
8 reaching the children? How are we reaching the
9 families that continue to be impacted from 10, 15, 20
10 years later and beyond. This issue is going to
11 affect and has affected generations in the City of
12 New York and beyond even for those that aren't even
13 in the state of New York. So, when we look at this
14 picture, for us right here in New York City, we're
15 taking a look through a small lens right now at New
16 York City alone, and then as we peel back this onion,
17 we're taking a look at a wider instance of teachers
18 and people that may have just been walking down the
19 street, students young and old. Also, we can take a
20 look at people that came in to assist from other—from
21 other areas of the country, across this country. We
22 had numerous individuals that came to that pile to
23 assist. So, I'm just going to ask that this
24 information be shared with UFT and others. *Were You*
25 *There?* This answers that question in trying to get

1
2 more information in and more information out to those
3 that may have been involved and so critically
4 impacted on 9/11. So thank you again very much.

5 CHAIRPERSON MILLER: Thank you so very
6 much for your testimony. Our final panel: Linda
7 Mercer, Matthew McCauley; John Feal (sp?), Michael
8 Barasch and Leonard Sorgie. [background
9 comments/pause] Before we get started, I'd like to
10 acknowledge my good friend Ritchie Yales (sic) who-
11 who has-has been on the forefront for-for-obviously
12 for nearly two decades now, and continues to be so-
13 Give your name and testimony. [pause]

14 LINDA MERCER: Oh, I'm sorry. Good
15 morning. My name is Linda Mercer. I am a traffic
16 agent. I work for the NY-the NYPD over 30 years. I
17 have served many mayors and before-before the mayor
18 we have now. I have been diagnosed with cancer from
19 9/11. I'm certified by the World Trade Center that
20 happened. I have been treated. I do dialysis. The
21 cancer left from my breast to liver. Right now I'm-
22 I'm supposed to have an operation. They couldn't do
23 it because the cancer is so much on liver. So, the
24 doctor say I'm going to be on chemo-chemo-I'm sorry.
25 Chemo for the rest of my life. Right now, I don't

1 have no sick time. I was standing on the step in
2 October on the Mayor's step and asking him to sign
3 for Traffic—all the traffic agents, all the city
4 workers that was down at 9/11. I was told that he'd
5 sign it, but as of this day, I still don't unlimited
6 sick time. Come January the 4th of 2019, I got to go
7 back and do more chemo, and my doctor told me this is
8 going to be a heavy dose of chemo that I won't be
9 able to come to work. So, I don't have no sick time.
10 So, I'm asking you all to please help me. I have to
11 support my family. Without full sick time I can't go
12 to work and I won't get paid. So, please. Thank
13 you. Oh, I'm sorry. Due to the fact that I'm with
14 the NYPD and they have unlimited sick time, I feel
15 that Traffic should have unlimited sick time, too,
16 because we in that unit—we in that NYPD. So, thank
17 you. [pause]

19 JOHN FEAL: I want to thank the Chair and
20 the Counsel for today's hearing. I want to wish
21 everybody here a merry Christmas and a Happy New
22 Year, a Happy Hanukkah, Happy Hwanazaa, whatever you
23 celebrate happy that. I especially want to thank
24 Linda Mercer and I want to—I want to wish her a Merry
25 Christmas. So, let me start by saying we shouldn't

1 be here today talking about sick leave for 9/11
2 responders. We shouldn't be here at all, but for the
3 record, I have no part in this game. I have no skin
4 in this game. I'm not represented by a union. I'm a
5 9/11 responder who lost half of my foot, was
6 diagnosed with post-traumatic, got my BCF award.
7 Could have went to an island this holiday season, but
8 I stuck around for the last 15 years to help pass
9 nine pieces of legislation in DC, Albany, New Jersey
10 and Michigan for free. I've even donated over \$5
11 million and a kidney, but I have no skin in this game
12 other than seeing what's just. Two years ago my team
13 walked the halls of Congress. Then we stopped to walk
14 the halls of Albany to get a bill passed. Along with
15 the 9/11 Health Watch and others, we wanted
16 responders like Linda Mercer and hundreds of others
17 who responded to 9/11 who became deathly ill because
18 of their heroic actions to get leave, unlimited sick
19 leave because of their heroic action. Working with
20 State Senator Kaminsky and Senator Golden we walked
21 the Capital and the state to mandate that all 9/11
22 responders get unlimited sick time. Governor Cuomo
23 supported it, we passed it, and it was signed into
24 law in September of 2017. And while there were some
25

1
2 problems in the beginning ironed out, and now there
3 are others getting unlimited sick time. Under this
4 State Law the Mayor has opposed, there are agencies
5 like the New York State Police, the Port Authority,
6 Suffolk County Police, New York State Court Officers
7 and other agencies that have worked out this without
8 any conflicts or no need for negotiation or
9 collective bargaining. And keep in mind no one has
10 to protect or negotiate to help their members
11 affected by 9/11 and aside from that, yet Linda
12 Mercer still sits here eight days before Christmas
13 without unlimited sick time because it hasn't been
14 negotiated, and will most likely die before the Mayor
15 of New York City simply does the right think,
16 negotiate. You have to know what you're talking
17 about in order to have a negotiation, and while I
18 have not seen the contract, I know first hand that
19 this contract is flawed and it hurts its members. I
20 am baffled that the parties involved decided it was a
21 good idea to negotiate for a benefit that was already
22 law. I am dumbfounded they felt it was not necessary
23 to speak to anyone who was involved with passing the
24 bill in 2017, but yet they hijacked our press
25 conference six weeks ago. They tried to play savior.

1
2 They've tried to play hero. That title is reserved
3 for those who suffer from the illnesses, but the
4 locals and the Mayor—the Mayor's Office apparently
5 know nothing about what they were talking about but
6 managed to completely screw up a very simple concept
7 that had bipartisan support and the governor's
8 support. So, let me make this clear, make it—make it
9 simple for those who have no skills and successful
10 leadership skills. If you were responder at 9/11 and
11 you got sick from your exposure, then you are
12 entitled to unlimited sick time. Now, I understand
13 the Mayor has delayed the team by telling all the
14 unions take—take what has already been negotiated or
15 get nothing. I'm here to tell everybody, tell every
16 union do not negotiate with the Mayor's Office
17 because he'll be back in Albany in January to get
18 legislation passed so nobody has to negotiate and get
19 force fed with the Mayor's Offices. They were
20 disingenuous earlier to you guys. I hope you know
21 they were playing you. That's off the record and now
22 on the record and I am sure with the help of proven
23 leaders like Govern Cuomo, Andrea Stewart Cousins and
24 Senator Flannigan we will get this done before the
25 Mayor and his team figure out what they know what

1 they're doing. In closing, the parties that
2 negotiated for something that was already a legal
3 right will have blood on their hands when people like
4 Linda die without unlimited sick time. So, I leave
5 you with a quote by Ben Franklin: "We are all born
6 ignorant, but one must work hard to remain stupid."
7 Thank you

9 LEONARD SORGIE: Hi. My name is Leonard
10 Sorgie. I am perhaps by happenstance attending
11 today, and actually speaking with you today only as
12 the result of the positive things I heard from the
13 Council that I decide to raise what I believe is an
14 issue that has been ignored over the years. It
15 results from the fact that I spent some time
16 considering my family's situation as 9/11 survivors.
17 My wife was diagnosed with breast cancer 45 months
18 after 9/11. We live in Battery Park City. I was
19 there on 9/11. We returned home at the city's
20 instance, the government's instance. They were
21 interested in restoring Lower Manhattan to being a
22 vibrant community. We were assured it was safe. My
23 very much wanted [coughs] to move away. I insisted
24 it was safe, and we stayed and—and my wife is fine
25 today. She recovered from her breast cancer and has

2 done very well. When looking into the issues, I came
3 to understand from an April 2006 New York City Health
4 Register report that some 900 people were identified
5 as having been in the contamination zone, having
6 contracted cancer after 9/11 but most likely those
7 people were denied benefits through the World Trade
8 Center Health Program, and I perhaps by New York City
9 as well, I don't know because their cancer was deemed
10 to have manifested too soon. So, again for example
11 was deemed to have been diagnosed with cancer 12
12 weeks too early. So, she's not a victim of 9/11. I
13 will say she certainly considers herself a victim of
14 9/11. So what I would like to ask is that New York
15 City this Council will look into that issue, the
16 World Trade Center Health Program. Dr. Howard set a
17 48-month minimum latency period before he'll consider
18 a cancer patient to be a victim. That's based upon
19 ambiguous science given a cancer-triggering event the
20 latency is very much unknown. Dr. Howard in setting
21 the policy for the World Trade Center Health Program
22 specifically stated his goal was to ensure?: "No
23 false negative" decision. Yet-yet the 48-month solid
24 cancer latency period they set, they eventually
25 decided upon clearly leaves behind cancer victims

1 who—whose cancer resulted from 9/11, and I don't know
2 who oversees the World Trade Center Health Program,
3 and these sort of scientific just rules and
4 regulations that they set. This is—this is a
5 critical rule that ends up eliminating probably at
6 least 1,000 cancer patients from—from the group
7 recognized as being the victims, and I would like or
8 would ask that New York City on behalf of what are
9 mostly New York—New Yorkers investigate and consider
10 whether this is an avenue for advocating on behalf of
11 those thousand or so people with the federal
12 government to—to revisit what's an appropriate
13 latency period. Should it still be 48 months? I've
14 seen data in the last seven years where there have
15 been many instances of cancer developing in less than
16 48 months. So, again, I'm not quite certain of the
17 proper avenue to have that issues consider, but I do
18 think given these—our New Yorkers who are being
19 ignored who are being told they are not victims that
20 somehow it would be helpful for the Council to—to
21 consider that issues, and if would be appropriate,
22 I'd be more than willing to sit with your staff at
23 some time and speak a little bit more about it.
24 Thank you. MATTHEW MCCAULEY: Good afternoon thank
25

2 you very. I want to thank—thank the City Council for
3 holding this hearing today, and can only hope that we
4 can accomplish some things that are long overdue. My
5 name is Matthew McCauley. I was a 9/11 first
6 responder myself. I represent Linda Mercer along
7 with many other 9/11 responders and survivors, who
8 become ill as a result of their exposure to the toxic
9 dust and debris from the World Trade Center Site.
10 You've John Feal and the passion he has for the 9/11
11 community to ensure that they get what they are due
12 and not forgotten. I presented at many of the same
13 meetings he has spoken at as well. It was at these
14 meetings, Chaired by members of the New York State
15 Senate and Assembly that we first discussed the
16 inequality being faced by New York City 9/11
17 responders when it came to getting your unlimited
18 sick time. It took those meetings to get us where we
19 are here today, here still discussing why New York—
20 9/11 New York City responders do not have the same
21 benefits as the people they stood shoulder to
22 shoulder with ground zero as well as the—the same
23 people they stand shoulder with at the very frequent
24 9/11 responder funerals that we have on an average
25 three times per week now. However, that was actually

1 not the purpose of those meetings. The purpose was
2 to discuss and examine how 9/11 responders were being
3 treated in the pension system, and more specifically
4 how they were being treated by NYCERS. We have been
5 hearing an increasing number of complaints by the New
6 York City 9/11 responders that their World Trade
7 Center pensions were being denied or strangely
8 classified to PTSD while ignoring their life
9 threatening and the physical illnesses. These
10 meetings saw testimony from both 9/11 responders and
11 the representatives from NYCERS including Executive
12 Director Melanie Whinnery and General Counsel Alicia
13 Slack. As a result of those meetings and following
14 suggestions that we made by John and others, NYCERS
15 met with members of the World Trade Center Health
16 Program and the Victims' Compensation Fund to have a
17 better understanding of how those programs work with
18 9/11 responders and to understand how the work that
19 NYCERS does impacts those programs. They worked to
20 verify more notices of participation for its members.
21 They created website pages and updated other—others
22 to provide information to it's 9/11 responders. They
23 showed that some changes could be made even more than
24 16 years after 9/11. However, they also identified
25

1 issues that remain problematic, and given that NYCERS
2 is controlled by the Mayor, all of these issues can
3 be corrected if the Mayor addresses them. (1) NYCERS
4 is un-understaffed both administratively and
5 medically. 9/11 issues should be handled
6 specifically by 9/11 teams. The World Trade Center
7 Health Program, the 9/11 VCF and the state have all
8 shown that having teams focused on 9/11 responders
9 gets the job done. (2) Backlogs. They're still in a
10 backlog verifying 9/11 responders' notices of
11 participation. Much of that is due to the other
12 agencies failing to respond to NYCERS. You heard
13 earlier a testimony about the fact that some people
14 may not be qualified. That doesn't count for those
15 that have had responses back. If they respond we've
16 been told that they're not qualified. They're able
17 to then go some place and try to find information.
18 NYCERS has said openly in their—in their hearings
19 that they've had agencies that couldn't actually
20 respond back to them. It's 2018. There should not
21 be hesitation from an agency to respond back to
22 NYCERS. It's the city of New York. The Mayor can
23 order them to respond and if they don't respond, then
24 they should be de facto considered to be part of it,
25

2 not held against it because right now what happens if
3 the agency doesn't respond back, it's on the
4 responder's side to prove that they were there. They
5 don't want affidavits from people that they were down
6 there with the Victim's Compensation Plan. You heard
7 from Michael Barasch about that. The Victims'
8 Compensation Fund takes sworn affidavits. The World
9 Trade Center Health Program takes sworn affidavit.
10 The city agencies don't want sworn affidavits because
11 they're concerned about fraud. Again, there's sworn
12 affidavits. Everybody in here understands what the
13 ramification of lying in a sworn affidavit is. So,
14 the issues should be dealt with in a—in a different
15 way. The appropriate physicians are not in place to
16 review 9/11 cases. Experts from the World Trade
17 Center Health Program and FDNY Medical Division that
18 would be Crane and Dr. Prezant have met with them and
19 offered advice to them. Yet they still do not have
20 oncologist review cases on a regular basis. 9/11
21 cancer is devastating the 9/11 responder community.
22 There 70 cancers approved by the World Trade Center
23 health program and being 9/11 related. All of the
24 major institutions on the East Coast have done or are
25 doing 9/11 cancer research. Yet, no one oncologist

1
2 sits on the NYCERS board with a regular—with a
3 regular physician and the same is true for an
4 Occupational Health Specialist, and our Boarded
5 Occupational Health Specialist such as Michael Crane,
6 Michael Crane from the World Trade Center Health
7 Program offered to find them whatever doctors they
8 needed to have. Yet, we heard today that they don't
9 have enough physicians. We've been hearing that for
10 man a year now that there's not enough physicians and
11 that needs to be changed. Why hasn't the Mayor or
12 the City changed that? It's just a matter of
13 expanding the number of folks that can sit on the
14 boards. (4) It still takes too much time to navigate
15 the NYCERS Pension System, and it—and it often
16 requires an attorney go get the needed results
17 including appeals as the Councilman brought up
18 before. These delays have ripple effect on Social
19 Security decisions because the members must be off
20 payroll to qualify in most instances. They affect
21 the DCF determinations when it comes to awards and
22 often cause them to duplicate their work, which takes
23 resources away from others as well as slows down the
24 process. Because of the lack of sick time for its
25 members, some are forced to take an ordinary pension

1
2 in the fact of financial ruin. So, they actually
3 have to abandon their pension, and we've had that.
4 Jennifer Doherty was somebody who came in here and
5 said that she had to make a decision and when she
6 came to the State hearing and she had to make a
7 decision. She could an ordinary pension because she
8 had enough time to retire. She ran out of her sick
9 time. She had no option or off for a few with no
10 pay, and then that leaves the FDNY's Honor Fund or
11 John Feal or somebody to-to keep things going. So
12 what did she do? She took the ordinary pension and
13 she struggles everyday with her cancer now. So, now
14 she has to go back and reclassify that ordinary
15 pension. Now it sounds pretty simple that at least
16 she's getting paid. She should still be on the books
17 today if she had unlimited sick time and NYCERS could
18 be working at least that part of it out, but she was
19 forced to leave versus having financial ruin. There's
20 more to be done here in the situation, and the New
21 York City responder community is only getting worse.
22 We call on the Mayor to fix the issues. Lately we've
23 heard of 10-year plans to fix New York City
24 infrastructure as well as NYCA and other agencies.
25 We need an immediate plan to fix the issues that

1 plagued the 9/11 and NYCERS and eliminate—excuse me—
2 eliminate the ripple effect. Greater transparency
3 and accountability is also needed. The World Trade
4 Center and the Victims' Compensation Fund and all the
5 Centers for Excellence, and John will tell you this.
6 He's been at the meetings including those across the
7 country convene at least once a month to ensure that
8 they're all on the same page. Do you think that
9 means that there are concerns about them? I live in
10 the community. They all come into New York. They
11 all sit down. These are high ranking practitioner
12 and high ranking government officials that meet every
13 single month to make sure that everything is moving
14 slowly within those organizations, moving together
15 within those organizations. It's time for that
16 bodywork to include numbers of NYCERS, and if the
17 Medical Board doesn't—if they don't want to do their
18 own meetings maybe they should attend some of the
19 other ones themselves. A quick discussion about
20 follow-up on the sick time and I'll end. Why, why,
21 why has this not been implemented going forward for
22 all New York City agencies? The Mayor has said that
23 he favors it, but it seems it's only on his own
24 terms. There is no reason why every New York City
25

1 responder by the end of today should not have at
2 least sick time going forward. Linda Mercer will
3 start 2019 without another—with another battery of
4 chemo therapy, and wondering how she will get up and
5 go to work the next morning. There are many other
6 Linda Mercers out there, and more to come. Just do
7 the right thing and protect them going forward and
8 work everything else out. Thank you.

10 MICHAEL BARASCH: Good afternoon
11 everybody. I'm Michael Barasch, Managing Partner of
12 the Law Firm Barasch & McGary. I want to thank you
13 for having us all here today as I finish up. I'm
14 joined here by my associate who has already been
15 recognized, former retired FDNY Deputy Chief Richard
16 Alles who was former Political and Legislative
17 Director of the UFOA. I need not mention he was also
18 a 9/11 first responder. Our law firm represents over
19 12,000 people in the 9/11 community. Nearly every
20 day a new person in our offices—one of our clients or
21 a new person calls us up to report that there's been
22 another death, and it's absolutely horrifying. One
23 of my clients who was an NYPD Detective James
24 Zadroga, Jimmy died of Pulmonary Fibrosis in 2006 at
25 aged 34. When they did an autopsy, they found glass

1 in his lungs. Think about that. If he had that in
2 his lungs, I submit that every responder, every
3 school child, every resident, every office worker who
4 is assured the air is safe and was invited to come
5 back downtown, we all have that in our lungs. In
6 addition to the ground glass they found asbestos,
7 chromium, lead Benzene and number of other known
8 carcinogens in his lungs, and that was the evidence
9 that doctors that NIOSH and the CDC needed to link
10 what is now 68 cancers to the World Trade Center
11 toxins. Everyone whether they were uniform, non-
12 uniform was breathing the same toxic dust. According
13 to NIOSH and CDC, according to them, not attorneys,
14 nearly 20,000 people so far have had cancers linked
15 to the World Trade Center toxins, and because of the
16 delay it takes to get an appointment with the Health
17 Program, there are thousands more waiting for an
18 appointment to have their illnesses certified. Nine
19 thousand first responders nationwide, 1,700 FDNY
20 members and 8,000 civilians have been diagnosed with
21 caners. My firm alone we were talking before—
22 Councilman Levine you were asking about the students.
23 My law firm alones represents 25 former students from
24 Stuyvesant High School, PACE University and BMCC with
25

1
2 cancers. We're about 25-year-old women with breast
3 cancer, 28-year-old men with bladder cancer. It's
4 horrifying. You know, these kids were told come back
5 to school. I'm sure those of you who were around at
6 that time remember they turned Stuyvesant High School
7 into a morgue, and then because the EPA said, "Oh,
8 don't worry," all they did was mop the floors. These
9 kids went back to school. The air conditioner ducts
10 were filled with this toxic, and as we talked—as
11 Ellie talked about it before, kids were getting out of
12 their subways, walking to school while buildings
13 burned for 99 days. Thousands of others have died as
14 well who were not responders, and we're—not only that
15 but we are seeing aggressive cancers. Somebody
16 mentioned earlier or I read it in some of the
17 literature that breast cancer is I think the second
18 most common or the third most common cancer that
19 they've linked, right. So, do you know how rare—and
20 I'll be—I'll admit my ignorance—I didn't even know
21 that men could get breast cancer. Well, it's so rare
22 that only 1 in 100,000 men ever get breast cancer.
23 My firm represents 500 women with breast cancer. So,
24 you would expect I would represent five men with
25 breast cancer. My firm represents 32 men with breast

1 cancer. Congress finally did the right thing after
2 the EPA screwed up and misled us, and misled the
3 450,000 odd people in the 9/11 community that passed
4 the Zadroga bill in 2010. They reauthorized it in
5 2015, but there are too main problems and I'm going
6 to leave you with this: Two year from tomorrow, the
7 Victim Compensation Fund will expire for good, but I
8 don't think people are going to stop getting cancer.
9 I don't think they're going to stop dying.
10 Unfortunately, there isn't enough money that was set
11 aside in 2015, and as a result, the Special Master
12 has already announced that starting in February,
13 future awards are going to be reduced. They just
14 don't have enough money. Nobody envisioned the rate
15 of cancers and respiratory illnesses or that deaths
16 that would so much higher than anyone thought
17 possible. Congress must act again and extend the
18 Victim Compensation Fund. Everybody else here has
19 talked about NYCERS so I'm not going to talk about
20 that. That's in my written report. I just want to
21 thank you for taking the time and especially for now
22 reaching to the former school children. I don't
23 know—and it should be known that—you know, why should
24 these families, why should these kids who have now
25

1 moved from all over the country, why should they
2 connect that the cancer they suffered or they were
3 diagnosed with in 2014, was—is now considered related
4 to their toxic exposure during the school year of
5 2001-2002. Thank you so much.

7 CHAIRPERSON MILLER: Thank you so much to
8 all of you for your testimony and—and we're going to
9 be kicked out of here. But before I pass it over, I
10 just want to say on the record that the Mayor's
11 Office of Pensions were asked to attend and—
12 [background comment] Yeah, they—they—they were
13 invited and they did not show, but we're going to
14 continue to apply the pressure to get the answers that
15 are necessary. Obviously, this is something that is
16 near and dear to all of the members that are here
17 today and to Council and that we look forward to
18 working with each and every one of you to advance
19 this, and your testimony here today is absolutely not
20 last on the members of these two committees. We
21 asked you here today because—as clarification as we
22 moved forward that we want something to send to the
23 Administration. We want to be able to work with our
24 colleagues in the state and federal government to
25 ensure that we're providing the critical services

1 that all of the victims of 9/11 and—and their
2 survivors deserve, and so we—again, we thank you for—
3 for your testimony here today. Council Member
4 Levine.
5

6 CHAIRPERSON LEVINE: Thank you, Mr. Chair
7 and—and I second those remarks, and wanted to ask if
8 any of you could comment on whether there are health
9 conditions that you're seeing amongst the folks
10 you're working with, with are not currently covered
11 by the Health Program.

12 MALE SPEAKER: I think John will also
13 speak on this, but we're seeing a large number of
14 autoimmune issues, a large number of neuropathy and
15 neuropathic issues that are coming in. Some of them
16 are secondary to underlying conditions, but there's a
17 large number of cases that are out there and that's
18 why you have the Scientific Advisory Committee from
19 the World Trade Center Health Program that's looking
20 into getting new conditions that are passed. It take
21 a long time to get them in. There is definitely
22 people out there right now that are waiting that need
23 to be in the program I'm sure Michael could speak to
24 that as well.
25

2 MICHAEL BARASCH: To-to order-to-to get
3 an illness, a new illness added to the Zadroga bill
4 you have to petition the Scientific and Technical
5 Advisory Committee. You've got to have medical
6 research. You've got to have medical channels. You
7 have to have the science to back it up. Autoimmune
8 is being looked at and Neuropathy looked. We're
9 seeing a lot of hard cases, stand-alone heart by
10 itself is on the bill but, is a secondary illness.
11 It is. This is a long grueling process, but this is
12 what we have. We're working everyday to make this
13 better, but I want to ask you guys, in the future
14 when you do hearings, let us be your experts. Let us
15 sit down you guys so we can educate you guys so when
16 you're asking the questions to those who are
17 disingenuous, we'll let you know when they're lying.
18 We'll let you know when they're not telling you the
19 truth. We'll let you know when they're raising their
20 right hand and they don't tell the truth. We know
21 the 9/11 community. We know the science. We work
22 with the federal, state and local governments.
23 There's nothing the tree of us don't know. We want
24 to help. Not only do we help the 9/11 community
25 today, we want to help the people that are helping us

2 because that's what we do, and that's what we're good
3 at. So, before you asked about fatalities. Nobody
4 keeps track of fatalities but me. I keep track of
5 fatalities. From September 1st to September 1st in the
6 calendar year, we lost 163 people. My criteria:
7 Were you at ground zero? Were you in the World Trade
8 Center Health Program? Do you have a VCF Claim and
9 did you die from illness covered under the bill.
10 Since September 1st we've lost 38 people. So, we now
11 know a little over 2,000 people have died since 9/11
12 from a 9/11 related illness. No government agency is
13 going to take the onus of that. They don't want to
14 own that. They don't want to admit they did anything
15 wrong, but I keep track of everything. I am a 9/11
16 Rain Man, and that's not something that I'm proud of
17 because nobody else would do what I did for the last
18 15 years. So, let us help.

19 CHAIRPERSON MILLER: [off mic] Thank you
20 for the consideration. Do you have—Council Member
21 Barron?

22 COUNCIL MEMBER BARRON: Thank you to the
23 chairs and thank you to the panel for presenting your
24 testimony. It's always, as you've indicated critical
25 that we hear from those who were on the frontlines,

1 and I wasn't here for the Administration's testimony,
2 but I can certainly believe that it was not fully
3 truthful or forthcoming because as we—as has been
4 alluded to earlier, EPA misled, misinformed or even
5 lied when they said that the air was safe to breathe.
6 They say they didn't have all the information. Then
7 you should have withheld your comments—

9 MALE SPEAKER: [interposing] We do.

10 COUNCIL MEMBER BARRON: --or your
11 decision until you had all the information, but
12 certainly those who suffered and who have died and
13 who have those illnesses based their offering their
14 services at that time are certainly entitled to all
15 of the compensation and all the health benefits and
16 all of the procedures that they need to get better,
17 and we want to thank for coming.

18 MICHAEL BARASCH: We thank you caring,
19 and that means a lot. You know, it's just showing
20 empathy and showing sympathy that the 9/11 community
21 need. They need somebody that's going to show them
22 that they care not a bunch of union leaders or a
23 government or city agencies that are going blow smoke
24 up the ass. I've been to 181 funerals. I paid for
25 nine of them. I'm sure Ritchie has been to dozens of

1
2 funerals himself. We've seen the pain and suffering
3 in this 9/11 community that's going to be a
4 generation long battled for us. So, we need all the
5 help we can get.

6 CHAIRPERSON MILLER: The Council stands
7 with all those who have survived and all those who
8 suffered and their families and we look forward to
9 continuing to engage and each and every person that
10 testified and spend time to come in here today. So,
11 I want to thank the staffs for putting together. It
12 was absolutely critical that we do this. You did a
13 great job there Malcolm, Joe, Brandon and the staff
14 of-of Council Member Levine. Thank you so much, and
15 with that, we are right on the button, and this
16 hearing is adjourned. [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 January 15, 2019