

12/21/2009

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City Council

Approved, by Council

Pass

Res. No. 1924-A

Resolution commending the bi-partisan efforts of the New York State congressional delegation and acknowledging the support of New Jersey Senators Menendez and Lautenberg, calling upon Congress to amend the bill to reduce the City of New York's contribution level currently allocated and pass the James Zadroga 9/11 Health and Compensation Act of 2009 as soon as possible and send it to President Obama for signature; and calling on Congress to strongly consider adding the health conditions identified in section 2(36) of the Retirement and Social Security Law of the State of New York, including relevant cancers, as qualifying health conditions approved for treatment in the Act.

By The Speaker (Council Member Quinn) and Council Members Gerson, Brewer, Comrie, Dickens, Fidler, Gentile, Gonzalez, James, Mealy, Palma, Recchia Jr., Stewart, Weprin, White Jr., Lappin, Nelson, Liu, Arroyo, Seabrook, Gennaro, Barron, Jackson and Rodriguez

Whereas, A significant number of workers and volunteers participated in rescue, recovery and clean-up after the terrorist attacks on the World Trade Center of September 11, 2001; and

Whereas, Those who participated in the rescue and recovery effort at the World Trade Center and those who lived, worked, attended school or were otherwise present in the area around the World Trade Center on or after September 11 were exposed to a variety of environmental toxins; and

Whereas A significant number of people continue to suffer the physical and psychological effects of the attacks, may develop additional or more severe illnesses in the future; and

Whereas, The WTC Centers of Excellence in the City of New York that screen and treat those affected by the 9/11 attacks have struggled to maintain and improve their services without a steady stream of federal funding; and

Whereas, The James Zadroga 9/11 Health and Compensation Act (H.R. 847 "the Act") was introduced in the U.S. House of Representatives by Representatives Maloney, Nadler, King and McMahon, and later in the United States Senate as S. 1334 by Senators Gillibrand, Schumer, Menendez and Lautenberg to provide medical monitoring and treatment for first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

Whereas, The Act would establish the World Trade Center Health Programs within the National Institute

for Occupational Safety and Health (NIOSH) to provide care to those affected by the 9/11 terrorist attacks; and

Whereas, The WTC Program Administrator will establish a nationwide network of providers to serve eligible first responders living outside of the New York area; and

Whereas, Additional research into health conditions related to the World Trade Center would be conducted under the Act; and

Whereas, presently, the City of New York is involved in litigating claims brought by first responders and others who have become ill after 9/11; and

Whereas, The James Zadroga 9/11 Health and Compensation Act would also reopen the September 11 Victims Compensation Fund to provide compensation for damages incurred by first responders and others who did not file a claim before or became ill after the Fund was closed; and

Whereas, Re-opening the Victims Compensation Fund is necessary to provide compensation for those who are sick and will become sick in the future as a result of their exposure to World Trade Center toxins; and

Whereas, Due to the economic downturn, many programs that benefit those sickened as a result of their work related to 9/11 within the City of New York may need to be scaled back or eliminated due to the dire economic climate without ongoing federal assistance; and

Whereas, Under H.R..847, the City would be required to fund 10% of the entire treatment and monitoring costs for those eligible, regardless of whether they are New York City residents, equaling as much as \$500 million over ten years according to the Congressional Budget Office, and the City maintains no oversight over this expense, while under S. 1334, the City would be required to fund 20% of the entire treatment and monitoring costs for those eligible in the community program, though the maximum the City is required to pay is reduced to \$250 million over ten years; and

Whereas, As a result of the weak economy, the City has already had to make cuts in services that New Yorkers depend on and is likely to make more such cuts; and

Whereas, It is unfair that the City bears such a large burden of the costs of WTC health programs; and

Whereas, Both City employees and residents who were at the WTC sites on 9/11 or shortly thereafter were exposed to and inhaled cancer-causing toxins such as benzene, dioxin, asbestos and polycyclic aromatic hydrocarbons during the rescue, recovery and clean-up efforts; and

Whereas, a Case Series on Multiple Myeloma in the World Trade Center Responders was published in the Journal of Occupational and Environmental Medicine which ultimately confirmed at least 16 cases of Multiple Myeloma, a cancer of the white blood cells, out of approximately 28,000 responders when there are on average less than 7 cases a year expected for every 100,000 people in the United States; and

Whereas, Multiple Myeloma is expected to occur in less than 2 people out of 100,000 under the age of 45 and there were 6 cases of Multiple Myeloma out of the approximately 28,000 responders who were diagnosed with this cancer and were under the age of 45; and

Whereas, the annual number of cancers cases approved for disability by the Police pension board has more than tripled since 2005 from approximately 6 cases a year to 20 cases a year; and

Whereas, on October 13, 2009 New York City Police Commissioner, Raymond W. Kelly, added the names of ten uniformed members of the New York Police Department that died of cancer to the Police Wall of Remembrance, declaring that their mission to aid in the recovery effort resulted in them becoming casualties; and

Whereas, The New York State Legislature and Governor approved Section 13-252.1 of the NYC Administrative Code, known as the World Trade Center Presumption Bill in 2005, which amended the Retirement and Social Security Law of the State of New York and the NYC Administrative Code, creating a presumption that certain future onset health conditions or impairments, including cancer, suffered by police officers and other public employees who participated in the rescue, recovery and clean-up of the WTC sites, are presumed to have been caused by WTC-related exposure that occurred in the performance of duty, thereby entitling affected employees to an accident disability pension; now, therefore, be it

Resolved, That the Council of the City of New York commends the bi-partisan efforts of the New York

State congressional delegation and acknowledging the support of New Jersey Senators Menendez and Lautenberg and calls upon Congress to amend the bill to reduce the City of New York's contribution level currently allocated, and to pass the James Zadroga 9/11 Health and Compensation Act of 2009 as soon as possible and send it to President Obama for signature; and be it further

Resolved, The Council calls on Congress to strongly consider adding the health conditions identified in section 2(36) of the Retirement and Social Security Law of the State of New York, including relevant cancers, as qualifying health conditions approved for treatment in the Act.

PM/LF
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