



Legislation Text

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Preconsidered Res. No. 1024

Resolution calling upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

By The Speaker (Council Member Quinn) and Council Members Arroyo, Chin, Crowley, Levin, Vallone, Jackson, Sanders Jr., Nelson, Gennaro, Recchia, Seabrook, Mark-Viverito, Comrie, Dickens, Eugene, Fidler, Gentile, James, Lander, Mendez, Rose, Van Bramer, Vann, Williams, Cabrera, Koppell, Vacca, Palma, Foster and Halloran

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 (WTC) and those who lived, worked, attended school or were otherwise present in the area around the WTC on or after September 11 were exposed to a variety of environmental toxins; and

Whereas, A significant number of people who 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 (Zadroga Act), signed by President Barack Obama in January 2011, provides for medical monitoring and treatment of first responders, area residents, workers, students, and others affected by the 9/11 terrorist attacks; and

Whereas, The Zadroga Act established 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 reopened 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 previously closed; and

Whereas, The Zadroga Act only provides care and treatment for illnesses that are specifically on the list of approved World Trade Center-related health conditions, but requires the Administrator of the World Trade Center Health Program to periodically review scientific and medical evidence to determine if cancers should be added to the list; and

Whereas, Cancer is not currently on the list of World Trade Center-related health conditions; 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 August 2009 issue of 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 fewer than 7 cases per 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 cancer cases approved for disability by the Police Pension Board has more than tripled from approximately 6 cases per year prior to 2005 to 20 cases per year since; 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, In 2005, the New York State Legislature enacted Section 13-252.1 of the New York City Administrative Code (Administrative Code), known as the World Trade Center Presumption Bill, which amended the New York State Retirement and Social Security Law and the Administrative Code, to create 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; and

Whereas, On July 26, 2011, despite evidence to the contrary, Dr. John Howard, administrator of the World Trade Center Health Program, reviewed scientific and medical findings on Ground Zero health, and found that insufficient evidence exists to add cancer to the list of World Trade Center-related conditions that would be covered under the Zadroga Act; and

Whereas, This decision created a great deal of controversy, among many 9/11 victims, first responders and volunteers who demanded that cancer be included as one of the covered illnesses; and

Whereas, A study recently conducted by the New York City Fire Department that was published on September 1, 2011 in The Lancet, one of the world's most respected medical journals, found that male firefighters who worked at Ground Zero had a 10 percent higher overall cancer incidence ratio when compared to a similar demographic mix from the general American male population, and a 32 percent higher cancer incidence than in male firefighters who were not exposed to Ground Zero toxins, with an elevated risk of melanoma, thyroid and prostate cancers and non-Hodgkin's lymphoma; and

Whereas, After the release of the study in The Lancet, Representatives Jerrold Nadler, Carolyn Maloney, Peter King and Charles Rangel and Senators Charles Schumer and Kirsten Gillibrand filed a petition on September 7, 2011 pursuant to section 3312(a)(6) of the Zadroga Act, with the World Trade Center Health

Program administrator, Dr. John Howard, that would require Dr. Howard to review new evidence finding a higher incidence of cancer among 9/11 responders who worked at Ground Zero and consider within sixty (60) days whether or not to add coverage for cancers under the James Zadroga 9/11 Health and Compensation Act; and

Whereas, It is now clear from numerous studies and reports that those who worked and volunteered at Ground Zero engaging in rescue, recovery and rebuilding efforts were exposed to a higher risk of cancer and that those who developed cancer after working at Ground Zero should undoubtedly receive care and treatment under the James Zadroga 9/11 Health and Compensation Act; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Dr. John Howard, Administrator of the World Trade Center Health Program, to examine new evidence indicating a link between exposure to Ground Zero toxins and cancer and reconsider adding coverage for cancers under the James Zadroga 9/11 Health and Compensation Act.

PM/KS/MWC
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