



Legislation Text

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Res. No. 560-A

Resolution directing the Department of Investigation to conduct an investigation to ascertain the knowledge possessed by mayoral administrations on environmental toxins produced by the September 11, 2001 terrorist attacks on the World Trade Center and to submit a report to the Council thereon.

By Council Members Brewer, Avilés, Restler, Rivera, Gennaro, Ayala, Hanks, Banks, Hudson, De La Rosa, Schulman, Louis, Brannan, Sanchez, Menin, Hanif, Brooks-Powers, Abreu, Farías, Feliz, Marte, Won, Cabán, Bottcher, Dinowitz, Vernikov and Ariola

Whereas, According to a summary prepared by the U.S. Department of State in December of 2001, more than 3,000 people died or remained missing as a direct result of the terrorist attacks that occurred in the United States on September 11, 2001; and

Whereas, According to a study conducted in September of 2001 by the U.S. Geological Survey, debris and dust produced by the attacks on the World Trade Center contained toxins such as asbestos, alkaline particles resulting from the dissolution of concrete and glass fibers, and heavy metals; and

Whereas, According to the Mesothelioma Center, many individuals exposed to these toxins in the weeks after the attacks on the World Trade Center developed health issues, with some illnesses such as mesothelioma taking approximately 20 years to develop; and

Whereas, According to the Mesothelioma Center, based on data from the U.S. Centers for Disease Control and Prevention World Trade Center Health Program, the number of deaths from exposure to these toxins now exceeds the death toll from the attacks themselves; and

Whereas, In September of 2021, after the twentieth anniversary of the attacks, U.S. Representative Jerrold Nadler and then-U.S. Representative Carolyn Maloney wrote to then-Mayor Bill de Blasio asking for the release of New York City records from 2001 and 2002 relating to the attacks to allow for a better

understanding of the City's knowledge of the scope of the health crisis posed by these toxins, but then-Mayor de Blasio did not respond to the letter; and

Whereas, In May of 2022, U.S. Representative Nadler and then-U.S. Representative Maloney wrote to Mayor Eric Adams requesting the same release of the records, but according to the nonprofit organization 911 Health Watch Inc., New York City's attorneys responded that no information would be released unless federal law was amended to grant full immunity to New York City for claims related to the attacks; and

Whereas, In February of 2023, U.S. Representatives Nadler and Dan Goldman wrote to Mayor Adams requesting a similar release of New York City records, but Mayor Adams sent a response in March of 2023 that the release would only be economically and legally possible with federal funding sources and the passage of federal legislation; and

Whereas, On September 8, 2023, 911 Health Watch Inc. filed a Freedom of Information Law (FOIL) request seeking documents from several New York City agencies relating to the knowledge possessed by the City on the environmental toxins produced by the attacks and the potential harm posed by these toxins, including documents relating to the testing and cleaning of schools in lower Manhattan and the potential evacuation of neighborhoods in Manhattan and Brooklyn in the aftermath of the attacks; and

Whereas, 911 Health Watch Inc. received denials in response to the FOIL request; and

Whereas, On April 5, 2024, U.S. Representatives Nadler and Goldman submitted another letter to Mayor Adams requesting a release of New York City records relating to the attacks, which included a reiterated request for the release of a memo dated October 2001 from then-Deputy Mayor Robert Harding concerning the possibility of many toxin-related tort cases arising in subsequent years in connection with the attacks; and

Whereas, In June of 2024, 911 Health Watch Inc. commenced an Article 78 proceeding in New York State Supreme Court to challenge the New York City Department of Environmental Protection's denial of the FOIL request and its subsequent affirmation that it has no relevant documents; and

Whereas, To date, there has not been a comprehensive investigation by New York City of the knowledge possessed by mayoral administrations on the dangers of the environmental toxins produced by the September 11, 2001 terrorist attacks on the World Trade Center and when this knowledge accrued; now, therefore, be it

Resolved, That the Council of the City of New York, pursuant to section 803 of the New York City Charter, directs the Department of Investigation to conduct an investigation to ascertain the knowledge possessed by mayoral administrations on environmental toxins produced by the September 11, 2001 terrorist attacks at the World Trade Center and to submit a report to the Council thereon, as follows:

§ 1. Investigation.

- a. The Department of Investigation shall review all of the materials it deems appropriate in the scope of the investigation.
- b. No later than June 30 and December 31 of each year, and until the Department of Investigation submits the required report as further described in section 2 below, the Department of Investigation shall provide an update in writing on the status of the investigation to the Speaker of the New York City Council that includes but is not limited to a summary of the materials reviewed to date, a summary of any difficulties encountered in accessing materials for review, and an expected submission date for the required report.
- c. The Department of Investigation shall conduct the investigation in accordance with applicable laws and rules, including but not limited to laws and rules pertaining to confidentiality of information or information privileged as attorney-client communications, attorney work product, or material prepared for litigation.
- d. The Department of Investigation shall not conduct the investigation in a manner that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. Report.

- a. The Department of Investigation shall issue a report on its findings under the investigation. Such report shall include, at a minimum:
- i. An assessment of the knowledge mayoral administrations possessed about environmental toxins produced by the September 11, 2001 attacks on the World Trade Center, including but not limited to knowledge about the types of toxins, knowledge about the length of time the toxins were expected to remain in the environment, and knowledge about the immediate and long-term health impacts of human exposure to these toxins;
 - ii. A timeline of when mayoral administrations became aware of these toxins, when mayoral administrations became aware of the length of time the toxins would remain in the environment, and when mayoral administrations became aware of the immediate and long-term health impacts of human exposure to these toxins; and
 - iii. An analysis of the contrast between the knowledge mayoral administrations possessed on these toxins and the information the administrations conveyed to the public about satisfactory air quality in lower Manhattan and Western Brooklyn after the attacks and the immediate and long-term health impacts of human exposure to these toxins.
- b. The Department of Investigation shall submit the report required under subdivision a of this section to the Speaker of the New York City Council no later than 2 years after the adoption of this resolution by the Council.

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