

SEPTEMBER 11
WORKER PROTECTION TASK FORCE
ANNUAL REPORT

JUNE 1, 2007



September 11 Worker Protection Task Force

Introduction

The heroes of September 11, 2001 responded to the needs of their fellow New Yorkers without thought to their own personal safety. New York State has addressed the needs of these responders through the functions of this task force. The mission of the task force is to assure that the responders receive appropriate compensation for any disabilities suffered as a result of their involvement in rescue, recovery and cleanup efforts from the World Trade Center attack.

Charter

The September 11 Workers Protection Task Force was created pursuant to Chapters 93 and 104 of the Laws of 2005. These chapters amended various sections of the New York State Retirement and Social Security Law and the New York City Administrative Code in relation to providing that any injury or illness directly related to the terrorist attack on the September 11, 2001 would be presumptively eligible for an accidental disability. There are 19 members of the Task Force appointed as follows:

- Six members by the Governor;
- Three members by the Temporary President of the Senate, two of whom shall be representatives from the organizations representing workers at the World Trade Center site and one of who shall be a representative of a recognized health organization with appropriate expertise;
- Three members by the Speaker of the Assembly, two of whom shall be representatives from the organizations representing workers at the World Trade Center site and one of who shall be a representative of a recognized health organization with appropriate expertise;
- The State comptroller or a representative;
- The Comptroller of the City of New York or a representative;
- The Mayor of the City of New York or a representative;
- The Commissioner of the State Department of Health or a representative;
- The Commissioner of the State Department of Labor or a representative;
- The Director of the State Division of the Budget or a representative;
- and
- The Commissioner of the State Department of Civil Service or a representative.

Task Force Members

The members of the Task Force are as follows:

Dr. Thomas Knight Aldrich, Pulmonary Medical Division, Montefiore Medical Center, Chair

Lou Matarazzo, Executive Director, Detectives Endowment Association, Vice Chair

Michael Bloomberg, Mayor, New York City

Stephen J. Cassidy, President, Uniformed Firefighters Association

Dr. Richard F. Daines, Commissioner, New York State Department of Health

Thomas DiNapoli, New York State Comptroller

Paul Francis, Director, New York State Division of the Budget

Peter Gorman, President, New York City Uniformed Firefighters

Nancy Groenwegen, Commissioner, New York State Department of Civil Service

Dr. Stephen Levin, Mt. Sinai-Irving J. Selikoff Center for Occupational and Environmental Medicine

Patrick J. Lynch, President, New York City PBA

Peter D. Meringolo, Chairman, New York State Public Employees Conference

Thomas G. Osimitz, Ph.D, Science Strategies LLC

Dr. Jay Poliner, Poliner and Associates

Dr. David Prezant, Chief Medical Officer, Office of Medical Affairs, New York City Fire Department

Lillian Roberts, Executive Director, District Council 37, AFSCME, AFL-CIO

David J. Rosenzweig, President, Uniformed Fire Alarm Dispatchers Benevolent Association

M. Patricia Smith, Commissioner, New York State Department of Labor

William Thompson, New York City Comptroller

Mission

The duties of the Task Force are as follows:

- (a) to obtain from the State Department of Health and the New York City Department of Health, such departments' review of statistical and qualitative data on the prevalence and incidence of sickness, illness and disability of such workers;
- (b) to obtain from other sources reviews of statistical and qualitative data on the prevalence and incidence of sickness, illness and disability of such workers;
- (c) to assess based upon evidence presented, the nature, scope and magnitude of the health impacts caused by exposure to air and elements;
- (d) to measure the adverse health effects of exposure on such workers;
- (e) to consult with any organization, health institution, governmental agency or person including, but not limited to, the Department of Health, the Department of Environmental Conservation, the federal Environmental Protection Agency, the New York Committee for Occupational Safety and Health and the Occupational Safety and Health Administration;
- (f) to identify and examine the limitations of any existing laws, regulations, programs, and services with regard to coverage, extent of disability, process for determination, adequacy of coverage and treatment of specific types of disabilities and to undertake any recommendations;
- (g) to receive and to consider reports and testimony from individuals, the health department, community-based organizations, voluntary health organizations, and other public and private organizations statewide to learn more about the diagnosis, care, and treatment of such workers at these designated sites; and
- (h) to identify federal funding sources to assist state and local governments in paying costs associated with disability benefits.

Summary

The new law presumes that individuals who meet certain qualifying criteria and were involved in September 11th-related operations in the line of duty may have incurred injuries or developed diseases that disabled them. Due to the qualifying criteria, the majority of these individuals are or were members of the uniformed services. As a result they may be entitled to a disability pension. The Worker Protection Task Force is reviewing and examining evidence about adverse health effects and the need to compensate responders properly.

In the course of its operation, the Task Force is considering health effects, pension issues and workers' compensation. The members meet periodically with experts and 9/11 participants to review data and consider recommendations. The Task Force will issue findings on at least an annual basis.

During the first six months of operation, the Task Force has found that there are severe health impacts suffered by responders, that the pension and disability systems may not be configured properly to deal fairly with these after-effects and that there may be a need for legislative amendments.

Chronology

The Task Force had its first meeting in New York City on December 18, 2006 and elected Dr. Thomas Aldrich as chair and Lou Matarazzo as vice chair of the group. The chair then led a discussion on what information the Task Force would need.

The second meeting of the Task Force was held on January 25, 2007 in New York City. Dr. David Prezant, Task Force member and Chief Medical Officer of the New York City Fire Department made a presentation to the Task Force members concerning the health impacts of 9/11 on members of the New York City Fire Department and possible cost figures for their treatment.

Dr. Stephen Levin of the Mt. Sinai-Irving J. Selikoff Center for Occupational and Environmental Medicine made a presentation on the non-fire fighter component in rescue and clean up at the World Trade Center.

The third meeting of the Task Force was held on March 1, 2007 in New York City. The Task Force heard from representatives of pension systems for some New York City's employees. They were: Michael Welsome, New York City Police Pension System; Lei Tan, New York City Fire Department Pension System; Diane D'Alessandro, New York City Employees Retirement System.

The fourth meeting of the Task Force was held on April 19, 2007 in New York City. The members discussed a report entitled "Addressing the Health Impacts of 9-11: Report and Recommendations to Mayor Michael R. Bloomberg." They also held discussions on the preparation of the report due to the Governor and the Legislature on June 1, 2007.

The fifth meeting of the Task Force took place on May 31, 2007 in New York City to finish the work on the June 1, 2007 Report and plan for the next phase of meetings. On that date, the next meeting of the Task Force was set for June 28, 2007.