

Statement of Barbara Burnette

Arverne, New York

Before the

Subcommittee on Immigration, Citizenship,

Refugees, Border Security, and International Law

and

Subcommittee on the Constitution, Civil Rights, and

Civil Liberties

Regarding

H.R. 847, the James Zadroga 9/11 Health and

Compensation Act of 2009

March 31, 2009

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Thank you Chairman Nadler, Chairman Lofgren, Representatives Sensenbrenner and King, and members of the subcommittees for inviting me to appear before you today. My name is Barbara Burnette, and I live in Arverne, New York. I am 45 years old, a wife, and mother of three children. With me today are my husband, Lebro, Sr., my son, Lebro, Jr., and my daughter, Tara.

I am a former New York City Police Detective, retired from the force after 18.5 years of service. My career ended because of injuries I developed from over three weeks of service, about 23 days in total, at the World Trade Center Site.

On September 11, 2001, I was assigned to the Intelligence Division of the NYPD, working in Brooklyn, New York. That morning, when my fellow officers and I learned of the attacks, we rushed to Manhattan the fastest way we could, by taking boats. We arrived at the piers, off of the West Side Highway, around the time the towers had collapsed.

The air was thick with burning, choking dust and smoke. I had to put my hand over my mouth and nose to even breathe. I worked for about twelve hours in these difficult conditions, all day and into the night, evacuating people from around the World Trade Center Site or directing them away. I frequently washed my eyes out with running water. I was not provided any respirator or other protection for my lungs and throat. I had to literally wash dust and debris out of my eyes, mouth and throat throughout the day, picking up a hose and letting the dirty, muddy water run out of my mouth onto the ground. At one point, EMS rinsed my eyes out. My eyes were swollen and the color of dark red crayons. But my fellow rescue workers and I could not stop doing what we had to do. I left the Site at around 10 pm that first day.

Five hours later, I reported back, arriving for work at 4 in the morning on September 12th. We were assigned directly to the debris pile on the second day. I worked until late afternoon, removing debris, by hand and by using buckets and shovels. At no time was I provided with respiratory protection. Like the day before, I had to run water into my mouth and throat to wash away the dust, spitting it out. My eyes needed constant rinsing. If I wasn't crying over what I was seeing in the ruins, tears streamed down my face from the burning, irritating dust.

I spent my weeks at the World Trade Center Site in this routine: shoveling; clearing away debris; searching for survivors; and, later, sifting for the body parts of the dead. Different construction companies hired by the City guided me, as well as many other police officers and firefighters, to certain areas so we could search and remove debris. We did just that. We really worked hand in hand and side by side with the construction and iron workers. For all of us, no matter what our job, each day was pretty much the same as we made our way across all parts of the rectangle-shaped field of debris, from north to south and east to west.

People ask me now, in the legal proceedings, where exactly I was on the debris pile during those long weeks. Well, the answer is "all over it." There were no landmarks or street signs there; nothing was the same as it had been. All I knew is that we were searching and removing the wreckage of the World Trade Center, and working right on top of the burning, smoking, hot rubble.

Did conditions change down there during my time on the debris pile? No. The fires never stopped burning, and there was always dust and flying debris. Air quality was never a concern for the City and its contractors, all of which allowed the work to continue 24/7. From my view, the work was tough and dirty, choking and dangerous, but there was no way I would allow myself to stop and leave.

I thought of the thousands of poor victims, including my fellow police officers, and thanked God that I was not one of them.

For their part, the City and its construction firms never gave me a respirator. They sure relied on my work, though, and that of all of the other brave rescue and recovery personnel. We were a willing and courageous group.

If our energy brought the debris removal and recovery efforts closer to completion, the City and construction companies should have taken the precautions necessary to protect all of us. We held up our end of the deal. The City and its contractors failed completely.

I live with the consequences of their failure today. I have been diagnosed with interstitial lung disease, more specifically, hypersensitivity pneumonitis with fibrosis in my lungs. I fail the pulmonary function tests doctors give me. Inflammation in my lungs interferes with my breathing, and destroys the tissues that get oxygen to my blood.

My lungs are scarred. I cannot move around my house without wheezing or gasping for breath. I take large doses of steroids that add to my weight. I start each morning by connecting to a nebulizer, and inhaling multiple doses of medications. There is serious talk of my needing a lung transplant.

I had no history of lung disease before my World Trade Center Service. I never smoked. In fact, I had a physically demanding lifestyle and career. Allow me to explain.

One of the highlights of my career was my assignment to two plainclothes Narcotics Units. During my five years in Narcotics, my assignments required me to walk up to 4 miles a day, standing ready to make arrests in buy and bust operations and search warrants. Making an arrest is tough, intense, and physical. I made over 200 arrests. I was recognized numerous

times by the Department for Excellent Police Duty. In addition, I received several medals for Meritorious Police Duty.

I was born and raised in Brooklyn, New York. All my life I have enjoyed being an active person, whether it was on the job or playing sports, especially on the basketball court. In my senior year at John Jay High School, I was named to the New York All City Basketball Team. I then set off for college on a four year basketball scholarship, although my college career was interrupted by an orthopedic injury. On July 11, 1988, a date I will never forget, I joined the NYPD. I earned my Bachelor's Degree in Criminal Justice from St. John's University while working full time. The Police Department was my second home, and I miss it so much. As a detective, not only was I able to advance my career, I was able to enjoy the competition of organized basketball as a guard on the Police League women's team. My squad competed across the United States and internationally, playing against Canada and Australia, and won four championships.

Life is very different now. I cannot walk up a flight of stairs or down the street without gasping for breath, let alone arrest a drug dealer or do most police work. Walking, a basic life activity, is extremely difficult for me. Because my illness has, at times, caused me to black out, I avoid driving, and rely on my husband to get me where I need to go.

In September 2004, while working full duty, I experienced a blackout at work. There wasn't really any explanation for this episode. I underwent many, many medical tests. In May 2005, having discovered inflammation in my bronchial passages, doctors at Mt. Sinai Medical Center performed two bronchoscopies and an open lung biopsy. Granulomas, abnormal tissue formations, were detected in my lungs, and I was placed on daily dosages of Prednisone to fight

the inflammation. My condition worsened, and I began to realize that I would never go back to full duty as a detective.

The Police Department agreed, and on August 11, 2006 its doctors determined that I was permanently disabled with an illness resulting from exposure at the World Trade Center Site.

As you know, the Victim Compensation Fund closed to applicants in December 2003. There was no reason for me to have even considered filing a Fund claim. I was not sick at the time the Fund was open.

You should know that my first concern is my health, and I will continue to do everything I can to get better. At the same time, I am seeking justice.

Along with thousands of other rescue, recovery and construction workers, I have filed an individual lawsuit in the Southern District of New York, seeking redress for my respiratory injuries. In violation of New York's municipal and labor laws, the City and its construction companies failed to provide the World Trade Center workers with protective respirators. Injured, years later, we now count the dead and dying among our ranks. My case is now in its fourth year. It has been a long road, and I can't tell you that I see an end. During that time period, I have been questioned under oath by the City. My attorneys have taken dozens of depositions, briefed two appeals, and exchanged written responses to literally hundreds of questions about my medical condition and World Trade Center Service. The legal work continues today.

After losing an earlier attempt, back in 2006, to dismiss all of the cases, the City and its contractors recently filed papers to dismiss the claims of police officers and firefighters, claiming that New York laws to protect workers do not apply to uniformed service personnel. My attorneys are preparing to fight that argument.

Apart from the constant efforts by the City and its contractors to deprive the workers of justice, what is very frustrating to me is this: In February 2003, Congress approved payment of \$1 billion to the City to insure injury claims arising from World Trade Center debris removal. In announcing the passage of the legislation, Mayor Bloomberg explained, "*This legislation is necessary for the City to expedite the payment of claims relating to this effort.*" To date, the City has not made payment to any one of the approximately 10,000 World Trade Center respiratory claims.

I respectfully ask you to do what you can to right this wrong.

Biography of Barbara Burnette

I was born on April 24, 1963 in Williamsburg, Brooklyn. I am married to Lebro Burnette, and have three children: Lebro, Jr.; Tara; and Yasmeen. I am a graduate of St. John's University, and hold a Bachelor's Degree in Criminal Justice.

I joined the New York City Police Department in 1988, and retired in 2006 with the rank of Detective. During my 18.5 years with the Police Department, I worked in uniformed patrol precincts, the Narcotics Division, the Gang Unit, and the Intelligence Division. I served at the World Trade Center Site on September 11, 2001, and for several weeks afterward. Unfortunately, because of respiratory injuries I developed in consequence of my exposure to contaminants at the WTC Site, I was deemed disabled by the NYPD and retired in 2006.