



## MEMORANDUM

January 20, 2011

**To:** Honorable Carolyn Maloney  
Attention: Elizabeth Darnall

**From:** Scott Szymendera, Analyst in Disability Policy, x7-0014  
Vivian S. Chu, Legislative Attorney, x7-4576

**Subject:** **Answers to Questions on P.L. 111-347, the James Zadroga 9/11 Health and Compensation Act of 2010**

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This memorandum provides answers to the questions on P.L. 111-347, the James Zadroga 9/11 Health and Compensation Act of 2010, that you submitted to the Congressional Research Service (CRS) on January 12, 2010 and January 14, 2010. Each answer includes a citation, in brackets, to one of the following authorities:

- The Public Health Service Act (42 U.S.C. §§ 201 *et. seq.*), as amended by P.L. 111-347 (referred to as PHSA); or
- The Air Transportation Safety and System Stabilization Act (49 U.S.C. § 40101 note), as amended by P.L. 111-347 (referred to as ATSSSA).

Responses to these questions should not be construed as providing advice concerning possible individual claimant cases.

If you have any additional questions or would like any additional information you may contact Scott Szymendera by phone at x7-0014 or email at [sszymendera@crs.loc.gov](mailto:sszymendera@crs.loc.gov); or Vivian S. Chu by phone at x7-4576 or email at [vchu@crs.loc.gov](mailto:vchu@crs.loc.gov).

## Questions Related to Title I: World Trade Center Health Program

### *When will the WTC Health Programs authorized by the bill begin?*

The World Trade Center (WTC) Health Program (WTCHP) established by Title I of the Act is required to provide benefits beginning on July 1, 2011.

[Section 3301(a) of the PHSA]

***Are responders covered under the WTC Health Programs?***

The following groups of responders are eligible for the WTCHP:

- Responders who are currently eligible for medical monitoring by either the New York City Fire Department (FDNY) or the consortium coordinated by Mt. Sinai Hospital and funded, in part, by the National Institute for Occupational Safety and Health (NIOSH) (referred to as currently identified responders).
- Responders who meet eligibility criteria provided in the Act relating to specific dates and locations of activities in response to the September 11, 2001 terrorist attacks on the WTC, Pentagon, and at Shanksville, Pennsylvania (referred to as responders who meet current eligibility criteria). A complete list of eligibility criteria for these responders is provided in **Appendix I** to this memorandum.
- Responders who meet additional eligibility criteria established by the Program Administrator (referred to as responders who meet modified eligibility criteria).

There is a limit of 25,000 responders who may enroll in the WTCHP, of which no more than 2,500 may be responders who meet modified eligibility criteria. This limit does not include currently identified responders.

[Section 3311 of the PHSA]

***Is a first responder who came to Ground Zero as a volunteer eligible?***

A responder to the terrorist attack on the WTC who was a volunteer is eligible for the WTCHP if he or she:

- Meets the definition of a currently identified responder because he or she is currently eligible for medical monitoring by either the FDNY or the consortium coordinated by Mt. Sinai Hospital and funded, in part, by NIOSH;
- Meets the definition of a responder who meets current eligibility criteria because he or she volunteered in rescue, recovery, or debris cleanup or related support services in lower Manhattan below Canal Street, the Staten Island Landfill, or the barge loading piers, for at least 4 hours between September 11 and September 14, 2001; for at least 24 hours between September 11, 2001 and September 30, 2001; or for at least 80 hours between September 11, 2001 and July 31, 2002; or
- Meets the definition of a responder who meets modified eligibility criteria because he or she meets additional eligibility criteria established by the Program Administrator.

[Section 3311 of the PHSA]

***Is someone who helped to clear debris eligible?***

A person who assisted with debris cleanup after the terrorist attack on the WTC may be eligible for the WTCHP as a responder if he or she:

- Meets the definition of a currently identified responder because he or she is currently eligible for medical monitoring by either the FDNY or the consortium coordinated by Mt. Sinai Hospital and funded, in part, by NIOSH;

- Meets the definition of a responder who meets current eligibility criteria because he or she meets one of the criteria provided in the Act. Several of these criteria specifically mention debris cleanup and depending on the exact nature of the work, debris cleanup activities could qualify under all of the eligibility criteria for these responders. A complete list of eligibility criteria for these responders is provided in **Appendix I** to this memorandum; or
- Meets the definition of a responder who meets modified eligibility criteria because he or she meets additional eligibility criteria established by the Program Administrator.

A person who assisted with debris cleanup may also be eligible for the WTCHP as a survivor if he or she worked as a cleanup worker in the New York city disaster area between September 11, 2001 and January 10, 2002 and had extensive exposure to WTC dust as a result of such work.

[Sections 3311 and 3321 of the PHSA]

*If an individual came from outside the New York area to aid in the rescue and recovery after the attacks, will this person have access to medical care for WTC-related illnesses or injuries?*

According to the Act, the WTCHP will provide medical benefits through Clinical Centers of Excellence based in the New York area and a national network of providers for persons who reside outside of the New York area.

[Section 3313 of the PHSA]

*Is someone who worked in a building that was damaged by debris from the WTC towers eligible?*

According to the Act, the WTCHP will provide benefits to eligible responders and survivors. Survivors are persons who may have been affected by these attacks because they lived, worked, or attended school in areas near the sites of these attacks.

The following groups of survivors are eligible for the WTCHP:

- Persons currently eligible for medical treatment and monitoring by the WTC Health Center (referred to as currently identified survivors).
- Persons who claim symptoms of a WTC-related health condition and who meet eligibility criteria relating to specific dates and locations of activities on and after September 11, 2001 (referred to as survivors who meet current eligibility criteria). A complete list of eligibility criteria for these responders is provided in **Appendix II** to this memorandum.
- Survivors who meet additional eligibility criteria established by the Program Administrator (referred to as survivors who meet modified eligibility criteria).

A certified-eligible WTC survivor is an eligible survivor who is certified by the Program Administrator to be eligible for follow-up monitoring and treatment. There is a limit of 25,000 certified-eligible WTC survivors. This limit does not include currently identified survivors. The Program Administrator will also limit certifications to ensure sufficient funds are available to provide treatment and monitoring, and will prioritize certifications based on the order in which a person applies.

[Section 3321 of the PHSA]

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**Are NYC residents who were in the vicinity of Ground Zero eligible?**

The WTCHP is required to provide benefits to eligible survivors. Survivors are persons who may have been affected by these attacks because they lived, worked, or attended school in areas near the sites of these attacks.

According to the Act, the following groups of survivors are eligible for the WTCHP:

- Persons currently eligible for medical treatment and monitoring by the WTC Health Center (referred to as currently identified survivors).
- Persons who claim symptoms of a WTC-related health condition and who meet eligibility criteria relating to specific dates and locations of activities on and after September 11, 2001 (referred to as survivors who meet current eligibility criteria). A complete list of eligibility criteria for these responders is provided in **Appendix II** to this memorandum.
- Survivors who meet additional eligibility criteria established by the Program Administrator (referred to as survivors who meet modified eligibility criteria).

A certified-eligible WTC survivor is an eligible survivor who is certified by the Program Administrator to be eligible for follow-up monitoring and treatment. As noted earlier, there is a limit of 25,000 certified-eligible WTC survivors. This limit does not include currently identified survivors. The Program Administrator will also limit certifications to ensure sufficient funds are available to provide treatment and monitoring, and will prioritize certifications based on the order in which a person applies.

[Section 3321 of the PHSA]

**What medical conditions are covered under the WTC Health Programs?**

The Act provides the following list, in **Table 1**, of WTC-related health conditions for responders and survivors that are covered by the WTCHP.

**Table 1. WTC-Related Health Conditions for Responders and Survivors**

Category	Covered Conditions	Covered Conditions for Responders	Covered Conditions for Survivors
Aerodigestive disorders	(1) Interstitial lung diseases; (2) Chronic Respiratory Disorder – Fumes/Vapors; (3) Asthma; (4) Reactive Airways Dysfunction Syndrome (RADS); (5) WTC-exacerbated chronic obstructive pulmonary disease (COPD); (6) Chronic Cough Syndrome; (7) Upper airway hyperreactivity; (8) Chronic rhinosinusitis; (9) Chronic nasopharyngitis; (10) Chronic laryngitis; (11) Gastroesophageal Reflux Disorder (GERD); and (12) Sleep apnea exacerbated by or related to the above conditions.	All conditions at left.	All conditions at left.
Mental health conditions	(1) Post Traumatic Stress Disorder (PTSD); (2) Major Depressive Disorder; (3) Panic Disorder; (4) Generalized Anxiety Disorder; (5) Anxiety Disorder (not otherwise specified); (6) Depression (not otherwise specified); (7) Acute Stress Disorder; (8) Dysthymic Disorder; (9) Adjustment Disorder; and (10) Substance Abuse;	All conditions at left.	All conditions at left.

Category	Covered Conditions	Covered Conditions for Responders	Covered Conditions for Survivors
Musculoskeletal disorders	(1) Low back pain; (2) Carpal Tunnel Syndrome (CTS); and (3) Other musculoskeletal disorders.	Musculoskeletal disorders only if manifested on or before Sept. 11, 2003.	Musculoskeletal disorders are not covered.
Other conditions	None.	Any additional condition (including types of cancer) listed pursuant to the process specified in the law.	Any additional condition (including types of cancer) listed pursuant to the process specified in the law.

**Source:** Congressional Research Service (CRS). Information taken from Title I of P.L. 111-347, the James Zadroga 9/11 Health and Compensation Act of 2010.

**Note:** Clinical findings or other information must suggest that conditions are related to injury or exposure due to the WTC attacks to be covered by the WTCHP. P.L. 111-347 provides a process to add additional conditions for coverage, including but not limited to types of cancer.

[Sections 3312(a)(3) and 3322(b) of the PHSA].

***How will the health programs evaluate new conditions, such as cancers, to determine whether they should be covered by the WTC Health Programs?***

According to the Act, the following procedures will be used by the Program Administrator to determine if cancer or another condition should be added to the list of WTC-related health conditions for responders. Once a condition is added to the list for responders, it is also automatically added to the list for survivors.

Procedures with respect to cancer:

1. The program administrator will periodically review all available evidence published in peer-reviewed journals to determine if cancer or a type of cancer should be added to the list of WTC-related health conditions. The first such review will take place within 180 days of enactment of the Act.
2. If based on the periodic review of evidence the Program Administrator determines that cancer or a type of cancer should be added to the list of WTC-related health conditions then the Program Administrator shall propose regulations, through rulemaking, to add cancer or the type of cancer to the list of WTC-related health conditions.
3. Based on all available evidence the Program Administrator shall make a final determination of whether or not to add cancer or a type of cancer to the list of WTC-related health conditions. If the Program Administrator determines that cancer or a type of cancer should be added, it will be added through regulations issued by the Program Administrator.
4. If the Program Administrator determines that cancer or a type of cancer should not be added to the list of WTC-related health conditions, an explanation for this determination will be published in the Federal Register. Such determination does not preclude the addition of cancer or a type of cancer to the list of WTC-related health conditions at a later date.

Procedures with respect to other health conditions:

1. An interested party, defined as representative of any organization representing WTC responders, a nationally recognized medical association, a Clinical or Data Center, a State or political subdivision, or any other interested person, may petition the Program Administrator to add a condition to the list of WTC-related health conditions.
2. After receipt of such a petition the Program Administrator will do one of the following:
  - a. Request a recommendation of the Advisory Committee;
  - b. Publish a proposed rule in the Federal Register to add the condition to the list of WTC-related health conditions;
  - c. Publish in the Federal Register the determination not to add the condition to the list of WTC-related health conditions, and the basis for this determination; or
  - d. Publish in the Federal Register the determination that insufficient evidence exists to act on the petition.
3. The Program Administrator may, without a petition, determine that a condition should be added to the list of WTC-related health conditions. In such a case, the Program Administrator will either request a recommendation of the Advisory Committee or publish a proposed rule in the Federal Register to add the condition to the list of WTC-related health conditions.
4. If the Program Administrator requests a recommendation of the Advisory Committee, the Advisory Committee will submit such recommendation within 60 days (or within a time period specified by the administrator, not to exceed 180 days). Within 60 days of the receipt of the recommendation the Program Administrator will publish in the Federal Register either a proposed rule adding the condition to the list of WTC-related health conditions or a determination not to add the condition and the basis for this determination.
5. Any proposed rule to add a condition to the list of WTC-related health conditions must be published in accordance with informal notice and comment rulemaking, in which interested parties are given at least 30 days to comment on the proposed rule.

[Sections 3312(a)(5) and (a)(6) of the PHSA]

***How does this bill affect an individual who is receiving treatment for a WTC related illness from his or her private physician or an institution unaffiliated with the WTC Health Programs?***

According to the Act, the WTCHP will provide medical benefits through Clinical Centers of Excellence, based in the New York area, and a national network of providers. The Clinical Centers of Excellence and national network will be selected by the Program Administrator. There are no provisions in the Act for the WTCHP to provide medical benefits through physicians or institutions that have not been selected as Clinical Centers of Excellence or as part of the national network. Thus, an individual currently receiving medical care for a WTC-related health condition from a provider who is not selected as a Clinical Center of Excellence or part of the national network, would not have this medical care paid for by the WTCHP unless he or she switched to a provider who is a Clinical Center of Excellence or part of the national network.

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The Program Administrator must ensure continuity of care between current medical providers and Clinical Centers of Excellence and the national network.

[Sections 3305 and 3313 of the PHSA]

***Will those who are currently receiving health care by an institution associated with the WTC health programs be guaranteed placement in the new program?***

Any responder who, as of the date of enactment of the Act, was identified as eligible for monitoring by either the consortium coordinated by Mt. Sinai Hospital or the FDNY is considered a currently identified responder and is deemed to be enrolled in the WTCHP. The Program Administrator must enroll such currently identified responders into the WTCHP by July 1, 2011.

Any survivor who, as of the date of enactment of the Act, was identified as eligible for medical treatment and monitoring by the WTC Environmental Health Center is considered a currently identified survivor and is eligible for screening without having to go through any application process. The Program Administrator must provide certification of screening-eligibility to such currently identified survivors by July 1, 2011.

[Sections 3311(a) and 3321(a) of the PHSA]

***Would an individual who is sick today have to wait to enroll in the WTC health program, or is there an avenue for care immediately?***

With the exception of currently identified responders and currently identified survivors, who are automatically enrolled in the WTCHP or granted screening-eligibility, all responders and survivors must complete an application and must complete the enrollment or determination process to be established by the Program Administrator. The Program Administrator must make a determination of eligibility within 60 days of the date an application is filed.

[Sections 3111(a)(3) and 3321(a)(1)(C) of the PHSA]

## **Questions Related to Title II: September 11<sup>th</sup> Victim Compensation Fund of 2001**

***When will the Victim Compensation Fund be reopened?***

The Special Master must update the regulations that apply to the Victim Compensation Fund (VCF) within 180 days of enactment of the Act. Claims may be filed beginning on the date in which the regulations are updated.

[Sections 405(a)(3)(B) and 407(b) of the ATSSSA]

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***When will individuals know what the procedures are for submitting a claim?***

The procedures for filing a claim under the reopened VCF will be determined by the Special Master and, based on regulations for the original VCF, will be part of the updated regulations. The Special Master must update the regulations within 180 days of enactment of the Act.

[Section 407(b) of the ATSSSA]

***Is an individual who fits the geographic criteria for an award and has no WTC-related medical conditions but suffers from post-traumatic stress related to the attacks, eligible for an award?***

The VCF only provides compensation for physical harm or death.

[Section 405(c)(2) of the ATSSSA]

***Who decides how the amount of award each individual will receive?***

The Special Master decides the amount of each award. The total amount of all awards paid under the reopened VCF may not exceed \$2.775 billion.

[Sections 405(b)(1)(B)(ii) and 406(d) of the ATSSSA]

***Are non-responders eligible and what are the criteria for a non-responder to submit a claim?***

A non-responder is eligible for an award under the reopened VCF if he or she meets all other requirements for an award and:

- was present at the WTC, Pentagon, or Shanksville, Pennsylvania at the time, or in the immediate aftermath, of the terrorist-related aircraft crashes of September 11, 2001; and
- suffered physical harm or death as a result of such a crash.

The deadline for claims filed by both responders and non-responders under the reopened VCF is five years from the date the regulations are updated, provided the claimant received medical treatment for his or her injury and files within two years of the date the updated regulations are published or within two-years of the date, after the regulations are updated, that he or she knew, or should have known, that the injury was related to the September 11, 2001, terrorist attacks.

[Sections 405(a)(3)(B), (c)(2), and (c)(3)(A) of the ATSSSA]

***Is the spouse of someone who worked in the geographic vicinity and has since died, eligible to collect from VCF if the worker's illnesses were not identified as WTC-related prior to his or her death?***

A VCF claim may be filed during the extended filing period (five years from the date the VCF regulations are updated) if both of the following conditions are met:

- the individual was treated by a medical professional for suffering from physical harm at a 9/11 crash site from the aircraft crashes or debris removal within a reasonable time of discovering such harm; and
  - the physical harm is verified by contemporaneous medical records prepared by or at the direction of the medical professional that provided such treatment.
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Thus, the answer to this question is dependent upon the interpretation by the Special Master of the first requirement. Specifically, whether or not a person who was treated for physical harm, but did not, at the time, know that such harm was related to the 9/11 attacks, meets the requirement that the person be treated for a physical harm suffered at a 9/11 crash site or from debris removal. More specifically, the issue to be determined by the Special Master is whether treatment of a physical harm alone is sufficient to meet the first requirement, or if the cause of the harm must be known at the time of treatment.

[Section 405(c)(3)(A)(ii) of the ATSSA]

***Is an individual who accepted an award from the original VCF that closed December 22, 2003, eligible for the reopened VCF?***

The ATSSSA, as amended, provides: “Not more than one claim may be submitted under this title by an individual or on behalf of a deceased individual.” Based on this provision, it appears that an individual who has submitted a claim with the original VCF would not be eligible to submit a second claim with the reopened VCF, irrespective of whether such individual accepted an award from the original VCF.

[Section 405(c)(3)(B) of ATSSSA]

***Are those who accepted the November 2010 WTC Captive Insurance Fund eligible for the VCF? If so, how will the settlement award be factored into an award under a reopened VCF?***

According to the Act, it is possible for an individual, who accepted a settlement under the November 2010 WTC Captive Insurance Fund, to submit a claim to the reopened VCF, provided he or she meets requirements under section 405(c) of ATSSSA, as amended. Section 202(f) of P.L. 111-347 generally provides that individuals who have settled a civil claim may not submit a claim “unless such action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the James Zadroga 9/11 Health and Compensation Act of 2010 was enacted.” In the case of the November 2010 WTC Captive Insurance Fund, the action was commenced after December 23, 2003,<sup>1</sup> and the plaintiffs reportedly released all claims against the defendants as a condition of participating in the settlement.<sup>2</sup>

Any amount received as part of a settlement will be treated as a collateral source. P.L. 111-347 amended the definition of “collateral source” to include “payments made pursuant to the settlement of a civil action.” Under section 405(b)(6) of ATSSSA, as amended, the Special Master is required to reduce the amount of compensation by the amount of collateral source compensation the claimant received or is entitled to receive as a result of the terrorist related attacks. Thus, the amount collected by an individual from the reopened VCF will be offset by any amount received as a part of the settlement award.

[Sections 405(b)(6) and (c) of the ATSSSA]

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<sup>1</sup> Pub. L. 108-7; 117 Stat. 517 (2003) (directing the Federal Emergency Management Agency (FEMA) to provide up to \$1 billion to create an insurance company). The City of New York, with funding from FEMA, established the World Trade Center Captive Insurance Company in July 2004. See Department of Homeland Security, Office of Inspector General “A Review of World Trade Center Captive Insurance Company” OIG-08-21 June 2008, [http://www.dhs.gov/xoig/assets/mgmttrpts/OIG\\_08-21\\_Jun08.pdf](http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_08-21_Jun08.pdf).

<sup>2</sup> Mark A. Hoffman, *WTC Captive settles claims from 9/11 responders*, Business Insurance, Mar. 12, 2010, available at <http://www.businessinsurance.com/article/20100312/NEWS/100319975>.

***If an individual submits a VCF claim but is found ineligible, can this individual reopen a civil lawsuit?***

Generally, upon submission of a claim, “the claimant waives the right to file a civil action (or to be a party to an action) in any Federal or State court for damages sustained as result of the terrorist-related aircraft crashes of September 11, 2001, or for damages arising from or related to debris removal.”<sup>3</sup> It appears once an individual submits a claim to the VCF, such individual is precluded from filing a civil action related the September 11, 2001 attacks, regardless of whether an individual is found eligible or recovers under the VCF.

However, an individual who is part of a pending civil action may apply to the reopened VCF only if the individual withdraws from the action within 90 days after the date under which the regulations for the reopened VCF are updated.

[Section 405(c)(3)(C)(i) of the ATSSSA]

***Would the acceptance of a lawsuit bar, limit or prevent an individual from seeking restitution in the VCF?***

Generally, P.L. 111-347 amended ATSSSA to preclude an individual, who is a party to a civil action for damages sustained as a result of the September 11, 2001 attacks or for damages from or related to debris removal, from submitting a claim under the VCF unless the individual withdraws from the action within 90 days after the regulations are updated. However, a “civil action” does not include an action to recover collateral source obligations or an action against any knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. Therefore, individuals who participate in these excepted types of lawsuits can contemporaneously seek restitution in the VCF.

However, if an individual is part of a “settled action,” then he or she can submit a claim to the VCF if the “[settled] action was commenced after December 22, 2003, and a release of all claims in such action was tendered prior to the date on which the [Act] was enacted.” Thus far, the individuals who were a part of the November 2010 WTC Captive Insurance Fund<sup>4</sup> settlement seem to fall within this category and are therefore eligible to submit a claim to the reopened VCF. Any amount received as part of a settlement will be treated as a collateral source. P.L. 111-347 amended the definition of “collateral source” to include “payments made pursuant to the settlement of a civil action.” Under section 405(b)(6) of ATSSSA, as amended, the Special Master is required to reduce the amount of compensation by the amount of collateral source compensation the claimant received or is entitled to receive as a result of the terrorist related attacks. Thus, the amount collected by an individual from the reopened VCF will be offset by any amount received as a part of the settlement award.

[Sections 405(c)(3)(C)(i)-(ii) of ATSSSA]

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<sup>3</sup> This limitation, however, does not apply to a civil action to recover collateral source obligations, or to a civil action against any person who is a knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act. Section 405(c)(3)(C)(i) of ATSSSA, as amended.

<sup>4</sup> Pub. L. 108-7; 117 Stat. 517 (2003) (directing the Federal Emergency Management Agency (FEMA) to provide up to \$1 billion to create an insurance company). The City of New York, with funding from FEMA, established the World Trade Center Captive Insurance Company in July 2004. See Department of Homeland Security, Office of Inspector General “A Review of World Trade Center Captive Insurance Company” OIG-08-21 June 2008, [http://www.dhs.gov/xoig/assets/mgmttrpts/OIG\\_08-21\\_Jun08.pdf](http://www.dhs.gov/xoig/assets/mgmttrpts/OIG_08-21_Jun08.pdf). See also Mark A. Hoffman, *WTC Captive settles claims from 9/11 responders*, Business Insurance, Mar. 12, 2010, available at <http://www.businessinsurance.com/article/20100312/NEWS/100319975>.

***Would the dismissal of a lawsuit bar, limit, or prevent an individual from seeking restitution in the VCF?***

ATSSSA does not explicitly address the effect of a dismissed lawsuit on an individual's eligibility to apply to the VCF. Under the provisions, it is possible that an individual could still submit a claim to the VCF if he or she is a party to a lawsuit that is dismissed before the Special Master updates the regulations, or within the 90 day period after Special Master updates the regulations. However, because individuals, who wish to be eligible for the VCF, are required to withdraw from any pending action within 90 days of the updated regulations, this would seem to imply that an individual would be precluded from submitting a claim if the lawsuit is dismissed after the 90-day period of the updated regulations.

[Sections 405(c)(3)(C)(i)-(ii) and 407 of ATSSSA]

## Appendix I

### Eligibility Requirements for Responders Who Meet Current Eligibility Criteria

#### For FDNY and related persons:

- was a member, active or retired, of the FDNY who participated for at least one day in the rescue or recovery effort at Ground Zero, the Staten Island Landfill, or the New York City Chief Medical Examiner's Office during the period between September 11, 2001 and July 31, 2002; or
- is a surviving immediate family member of an FDNY member, retired or active, who was killed at the WTC on September 11, 2001, and who received any treatment for a WTC-related mental health condition on or before September 1, 2008.

#### For law enforcement, rescue, recovery, and cleanup workers:

- worked or volunteered in rescue, recovery, or debris cleanup or related support services in lower Manhattan below Canal Street, the Staten Island Landfill, or the barge loading piers, for at least 4 hours between September 11 and September 14, 2001; for at least 24 hours between September 11, 2001 and September 30, 2001; or for at least 80 hours between September 11, 2001 and July 31, 2002;
  - was a member, active or retired, of the Police Department of New York City (NYPD) or the Port Authority of New York and New Jersey Police, and participated in rescue, recovery, debris cleanup, or related services in lower Manhattan below Canal Street, the Staten Island Landfill, or the barge loading piers, for at least 4 hours between September 11, 2001 and September 14, 2001;
  - was a member, active or retired, of the NYPD or the Port Authority of New York and New Jersey Police, and participated in rescue, recovery, debris cleanup, or related services at Ground Zero, the Staten Island Landfill, or the barge loading piers for at least one day between September 11, 2001 and July 31, 2002;
  - was a member, active or retired, of the NYPD or the Port Authority of New York and New Jersey Police, and participated on-site in rescue, recovery, debris cleanup, or related services in lower Manhattan below Canal Street for at least 24 hours between September 11, 2001, and September 30, 2001;
  - was a member, active or retired, of the NYPD or the Port Authority of New York and New Jersey Police, and participated in rescue, recovery, debris cleanup, or related services in lower Manhattan below Canal Street for at least 24 hours between September 11, 2001 and September 30, 2001 or for at least 80 hours between September 11, 2001 and July 31, 2002;
  - was an employee of the Office of the Chief Medical Examiner of New York City involved in the examination and handling of human remains from the WTC attacks, or other morgue worker who performed similar functions, between September 11, 2001 and July 31, 2002;
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- was a worker in the Port Authority Trans-Hudson Corporation (PATH) tunnel for at least 24 hours between February 1, 2002 and July 1, 2002; or
- was a vehicle maintenance worker who was exposed to debris from the former WTC while working on vehicles contaminated by airborne toxins from the September 11, 2001 attacks during work between September 11, 2001 and July 31, 2002.

**For responders to the Pentagon and Shanksville, Pennsylvania aircraft crash sites:**

- was an active member of a fire or police department, or performed rescue, recovery, demolition, debris cleanup, or other related services at the terrorist-related aircraft crash site at the Pentagon or in Shanksville, Pennsylvania beginning on September 11, 2001 and ending on a date established by the Administrator; and is determined by the Administrator to be at an increased risk of developing a WTC-related condition as a result of exposure to airborne toxins, other hazards, or adverse conditions resulting from the September 11, 2001, terrorist attacks, and meets such eligibility criteria related to such exposures, as the Administrator determines are appropriate, after consultation with the WTC Scientific/Technical Advisory Committee.
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## Appendix II

### Eligibility Requirements for Survivors Who Meet Current Eligibility Criteria

- was present in the New York city disaster area, defined as Lower Manhattan south of Houston Street and any block in Brooklyn within a 1.5 mile radius of the WTC site, in the dust or dust cloud on September 11, 2001;
  - worked; resided; or attended school, child care, or adult day care in the New York city disaster area for at least 4 days between September 11, 2001 and January 10, 2002; or at least 30 days between September 11, 2001 and July 31, 2002;
  - worked as a cleanup worker in the New York city disaster area between September 11, 2001 and January 10, 2002 and had extensive exposure to WTC dust as a result of such work;
  - was deemed eligible to receive a grant from the Lower Manhattan Development Corporation Residential Grant Program, who possessed a lease for a residence or purchased a residence in the New York city disaster area, and who resided in such residence during the period between September 11, 2001 and May 31, 2003; or
  - worked at a place of employment that at any time between September 11, 2001 and May 31, 2003 was in the New York city disaster area, and that place of employment was deemed eligible for a grant from the Lower Manhattan Development Corporation WTC Small Firms Attraction and Retention Act program, or similar program to revitalize the lower Manhattan economy.
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