

Chairwoman Lofgren, Chairman Nadler, Ranking Member King, Ranking Member Franks and Members of the Committee, good morning. Thank you for giving me the opportunity to speak with you today about my experiences, and those of so many others of my colleagues, following the World Trade Center attacks on September 11, 2001.

My name is Michael Valentin. I was born in the Bronx, and I am the second generation of my family to serve as a New York City Police Officer; my father retired in 1988 as an NYPD Detective after 24 years of service. Today, at the age of 43, I am retired on medical disability from my work as a New York City Police Detective. Although I loved my work for the NYPD, I have been forced to retire as a result of my exposure to toxic dust and particulate matter while working at the World Trade Center site beginning on September 11, 2001 after the towers fell, through mid-December of 2001. Although it is difficult for me to relive those terrible memories, I am here to speak to you today because it is important that this committee fully understands why its work here is so important to so many brave and hardworking men and women who – without thought for their own safety – ran to their City’s aid in its darkest days.

In September of 2001, I was a New York City Police Officer working undercover for the Manhattan South Vice Unit. I was subsequently promoted to Detective in April of 2002. On the morning of September 11th I was awakened by my wife, who told me that a plane had hit the World Trade Center. I turned on the television in time to see the second jet hit the South tower, and, like millions of other Americans, I realized immediately that we were under attack. I contacted colleagues who lived close by and we drove together to “Highway 3,” a police unit located by the Grand Central Parkway. There, we met my Lieutenant, who kept his department issued vehicle at that location, and we all proceeded to the 7th Precinct, located in Manhattan’s

lower east side. As we drove, I remember seeing a convoy of police officers and firefighters who were all desperate to get to lower Manhattan, and we were no different.

When we arrived at the 7th Precinct, a young woman was walking past the Precinct, covered with what looked like powdered cement. Her face was covered with powder except for circles around her eyes – but you could see the look of horror in her face. I asked if she needed help, and told her to come in so we could help her get cleaned up and check her for injuries, but she said no, she just wanted to go home, and that she was going to walk over the Williamsburg Bridge. As I entered the Precinct, I saw a sobbing firefighter who was being consoled by one of his colleagues. Realizing that the world we had known until that morning was suddenly in chaos, I was overwhelmed by a feeling of helplessness.

When we arrived at the Trade Center site on the West Side Highway, one of my team members was visibly upset and crying uncontrollably because he could not get in touch with his father, an NYPD Police Chief. Although his father was later found alive and unhurt, he had every reason to believe at that point that his father had been caught in the collapse and there was no consoling him. We all had tears in our eyes as we stood there watching his heartbreaking attempts to contact his father. As we know now, many, many families of police officers and firefighters – and those of the thousands of innocent civilians who worked in the towers – had no happy relief at the end of that day, because their husbands, wives, fathers, mothers and children did not miraculously turn up safe and sound.

Later that afternoon when 7 World Trade Center collapsed, I was standing only a block away. The scene was surreal -- I remember feeling like I was watching a disaster movie. Quite simply, I could not believe what I was seeing with my own eyes. But if that scene was surreal, it did not begin to let me know what waited for me in the days and weeks to come. During the next

few months, working in and around the World Trade Center site, I saw things that were unimaginable – the sights, sounds and smells of those months were burned into my memory for the rest of my life. Looking back now, my memory of 9/11 seems like one long nightmarish blur from beginning to end.

Throughout the initial attempts at rescue and continuing through the recovery and clean up efforts in the months to come, my team and I were assigned to many posts in and around the site. We performed perimeter security, worked on the bucket brigade, did door-to-door searches, recovered human body parts from the surrounding roof tops, and transported equipment and supplies.

In October or November of 2001, I had a physical examination that included a chest x-ray – my lungs were clear, and I was healthy, as I had always been up until 9/11. Initially, during the time I was still working on the World Trade Center site, I began to suffer from chronic sinus problems and inflammation, and developed a hacking cough. I coughed so hard that I actually developed back spasms. In 2003 and 2004 I began having intractable lung and sinus infections, and burning inside my ears. Throughout 2004, I suffered from night sweats, and in September 2004, on my 40th birthday, my doctors told me that they had found a four-centimeter mass in my chest between my aorta and trachea, and that it was most likely lymphoma. I underwent a surgery called a mediastinoscopy, to biopsy the tumor. The mass turned out to be benign, but when the surgeon and pathologist examined my lymph nodes, they found black particulates in the lymph node. Not long thereafter, I was diagnosed with gall bladder problems, and when I underwent surgery to remove the gallbladder, my doctors found another lymphatic tumor. I underwent a PET scan because of the continuing night sweats, and that scan revealed that the lymphatic tumor had grown. A bronchoscopy failed to drain the tumor, so I underwent another

mediastinoscopy. This was the fourth operation I had since 9/11. While I was in the hospital, they found that my lung function was diminished, and the doctors told me to have that checked. Since then, I have been diagnosed with reactive airway disease syndrome, gastro-esophageal reflux disease, esophagitis, sinusitis, thickening of the pleural lining of my lungs, which is indicative of asbestos exposure, and pleurisy, which is a very painful inflammation of the lining of the lungs. I also have severe ankle swelling, and severe throat pain 24 hrs a day from the excessive stomach acid production. I need to use a nebulizer to inhale medication every 4 hours, and oral steroids so that I can breath. I take ten medications daily.

I was lucky to find the Long Island Occupational and Environmental Health of Stony brook University Hospital located in Hauppauge, Long Island. They treated me for my pulmonary problems and tested me for other illnesses. I am fortunate to receive all of my pulmonary prescriptions through them. This is vital to my family and me because the average cost for these medications over the course of a year is about 8 thousand dollars that would have otherwise come out of my pocket. This Long Island Office has treated over one thousand New York City police officers and over three thousand first responders from firefighters to the building trades. It is my understanding that their funding is in danger. I hope that you can do something about funding for them.

Because I am unable to work, I had to sell my house in 2005 and today, my wife and our children and I live with my parents. I've had to stop all of my physical activities, like going salsa dancing with my wife, bike rides with my kids, and my wife has taken over coaching my girls' basketball team. I often feel as if I am married to my nebulizer, and today, as a result of my illnesses, I am more than \$160,000.00 in debt. I worry about my children's future, and

whether I will be around to see them grow up. I have no life insurance, and no long-term health care insurance. I am horrified at the thought of burdening my family with my illnesses.

Two of my co-workers, Lt. William Serpe and my partner, Detective Ernie Vallebouna were diagnosed with B-cell lymphoma, a cancer that is usually extremely rare. The odds of two co-workers being diagnosed with this disease is infinitesimal. Another colleague, Sergeant Dave Moloney, suffers from reactive airway disease and had part of his palette removed so he could breath. Like me, they have bleak life expectancies and because of our grim prospects, insurance companies have labeled us uninsurable

And we are not the only ones who have suffered. Literally thousands of my fellow police officers, firefighters, construction workers and laborers are all desperately ill and many have already died, including Detective James Zadroga, a HERO who died of 9/11 illnesses with his baby daughter by his side – only to have Mayor Bloomberg sully his memory with public statements implying that Zadroga had caused his own death by abusing his pain medications – pain medications that were kept under lock and key by his father to prevent even an accidental overdose. Detective Bobby Williamson died of pancreatic cancer leaving behind a wife and three beautiful children. Sergeant Mike Ryan, who lived only two miles from my home, died of lymphoma also leaving behind a wife and children. These men and many more died because they put their City and their duty ahead of their own safety. They died waiting for their government to do the right thing and provide for their health care and for the support of their families.

Even now, many police officers are being denied the three-quarter salary line-of-duty pensions they should have received, and instead are only given ordinary disability. Even to get that much, we have to face a maze of bureaucracy that is frustrating, demoralizing and needless.

These brave men and women are not asking for a free lunch -- all they want is to be taken care of in their time of need. I was fortunate in that I received a line of duty pension. Thanks to the intervention of Congressman Israel I am also receiving social security disability benefits. But here's the point -- I should not have needed the help of a United States Congressman to get the social security benefits I am entitled to as a disabled police officer. Many of my colleagues have been denied Social Security disability benefits -- and today I am here to ask for your assistance on their behalf.

In 2003, you and your colleagues allocated a billion dollars through FEMA to provide the City of New York and its debris removal contractors with coverage for claims arising from debris removal performed after collapse of World Trade Center (WTC) buildings on September 11, 2001. You left it to the City to determine the best mechanism to administer those funds, and the City created the World Trade Center Captive Insurance Company. Today, we know that the Captive, and the city's control of that mechanism, is a national disgrace akin to our nation's treatment of Iraq war veterans under deplorable conditions at Walter Reed Hospital and its abandonment of our Viet Nam veterans. I don't need to remind this committee that America has a poor record in assisting our national heroes, leaving them to fend for themselves after they've given unselfishly of themselves in the service of their country.

I can't believe that my Congress would have set aside a billion dollars to have that money go to pay insurance executives and law firms hundreds of millions of dollars to fight the very heroes that money should have been helping for these last five years. Surely you did not intend that money to be used as a legal defense fund or to pay for expensive dinners for the City's lawyers. I find it incredible and offensive that my Mayor has the audacity to pay Christine LaSala, CEO of the Captive Insurance Company, a salary of 350,000 dollars a year and 20,000

dollars in benefits, while the men and women who stand in my shoes cannot pay their bills or purchase their medications.

In the past week, the Court of Appeals for the Second Circuit affirmed a decision of the District Court holding that the City of New York and its Contractors are not immune from litigation for their failure to provide adequate safety protections such as respirators and hazmat suits to those of us who worked in hazardous conditions at the World Trade Center Site. What is the City's reaction to that decision? In the New York Times on Thursday, March 27, one of the City's Senior attorneys was quoted as saying that this decision only means that "victory is going to take longer to achieve, and we're going to have to get into the underlying facts of the case." Victory? Let's think about that for a minute. The *victory* that attorney was talking about is a victory over the men and women who put their lives in mortal danger to protect and serve this Country in its darkest time. Men and women who are mortally sick and dying and forsaken by their country.

We had hoped that the Second Circuit's decision would spur the City and the Captive to sit down and resolve our claims for medical care and lost income. Instead, the City's lead defense attorney Jim Tyrrell told the New York Law Journal that "the 'net result' of [the courts decision] ... will be the extension of 'this litigation for years.'" Congressmen, with all do respect, I don't have years to wait. My colleagues and the other men and women who are sick and out of work because of their time at Ground Zero don't have years to wait. What they do have is mounting frustration, worsening illness and disability, bills and mortgages they can't pay and medications they can't afford. They have children who may grow up without a parent, and spouses who will be left young and widowed. We don't have the luxury of time to wait while our Mayor and his Captive Insurance Company pay their lawyers to fight us in court, and their

claims administrators to do nothing but generate bills. We need you to take control of that money and see that it reaches the people you intended to help back in 2003.

I am proud to have been a New York City police officer. Notwithstanding my comments here about the City's control of the Captive Insurance Company, I love my city and I loved my work, and if my health would permit me, I would go back to that work in a New York minute. I still believe that New York is the greatest city in the world and I love it dearly. Don't let the City and its lawyers discount my testimony here today by telling you that my colleagues and I are just disgruntled employees, because the NYPD treated me with decency and respect through my illnesses. It was, and it is, an honor to be a New York City police officer. We are only asking that our City and our country help us now in our own hour of need.

Thank you for letting me speak with you today. On behalf of all of my colleagues – not just the police officers and the firefighters, but also the construction and building trades people and the volunteers, we appreciate all of your dedicated work and your continuing efforts on our behalf.