

**TESTIMONY OF U.S. REPRESENTATIVE JERROLD NADLER (D-NY 08)**

**Before the Energy and Commerce  
Subcommittee on Health**

***9/11 Health and Compensation Act of 2009***

**April 22, 2009**

Chairman Pallone, Ranking Member Deal and the members of the Subcommittee, including my fellow New Yorkers Mr. Engel and Mr. Weiner – thank you for convening this hearing and inviting my colleagues and me to testify before you today. I also want to thank everyone who has worked on this bill to help us achieve our long-standing goal of providing a stable, long-term program to help the responders, the residents, area workers, students and others who were injured by the attack on our country on September 11<sup>th</sup>.

Representative Maloney and I, along with Representatives King and McMahon, have introduced H.R. 847, the *9/11 Health and Compensation Act of 2009*, to ensure that the living victims of the September 11<sup>th</sup> terrorist attacks have a right to health care for their World Trade Center-related illnesses and a route to compensation for their economic losses.

Now, as many of my colleagues know – and as many of us sitting in this room know – today’s panelists have come together many times since the towers fell almost eight years ago, holding press conferences, testifying at hearings and releasing countless

pages of information detailing the environmental impacts and health effects created by the attack on our country.

For eight years, those of us here today have testified about the toxins that were inhaled by those near Ground Zero in the days and weeks following the attacks. We warned then that the air wasn't safe and that our courageous first responders were not being afforded the proper protection from dangerous toxins as they were working on the pile. But the EPA kept assuring everyone, wrongly, that the air was safe. We spent years working to try to convince public officials that the asbestos, fiberglass and other toxins had traveled far and settled into the interiors of residences, workplaces and schools, and that a proper testing and cleanup program was required to eliminate the health risks to area residents, workers and students. We demanded that the government acknowledge the fact – supported by a mountain of peer-reviewed research – that thousands of our nation's citizens are sick today because of 9/11 and that many more will likely become sick in the future. We explained to whoever would listen that our 9/11 heroes were struggling to pay health care costs because they could no longer work and had lost their health insurance, or because they had had their worker's compensation claims contested. We have argued vigorously that the federal response to date has been dangerously limited, piecemeal and unpredictable – both in terms of preventing further health impacts from potentially persistent indoor contamination and, most notably, in terms of a lack of a comprehensive, long-term approach to providing health care and compensation for those already affected.

Yet each time we presented our case for a comprehensive solution, we were told, “Better luck next year.” Well, a new year has come and we are here again on behalf of those who continue to suffer.

Undaunted, and due to considerable efforts by all of the stakeholders, we have modified the bill to achieve what have been our dual goals from the beginning: 1) establishing a stable, long-term approach that builds on successful, existing programs to provide much needed care for those who were affected by the attacks, regardless of whether they are first responders, area workers, residents, students or others, and 2) doing this in a fiscally responsible manner.

We are hopeful that today’s hearing marks the beginning of the end of our collective eight-year struggle. We are hopeful that this is the first step in finally passing this critical legislation to give those men, women and children who live with the daily reminders of that terrible day in 2001 the support and care they deserve.

Although the devastating 9/11 attacks on the World Trade Center occurred within the bounds of my Congressional district, it was our nation as a whole that was attacked. And the ramifications stretch well beyond the bounds of my district. Every Member in New York’s downstate delegation represents hundreds, if not thousands, of people who live, work, attend school, or were otherwise present in Lower Manhattan and the affected parts of Brooklyn, and were exposed to the toxic brew in the air. But it doesn’t end there. Because people from all across this country came to New York City to help, there are

now citizens in every state – in 431 Congressional Districts – who were exposed to the toxic fumes of 9/11, and who were concerned enough about it to register with the World Trade Center Health Registry. So, this is not just a problem for Members from New York and New Jersey; this issue should concern every Member in this room.

Because this is unquestionably a national problem, it has always required a national response. Yet, the previous Administration declined to develop a comprehensive plan to deal with this growing public health problem, forcing the New York delegation, year after year, to come to Congress to test its luck during the annual appropriations process. Thankfully, with growing bi-partisan support for that funding, we have had some key successes. And with those funds, we have seen some critical first steps in federally-funded health care programming. But, quite simply, this disjointed and unpredictable approach to securing critical funding is not a tenable course of action. Both our heroes and the excellent health care programs that are now in place to serve them deserve better.

Passage of the *9/11 Health and Compensation Act* would mark an end to this problematic approach and ensure that a consistent source of funding is available to monitor and/or treat the thousands of first responders and community members already affected by WTC-related illnesses, as well as those whose illnesses may become apparent in the future. And it would ensure that no matter where an affected individual lives in the future, he or she could get care. Building on the expertise of the Centers of Excellence, the bill would fill gaps in how we are currently providing treatment and monitoring. The

bill also would provide for substantial data collection regarding the nature and extent of WTC-related illnesses. This is a particularly critical provision as there is still much we have to learn about these illnesses and how they affect different exposure populations. And finally, as you know, this legislation would provide an opportunity for compensation for economic damages and losses by reopening the 9/11 Victim Compensation Fund.

As you will hear from the other panelists, the needs here are abundantly clear. Approximately 16,000 first responders are currently being treated for WTC-related illnesses and more than 40,000 are being monitored through a consortium of providers, led by Mt. Sinai Hospital and the New York City Fire Department. And we have nearly 3,400 sick community members being treated by a program funded in part by the federal government – the World Trade Center Environmental Health Program at Bellevue Hospital.

As you may know, the bill has been modified several times in order to ensure that those in need receive the care they deserve and that the cost is feasible and responsible. First, the bill limits the radius within which individuals who reside, go to school or work (including commuters from throughout the tri-state area) would be eligible for services. Second, it caps the total number of new treatment slots at 35,000 – which, incidentally, is the same level as the responder program. Finally, the bill creates contingency funds with strict dollar limits, and caps other kinds of spending.

Today, every member of this Subcommittee has an opportunity. You can decide that you are going to join with those of us in this room who have been fighting for this funding for eight long years, and with those back in New York and throughout the country who continue to grapple with the consequences of the 9/11 attacks. With your help, we can finally give the heroes and victims of 9/11 the peace of mind they deserve by providing for their health needs and other losses.

Please join us in supporting the *9/11 Health and Compensation Act*, and please help us move this important legislation forward so that it can finally be brought to the whole House for a vote.

Thank you again, Mr. Chairman and members of the Subcommittee, for holding this hearing, and I look forward to the testimony of my colleagues and other witnesses today.