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Ailing 9/11 workers suing \$1B WTC insurance fund for sick pay

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NEW YORK -- Ailing ground zero workers are going to court to demand that the company overseeing a \$1 billion Sept. 11 insurance fund spend the money to pay for their health care.

The workers have already filed a class-action lawsuit claiming the toxic dust from the World Trade Center site gave them serious, sometimes fatal diseases. The latest action, expected to be filed Tuesday, seeks compensation from the company in charge of money appropriated by Congress to deal with Sept. 11 health-related claims.

Attorneys for the workers argue that federal officials meant for the money in the WTC Captive Insurance Co. to be used as compensation for sick workers, quoting several congressional leaders as saying the money was meant to pay out workers.

City officials have long said that the money must be first used to litigate claims before any are paid out.

Roy Winnick, a spokesman for WTC Captive, said he could not comment on the claim until the lawsuit was filed. Congress directed the Federal Emergency Management Agency in 2003 to appropriate up to \$1 billion "to establish a captive insurance company or other appropriate insurance mechanism for claims arising from debris removal, which may include claims made by city employees."

But attorneys filing the lawsuit in Manhattan's state Supreme Court argued that the money was created to reimburse ailing workers, not defend against them.



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"She hasn't paid a penny to one of my 10,000 people," said David Worby, an attorney representing the workers, of the company's CEO, Christine LaSala. "It was their mandate."

In the prepared claim, the attorneys argue that Congress and other federal officials never stated "that a captive insurance company be established solely to defend the city of New York and its contractors from all rescue, recovery and debris removal related claims, at all costs."

The company has spent more than \$75 million of the money in legal fees and other expenses, the attorneys say.

Worby and other attorneys planned to go to Washington later this week to lobby congressional leaders to urge that the \$1 billion be used as a compensation fund.

More than 100 of the plaintiffs in Worby's lawsuit have died of respiratory diseases and cancers since the post-Sept. 11 cleanup. The largest study of ground zero workers reported last year that 70 percent of patients suffer respiratory disease years after the cleanup.

Bloomberg and other city officials have estimated the cost of caring for the workers who are sick or who could become sick at \$393 million a year and urged the federal government to pay for their treatment and monitoring.

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