

Spano bill would help Ground Zero workers

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THE JOURNAL NEWS

(Original Publication: September 23, 2006)

State Sen. Nicholas Spano says he will introduce a bill to help clear the way for Ground Zero recovery workers to sue government agencies over illnesses they suffered in the aftermath of the World Trade Center collapse.

State law ordinarily imposes a 90-day deadline from the date of injury on anyone filing a claim against a government agency. Spano said that given the urgency of the recovery work, the nature of the illnesses and the misinformation about health risks involved, workers deserve another year to file a claim.

"Their rights should not be taken away from them because of technicalities in the law," said Spano, R-Yonkers. He announced the bill with state Sen. Vincent Leibell, R-Patterson, at a news conference outside the Teamsters Local 456 Union Hall in Elmsford. They were joined by Jimmy Nolan, a 41-year-old carpenter from Yonkers who took part in the Ground Zero cleanup.

The announcement came amid growing public attention to the toll of the toxic dust caused by the World Trade Center collapse in the Sept. 11, 2001, terrorist attacks. Mount Sinai Medical Center said earlier this month that most of the rescuers and laborers who responded suffer respiratory problems and will need continuing treatment. Also, Mount Sinai will monitor cancer cases.

Yesterday, Democratic Sens. Hillary Rodham Clinton and Charles Schumer of New York and Sen. Edward M. Kennedy of Massachusetts introduced legislation for \$1.9 billion toward medical treatment for those sickened because of the attacks. And Gov. George Pataki signed a bill allowing extra time for workers' compensation claims.

Spano's bill would clear a potential obstacle for legal claims against New York City and other government agencies. White Plains attorney David Worby, who is representing 8,000 people in a lawsuit against the city, said he worked with Spano on the legislation. Among his clients are a police captain who was diagnosed with multiple myeloma nine months after he retired in 2004, and a detective who was diagnosed with non-Hodgkin's lymphoma the same year.

"All these people were told the air was safe and 'your problems aren't related.' So thousands of people didn't file," Worby said. "Spano's legislation would enable people to file now, without the city saying, 'Ha ha, too late.'"

"I represent well over 1,000 people whose claims have been stamped, 'denied, late.' And we're fighting for those people," he said.

Without the legislation, workers filing a late notice of claim must file a motion along with a doctor's and lawyer's affidavit explaining the reason for the delay, Worby said.

"All of the politicians are saying they want to help these people now," he said.

Nolan, another of Worby's clients, said he's suffering from breathing problems, lowered immunity, acid reflux disease and hand rashes. He's developed allergies to rubber and oak. "My white blood cells are low, I've got lack of oxygen in my blood," he said.

"You go to a doctor for something, and the next thing you know they're researching you again. It's very hard to get back into that life, what I left five years ago. My whole life is 9/11."

His medical expenses are covered by his insurance, but Nolan said he's seeking compensation because he wants to make sure his wife and four boys are supported financially if he's unable to support them.

"I want to know what's going to happen to my kids and wife when I pass away. That's how I gotta think," he said. "I gave up three years of my life. I spent two and a half years down there," he said. "I still got that building in my body, and it's fighting to get out."

Nolan said he began working at Ground Zero soon after the attacks, making plywood window frames. He continued to work at the site even after a lung infection, nose infection and surgery to remove a cyst between his eyes.

"They kept on saying the air was good," Nolan said. "I could burn steel, I could drive heavy machinery, I know CPR, I had to be there."

Asked whether the law would open the state up to heavy liability, Spano said, "We're not opening up anything. We're closing a loophole."