Death by Dust

The frightening link between the 9-11 toxic cloud and cancer

by Kristen Lombardi
November 28th, 2006 5:22 PN

It was October 6, 2004, three years after Ernie Vallebuona's three-month stint as a rescue and recovery worker at ground zero in the wake of the 9-11 terrorist attacks, and he was hunched over and trembling, racked by a pain like nothing he had experienced in his 40 years of sound health. He had just returned to his Rockland County home after finishing the midnight-to-8 a.m. shift in the NYPD vice unit, where he'd reported to work for the last six years. Vallebuona had bought some fish from a street vendor near his office, on the Lower East Side. And as he drove the 35 miles from Manhattan to New City, he chalked up a searing stomachache to food poisoning. Maybe the vendor had filleted that fish with a dirty machete? By the time he pulled into his driveway, the pain had grown excruciating, too horrible for him to even lie in bed that day. The chills swept over his body; so did the shakes. He called his doctor, who suggested ulcer medication. His mother advised him to forget that diagnosis and consult a specialist instead, but like a lot of young, healthy men, he didn't listen right away.

Vallebuona isn't much for complaining; what ailing cop is? But for six months, he had noticed his body betraying him. His toes had reddened; his joints had stiffened. They throbbed in prickly pangs, as if glass shards were wedged underneath his skin. When his own heartbeat began to hurt, he had visited the family doctor, who diagnosed him with gout. He was told to drink cherry juice and take anti-inflammatory medicine. Neither worked. Now as his stomach convulsed, Vallebuona listened to his mother at last. Later that day, he found himself at a gastroenterologist's office in Pomona, lying on a table, watching a nurse poke at his abdomen. She felt a lump and ordered tests. It would take a month to reach a definitive diagnosis of non-Hodgkin's lymphoma, a cancer of the lymphoid tissue. Evidently, Vallebuona had developed a golf-ball-sized mass in his abdomen that had grown so fast and so quick that pieces of it were dying and depositing into his blood, causing gout-like symptoms.

One week after that, he was at a Manhattan hospital, meeting his oncologist, hearing about the heavy-duty chemotherapy he would have to undergo over the next four months. At the visit, a nurse explained he had an aggressive cancer—a rare stage-three—and asked a battery of questions.

Did he ever do modeling with glue?

Did he ever handle insecticides?

Did he ever work with chemicals like benzene?

Vallebuona answered no to all the questions. He had led a clean life;before becoming a cop, he'd worked in a bank. Sitting in the examining room with him, Vallebuona's wife, Amy, finally spoke up. "What about 9-11?" she asked. "What about all that smoke and dust?" Only then did Ernie Vallebuona first consider the possibility that the events of September 11 could be the cause of his cancer.

This is not the story of rescue and recovery workers at ground zero getting sick with respiratory illnesses from their exposure; you have read those stories, and you have heard those cases.

This is the story of 9-11 and cancer.

To date, 75 recovery workers on or around what is now known as "the Pile"—the rubble that remained after the World Trade Center towers collapsed on the morning of September 11, 2001—have been diagnosed with blood cell cancers that a half-dozen top doctors and epidemiologists have confirmed as having been likely caused by that exposure.

Those 75 cases have come to light in joint-action lawsuits filed against New York City on behalf of at least 8,500 recovery workers who suffer from various forms of lung illnesses and respiratory diseases—and suggest a pattern too distinct to ignore. While some cancers take years, if not decades, to develop, the blood cancers in otherwise healthy and young individuals represent a pattern that experts believe will likely prove to be more than circumstantial. The suits seek to prove that these 8,500 workers—approximately 20 percent of the total estimated recovery force that cleared the rubble from ground zero—all suffer from the debilitating effects of those events.

The basis for the suits stems from the plaintiffs' argument that the government—in a desperate attempt to revive downtown in the wake of the catastrophic events on 9-11—failed to protect workers from cancer-causing benzene, dioxin, and other hazardous chemicals that permeated the air for months. Officials made these failures worse by falsely reassuring New Yorkers that they faced no long-term dangers from exposure to the air lingering over ground zero.

"No reasonable person would have thought that telling thousands of people that it was safe to return to Lower Manhattan, while knowing that such return could pose long-term health risks and other dire consequences, was conduct sanctioned by our laws," Batts wrote in her February 2 ruling. "Whitman's deliberate and misleading statements made to the press, where she reassured the public that the air was safe to breathe around Lower Manhattan and Brooklyn, and that there would be no health risk presented to those returning to the areas, shocks the conscience."

And that was before anyone knew of the apparent cancer link, first reported in the New York news media in the spring of 2004. Even more shocking is the incidence of cancer and other life-threatening illnesses that have developed among those participating in the recovery workers' lawsuits. Given the fact that some cancers are slower to develop than others, it seems likely to several doctors and epidemiologists that many more reports of cancer and serious lung illnesses will surface in the months and years to come. The fact that 8,500 recovery workers have already banded together to sue, only five years later—with 400 total cancer patients among their number—leads many experts to predict that these figures are likely to grow, meaning a possible death toll in the thousands.

In many ways, these illnesses suggest the slow but deteriorating health issues that faced the atomic-bomb survivors of Hiroshima and Nagasaki, where thousands died in the years and decades that followed the United States' use of nuclear weapons. And that similarity has not been lost on David Worby, the 53-year-old attorney

leading the joint-action suits on behalf of those workers who are already sick, and even dying.

"In the end," Worby declares, "our officials might be responsible for more deaths than Osama bin Laden on 9-11."

In the five years since the attacks, much of the focus on the 9-11 health crisis has missed a broader question, the one that every ground zero worker fears most and the one that Ernie Vallebuona has already had to ponder: What about cancer? What if all that pulverized concrete and ground glass and caustic mist that Vallebuona inhaled while on the Pile didn't attack his lungs but instead went straight for his lymph nodes? Could this noxious mix have caused his lymphoma?

No one has done a comprehensive study of the health consequences on the estimated 40,000 rescue and recovery workers who raced to ground zero after the attacks. A study by Mount Sinai Medical Center—one that received widespread media attention two months ago—released statistics on the five-year anniversary of 9-11 that focused almost exclusively on respiratory problems and bypassed any mention of cancer today.

But David Worby has tracked the cancer patients among his growing client base for the last two years. Here are the latest tallies: Of the 8,500 people now suing the city, 400, or about 5 percent, have cancer. The biggest group by far consists of people like Vallebuona, who have blood cell cancers. Seventy-five clients suffer from lymphoma, leukemia, multiple myeloma, and other blood cell cancers; most are men, aged 30 to 60, who appeared in perfect health just five years ago.

In May 2003, John Walcott was 39 years old. He had just become a first-time father—of his daughter, Colleen—and had proudly coached a Bedford high school hockey team to the state regionals. That spring, he had noticed his energy fade. But he figured his 16-hour days juggling the narcotics beat, hockey practice, and parenthood were finally catching up to him. Still, the fatigue would consume him for weeks. He'd fall asleep at his desk or behind the wheel. Often he'd nod off in the middle of a conversation.

Then he got the diagnosis: acute myelogenous leukemia, a white-blood-cell cancer. He was ordered straight to the hospital, where he underwent chemotherapy for the next 28 days.

Eventually, a nurse would ask Walcott questions similar to those put to Valle-buona, the ones meant to pinpoint the possible causes for his cancer. Like Vallebuona, Walcott answered no to all the questions. And like Vallebuona, he didn't connect the dots between his time at ground zero and the cancer growing in his body.

Visiting him in the hospital later, his sister, Debbie, did.

"John," she said, "what the hell do you think you were around at ground zero?"

… By then, the recovery workers' lawsuits had been more than a year in the making. Back in the winter of 2004, Walcott had just survived the worst of his hospital stays, a 17-day stretch of 106-degree fevers, and was confined to his home. Months had

passed since he learned that his leukemia likely resulted from his exposure to benzene while on the Pile, but he went in search of legal advice. He started with a lawyer friend, who encouraged him to keep looking. One attorney offered to take Walcott's case, as long as he put up his modest house to cover the fees. "Forget it," he said.

Eventually, parents of the kids on his high school hockey team heard about his plight. During a visit, Walcott told some parents about his fruitless search. They had an idea. They could contact a trial lawyer whose son went to the same high school; his name was David Worby.

"I took the case as a favor," the lead attorney in the recovery workers' lawsuits says, sitting in his spacious penthouse office in White Plains. A trim man whose brown hair is graying at the temples, David Worby exudes confidence as he reclines in his chair and recalls the early days of what has become his greatest legal crusade. Long before the 9-11 suits, he had built a reputation as a gladiator lawyer on personal-injury cases; in 1989, he set a Westchester record by winning $18 million for a construction worker run down by a car. Fifteen years later, he was settling into early retirement when one of the Bedford parents told him about the ailing Walcott.

"What was I supposed to do?" Worby asks.

What started out as a case for one sick recovery worker quickly snowballed. Today, a team of 20 attorneys at his firm of Worby Groner Edelman Napoli & Bern is handling the suits, filed in U.S. District Court in Manhattan, for the thousands of workers associated with the Trade Center cleanup—police officers, firefighters, sanitation workers, iron workers, and Latino day workers. Last month, Federal District Judge Alvin Hellerstein rejected the city's claim for immunity in the Worby lawsuits and recently capped its liability at $1 billion. The judge is expected to appoint a special master to settle the workers' claims.

Worby's client list continues to grow. It now includes Vallebuona, Acker, and McCarthy, all of whom came to him after he filed the first suits in September 2004. They found out about him as most of his clients do—by word of mouth, one sick recovery worker to another, one worried spouse to another. Others have called him after hearing about the cases on TV or the radio or in the papers. Most of the clients have grown ill from respiratory problems like asthma, sinusitis, and bronchitis. But some have kidney failure, and 400 people have developed cancer. So far, 83 clients have died.

The number of cancer patients has multiplied at a rate that Worby says he never anticipated. Back in 2004, he represented only 20 workers who had cancer. But by last March, he had watched that number soar to 200, and within six months after that, it had doubled. Now he gets at least several calls a week from clients who have just been diagnosed with some cancer. Or from new clients who have had the cancer for weeks or months.

Like many trial lawyers, Worby has a penchant for talking in fervent, breathless tones, as though his words were writ large, in bright, blinking letters. Convinced that the 9-11 fallout has made for a cancer explosion, he doesn't hesitate to say so.

"There is going to be a cancer catastrophe the likes of which we've never seen in this country," he says. "The numbers are going to be staggering."

Perhaps it'd be easy to dismiss him as another hot-aired plaintiffs' attorney were it not for his own command of numbers. He has become something of a gumshoe epidemiologist, compiling the data on his cancer patients that are lacking in the larger worker population, tracking their diseases, ages, diagnosis dates, and their 9-11 exposures. "Look at the cancers my clients have," he says, flipping through a dozen pages of a document entitled "Seriously Ill Clients." It's updated every month; this one is dated September 13, 2006. The document outlines what he calls his "cancer clusters" and lists rare cancers often associated with the 9-11 toxins, such as thyroid (30 people), tongue and throat (25), testicular (16), and brain (10). He keeps a separate document on the 75 people with blood cancers. Two dozen of them have various forms of leukemia; the remaining four dozen have various forms of lymphoma, multiple myeloma, and other blood cell cancers.

"If I had two blood cancers, it'd be a strong coincidence," Worby argues. "But 70? That defies coincidence. The word *coincidence* should not be in anyone's vocabulary."

Worby contends that it wasn't just the unprecedented amount of toxins in the air that caused his clients to develop cancer; it was that the toxins worked together. Worby calls it a "synergistic effect," and cancer specialists say there is such a thing as toxic synergy, which occurs when chemicals combine. They can enhance the damage that the other ones would cause. Think of it this way: The benzene at ground zero may have caused Walcott's acute leukemia; the dioxin probably sped up its development.

"This amount of toxicological exposure is going to speed up normal latency periods," Worby argues. He makes this assertion with the same zeal that he exhibits in the courtroom, citing medical studies on animals, rattling off the findings as if they were second nature. Why would the doctors monitoring the effects of 9-11 on people's health not understand this connection, he wonders. "Why would people *not* make this link?"

SOURCE: http://www.villagevoice.com/news/0648,lombardi,75156,2.html