

# FIREFIGHTERS' NEWSLETTER



THIS DOCUMENT CONTAINS IMPORTANT INFORMATION  
ABOUT FIREFIGHTER RIGHTS

## AFTER A HARD FOUGHT BATTLE, 50 CANCERS LIKELY TO BE COVERED UNDER THE WTC ZADROGA ACT

*SCIENTISTS LINK EXPOSURE TO TOXIC DUST AT GROUND ZERO TO  
INCREASED CANCER RATES, AS WELL AS RESPIRATORY ILLNESSES*

In September 2011, in the aftermath of the collapse of the World Trade Center, EPA Czar Christine Whitman infamously announced that the acrid air downtown was "safe to breathe." We have long known that Ms. Whitman was wrong. We recognized early on that firefighters were disproportionately falling ill with respiratory diseases, and that someone had to advocate for them. Therefore, we lobbied for an expansion of the first Victim Compensation Fund (VCF) to permit new claims by rescue workers who became sick or disabled after the Fund closed, even if they had received prior awards for their just-emerging illnesses. The first Fund closed in December of 2003, although first responders were still suffering from Ground Zero-related health problems.

After many visits to Washington where we lobbied legislators on behalf of sick first responders, Congress passed the Zadroga VCF Act. Named



Mike Barasch speaks at the UFOA meeting about the Zadroga Act and related cancers

in honor of our client, Detective James Zadroga, the Act provides much-needed treatment and compensation for sick first responders.

### *National Institute of Health Links 50 Cancers to WTC Exposure*

During the past few years, we have come to realize that first responders are also being disproportionately stricken with certain cancers. Although cancer was not covered under the Zadroga Act, the Legislature did provide that illnesses could be added in the event that scientific evidence

supported their inclusion. In March, Mike Barasch testified before the Scientific Technical Advisory Committee (STAC), which was created to make recommendations to the National Institute of Health (NIH). Barasch brought with him three firefighters who had been diagnosed with lung, blood, and colon cancer.

Ultimately, the STAC committee advised, and Dr. James Howard of the NIH has now determined, that there is indeed scientific evidence linking 50 different types of cancer to exposure to WTC toxins. Following a brief commentary period, we are confident that these illnesses will be covered under the Zadroga Act. Our law firm has already registered claims on behalf of 5,000 rescue workers who have sustained permanent respiratory illnesses, many which are disabling. The lawyers at our firm have represented more 9/11 victims than any other law firm in the country.

We understand that this news is frightening, and that firefighters are concerned about their futures, and

### Zadroga Act Facts

- Signed into law Jan. 2, 2011
- \$2.4 Billion for Medical Treatment
- \$2.8 Billion for Compensation
- Respiratory illnesses covered
- Asthma, RADS, COPD, Sinus Related illnesses also covered
- GERD
  - Acid Reflux
  - Barretts Esophagus
- PTSD-For treatment only (Not compensation)

### Deadlines to Register Claims

- October, 2013 for KNOWN symptoms, diagnoses and disabilities
- October, 2016 for any NEW symptoms & diagnoses
- Closes in 5 years
- Recipients of awards from the first VCF and WTC Lawsuit may submit supplemental claims
- Any previous awards will be deducted from Zadroga awards
- Payments will be in phases
- Awards may be ratably reduced based on the number of eligible applicants.
- PTSD-For treatment only (Not compensation)

the welfare of their families. Please know that we are doing all that we can to ensure that those who have been stricken with WTC-related illnesses are protected under the law.

If you have been diagnosed with an illness that is covered under the Zadroga Act, please call us to find out how we can protect your legal rights.

This program is intended to be a lifeline for sick rescue workers. It must also stand up to the most intense scrutiny so Washington does not slam the door on petitions for additional funding that will inevitably be required. We promise to stand by you and continue to lobby for additional funding to cover these and future illnesses.

**You protect us.....we protect you.**

**The following is a list of those cancers currently linked to toxic exposure at the WTC site:**

- Malignant neoplasms of the lip, tongue, salivary gland, floor of mouth, gum and other mouth, tonsil, oropharynx, hypopharynx, and other oral cavity and pharynx
- Malignant neoplasm of the nasopharynx
- Malignant neoplasms of the nose, nasal cavity, middle ear, and accessory sinuses
- Malignant neoplasm of the larynx
- Malignant neoplasm of the esophagus
- Malignant neoplasm of the stomach
- Malignant neoplasm of the colon and rectum
- Malignant neoplasm of the liver and intrahepatic bile duct
- Malignant neoplasms of the retroperitoneum and peritoneum, omentum, and mesentery
- Malignant neoplasms of the trachea; bronchus and lung; heart, mediastinum and pleura; and other illdefined sites in the respiratory system and intrathoracic organs
- Mesothelioma
- Malignant neoplasms of the soft tissues (sarcomas)
- Malignant neoplasms of the skin (melanoma and nonmelanoma), including scrotal cancer
- Malignant neoplasm of the breast
- Malignant neoplasm of the ovary
- Malignant neoplasm of the urinary bladder
- Malignant neoplasm of the kidney
- Malignant neoplasms of renal pelvis, ureter and other urinary organs
- Malignant neoplasms of the eye and orbit
- Malignant neoplasm of the thyroid
- Malignant neoplasms of the blood and lymphoid tissues (including, but not limited to, lymphoma, leukemia, and myeloma)
- Childhood cancers
- Rare cancers

**HEARING LOSS  
CLAIMS FOR ALL  
ACTIVE AND  
RETIRED  
FIREFIGHTERS  
AND EMTS**

Studies conducted by the National Institute of Occupational Safety and Health (NIOSH) confirm that emergency personnel are especially at risk for noise-induced hearing loss due to the extremely high decibel level of sirens on emergency apparatus. NIOSH has found that two-thirds of all firefighters and EMTs suffer hearing loss during their careers. Experts believe that noise-induced hearing loss from sirens is entirely preventable.

If you believe you have suffered hearing loss due to exposure to high-decibel sirens, please call us today to discuss your legal rights. You may be eligible to participate in the national mass tort litigation that is currently pending, and to receive compensation for your injury.

**HEARING LOSS  
LAWSUIT**

CALL TODAY  
ALL CONSULTATIONS ARE  
FREE AND CONFIDENTIAL  
1-888-351-9421



**This is the FIFTIETH edition of the BARASCH McGARRY SALZMAN & PENSON NEWSLETTER... attorney advertising which presents topics of interest to firefighters. For questions, additional copies, or more information about topics raised in this newsletter, call or write:**

**BARASCH McGARRY SALZMAN & PENSON  
11 PARK PLACE SUITE 1801  
NEW YORK, NEW YORK 10007  
Toll Free No. 1-888-FIRELAW (1-888-347-3529) or 212-385-8000  
www.firelaw.com**