

TESTIMONY
TO SUPPORT
HEALTH CARE AND MEDICAL RESEARCH FOR
RESIDENTS OF LOWER MANHATTAN

SUBMITTED

TO

THE HOUSE SUBCOMMITTEE ON
NATIONAL SECURITY, EMERGING THREATS
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BY

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Good afternoon. My name is Stanley Mark and I am the program director and a staff attorney at the Asian American Legal Defense and Education Fund (AALDEF), a non-profit civil rights organization located 9 blocks north of Ground Zero. I am here today for my clients who live or work in lower Manhattan including Chinatown and the Lower East Side. According to the 2000 Census, about 156, 000 reside in Lower Manhattan. More than 84,000 reside in Chinatown. To our detriment most of us who live or work in Lower Manhattan relied on the statements of the Environmental Protection Agency that the air was safe when it was not. I want to note for the record that there is a continuing failure by EPA to provide adequate testing of all of lower Manhattan. More specifically, the data from 2 medical studies illustrates the health impact upon residents of Chinatown and the Lower East Side, many of whom live and work north of Canal Street and east of Essex Street where Canal Street ends. These health impacts must be considered in assessing the full impact of 9/11 and the allocation of health care resources.

Asian American Legal Defense and Education Fund (AALDEF)

Founded in 1974 as the first Asian American public interest legal organization on the east coast, AALDEF conducts impact litigation, community education, and policy advocacy in the areas of civil rights, immigrant rights, labor and employment rights, and voting rights. AALDEF represents garment and restaurant workers challenging sweatshop conditions, victims of anti-Asian violence and police brutality, indentured servants seeking political asylum, and South Asians and Muslims detained indefinitely by the Bureau of

Immigration and Customs Enforcement without adequate due process. AALDEF also conducts free legal rights clinics for immigrant families seeking legal advice on a range of immigration and citizenship matters. In addition, AALDEF has assisted thousands of persons in becoming U.S. citizens and registering them to vote once a week at the U.S. District Courthouse in Manhattan. My clients include family members who lost loved ones at the World Trade Center and immigrant families seeking relief assistance after the 9/11 tragedy. By the way, Canal Street was an arbitrary boundary set initially by every federal relief program; it was much later that these relief programs expanded eligibility criteria to include the needs of people who lived or worked north of Canal Street.

Background

Since the 9/11 attack, our federal and local agencies have not fully addressed the public health emergency resulting from the collapse and fallout from the World Trade Center. Lower Manhattan residents in the neighborhoods adjacent to Ground Zero and surrounding areas such as Chinatown and the Lower East Side witnessed the attack and now live or work in buildings that are contaminated or recontaminated with asbestos, mercury, lead, dioxin, and other toxic compounds. Many have respiratory ailments and lung damage, skin rashes, gastrointestinal disorders and other illnesses. All express anxiety about their health and the health of their children. Many are under the care of doctors while those living further east of Ground Zero are still seeking health coverage and medical treatment for these illnesses. Federal resources for treatment and long term studies must be made available immediately to address the unmet health needs of thousands of people who live and work in lower Manhattan. Furthermore, resources must be made available to strengthen the public health infrastructure in order to meet the threat of chemical or biological attacks such as anthrax.

Lower Manhattan Residents

The full scope of the public health emergency and the resulting environmental health impact have not been adequately assessed and acknowledged by federal and local government agencies. For example, government agencies did not conduct representative sampling which uses detection devices laid out in concentric circles from ground zero to collect air, dust, and water samples to measure the fallout and its range and to gather data. The Center for Disease Control did not issue a health advisory urging health professionals to look out for the symptoms of illnesses resulting from the fallout. For months, the dust and stench filled the air throughout lower Manhattan and seeped into homes, offices, factories, and businesses. Trucks hauled debris from the fire at Ground Zero. These trucks and dumpsters were parked on the streets of the Lower East Side and Chinatown (on and near Henry Street, Clinton Street, and Jefferson Street) and behind Stuyvesant High School before the debris was hauled to Fresh Kills, a city landfill. The World Trade Center (WTC) dust circulated in the air and was blown onto and in some cases into buildings, factories, schools, and tenements throughout lower Manhattan and continue to make people sick.

People who live or work in the buildings located in Battery Park City, John Street, Cedar Street, Liberty Street, Pearl Street, and downtown Broadway have testified at public forums and at hearings about their poor health and the lack of adequate testing and cleanup. These residents continue to struggle with government agencies to test and clean their buildings still contaminated with dangerous heavy metals and toxic compounds that remain or spread through heat and air conditioning systems, elevators, carpets, window ledges, and other common areas. Recontamination remains a serious concern since the cleanup one year after 9/11 was at best incomplete. Without full participation and cooperation to clean an entire building, this leaves the distinct possibility that recontamination would occur even assuming that the initial cleaning for some apartments was properly done for part of a building. In too many instances, residential buildings were not cleaned properly and

residues of toxic compounds or heavy metals remain to exacerbate existing health problems. Office buildings downtown were not cleaned since the responsibility for such cleaning was placed upon landlords, most of whom did not clean their office buildings.

After the Environmental Protection Agency (EPA) announced that the air was safe within a week of 9/11, a family of four who resided in Battery Park City since 2000 returned to their home which was covered with dust from the collapse of the Twin Towers. Despite cleaning their home with wet rags and other cleaning agents as recommended by the New York City Department of Health, the entire family had continuing bouts of asthma and bronchitis as well as skin rashes, none of which existed before 9/11.

A young garment worker who lives in an apartment on Mulberry Street just below Canal Street contracted asthma and nasal congestion after 9/11. She had cleaned her apartment which was contaminated with WTC dust while she was pregnant. Her factory closed after 9/11 since her employer lost contracts due to street closings. Her son born after 9/11 needs a small oxygen tank at home to help him breathe at times. She now stays periodically with her mother who lives on Jefferson Street in the Lower East Side and is being treated at the Asthma Clinic at Bellevue Hospital.

An attorney at a federal agency located in the Woolworth Building on Broadway was ordered back to work within days after 9/11. Despite his protests about the corrosive air and dust, his office reopened. Since 9/11, he has contracted asthma, bronchitis, and now has permanent lung damage.

For several months, a retired couple living on Baxter Street, two blocks north of Canal Street, lived with a stench that originated from the burning debris at Ground Zero. They cleaned their apartment but never had their apartment tested nor did their landlord suggest it. They developed headaches and a hacking cough that lasted for several months after 9/11. They are more concerned about the long term health of their grown children who no longer live with them in Chinatown but who experienced similar coughing and headaches since 9/11.

A woman who lived in an apartment on John Street approximately one and a half blocks from the World Trade Center site developed a hacking cough with sinus problems since 9/11. Her apartment had a blanket of WTC dust which was cleaned by a private contractor whose workers did not wear masks. She had reentered her apartment after the cleaning but moved to midtown due to her illnesses; she remains sick and continues to see doctors about her health problems.

A young woman living in Chinatown and working in an office building south of ground zero developed a painful cough and bronchitis which only subsided after she moved out of Manhattan after consulting with a doctor. Her coughing returned when she visited her family in Chinatown.

After 9/11, a former law student intern at AALDEF went door to door in several housing projects in the Lower East Side using his cell phone to assist residents who no longer had phone service for weeks after the attack at the World Trade Center knock out phone service. He also brought food and water to the elderly and disabled. Based on his visits, he informed me that most people living in the housing projects wanted and needed health care. Within a few days, he developed a hacking cough which persisted for almost a year. He continues to live in Queens but remains concerned about his health.

A middle age man saw the the planes crash into the World Trade Center while downtown and wanted to volunteer at Ground Zero but he was turned back by fire fighters and police officers who closed the streets downtown. He later fled

when the WTC collapsed and went to his Brooklyn home. He has developed nose and throat problems and has a raspy voice from coughing up phlegm. He continues to have skin rashes whenever he runs out of medication. He tells his granddaughter that he is unhappy and feels depressed. He is being treated at Bellevue Hospital.

These are only a few of the thousands of people whose health are at risk. Furthermore data from two health studies confirm that respiratory problems such as asthma increased due to poor air quality after 9/11. These studies suggest that the scope of the health impact reaches beyond Ground Zero into all neighborhoods of lower Manhattan including Chinatown and the Lower East Side.

Health Treatment and Studies Covering Chinatown and Lower East Side

Since 9/11, AALDEF has worked jointly with organizations in the Beyond Ground Zero Network including Chinese Staff and Workers Association, National Mobilization against Sweatshops, Urban Justice Center, and Workers Awaaz to assist thousands of residents affected by the 9/11 tragedy; many of whom were not within the initial geographical boundaries or formal eligibility guidelines of relief programs administered by the Federal Emergency Management Agency, Lower Manhattan Development Corporation, and other private relief organizations. AALDEF has worked to obtain health care coverage for many clients and to escort them, most of whom do not speak English, to medical clinics for testing and treatment. Recently, the Beyond Ground Zero Network has initiated a joint clinic at Bellevue hospital to test and treat our clients who wish to be patients and possible research subjects in order to study the environmental health impacts beyond ground zero. AALDEF clients who are residents of Chinatown and the Lower East Side are experiencing more respiratory illnesses and suffer from rashes attributed to the 9/11 attacks. A young woman who worked with me to assist many residents to navigate FEMA, LMDC, and Safe Horizon programs became ill repeatedly with a range respiratory problems due to 2 years of exposure to post 9/11 dust and air found in clients' homes and in various offices in lower Manhattan. She has since moved out of New York City for both family reasons and in order to ease her asthma and hacking cough; however, she remains deeply concerned about the long term effects of the polluted air that she inhaled for months after 9/11.

In several conversations during the last two months, I spoke with Dr. Allan Tso, a physician at the Charles B. Wang Health Center (a/k/a the Chinatown Health Clinic) and a co-author of the study conducted by Stony Brook University School of Medicine and the University of Pittsburgh School of Public Health. (See Clinical Deterioration in Pediatric Asthmatic Patients after September 11, 2001, Journal of Allergy and Clinical Immunology, Szema et al., March 2004 at pages 420-426). Dr. Tso asserted that his study reveals a statistical significance of asthma warranting further research and study. Their data consist of pre and post 9/11 information derived from the records of 205 Chinese American children with asthma. These children who live within 5 miles of ground zero had to visit their doctors more often for treatment and had to take more medicines for asthma one year after the 9/11 tragedy than the year preceding the World Trade Center attack. Tests were conducted to measure the children's air flow from their lungs within three months after 9/11. The test results indicate that their airways were narrowed and supports the hypothesis that their asthma became more severe after the 9/11 tragedy. As a result, the scope of the health impacts should be assessed at least five miles out or where there is a drop off in asthma.

According to Dr. Joan Reibman, Associate Professor of Medicine and Environmental Medicine at New York University School of Medicine and Director of the Asthma Center, there was a sharp increase of reported respiratory problems (new onset cases) after 9/11 among families living in Chatham Towers, Chatham Green, and Smith Projects located in Chinatown and the Lower East

Side. BGZ has been working with Dr. Reibman to initiate a joint clinic based at Bellevue Hospital to examine and treat our clients. She is about to publish a study covering the areas of Chinatown and the Lower East Side. Her data and study would show that the health impact beyond ground zero is significant and warrants further study and adequate funding to do it. It also strongly suggests that further environmental testing must be extended beyond ground zero. (See Health and Environmental Consequences of the World Trade Center Disaster found in Environmental Health Perspectives, Volume 112, Number 6, May 2004 where her study is mentioned.)

Conclusion

During 2002 at community town hall meetings, rallies, and marches in New York City and Washington, DC, thousands of Chinatown residents assisted by BGZ had demonstrated and demanded that health care coverage, medical treatment and research studies must be the top priorities for our government agencies and institutions committed to rebuilding New York. Health care must be made a priority with adequate resources to cover long term treatment and studies for all the people affected by 9/11 including residents of Chinatown and the Lower East Side.

Government officials and agencies must be held accountable for the delay in initiating full health coverage, treatment, and studies covering the residents of Chinatown and the Lower East Side. Almost 2 years later, the announcement of the Inspector Generals Report at the end of August of 2003 revealed the misconduct committed by the Environmental Protection Agency, and perhaps the White House as well as the responsibility for this delay. Since 9/11, our leaders and government agencies have failed to alert us about the public health emergency resulting from the attacks on 9/11 and have yet to acknowledge the full scope of the environmental damage and health risks created by dust and pollutants recirculated to and from homes, offices, and buildings throughout lower Manhattan including Chinatown and the Lower East Side. Given the wide scope of harm and the shortage of resources targeted for health care and research studies covering people of color living in Chinatown and the Lower East Side, we need a stronger commitment from our leaders and institutions to make these resources available. Otherwise, both the short term and long term health concerns among community residents will remain unaddressed despite the results of these recent research studies.

I would like to end my remarks by thanking this committee for this opportunity to present testimony and to inform this committee of my community's support for HR 4059. My clients support the passage of The Remember 9/11 Health Act (HR 4059) and cosponsored by Congressman Shays and Congresswoman Maloney. It provides for medical treatment for all whose health was harmed due to the 9/11 attack and covers the long term health impacts for up to 20 years. It also sets up a mechanism to coordinate efforts addressing future health emergencies. Thank you.