

Congress of the United States

Washington, DC 20515

November 7, 2007

The Honorable Michael R. Bloomberg
Mayor of the City of New York
City Hall
New York, NY 10007

Dear Mayor Bloomberg:

We thank you for meeting yesterday with family of the late Detective James Zadroga, and for your commitment to try to find a way to properly honor 9/11 responders and others who became ill and died as a result of their exposure to toxins at ground zero. We are also encouraged by reports that you will forward Detective Zadroga's full medical records to the City's Chief Medical Examiner, Dr. Charles Hirsch. It is our understanding that Dr. Hirsch did not consider some of this vital evidence when he made his decision on the Zadroga case last month.

The Zadroga case and others like it underscore the need for a fully transparent procedure to evaluate whether deaths can be linked to the terrorist attacks of September 11, 2001. At present, the entire process rests in Dr. Hirsch's hands. Though possible 9/11 victims hail from cities and towns throughout our area, Dr. Hirsch alone is responsible for making cause-of-death determinations and updating the historical record of 9/11 victims.

While we appreciate Dr. Hirsch's service and respect his credentials, we believe that the families of possible 9/11 victims as well as the city itself would be better served by a fully transparent process derived from independent experts in a variety of relevant public health disciplines. Such a process would have clear standards on what evidence should be considered in making determinations on past and future 9/11-related deaths. We would like to suggest that you consider enlisting an independent body of experts to help the city establish these standards and procedures.

Mr. Mayor, we believe that you were right when you said recently that determinations about 9/11-related deaths will unfortunately have to be made for decades to come. It is for precisely this reason that an independent body of experts, rather than one person in one office, should set the standards for making such decisions. Additionally, decisions like these are likely to be as emotional as they are public. At a time when the City is in litigation filed by those exposed to ground zero toxins, procedures and standards derived by an independent panel would remove even the appearance of a conflict of interest in 9/11-related cause of death determinations.

Dr. John Howard, the federal government's 9/11 Health Coordinator, has said in correspondence to our offices that:

"Cause of death determinations for WTC-related conditions will be a matter of some sophistication as there is quite a bit of scientific uncertainty with regard to

the association of WTC exposures and any particular condition. Linking particular occupational exposures to specific causes of death is a complex task both on the individual level and on a population-based level. Until the current scientific uncertainty surrounding WTC deaths is resolved, cause of death determinations for WTC deaths belong properly to specialists in pathology, epidemiology and other disciplines at academic medical centers.”

We agree with Dr. Howard’s assessment. Accordingly, we respectfully urge you to empower an independent panel of experts in pathology, epidemiology, and other public health disciplines at academic medical centers to review scientific evidence on 9/11-related health conditions and use that evidence to set up a transparent process with clear standards not only to evaluate whether deaths can be linked to 9/11, but whether new names should be added to the City’s official list of 9/11 victims, as well.

Once again, we appreciate Dr. Hirsch’s service, and we thank you for considering our request. We would be delighted to meet with you to discuss this matter in further detail. To set up such a meeting, or if you have any questions or concerns, please do not hesitate to contact us.

Sincerely,

		
CAROLYN B. MALONEY Member of Congress	JERROLD NADLER Member of Congress	VITO FOSSELLA Member of Congress