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# Pollution and Deception at Ground Zero REVISITED: WHY IT COULD HAPPEN AGAIN



**Monday, September 17, 2001:**  
The New York Stock Exchange reopens  
and workers return to a still- polluted  
Lower Manhattan financial district.

## EXECUTIVE SUMMARY

## INTRODUCTION

In August 2004, the Sierra Club issued a report entitled, *Pollution and Deception at Ground Zero*, which documented that many hundreds of people in New York City had become ill because of exposure to pollution from the September 11, 2001 attack on the World Trade Center. The report found that if our federal government had responded to the disaster with proper vigilance for people's health, many toxic exposures could have been avoided. It also expressed concern that such missteps could be repeated in a future disaster. In this report, the Sierra Club revisits these issues to determine whether or not Americans should feel assured that our federal government will take sufficient steps to protect health and safety in future disasters. The answer is no.

Americans cannot count on the White House Council on Environmental Quality, the Department of Homeland Security, EPA or OSHA to protect public health in the aftermath of a terrorist attack or national disaster. Based on the federal administration's new emergency management policies – and its continued failure to provide a proper cleanup and health management response to the 9/11 attack – Americans should assume that in any future national disaster, if political pressure is applied to resume human activity in the affected area:

- EPA will fail to determine how harmful the contamination is and how far it spreads; also, under its new relationship with the Department of Homeland Security, it may use weakened toxic cleanup goals under a new federal “optimization” policy;
- Under the new *National Response Plan*, messages to the public about health and safety will be filtered by centralized “PR” staff who answer to an administration that has repeatedly disregarded scientific data if it conflicts with a political agenda;
- OSHA will not enforce safety laws to protect rescue and recovery workers – and under the new *National Response Plan*, OSHA will not have “the last word” in debates on worker safety;
- The federal government will fail to conduct a proper cleanup of the contamination;
- The federal Administration will praise, then abandon, the rescue/recovery workers and the people who return to rebuild the area but then suffer health effects; and,
- No one will be held accountable for our government's failure to protect the public from the aftermath of a terrorist attack or national disaster.

This is not what Americans deserve from their government. At times, our nation may have to make hard choices, but concealing from the public critically important information about health risks is not the way to manage the situation. Americans deserve – and should be able to expect – the straight story about what risks they face. They also have a right to expect strong government action to protect rescue and recovery workers and to ensure safety for the people who return and restore the affected area. Anything less is a betrayal of the public's trust in national leadership.

## SUMMARY AND RECOMMENDATIONS

### Summary of Findings

- People clearly needed better protection from the pollution caused by the 9/11 attack. Early studies raised concerns about persistent health effects from the exposures. Now, newly released data confirm that not only rescue/recovery workers but also residents, small business owners and area employees have 9/11-related respiratory health effects – symptoms that did not disappear even after a year or longer.
- The Department of Homeland Security is proposing to use “optimization”– a policy approach that will consider “societal values and needs,” such as economic impacts – to determine toxic cleanup levels for national emergencies, and EPA apparently will not have final authority over standards or guidelines; this is of concern given the adverse health consequences of the haste to reopen Wall Street after the 9/11 attack.
- EPA’s new *Homeland Security Strategy* document lacks a clear policy declaration that it will issue assurances of safety only after assessing the pollution hazards as a whole rather than basing its assurances merely on individual chemicals, as occurred in the World Trade Center disaster; also, it fails to adopt a “better safe than sorry” approach to reduce human exposures while awaiting complete information on pollution.
- The Department of Homeland Security’s new *National Response Plan* denies OSHA final say over the protection of rescue and recovery workers, giving authority for dispute resolution to a “Joint Field Office Coordination Group.”
- New Yorkers still await a proper response to the World Trade Center attack, including a proper cleanup of the contamination that permeated homes and workplaces, and a proper program for medical monitoring and care for the people exposed to 9/11 pollution.
- New studies of polycyclic aromatic hydrocarbons (PAHs) and benzene – pollutants that were in the Ground Zero air – indicate the need to monitor public health not only for cancer but also for immune system impacts and effects on offspring. Also, new data on asthma impacts in western Brooklyn indicate the need to investigate 9/11 impacts there.
- Rather than investigate the failures of the Workers’ Compensation System to aid people who became ill from 9/11 pollution exposure, and solve the problems, the federal government is simply turning its back on the unmet needs.
- Congress has failed to investigate and obtain disclosure of the identities of persons in the White House who suppressed 9/11 health warnings that EPA otherwise would have issued, and there has still been no comprehensive investigation of the methods EPA used to test the air emissions and dust, which were the subjects of significant controversy.

- All Americans should be concerned about what happened at Ground Zero. Many other states besides New York are home to residents who were made ill by exposure to 9/11 pollution. Although health effects statistics are not available, 9/11 clinical programs have screened 846 rescue and recovery workers from other states, including 363 from New Jersey, 88 from Massachusetts, 79 from California, 77 from Ohio, 66 from Illinois, and 30 from Florida.

Over half of the 2,680 injured people who applied to the short-lived federal victim compensation fund reported asthma or respiratory symptoms, and 339 of them lived in other states. These states included:

New Jersey	182 applicants
Virginia	53 applicants
Pennsylvania	24 applicants
Florida	22 applicants

Also, a future disaster releasing toxic contaminants could happen in any state. Louisiana and Mississippi are facing unknown levels of contamination as a result of the Katrina hurricane. Several reports have noted, in addition, that America's chemical facilities remain particularly vulnerable nationwide.

The unmistakable conclusion that must be drawn is that America remains at risk not only from terrorist attacks and natural disasters, but also from our own federal government's unwillingness to put public health and safety first in its response to such national emergencies.

### **Recommendations**

Congress should hold hearings to:

- Investigate the Department of Homeland Security's new "optimization" policy initiative and challenge its role in establishing toxic cleanup goals and making cleanup decisions;
- Demand a clarification of EPA's new relationship to the Department of Homeland Security, especially with regard to environmental cleanup in the aftermath of a disaster, and investigate whether or not public health warnings may be compromised as a result;
- Demand a reversal of OSHA's decision not to carry out enforcement of safety and health laws for rescue and recovery workers in national disasters, and challenge the federal Administration's decision to take final authority for worker safety out of OSHA's hands;
- Investigate the failure of New York State's Workers' Compensation System to assist the workers made ill by 9/11 pollution; and,
- Demand that the federal administration disclose the identities of the persons in the White House who suppressed warnings of health risks from the 9/11 terrorist attack.

The federal administration should:

- Revise its *National Response Plan*, *EPA Homeland Security Strategy* document and *National Incident Management Plan* to establish a policy that public health assurances are issued only after assessing the pollution hazards as a whole, rather than basing assurances merely on individual chemicals, and incorporate a “better safe than sorry” approach to reduce human exposures while awaiting complete information on pollution;
- Restore the primacy of EPA in developing cleanup goals for pollution released in national emergencies;
- Revise its *National Response Plan*, *OSHA National Emergency Management Plan*, and *National Incident Management Plan* documents to ensure that OSHA has the final word in health and safety protections for rescue and recovery workers in a national emergency;
- Disclose the identities of the persons in the White House who suppressed warnings of health risks from the terrorist attack;
- Develop a program to identify the volunteers from states other than New York who worked in the Ground Zero area for medical screening; follow up on the health impacts of the injured people who applied to the September 11 Victim Compensation Fund; and establish a health screening project in Brooklyn to follow up on the results of the new asthma study and identify people made ill from the attacks;
- Address the gaps in medical care funding that remain for recovery workers because of the limitations of the September 11 Victim Compensation Fund and the failures of the Workers’ Compensation System, and establish a program to assist, as needed, those residents, small business owners, students and area employees who are ill from 9/11 pollution exposure;
- Provide proper long-term funding -- at least 20 years but preferably 30 -- for medical monitoring, and include monitoring for immune system effects and effects on offspring; and
- Adopt the recommendations of the World Trade Center Community-Labor Coalition to make EPA’s proposed testing and cleanup plan for World Trade Center contamination of homes and workplaces into an effective and credible program that will identify and clean up any remaining hazards.