

# Congress of the United States

Washington, DC 20515

May 25, 2007

Dr. Charles Hirsch  
Chief Medical Officer  
New York City Department of Health and Mental Hygiene  
520 First Avenue  
New York, NY 10026

Dear Dr. Hirsch:

We are grateful for your decision this week to reclassify the death of Felicia Dunn-Jones as a homicide and link it to her exposure to toxins released by the collapse of the World Trade Center towers. We are also grateful that you have agreed to review other cases of deceased Ground Zero victims and responders to determine if their deaths can be definitively linked to the 9/11 terror attacks.

The case of Ms. Dunn-Jones demonstrates the importance of considering evidence to determine whether WTC dust played a role in the untimely death of men and women who worked at or were otherwise forced to breathe the air at or near Ground Zero. Indeed, despite the initial ruling by your office that the terror attacks did not contribute to Ms. Dunn-Jones' death, subsequent review found that "it is likely, with certainty beyond a reasonable doubt, that exposure to WTC dust was harmful to (Ms. Dunn-Jones) ... and that exposure to World Trade Center Dust on 9/11/01 was contributory to her death."

We applaud your new assertion that you will review the cases of those who died within the city of New York after 9/11 to see if links to 9/11 can be established as the cause or contributing cause of death. However, we are still concerned about those who were exposed to the toxins of Ground Zero on and immediately after 9/11, who then left the City after sustaining injuries and subsequently died. In your public statement yesterday, you cite the lack of jurisdiction on these matters.

As you know, there are many responders, such as NYPD Homicide Detective James Zadroga, and possibly non-responder victims as well who were injured at the attack and then died outside of the city of New York. Cases like these will not be reviewable under your new policy, and therefore we are very concerned that victims who may have died because of 9/11 will not officially be counted as such, simply because they died outside of the city of New York.

While we understand your jurisdictional concerns, we would like to arrange a meeting with you to discuss how we can attain better coordination across jurisdictions to overcome these concerns. To ensure a fair and open process, we would also like to discuss the details of the procedures you will be putting in place for the cases you say you

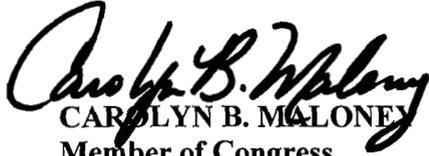
will now review and how best to publicize the process so that family members can access it.

We thank you for your attention to this matter and look forward to working with you on this issue in the weeks ahead.

Sincerely,



VITO FOSSELLA  
Member of Congress



CAROLYN B. MALONEY  
Member of Congress



JERROLD NADLER  
Member of Congress