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# Rectifying bureaucratic injustice

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Rudy Washington caught a break last week, but Gregory Edwards fears he won't be so lucky.

Washington, the former deputy mayor who is sick as a result of his exposure to conditions at Ground Zero in 2001, made headlines when Mayor Michael Bloomberg stepped in and removed the obstacles that remained to Washington's receiving workers' compensation benefits.

City attorneys had sought to deny the benefits because Washington, 51, filed his workers' compensation claim after the two-year deadline for making such claims had passed. Only the mayor's strong arm, plus a legal technicality that made Washington still eligible, will allow him to collect.

If Edwards gets sicker, however, there may be no one to intervene. Edwards, 46, who lives in the Bronx, is a mechanic for the city Department of Transportation. On Sept. 12, 2001, he was ordered to go to Ground Zero to help with the rescue and cleanup effort. He and other mechanics from the department worked 12- to 17-hour days for about two months repairing stalled trucks, moving trucks that had been loaded with debris and setting up lights in a place that was without power.

Breathing bad air from day one, Edwards started feeling sick a month or two later, beginning with a dry cough and his first asthma attacks since childhood. These days he has a persistent cough, asthma, a changed voice and pain in his legs and back, and he can no longer play basketball. When Mount Sinai Hospital set up a screening program for Ground Zero responders with health problems, he went and was treated. But when he filed a workers' comp claim months ago, he was told he'd missed the deadline and that his case was closed.

Unlike Ground Zero responders who are so sick they can no longer work and have lost their jobs and health insurance, Edwards still works and his union pays most of his medical bills. It's the future that worries him.

"If I get sick in the future, if I can't work, I don't know what I'm going to do," he says.

Workers' compensation, mandated by the state, pays medical expenses and lost wages resulting from job-related injuries and diseases. Edwards is one of many Ground Zero responders who are sick, but who didn't file their claims before the deadline and are now barred forever from filing them. The number of sick responders already is in the thousands, and their numbers are expected to grow as more Ground Zero-related ailments develop.

Under the law, most of the cases resulting from exposure to the toxic conditions at Ground Zero are considered accident claims, because these are not diseases normally associated with the kind of work the responders - mechanics, architects, engineers, metal workers and the many volunteers - do for a living. Accident claims have to be filed within two years of the unhealthy exposure. But many responders didn't realize their illnesses were caused by the conditions at Ground Zero until the deadline had passed. Others didn't even start to get symptoms until the deadline had passed.

Although Washington missed the deadline, he'll be able to collect his benefits because the city paid for his brief hospitalization soon after 9/11, which exempts him from the time limit.

But many other sick responders had no such luck. Robert Grey, who represented Washington and is an attorney who specializes in workers' compensation claims both in the city and on Long Island, said he has had to turn down the

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RAV4	30	24
Silvia CE	25	19
Highlander Hybrid	28	33

\*2004 EPA Fuel Economy Program. \*\*2004 EPA Fuel Economy Program. \*\*2004 EPA Fuel Economy Program.

cases of at least 90 sick responders because their claims were already time-barred. This convinced him the law needs to be changed.

"No one has ever seen this combination of toxic exposure, and no one knows how long it will take people to develop problems or what those problems are going to be," Grey said. "So there has to be some provision to allow these people to be compensated."

Joel Shufro, director of the nonprofit Committee for Occupational Safety and Health, a coalition of groups concerned with workplace safety issues, said he believes the two-year deadline "places an artificial limit upon people's ability to get compensated for a disease they acquired at work."

Among the illnesses that doctors are seeing in Ground Zero responders are chronic rhinosinusitis, chronic laryngitis, asthma, persistent coughs, esophageal reflex disorders, post-traumatic stress disorders and rare scarring diseases of the lungs. There are many diseases for which the latency period is more than two years, however, and doctors fear that cancer may be one of them.

Grey is so disturbed by the effect the law is having that he drafted a bill currently before the State Legislature that would scrap the two-year deadline for responders and give them six months after their condition is diagnosed to file a workers' compensation claim. Any 9/11 worker or volunteer whose claim has already been denied would be entitled to a rehearing. The Assembly bill, sponsored by Assemb. Jonathan Bing (D-Manhattan), is in committee. But the Senate bill, sponsored by Sen. John Marchi (R-Staten Island), could come up for a vote as early as this week. Given that the current law is irrational and unfair, Gregory Edwards would sure like to see it pass.

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