



The 9/11 Victim Compensation Fund

Special Master Sheila Birnbaum

Town Hall Presentation

June 29, 2011



“As a life-long New Yorker, the opportunity to serve the country and the 9/11 community in this way is a tremendous honor. My first priority will be to sit down with the people who will be most affected by the program, and see how we can design a program that is fair, transparent and easy to navigate. The fund needs to get up and running quickly. At the same time, I want to make sure we do it right.”

-- Sheila Birnbaum, May 18, 2011



The Zadroga Act

- **The James Zadroga 9/11 Health and Compensation Act of 2010 was signed into law on January 2, 2011**
- **Recognizes the considerable efforts of those engaged in the response, recovery, and clean-up operations or otherwise affected by the crashes and debris removal**
- **The Zadroga Act creates two programs:**
 - **Establishes a Medical Monitoring and Treatment Program (Title I)**
 - **Reopens the September 11th Victim Compensation Fund of 2001 (Title II)**



Zadroga Act – Title I

- WTC Health Program
 - Provides Medical Monitoring and Treatment
 - Physical Injuries
 - Mental Health Conditions
 - Covers PTSD as a Mental Health Condition
- Cancer Not Among Physical Injuries Listed
- Creates Scientific Advisory Panel and Procedures for Adding Conditions Based on Evolving Science



Zadroga Act – Title II

- Reopens Victim Compensation Fund (“VCF”)
 - To provide fair and consistent compensation
 - For physical injuries or death
 - In an efficient and timely manner
- Key Differences and Similarities from First VCF



Zadroga VCF Differences: Eligibility

- ***Presence:*** those present at the WTC site or any other crash site, including debris removal routes
- ***Timing:*** “Immediate Aftermath” time expanded
 - Now between Sept. 11, 2001 and May 30, 2002
- **People eligible can include**
 - Clean-up and debris removal workers
 - Uniformed and non-uniformed personnel
 - Community residents and volunteers



Zadroga VCF Differences: Funding

- Limited Fund: \$2.775 billion
 - Only \$875 million available before 2016
 - No funds available until October 1, 2011
- Administration Costs come out of Fund
 - Efficient administration needed to conserve fund assets for claimants
- Payments to Eligible Claimants
 - Subject to pro-rata reductions
 - Will depend in part on number of applicants and number of those ultimately found to be eligible.



Zadroga VCF Similarities

- Physical Injury or Death
 - First VCF only covered physical injury or death
- Causation
 - Physical injury or death as a result of an air crash or debris removal
- Payments to Eligible Claimants
 - Economic and non-economic (pain and suffering) compensation
 - Tax-free
 - Collateral source reductions
- Collateral Sources: Life insurance, pension funds, death benefits programs, government payments related to 9/11, certain workers compensation payments.
 - Zadroga added two more: WTC Health Program and settlements from 9/11 litigation



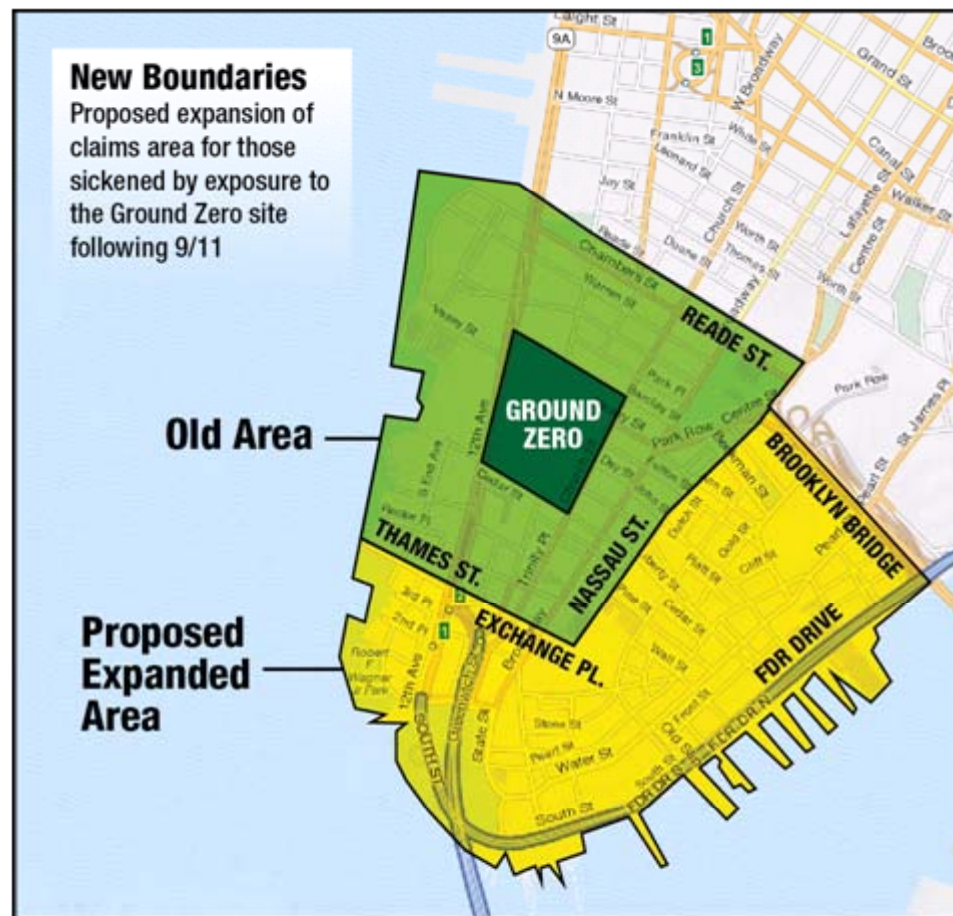
Zadroga VCF -- Eligibility

- Includes people who filed with First VCF
 - Whose claims were denied for reason now changed by Zadroga Act (e.g., time, location)
 - Who were paid under First VCF but now have a new physical injury caused by air crash or debris removal
 - Who were paid under First VCF for a condition that has substantially worsened, resulting in damages or loss that was not previously compensated



Zadroga VCF – Proposed Regulations

- Geographic Area Eligible for Compensation





Zadroga VCF – Proposed Regulations

- Identifies Physical Injuries Potentially Capable of Compensation
 - Utilizes Physical Injuries Recognized by Title I
 - List Can Be Amended Based on Science
 - If any cancers are added, claims and payments can be amended
 - Fund Works in Close Coordination with WTC Health Program



Zadroga VCF – Proposed Regulations

Aerodigestive Disorders

- Interstitial lung disease
- Chronic Respiratory Disorder – fumes / vapors
- Asthmas
- Reactive Airways Dysfunction Syndrome (RADS)
- WTC-exacerbated Chronic Obstructive Pulmonary Disease (COPD)
- Chronic cough syndrome
- Upper airway hyperreactivity
- Chronic rhinosinusitis
- Chronic nasopharyngitis
- Chronic laryngitis
- Gastro-Esophageal Reflux Disorder (GERD)
- Sleep apnea exacerbated by or related to the above conditions.

Muculoskeletal Disorders

- Low back pain
- Carpal tunnel syndrome
- Certain other musculoskeletal disorders for WTC responders who received treatment for a WTC-related musculoskeletal disorder that meets certain criteria.



Zadroga VCF – Proposed Regulations

- Town Halls, Comment Period and Website Created for Input from Victims, Families, and Interested Parties
- Working on Claim Process and Methodology
- FAQs Will Be Published and Periodically Updated to Provide Guidance
- Consistent with First VCF
- Need to Develop Efficiencies to Reduce Costs; Goal = to Keep as Much Money as Possible for the Victims



Zadroga Schedule

Draft Regulations PublishedJune 21
Comment Period ClosesAugust 5
Final RegulationsSeptember 2011
VCF Opens To Accept ClaimsOctober 2011

Statute of Limitations2 years



For more information
or to comment on the proposed regulations, visit:
<http://www.justice.gov/vcf>

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September 11th Victim Compensation Fund