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WAR ON WTC \$\$ BENEFITS

By KENNETH LOVETT and STEPHANIE GASKELL

May 17, 2003 -- The city is opposing a bill that would make it easier for employees who participated in Sept. 11 rescue, recovery or cleanup efforts to qualify for accidental-disability benefits.

The legislation provides that any disability resulting from a specified illness contracted by a 9/11 worker - even in the future - be presumed to have been caused by an accident in performance of duty.

That bill - which has majority support in both state houses - would cover illnesses such as cancer, heart disease, mental illness, reflux disease, respiratory ailments, and injuries involving bones, muscles or tendons.

According to the legislation, the change would cost the city \$500,000 in the coming fiscal year and increase gradually to \$5 million annually by fiscal year 2012-13.

In a memo of opposition, city lobbyist Anthony

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"Skip" Piscitelli argued that the projected fiscal impact "is not only low, but not credible."

Piscitelli said while the city "recognizes the valiant contributions made by its public employees on Sept. 11," it doesn't believe the bill "would be a prudent way to shape public policy on this very sensitive issue."

He said the legislation is "overly broad" by making the covered illnesses "virtually infinite."

Piscitelli said the long-term health effects of exposure to World Trade Center elements are not clear at this time, and also expressed concern that it will be difficult to determine how long a person spent at the site.

Not only would workers at Ground Zero be covered by the legislation, but also those who worked at Fresh Kills landfill and the city morgue.

Meanwhile, the city's Law Department is setting aside \$1.4 million to spend on expert witnesses to testify in WTC-related cases against the city, officials said.

The department is still gathering relevant documents relating to the 2,325 claims filed against the city stemming from the Sept. 11 attacks, Michael Cardozo, the city's top lawyer, told the City Council yesterday at a budget hearing.

"As a result of this, the department has not yet needed the services of expert witnesses," he said.

Companies such as Deutsche Bank and Con

Edison are among the growing number of companies and individuals looking for some of the \$8.6 billion because of Sept. 11 losses.

Cardozo said the \$1.4 million - originally slated for the 2003 fiscal budget - will now be put into next year's fiscal budget.

* Two names were added yesterday to the medical examiner's list of confirmed dead in the World Trade Center attacks: Suzanne Kondratenko, 27, and Joyce Patricia Smith, 55.



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