

Congress of the United States

Washington, DC 20515

The Honorable Eric Adams
Mayor of New York City
City Hall
New York, NY 10007

February 16, 2023

Dear Mayor Adams:

We are writing to you again to renew the request that the City of New York finally, after more than 20 years, fully disclose what the Giuliani Administration knew about the harmful impacts of the toxins released in the 9/11 attacks, the subsequent cleanup, and when it knew this information.

This letter is to follow up on letters sent to then-Mayor DeBlasio on September 20, 2021, and to you on May 12, 2022, asking the City to finally open its files on the aftermath of the attacks—and help provide injured and ill 9/11 responders, survivors, and their families a better understanding of the origins of what they have faced.

We have enclosed copies of those letters and your response on July 6, 2022.

It is long past time for full disclosure of the City's records. While more than 20 years have passed, we still do not know the full impact of that day and the aftermath on the health of thousands of New Yorkers, and the full extent of what the City knew at the time.

For years, the City's failure to disclose documents regarding the harmful impacts of the toxins released in the 9/11 attack has directly harmed September 11th responders, recovery workers, residents, and survivors. These residents and survivors include young people who were in schools and daycares in downtown Manhattan on 9/11 and during clean-up that continue to experience adverse health effects at high rates.

Information in the City's records pertaining to the earliest analyses of the toxins, dust, and fumes blanketing lower Manhattan and Brooklyn will likely inform and advance medical research conducted on behalf of those struggling with 9/11 illnesses, including those who were children at the time of the attacks.

While we understand that the City is concerned about its liability, releasing the records will likely help to save lives.

To better address the public health impact of the attacks on children, Congress acted in December to authorize the creation by the World Trade Center Health Program of a new research cohort of the nearly 35,000 people who were children on 9/11 and were brought back into lower Manhattan and western Brooklyn to live and go to school or daycare in the months after the attacks while the wreckage was still smoldering.

At the same time, Congress had to authorize an additional \$1 billion to the World Trade Center Health Program because of increasing costs caused by rising enrollment and increasing diagnoses of multiple conditions—especially cancers—to address a \$3 billion-dollar projected shortfall in the program.

Based on *New York Times* reporting ([*“Ground Zero Illnesses Clouding Giuliani’s Legacy”*](#) May 14, 2007), we know that while then-Mayor Giuliani’s administration was saying publicly that the air was safe to breathe, they were privately predicting 10,000 liability claims for injuries from toxic exposures.

“Whatever they were saying publicly about the safety of the air, Mr. Giuliani and his staff were privately worried. A memo to Deputy Mayor Robert M. Harding from his assistant in early October said that the city faced as many as 10,000 liability claims connected to 9/11, “including toxic tort cases that might arise in the next few decades.”¹

But that is the extent of what we know.

That’s because, following your July 6, 2022 reply to our letter, our staff met with the City Corporation Counsel staff. Despite the benefits that releasing the records could mean for informing and advancing medical research conducted on behalf of those struggling with 9/11 illnesses, Corporation Counsel attorneys clearly stated they have a strong incentive to keep any 9/11 aftermath documents privileged because otherwise, the city would be liable for those claims.

In addition to records pertaining to the earliest analyses of the toxins, dust, and fumes blanketing lower Manhattan and Brooklyn, we request transparency on what the Giuliani administration knew about the health risks at Ground Zero and how they potentially covered up that information to finally provide transparency to a too-often overlooked aspect of the attack’s history.

We are joined in this call by a host of community-based organizations and are attaching five letters sent to you in September of 2022.

We hope and believe that you will direct the City’s Department of Investigations to conduct a thorough search of the available records from the then-Mayor’s office, the City Departments of Health, Education, Police, Fire, Design and Construction and Emergency Management to name the most likely agencies that need their files reviewed.

¹ Anthony DePalma, *Ground Zero Illnesses Clouding Giuliani’s Legacy*, N.Y. Times (May 14, 2007), <https://www.nytimes.com/2007/05/14/nyregion/14giuliani.html>

We specifically believe New Yorkers need to see the following:

1. Release of the full copy of the memo from the Giuliani administration from Deputy Mayor Robert M. Harding from October 2001 and any correspondence that led to his writing and drafting of this memo.
2. Any internal notes or memos regarding the Department of Education's decision to move kids and teachers back into schools in the frozen zone below Houston. We know that there were parents who expressed strong concerns and even protested this move. What were the deliberations in the DOE? What testing was done to determine the safety of the schools?
3. Any records, communications, or memos from the New York City Departments of Health and the Environmental Protection that address the scope and toxicity of the WTC plume and the dust, and the exposures New Yorkers experienced.

We have faith that you will not allow this to continue and that you will order the City's agencies to fully disclose what the Giuliani administration knew about the toxins at Ground Zero while they were saying it was safe for New Yorkers to return. We look forward to receiving your response.

Sincerely,



Jerrold Nadler
Member of Congress



Dan Goldman
Member of Congress