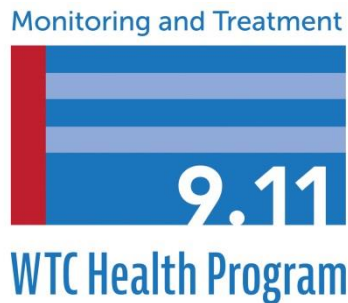




Policy and Procedures for Certification of Physician Determinations for Aerodigestive and Cancer Health Conditions

**John Howard, M.D., Administrator
World Trade Center Health Program**

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I. Authority

The World Trade Center (WTC) Health Program's *Policy and Procedures for Certification of Physician Determinations for Aerodigestive and Cancer Health Conditions* is based on applicable sections of the James Zadroga 9/11 Health and Compensation Act of 2010 ("Zadroga Act")¹ and 42 C.F.R. Part 88.²

II. Physician Determination Requirements

A. Enrolled WTC Responder or Survivor

A physician may submit a determination and request for certification for a health condition only for an individual who is an enrolled member of the WTC Health Program.

B. Health Condition

1. Type of Symptoms

All symptoms arising from the health condition must be assessed and documented by the physician making the determination.

2. Temporal Sequence of Symptoms

- a. The temporal sequence of symptoms arising from an aerodigestive condition or of diagnosis for a cancer condition must be assessed and documented by the physician making the determination.

¹ 42 U.S.C. §§ 300mm *et seq.*

² See <http://www.cdc.gov/wtc/regulations2.html>.

- b. The physician must find that the temporal sequence of symptoms or diagnosis adheres to the requirements found in the applicable Policy and Procedures: *Minimum Latency & Types or Categories of Cancer*,³ *Time Intervals for New Onset Aerodigestive Disorders*,³ and *Making a Determination about Exposure Aggravating Pre-Existing Aerodigestive Disorders*.³

3. Substantially Likely to Be a Significant Factor

The physician's determination must indicate and clearly state that *exposure* to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition.⁴

4. Exposure

- a. The physician's consideration of an individual's 9/11-related exposure must be based upon the following three factors:
 - (i) *Location* of the 9/11 event (New York City Area Sites,⁵ Pentagon Site,⁶ or Shanksville, Pennsylvania Site⁷) where the individual was exposed;
 - (ii) *Intensity* of the individual's exposure, which is based on:
 - A. *Time Interval* of the exposure during the covered periods of the September 11, 2001, terrorist attacks, and/or the response to the attacks.

³ See <http://www.cdc.gov/wtc/policies.html>.

⁴ 42 U.S.C. § 300mm-22(a)(1)(A).

⁵ The *New York City Area Sites* include (1) Ground Zero and areas of Lower Manhattan south of Canal Street; (2) other areas within the broader New York City Disaster Area, which is the area within New York City that is the area of Manhattan that is south of Houston Street and any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site; (3) the Staten Island Landfill; (4) the barge loading piers; (5) the Port Authority Trans-Hudson Corporation Tunnel; (6) the New York City Chief Medical Examiner's Office or other sites where an employee of the Office or other morgue workers performed post-September 11, 2001 functions, such as examination and handling of human remains, for the Office; and (7) sites where vehicle-maintenance workers were exposed to debris from the former World Trade Center site while retrieving, cleaning, repairing, and maintaining vehicles contaminated by airborne toxins from the September 11, 2001, terrorist attacks. See 42 C.F.R. § 88.1.

⁶ The *Pentagon Site* includes any area of the land (consisting of approximately 280 acres) and improvements thereon, located in Arlington, Virginia, on which the Pentagon Office Building, Federal Building Number 2, the Pentagon heating and sewage treatment plants, and other related facilities are located, including various areas designated for the parking of vehicles, affected by the terrorist-related aircraft crash on September 11, 2001; and those areas at Fort Belvoir in Fairfax County, Virginia and at the Dover Port Mortuary at Dover Air Force Base in Delaware involved in the recovery, identification, and transportation of human remains for the incident. See 42 C.F.R. § 88.1.

⁷ The *Shanksville, Pennsylvania site* includes the property in Stonycreek Township, Somerset County, Pennsylvania, which is bounded by Route 30 (Lincoln Highway), State Route 1019 (Buckstown Road), and State Route 1007 (Lambertsville Road); and those areas at the Pennsylvania National Guard Armory in Friedens, Pennsylvania involved in the recovery, identification, and transportation of human remains for the incident. See 42 C.F.R. § 88.1.

- B. *Exposure Tier* (see Table 4 in Section III.E. below), which incorporates the activity in which the exposed individual was engaged and the apparent level of exposure to dust, debris, smoke or chemicals.

(iii) *Duration* of the exposure, which is based on the estimated number of hours the individual spent at a 9/11 location during an eligible time interval while performing one of the activities listed in the Table 4.

5. List of WTC-Related Health Conditions

The aerodigestive health condition or type of cancer must be included on the List of WTC-Related Health Conditions or be medically associated with a WTC-related health condition in order to be certified for coverage for treatment by the WTC Health Program.⁸

6. Submittal for Certification

The physician shall promptly transmit each determination to the WTC Health Program and provide the Program with the exposure and medical facts supporting the determination.⁹

III. Certification

A. General Considerations

The WTC Health Program will review each physician determination to ascertain that it meets all the requirements for certification.

B. Cumulative Exposure Assessment

1. The WTC Health Program will use the information provided in the determination submitted by the physician to assess the individual's cumulative exposure, which is a function of the location, intensity, and duration of exposure.
2. The individual's health condition is eligible to be certified as WTC-related when the following two conditions are met:
 - (a) Duration of exposure meets or exceeds the time indicated in Tables 1-3 in Section III.D. for the relevant location, the time interval during which the individual's exposure occurred, and their exposure tier during that time; and
 - (b) The other requirements in section II.B. are met.

⁸ 42 U.S.C. § 300mm--22(a)(1)(B).

⁹ 42 U.S.C. § 300mm--22(b)(1)(A)(i).

C. Case-by-Case Review

For cases which do not meet minimum exposure duration criteria, the WTC Health Program will evaluate the individual's specific exposure circumstances on a case-by-case basis and use professional judgment and any relevant medical and/or scientific information to make a certification decision.

D. Site-Specific Minimum Exposure Durations

Note: *Exposure Tiers are provided in Table 4 in Section III.E.*

Table 1. New York City Area Sites

Eligible Time Intervals	Minimum Exposure Duration Exposure Tier 1	Minimum Exposure Duration Exposure Tier 2	Minimum Exposure Duration Exposure Tier 3
September 11-14, 2001	≥ 4 hours OR caught in the dust cloud	≥ 8 hours	≥ 20 hours
September 15-30, 2001	≥ 24 hours	≥ 48 hours	≥ 120 hours
October 1, 2001 – July 31, 2002	≥ 80 hours	≥ 160 hours	≥ 400 hours

Table 2. Pentagon Site

Eligible Time Intervals	Minimum Exposure Duration Exposure Tier 1	Minimum Exposure Duration Exposure Tier 2	Minimum Exposure Duration Exposure Tier 3
September 11-12, 2001	≥ 4 hours OR caught in heavy plume from crash	≥ 8 hours	≥ 20 hours
September 13 – November 19, 2001	≥ 24 hours	≥ 48 hours	≥ 120 hours

Table 3. Shanksville, Pennsylvania Site

Eligible Time Intervals	Minimum Exposure Duration Exposure Tier 1	Minimum Exposure Duration Exposure Tier 2	Minimum Exposure Duration Exposure Tier 3
September 11-12, 2001	≥ 4 hours OR caught in heavy plume from crash	≥ 8 hours	≥ 20 hours
September 13 – October 3, 2001	≥ 24 hours	≥ 48 hours	≥ 120 hours

E. Exposure Tiers

Table 4. Exposure Tiers

Each type of exposure described below is applicable to activities occurring at any site (New York City Area Sites; Pentagon Site; or Shanksville, Pennsylvania Site) unless specified otherwise.

Description of Exposure	
Exposure Tier 1	
(a)	Caught in the dust cloud in the New York City Disaster Area on September 11, 2001
(b)	Engaged in search, rescue, recovery and/or fire or dust suppression at the former World Trade Center site, or performed rescue, recovery, demolition, debris cleanup, or other related services at the Pentagon or Shanksville, Pennsylvania crash sites
(c)	Engaged in construction activities in heavily dust-contaminated areas
(d)	Engaged in loading/unloading, removal and/or transport of contaminated debris, at the former World Trade Center site, including but not limited to the debris cleanup at the Staten Island Landfill and the barge loading piers, or at the Pentagon or Shanksville, Pennsylvania crash sites
(e)	Engaged in morgue or mortuary activities involving contaminated human remains
(f)	Cleaned heavy dust contamination on streets, inside or outside buildings, and/or on contaminated vehicles
(g)	Worked or volunteered, and/or attended school/daycare* in heavily dust-contaminated areas or in areas in the path of heavy smoke plumes
(h)	Lived† and/or slept in a heavily dust-contaminated area or in an area in the path of heavy smoke plumes
Exposure Tier 2	
(i)	Engaged in construction activities in a contaminated area with a visible, but light layer of dust or debris or where there was the smell of smoke or chemicals
(j)	Cleaned a contaminated area with visible, but a light layer of dust or debris or where there was the smell of smoke or chemicals
(k)	Worked or volunteered, and/or attended school/daycare* in a contaminated area with a visible, but light layer of dust or debris or where there was the smell of smoke or chemicals
(l)	Lived† and/or slept in a contaminated area with a visible, but light layer of dust or debris or where there was the smell of smoke or chemicals
Exposure Tier 3	
(m)	Engaged in construction activities in an area that was not contaminated with a visible layer of dust, which was not in the path of smoke plumes, and where smoke or chemicals could not be smelled
(n)	Cleaned an area that was not contaminated with a visible layer of dust, not in the path of smoke plumes, and where smoke or chemicals could not be smelled
(o)	Worked or volunteered, and/or attended school/daycare* in an area that was not contaminated with a visible layer of dust, and where smoke or chemicals could not be smelled
(p)	Lived† and/or slept in an area that was not contaminated with a visible layer of dust, not in the path of smoke plumes, and where smoke or chemicals could not be smelled
(q)	Traveled through the New York City Disaster Area

Note: The lack of visible evidence of dust, smoke plumes, or the smell of smoke or chemicals does not automatically imply that contamination was not present.

*Applicable exposure while attending school/daycare must have occurred in the New York City Area Sites.

† Applicable exposure for living in a contaminated area only applies to the New York City Area Sites.