

TITLE 5 OF THE NEW YORK CODES RULES AND REGULATIONS IS AMENDED TO  
ADD A NEW CHAPTER XXII FOR THE REGULATION OF THE EMPIRE STATE 9/11  
NOTICE PROGRAM:

Title 5 is hereby amended, and a new chapter XXII is added as follows:

CHAPTER XXII THE EMPIRE STATE 9/11 NOTICE PROGRAM:

Part 310

310.1 Background

In the aftermath of the September 11, 2001 attacks, many workers, including first responders, cleanup workers, and other employees who were in the vicinity of the World Trade Center suffered from health issues as a result of their exposure to toxic substances. To address these health issues, the Federal government established the September 11<sup>th</sup> Victim Compensation Fund and the World Trade Center Health Program, to provide financial compensation and healthcare to those who were impacted by the attacks and their aftermath. However, many individuals who are eligible for these programs are not aware of their eligibility, or the benefits that they could receive. To address this problem, the Department of Economic Development has drafted these regulations, in connection with the 9/11 Notice Act (chapter 364 of the Laws of 2023) which promotes awareness and notification to the employees of State agencies and any past or present businesses that those State agencies regularly conduct business with and/or have existing contact information for. Which may have operated within or in proximity to the New

York City disaster area and/or the New York City exposure zone during the eligible time period of their potential eligibility under the September 11<sup>th</sup> Victim Compensation Fund and the World Trade Center Health Program. In addition, the regulations also require businesses to notify their employees which operated within an area including but not limited to the New York City disaster area during the eligible time period of their potential eligibility under the September 11<sup>th</sup> Victim Compensation Fund and the World Trade Center Health Program.

### 310.2 Definitions.

(a) With respect to the World Trade Center Health Program, “New York City disaster area” means the area within New York City that is:

- (1) the area of Manhattan that is south of Houston Street; and
- (2) any block in Brooklyn that is wholly or partially contained within a 1.5-mile radius of the former World Trade Center site.

(b) With respect to the September 11<sup>th</sup> Victim Compensation Fund, “New York City exposure zone” means the area in Manhattan south of the line that runs along Canal Street from the Hudson River to the intersection of Canal Street and East Broadway, north on East Broadway to Clinton Street, and east on Clinton Street to the East River; and any area related to or along the routes of debris removal, such as barges and the Fresh Kills landfill.

(c) The eligible time period and notice area shall be the same as provided for in the September 11<sup>th</sup> Victim Compensation Fund pursuant to 49 USC 40101 and World Trade Center health program pursuant to 42 USC 300mm.

(d) The September 11<sup>th</sup> Victim Compensation Fund shall be the September 11th Victim Compensation Fund established under the Air Transportation Safety and System Stabilization Act pursuant to 49 USC 40101.

(e) The World Trade Center Health Program shall be the World Trade Center Health Program established pursuant to 42 USC 300mm.

### 310.3 Notification

All State agencies, to the extent practicable, shall provide notification to their past or present employees and to businesses that those State agencies regularly conduct business with and/or have existing contact information for which may have operated within or in proximity to the New York City disaster area and/or the New York City exposure zone during the eligible time period, of their potential eligibility under the World Trade Center Health Program and September 11<sup>th</sup> Victim Compensation Fund. In addition, businesses shall provide notification to past or present employees which operated within or in proximity to the New York City disaster area and/or the New York City exposure zone during the eligible time period, of their potential eligibility under the World Trade Center Health Program and September 11<sup>th</sup> Victim Compensation Fund. Such notification required pursuant to this section shall be made by email, text, electronic message system, postal mail, or facsimile, and the entity providing such notification shall maintain a duplicate copy of such notification, and shall retain the same for not less than three years.

