
42 U.S. Code § 300mm-22

Treatment of enrolled WTC responders for WTC-related health conditions

(a) WTC-related health condition defined

(1) In general

For purposes of this subchapter, the term “WTC-related health condition” means a condition that—

(A)

(i) is an illness or health condition for which exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the illness or health condition, as determined under paragraph (2); or

(ii) is a mental health condition for which such attacks, based on an examination by a medical professional with experience in treating or diagnosing the health conditions included in the applicable list of WTC-related health conditions, is substantially likely to be a significant factor in aggravating, contributing to, or causing the condition, as determined under paragraph (2); and

(B) is included in the applicable list of WTC-related health conditions or—

(i) with respect to a WTC responder, is provided certification of coverage under subsection (b)(2)(B)(iii); or

(ii) with respect to a screening-eligible WTC survivor or certified-eligible WTC survivor, is provided certification of coverage under subsection (b)(2)(B)(iii), as applied under section 300mm-32(a) of this title.

In the case of a WTC responder described in section 300mm-21(a)(2)(A)(ii) of this title (relating to a surviving immediate family member of a firefighter), such term does not include an illness or health condition described in subparagraph (A)(i).

(2) Determination

The determination under paragraph (1) or subsection (b) of whether the September 11, 2001, terrorist attacks were substantially likely to be a significant factor in aggravating, contributing to, or causing an individual’s illness or health condition shall be made based on an assessment of the following:

(A) The individual’s exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the terrorist attacks. Such exposure shall be—

(i) evaluated and characterized through the use of a standardized, population-appropriate questionnaire approved by the Director of the National Institute for Occupational Safety and Health; and

(ii) assessed and documented by a medical professional with experience in treating or diagnosing health conditions included on the list of WTC-related health conditions.

(B) The type of symptoms and temporal sequence of symptoms. Such symptoms shall be—

- (i) assessed through the use of a standardized, population-appropriate medical questionnaire approved by the Director of the National Institute for Occupational Safety and Health and a medical examination; and
- (ii) diagnosed and documented by a medical professional described in subparagraph (A)(ii).

(3) List of health conditions for WTC responders

The list of health conditions for WTC responders consists of the following:

(A) Aerodigestive disorders

- (i) Interstitial lung diseases.
- (ii) Chronic respiratory disorder—fumes/vapors.
- (iii) Asthma.
- (iv) Reactive airways dysfunction syndrome (RADS).
- (v) WTC-exacerbated chronic obstructive pulmonary disease (COPD).
- (vi) Chronic cough syndrome.
- (vii) Upper airway hyperreactivity.
- (viii) Chronic rhinosinusitis.
- (ix) Chronic nasopharyngitis.
- (x) Chronic laryngitis.
- (xi) Gastroesophageal reflux disorder (GERD).
- (xii) Sleep apnea exacerbated by or related to a condition described in a previous clause.

(B) Mental health conditions

- (i) Posttraumatic stress disorder (PTSD).
- (ii) Major depressive disorder.
- (iii) Panic disorder.
- (iv) Generalized anxiety disorder.
- (v) Anxiety disorder (not otherwise specified).
- (vi) Depression (not otherwise specified).
- (vii) Acute stress disorder.
- (viii) Dysthymic disorder.
- (ix) Adjustment disorder.
- (x) Substance abuse.

(C) Musculoskeletal disorders for certain WTC responders

In the case of a WTC responder described in paragraph (4), a condition described in such paragraph.

(D) Additional conditions

Any cancer (or type of cancer) or other condition added, pursuant to paragraph (5) or (6), to the list under this paragraph.

(4) Musculoskeletal disorders

(A) In general

For purposes of this subchapter, in the case of a WTC responder who received any treatment for a WTC-related musculoskeletal disorder on or before September 11, 2003, the list of health conditions in paragraph (3) shall include:

- (i) Low back pain.
- (ii) Carpal tunnel syndrome (CTS).
- (iii) Other musculoskeletal disorders.

(B) Definition

The term “WTC-related musculoskeletal disorder” means a chronic or recurrent disorder of the musculoskeletal system caused by heavy lifting or repetitive strain on the joints or musculoskeletal system occurring during rescue or recovery efforts in the New York City disaster area in the aftermath of the September 11, 2001, terrorist attacks.

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