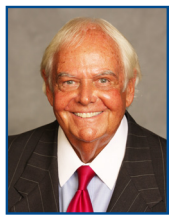




JOHN P. DEARIE

# THE DEARIE LAW FIRM, P.C.

## IMPORTANT TRANSPORT WORKERS UNION LOCAL 100 RETIREES ASSOCIATION DIESEL EXHAUST POTENTIAL FINANCIAL INFORMATION



JOHN C. DEARIE

### THE 15 MOST INTERESTING ASKED QUESTIONS & ANSWERS ON

## NEW NYS LAW GRANTING WORKERS' COMPENSATION BENEFITS TO DECEASED LOCAL 100 WORKERS DIAGNOSED WITH LUNG CANCER FROM DIESEL FUME EXPOSURE

MIKE TUTRONE, Director, Transport Workers Union, Local 100 Retirees Association, deserves tremendous appreciation for his support of this new law while urging all eligible families to file for these benefits.

### Dear Spouses, Dependent Children and Grandchildren of a Deceased Transit Worker,

Every family, spouse or dependent child or grandchild, who lost a now deceased transit worker, who suffered cancer contributing to death, whether municipal or private, should most seriously plan to file for these newly available Workers' Compensation financial benefits.

Diesel exhaust is a killer as analyzed by numerous expert detailed reports. You truly owe making a Claim on the decedent's behalf—as well as, your own. Importantly, understand the filing time period is critical since the claim must be initiated within one year of the October 29, 2022 deadline.

Our law office, which possesses the most legal experience in the diesel fume area, remains totally prepared to assist you in gathering documents and providing information required by the Workers' Compensation Board.

This Question and Answer Brochure, written by our Attorneys, will hopefully be informative in explaining the essence of the new state law along with the practical impact of the benefits and who is entitled to receive them.

For any questions or information dealing with the new law, simply call our Law Office's Workers Comp Department on our toll free number 1-800-2DEARIE (1-800-233-2743) or local100@dearielaw.com.

### 1) What does the new New York State Workers' Compensation Law cover?

Governor Kathy Hochul thankfully signed a Legislative Bill into New York State Law granting Workers Compensation benefits to a spouse, dependent child or grandchild of a deceased surface or rapid transit worker or truck driver whose death was contributed to by cancer and who had extensive diesel fume exposure.

### 2) For what period of time will the new law accept claims to be filed?

Under the new law, WC claims may be filed for up to one year from the effective date of the new statute, October 29, 2021. Therefore, October 29, 2022 is the statute of limitations deadline when all claims must be filed. That final date will be strictly enforced.

### 3) If a deceased worker was exposed to diesel in NYS but the family does not now reside here, can the family file for WC benefits under this new law?

The determining eligibility factor is where the diesel exposure took place definitely not where the family now resides. If a deceased worker was employed by NYC Transit Authority or a truck driver drove from a garage in NYS, their families certainly can file for the benefits.

### 4) Are there specific personal documents the WC Board requires?

There are four important documents required for submission with the Claim. They are: 1- Medical records from treating physician. 2- Death certificate. 3- Proof of Relationship to deceased Worker (Marriage or Birth Certificate). 4- Itemized Funeral bill.



Governor Kathy Hochul

### 5) What information does WC require in making a claim?

The WC Board requires a Claimant, on behalf on the deceased worker, to explain both the type of work exposure and the medical evaluation and treatment contributing to death. Concerning work exposure, the worker's job title, work scope description and exhaust impact must be detailed. As for medical illness, the focus is on physician's diagnosis of cancer, treatment endured and medical causation to death. Our firm, working closely with the claimant, will assist actively in the preparation and filing of the Claim.

### 6) What cancers are covered under the new state law?

The specific language of the new law states that cancer must contribute to a worker's cause of death to be eligible for WC benefits. Our firm recognizes, from extensive litigation involving other toxic products affecting respiratory functions, that lung cancer provides the strongest causation in death cases. Other cancers will be medically evaluated for causation.

### 7) How much diesel exhaust must the deceased worker have been exposed to for eligibility?

No specific volume of diesel fume is required for eligibility under the new law. However, since the vast majority of worker claims involve twenty-plus years of work experience each career translates into an extraordinary amount of diesel exposure.

Compensation Death Claim Format

Prime Sponsors in the  
New York Senate and Assembly  
of this Legislation:

SENATOR JAMES SANDERS  
(D-Queens)

ASSEMBLYMEMBER  
RODNEYSE BICHOTTE HERMELYN  
(D-Brooklyn)

Special thanks for their legislative leadership.

The World Health Organization's  
Panel of Worldwide Experts  
UNANIMOUSLY Determined:

**"DIESEL ENGINE EXHAUST  
CAUSES LUNG CANCER  
IN HUMANS."**

**8) In the Transit Authority bus depots, which jobs were the most exposed to diesel fumes?**

There were several high-exposure jobs, including Bus Operators, Mechanics, Cleaners, Shifters, Maintainers and others.



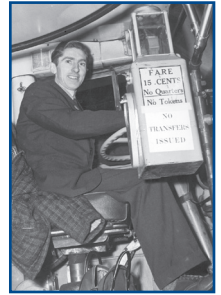
*Bus Mechanic*

**9) How were the diesel exhaust fumes generated in the bus depots?**

During the period of highest fume exposure, many of the 29 older bus depots comprising the New York City Transit System were old, unventilated, low ceiling structures. Inside the depots, dozens of buses, often significantly more, were simultaneously idling with engines running which produced excessive amounts of diesel exhaust. It caused workers to unavoidably inhale the toxic vapors by simply breathing while doing their work.

**10) Why was so much diesel exhaust generated in these depots?**

Many of the highest diesel volume depots were former trolley-car garages. Since those trollies operated on electricity there was minimal need for ventilation systems, windows or high ceilings. Therefore, once the diesel fueled buses took over the municipal transit routes, it created the worst possible unventilated internal toxic environment.



*Bus Operator*

**11) How were municipal train operators (formerly know as Motormen) and track workers exposed to diesel fumes?**

They are exposed in the operation of Work Trains, which deliver equipment and supplies into extensive unventilated track tunnels where no air circulation existed. These closed, narrow work areas possessed no fans or ventilation as the diesel exhaust poured out of the trains filling the work space impacting directly on the workers.



*Work Train*

**12) Are truck drivers working for private companies eligible under the new Law?**

Every single truck operation using diesel fuel inevitably exposes drivers to the exhaust. Depending on the ventilation system in the garage diesel exhaust amounts could have been extensive. All deceased truck drivers diagnosed with cancer may be eligible however, drivers of high concern are from the package delivery companies given the extremely large volume of trucks each operation requires.



*Private Trucks*



*Package Delivery Companies*



*Consolidated Edison*



*School Buses*

**13) Have any WC claims been successful for a deceased worker yet?**

Yes. This is the encouraging development. Only one Workers Compensation case, on behalf of a twenty-eight year deceased bus mechanic work career, was filed and successfully decided by the WC Board. With this new NYS law we look for thousands of other successful cases - perhaps yours - to be filed and won.

**14) Who initiated the filing of the only WC claim to date?**

Great credit must be directed to Dorota Nigro, wife of Anthony, a deceased 57 year old Transport Workers Union, Local 100 Retiree mechanic. Her intelligent, determined, persevering leadership fight for his WC benefits - and winning - has directly resulted in this new law and the opportunity for unlimited other families to also win these financial benefits.

**15) In past years, was there a lawsuit based in diesel exposure and did the World Health Organization ever evaluate the medical impact of fume exposure?**

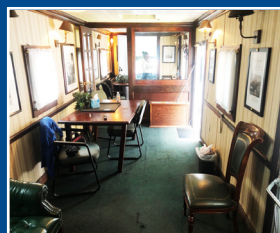
During 2008-2012 our firm lead a federal lawsuit alleging diesel bus manufactures failed to warn workers of the inherent medical dangers of diesel exhaust their engines were generating. Regrettably, the federal court rejected this claim despite cancers and death affecting countless workers. Ironically, just weeks after this court decision, a distinguished panel of worldwide experts -- the International Agency for Research on Cancer—unanimously determined “Diesel engine exhaust causes lung cancer in humans.”



**Our Mobile Law Offices Staff will Assist Claimants by Answering Questions and Aiding in Preparation of Workers' Compensation Death Claims**



*Exterior and Interior of Mobile Law Offices*



*John C. Dearie meeting in Mobile Law Office with surviving spouse of deceased worker.*