applicable cost principles specified in
subpart Q of 45 CFR part 74, and the
regulations of this part.
§ 87.9 Which other HHS regulations
apply?
Several other regulations apply to
grants under this part. These include,
but are not limited to:
42 CFR part 50, subpart D—Public Health
Service grant appeals procedure
45 CFR part 16—Procedures of the Depart-
mental Grant Appeals Board
45 CFR part 46—Protection of human sub-
jects
45 CFR part 74—Administration of grants
45 CFR part 75—Informal grant appeals pro-
cedures
45 CFR part 80—Nondiscrimination under
programs receiving Federal assistance
through the Department of Health and
Human Services effectuation of title VI of
the Civil Rights Act of 1964
45 CFR part 81—Practice and procedure for
hearing under part 80 of this Title
45 CFR part 84—Nondiscrimination on the
basis of handicap in programs and activi-
ties receiving or benefiting from Federal
financial assistance
45 CFR part 91—Nondiscrimination on the
basis of age in HHS programs or activities
receiving Federal financial assistance
[49 FR 38117, Sept. 27, 1984]
PART 88—WORLD TRADE CENTER
HEALTH PROGRAM
Sec.
§ 88.1 Definitions.
88.15 Appeals regarding treatment.
88.16 Reimbursement for medically neces-
sary treatment, outpatient prescrip-
tion pharmaceuticals, monitoring, and
initial health evaluations, and travel ex-
penses.
88.17 Addition of health conditions to the
list of WTC-related health conditions.
AUTHORITY: 42 U.S.C. 300mm–300mm–61,
SOURCE: 76 FR 38930, July 1, 2011, unless
otherwise noted.
§ 88.1 Definitions.
Act means the Title XXXIII of the
Public Health Service Act, as amended,
42 U.S.C. 300mm through 300mm–61
(codifying Title I of the James Zadroga
9/11 Health and Compensation Act of
2010, Pub.L. 111–347), which created the
World Trade Center (WTC) Health Pro-
gram.
Aggravating means a health condition
that existed on September 11, 2001, and
that, as a result of exposure to air-
borne toxins, any other hazard, or any
other adverse condition resulting from
the September 11, 2001, terrorist at-
tacks, requires medical treatment that
is (or will be) in addition to, more fre-
quent than, or of longer duration than
the medical treatment that would have
been required for such condition in the
absence of such exposure.
Certification means review and ap-
proval by the WTC Program Adminis-
trator of a screening-eligible survivor
as eligible for monitoring and treat-
ment, or a WTC-related health condi-
tion or a health condition medically
associated with a WTC-related health
condition in a particular WTC re-
ponder or certified-eligible survivor
for the purpose of reimbursement of ex-
penses for medically necessary treat-
ment.
Certified-eligible survivor means:
(1) An individual who has been identi-
fied as eligible for medical treatment
and monitoring as of January 2, 2011; or
(2) A screening-eligible WTC survivor
who the WTC Program Administrator
certifies to be eligible for follow-up
monitoring and treatment under
§88.10(f).
Clinical Center of Excellence means a
center or centers under contract with
the WTC Health Program. A Clinical
Center of Excellence:
(1) Uses an integrated, centralized health care provider approach to create a comprehensive suite of health services that are accessible to enrolled WTC responders, screening-eligible WTC survivors, or certified-eligible survivors;

(2) Has experience in caring for WTC responders or screening-eligible and certified-eligible WTC survivors;

(3) Employs health care provider staff with expertise that includes, at a minimum, occupational medicine, environmental medicine, trauma-related psychiatry and psychology, and social services counseling; and

(4) Meets such other requirements as specified by the WTC Program Administrator.

Data Center means a center or centers under contract with the WTC Health Program to:

(1) Receive, analyze, and report to the WTC Program Administrator on data that have been collected and reported to the Data Center by the corresponding Clinical Center(s) of Excellence;

(2) Develop monitoring, initial health evaluation, and treatment protocols with respect to WTC-related health conditions;

(3) Coordinate the outreach activities of the corresponding Clinical Centers of Excellence;

(4) Establish criteria for credentialing of medical providers participating in the nationwide provider network;

(5) Coordinate and administer the activities of the WTC Health Program Steering Committees; and

(6) Meet periodically with the corresponding Clinical Center(s) of Excellence to obtain input on the analysis and reporting of data and on development of monitoring, initial health evaluation, and treatment protocols.

Designated representative means an individual selected by a WTC responder, a screening-eligible or a certified-eligible survivor to represent his or her interests to the WTC Health Program.

Ground Zero means a site in Lower Manhattan bounded by Vesey Street to the north, the West Side Highway to the west, Liberty Street to the south, and Church Street to the east in which stood the former World Trade Center complex.

Health condition medically associated with a World Trade Center (WTC)-related health condition means a condition that results from treatment of a WTC-related health condition or results from progression of a WTC-related health condition.

Initial health evaluation means assessment of one or more symptoms that may be associated with a WTC-related health condition and includes a medical and exposure history, a physical examination, and additional medical testing as needed to evaluate whether the individual has a WTC-related health condition and is eligible for treatment under the WTC Health Program.

Interested party means a representative of any organization representing WTC responders, a nationally recognized medical association, a WTC Health Program Clinical Center of Excellence or Data Center, a State or political subdivision, or any other interested person.

List of WTC-related health conditions means the following disorders and conditions, including any other condition added to the list through procedures specified by the Act and under this part:

(1) Aerodigestive disorders:
   (i) Interstitial lung disease.
   (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 hyperactivity.
   (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 preceding paragraphs (1)(i) through (1)(xi) of this definition.

(2) Mental health conditions:
   (i) Posttraumatic stress disorder.
   (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.
(3) Musculoskeletal disorders for those WTC responders who received any treatment for a World Trade Center (WTC)-related musculoskeletal disorder (as defined in this section) on or before September 11, 2003:
(i) Low back pain.
(ii) Carpal tunnel syndrome [CTS].
(iii) Other musculoskeletal disorders.

Medical emergency means a physical or mental health condition for which immediate treatment is necessary.

Medically necessary treatment means the provision of services by physicians and other health care providers, diagnostic and laboratory tests, prescription drugs, inpatient and outpatient hospital services, and other care that is appropriate to manage, ameliorate or cure a WTC-related health condition or a health condition medically associated with a WTC-related health condition, and which conforms to medical treatment protocols developed by the Data Centers and approved by the WTC Program Administrator.

Monitoring means periodic physical and mental health assessment of a WTC responder or certified-eligible survivor in relation to exposure to airborne toxins, any other hazard, or any other adverse condition resulting from the September 11, 2001, terrorist attacks and which includes a medical and exposure history, a physical examination and additional medical testing as needed for surveillance or to evaluate symptom(s) to determine whether the individual has a WTC-related health condition.

Nationwide provider network means a network of providers throughout the United States under contracts with the WTC Health Program to provide an initial health evaluation, monitoring and treatment to enrolled responders and screening-eligible or certified-eligible survivors who live outside the New York metropolitan area.

New York City disaster area means an 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 complex.


NIOSH means the National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention, U.S. Department of Health and Human Services.

One (1) day means the length of a standard work shift, or at least 4 hours but less than 24 hours.

Scientific/Technical Advisory Committee means the WTC Health Program Scientific/Technical Advisory Committee whose members are appointed by the WTC Program Administrator to review scientific and medical evidence and to make recommendations to the WTC Program Administrator on additional WTC Health Program eligibility criteria and on additional WTC-related health conditions.

Screening-eligible survivor means an individual who is not a WTC responder and who claims symptoms of a WTC-related health condition and meets the eligibility criteria for a survivor specified in §88.8 of this part.

September 11, 2001, terrorist attacks means the terrorist attacks that occurred on September 11, 2001, in New York City, at Shanksville, Pennsylvania, and at the Pentagon, and includes the aftermath of such attacks.

Staten Island Landfill means the landfill in Staten Island, NY called “Fresh Kills.”

Terrorist watch list means the lists maintained by the Federal government that will be utilized to screen for known terrorists.
§ 88.1 Definitions.

List of WTC-Related Health Conditions

(4) Cancers: This list includes those individual cancer types specified in Table 1, below, according to the International Classification of Diseases, 10th Edition (ICD–10) and International Classification of Diseases, 9th Edition (ICD–9).