

From: [Communications, VCF \(CIV\)](#)
To: [Communications, VCF \(CIV\)](#)
Subject: 9/11-Related Lawsuits Clarification and Collateral Source Offsets Reminder
Date: Wednesday, July 8, 2026 11:02:14 AM

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Good morning,

The VCF is sending this email to remind all law firms of the current and long-standing policies regarding 9/11-related lawsuits and collateral offsets.

9/11-Related Lawsuits

You must review the full [Policies and Procedures Section 1.3 9/11-Related Lawsuits](#) with your clients before filing a VCF claim on their behalf.

The VCF defines a 9/11-related lawsuit as any civil action seeking damages based on presence at a 9/11 crash site, exposure to toxins, or a theory of causation related to a 9/11-related condition or death. This includes product liability, medical malpractice, and other civil lawsuits seeking compensation based on a 9/11-related condition included on the WTC Health Program list of covered conditions, even if the condition is not claimed in the VCF claim.

If your client participated in any 9/11-related lawsuit as defined above, you must identify each lawsuit on the claim form.

Generally, a claimant may not pursue both a 9/11-related lawsuit and a VCF claim. If a claimant filed a 9/11-related lawsuit at any time prior to submitting a VCF claim, there are specific dates by which they must have withdrawn, dismissed, or settled that lawsuit to be eligible for compensation from the VCF. Because this is fact specific, you must review the [Chart of Litigation Settlement/Dismissal Rules](#) which outlines the litigation settlement, withdrawal, and dismissal rules for filing a VCF claim. Settlement payments from lawsuits that were timely settled and released will be deducted from VCF awards as a collateral source offset.

Once a claim is submitted, the claimant has waived the right to file any future 9/11-related lawsuit. For deceased individuals, the Personal Representative waives the right to file any future action seeking compensation for the decedent's death. **If the waiver is violated after an award has been paid, the VCF may rescind the eligibility decision and the award.** The filing of the lawsuit is a violation of the waiver and is not treated as an allowable lawsuit for which any settlement is offset from the VCF award.

Note: There are two types of 9/11-related lawsuits that a claimant can pursue and still file a claim with the VCF. First, a claimant may pursue a civil action to recover collateral source obligations. Second, a claimant may pursue a civil action against any person who is a "knowing participant in any conspiracy to hijack any aircraft or commit any terrorist act."

Product Liability Lawsuits Are Prohibited: We have received several questions regarding product liability lawsuits related to Roundup, talcum powder, etc. These lawsuits are prohibitive. If your client participated in the Roundup, talcum powder, or any other product liability lawsuit related to a 9/11-related condition – even if that condition is not claimed or

compensated by the VCF – they are prohibited from pursuing a VCF claim, unless the lawsuit was withdrawn, settled, or dismissed by the required date.

The VCF website has been updated to reflect this clarification in the following locations:

- [Policies and Procedures Section 1.3 9/11-Related Lawsuits](#)

Product liability (e.g. Roundup, talcum powder, etc.), medical malpractice, and other civil lawsuits seeking compensation based on any 9/11-related condition included on the WTC Health Program list of covered conditions are considered 9/11-related lawsuits.

- [FAQ 1.14](#). I think that a product manufacturer or a doctor contributed to, caused, or exacerbated my 9/11-related condition (or contributed to or caused the death of a deceased victim). Can I sue the manufacturer or the doctor and still participate in the VCF?

No. A lawsuit against a product manufacturer for product liability (e.g. Roundup, talcum powder, etc.), or against a doctor for medical malpractice, is based on the legal theory that it was the product or the doctor that caused, contributed to, or exacerbated the 9/11-related condition. These types of lawsuits fall within the terms of the lawsuit waiver set out in the statute under which the VCF operates. This means that in order to be eligible for compensation, when you file your VCF claim, you must waive your right to participate in these types of lawsuits and must meet the settlement and dismissal deadlines set forth in [Section 1.3 of the VCF's Policies and Procedures](#). Please be aware that any action to settle a lawsuit is particularly discouraged, as the VCF is a litigation alternative program. If you settle a lawsuit to which the waiver applies after the applicable deadline, you will not be eligible for VCF compensation, *even if you had not been diagnosed or certified with the covered condition at the time you filed or settled the lawsuit*. While the VCF can make exceptions where there is an untimely lawsuit dismissal in appropriate cases, it cannot, consistent with its statutory requirements, make exceptions in the case of untimely settlements.

Collateral Source Offsets

You must review the full [Policies and Procedures Section 2.5 Collateral Source Offsets](#) with your clients prior to filing a VCF claim on their behalf.

All collateral source payments must be identified on the claim form.

The VCF is required by statute to offset from the calculated loss any compensation a claimant has received, or is entitled to receive, from certain collateral sources as a result of a 9/11-related condition. This includes compensation paid to dependents or beneficiaries, such as Social Security benefits paid to dependents of a disabled or deceased wage earner. Collateral sources may include workers' compensation benefits, VA benefits, life insurance, pension funds, death benefit programs, settlement payments from September 11-related lawsuits, and payments by federal, state, or local governments related to the terrorist-related aircraft crashes of September 11, 2001, or debris removal in the immediate aftermath.

The obligation to report collateral source payments is ongoing until October 2090.

- **Claims in process at the VCF:** If a claimant receives, or becomes entitled to receive, any additional collateral source payments after submitting a claim, **you must notify the VCF immediately** by submitting the [Collateral Offset Update Form](#). If the collateral source payment is not identified prior to an award determination and

payment, the VCF may correct the award calculation to reflect the required offset. **If the corrected award is lowered, you and your client may be required to return the award payment to the U.S. Department of the Treasury.**

- **Paid Claims:** If a claimant receives, or becomes entitled to receive, any additional collateral source payments after an award has been determined and paid, **written notice** must be provided to the VCF **within 90 days** by submitting the [Collateral Offset Update Form](#) available under Forms and Resources on the VCF website. **If the paid award is lowered, you and your client may be required to return the award payment to the U.S. Department of the Treasury.**

If you have any questions, please contact our law firm liaisons at VCF.AttorneyInfo@usdoj.gov.

Thank you.

September 11th Victim Compensation Fund
U.S. Department of Justice
VCF Helpline: 1-855-885-1555
Website: www.vcf.gov
Information for Law Firms: www.vcf.gov/lawfirms

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