

trustees, overruled the hearing panel's decision, as allowed by HCQIA and hospital bylaws. My privileges were terminated and the adverse action reported to the state board.

Many other physicians have had similar experiences. Legal recourse is very limited. Information obtained at a hearing and anything said by the accuser is considered privileged. The accuser has immunity under HCQIA, even if his testimony is false. As long as the hospital follows its bylaws and gives the accused a hearing, the facility and accusers are protected by the courts.

Attempts to modify and/or rescind this law have not been a high priority with the AMA, AOA, and Congress. The major physician organizations have instead published "standards" in order to remove any bias from these hearings. Unfortunately, until these "recommendations" become law, hospitals and their staffs have no need to change.

To protect good physicians as well as their patients, HCQIA must be changed. The accuser and the hospital must bear the burden of proof to remove a physician—mere allegations and innuendo should be insufficient. Competitors should not be allowed to participate in the hearing. Those who are falsely accused must have redress in a court of law.

A professional license is a privilege. Through licensure, physicians have forfeited their civil rights to a fair trial. HCQIA has removed all checks and balances. Unscrupulous physicians in a position of power can inflict a professional death sentence on their competitors with impunity.

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The World Trade Center Collapse

I read with interest Andrew Schlafly's article regarding the World Trade Center (WTC).¹ I have a graduate degree in electrical engineering, which does not qualify me to be a civil or mechanical engineer but forced me to take courses in statics and mechanics, which are civil/mechanical courses.

The fundamental question is why the WTC collapsed so quickly. Schlafly quotes James Milke, an associate professor of fire protection engineering at the University of Maryland. A better source would be a civil engineer with a Professional Engineer (PE) designation.

The single most important feature that sets the WTC fire apart from that in the Meridian Bank Building, which was an electrical fire, is accelerant. The Meridian Bank Building fire did not involve tens of thousands of gallons of jet fuel coming from a fully loaded 767. The two fires cannot be compared because they burned at

different temperatures. The fact of the matter is that no fireproofing could have prevented the collapse.

Schlafly also stated that steel reinforced by concrete as used in the Empire State Building would have survived. I am not aware of any structure of 100 stories that is built with concrete reinforcing because of the weight of the material. The higher the building, the more excessive loads the lower structural members are required to handle. The buildings cannot be compared. Theoretically, airliners constructed of steel would survive crashes better than those constructed of aluminum. In reality, they would never crash because they would be incapable of getting off the ground.

Schlafly hypothesized that the "partially asbestos protected" North Tower stood 68 percent longer than the South Tower. The problem with this logic is that it is assumed that both towers were hit at the same elevation, by the same approach, at the same speed by the same airliner.

It has been argued in the media that more consistent fireproofing "may have prevented" the WTC collapse. From an engineering standpoint, it is clear that inconsistent fireproofing may have expedited the WTC collapse, but knowing engineering design constraints and the amount of jet fuel involved, I as well as others highly doubt it have would prevented the collapse.

Finally, the WTC was specifically engineered to withstand the impact of a 747, the largest plane available at the time of its construction. It certainly survived the impact of a 767, but it did not survive the aftermath of the burning jet fuel. In the absence of jet fuel it might still be standing, though structurally unsound.

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1. Schlafly A. Did flawed science and litigation help bring down the World Trade Center? *J Am Phys Surg* 2003;8:89-93.

As in most failures, there are many issues to be addressed in the WTC collapse, and one should not focus exclusively on a single one unless it stands out far beyond all others. Nor should we get too caught up in comparisons of different buildings on individual issues, lest we all end up living and working in caves and pyramids.

To be sure, the fire and fireproofing are significant factors in the WTC collapse, and they are being addressed. But there are other lessons and improvements to be made. I don't think we should focus so much on the fire that we neglect other structural factors, and I think the ongoing work is on target.

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In Reply: I appreciate the insightful comments. The hypothesis that jet fuel caused the premature collapse of the WTC is unsatisfactory for several reasons. For starters, the WTC Building 7 collapsed without any jet fuel, as it was never hit. Moreover, the airplane crashing into the South Tower expelled much of its fuel in an external fireball, yet it collapsed much more quickly than the North Tower. Also, it is worth noting that the temperature of a fire propelled by jet fuel is not significantly higher than that of other office fires.

Although I doubt the assertion that "no fireproofing could have prevented the collapse," we can surely agree that fireproofing does delay collapse and thereby save lives. The original WTC design anticipated a collision by a 747, which would inevitably cause a fire. The design used asbestos, a well-known and superb fire retardant. Yet exaggerated claims of environmental danger forced a hasty substitution. A government entity built and owned the WTC, and thus there was no independent scrutiny of its resistance to fire. Nor are government-funded studies today likely to affix blame to their sponsors.

Privately built, the Empire State building has vastly superior fireproofing. The floors on the Empire State building have one inch of fire-retardant cement covering seven inches of cinder and concrete. Its steel columns, girders and floor beams are coated with one to two inches of brick terracotta and concrete.¹ It was constructed during the Great Depression, when our society was far less affluent than now.

How many other modern buildings, constructed after the ban on asbestos, are firetraps? Robust scientific debate on this topic is long overdue.

I'm gratified that Professor Testa agrees that the "fire and fireproofing are significant factors in the WTC collapse," but am less confident that "they are being addressed." More than two years after the September 11 attack, there is still no official admission that the WTC fireproofing was inadequate. It is difficult to find a scientist willing to question the hysteria over asbestos fireproofing, let alone criticize its insufficient use in the WTC.

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¹ Dunn V. *Why the World Trade Center Buildings Collapsed: a Fire Chief's Assessment*. Available at: <http://vincentdunn.com/wtc.html>. Accessed October 23, 2003.