



**Written Testimony-February 26, 2009
Proposed H.B. No. 6194**

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Good Afternoon Chairman Prague, Chairman Ryan and members of the Labor and Public Employees Committee. I am writing to inform you, as the Risk Manager for the City of Stamford, that the City of Stamford does not support **Proposed H.B. No. 6194, an Act Concerning Workers' Compensation Presumptions for Firefighters, Police Officers and Emergency Rescue Workers.**

As with last year's proposals, the proposed bill would establish rebuttable presumptions allowing police officers and firefighters to receive workers' compensation benefits for certain medical conditions. Stamford's issues with this are as follows:

Section 1. Infectious Disease Mandates

- *[(4) "Police officer or firefighter" means a local or state police officer, a state or local firefighter or an active member of a volunteer fire company or fire department engaged in volunteer duties who, in the course of employment runs a high risk of occupational exposure to hepatitis, meningococcal meningitis or tuberculosis.]* It has not been sufficiently medically established and documented that firefighters and police officers have a "high risk" of exposure to meningococcal meningitis, hepatitis, and tuberculosis. For example, according to the CDC, public safety workers have a low risk of infection from hepatitis C. Firefighters and police utilizing the proper engineering controls, administrative controls, and personal protective equipment can minimize their risk of exposures.
- The proposed bill does not require a causal relationship between an occupational exposure to an infectious disease incident and the acceptance of a workers' compensation claim from a police officer or firefighter who suffers a condition or impairment of health that is caused by hepatitis, meningococcal meningitis or tuberculosis that requires medical treatment, and that results in

- total or partial incapacity or death. Without the causal relationship, infectious diseases which could be acquired outside of the profession of the firefighters and police officers would automatically be presumed to have been acquired while engaged in their professional activities. Some of the infectious diseases, such as hepatitis C may take twenty years to become symptomatic. It is questionable that the infectious disease was acquired during police or firefighting activities or if it may have been acquired many years prior to employment. It is difficult to pinpoint when an employee may have been exposed. Additionally, the inclusion of all strains of hepatitis as this bill states, is an over generalization as the modes of transmission and risk of infection vary by type and subtype of hepatitis, and not all types of hepatitis are even present in the United States.
- There are many other occupations such as physicians, nurses and other healthcare facility workers to name a few that have a higher risk of exposure than firefighters and police officers. All employees, including police officers and firefighters who have a potential risk of being exposed to a bloodborne pathogen are covered under OSHA CFR 29-1910.1030. Under this standard, employers are required to provide exposure plans, training, vaccinations, and protective equipment to protect the employee from potential exposures.
- It's also known that a person is much more likely to be exposed to bloodborne pathogens through unprotected sexual contact, tattooing, body piercing, and other non-work related activities than through contact at work when the employees are following the employer's exposure control plan. Currently most municipalities record cases of possible exposures when they occur or are reported by the employee. If an illness develops after the exposure then in most cases, with the appropriate supporting medical documentation it will be covered by workers' compensation.
- Regarding tuberculosis—a person can contract TB by breathing in air droplets from the cough or sneeze of an infected person. A person might not know they have been exposed outside of the scope of employment. It should not be presumed they contracted the disease at work just because of a prior negative skin test. If an employee believes to be exposed during a particular incident at work, they should immediately report the incident. By following standard medical practice, they will be tested, and if negative, then retested after a standard period of time to see if they have converted to positive. By following this practice, you are more able to pinpoint an exposure during the course of employment rather than automatically presuming all positive conversions are employment related for firefighters, police officers, and emergency workers.

Cancer Claims

- *(NEW) (d) Notwithstanding any provision of the general statutes, and state or local firefighter, active member of a volunteer fire company or fire department engaged in volunteer duties who is diagnosed with multiple*

- *myeloma, non-Hodgkin's Lymphoma, prostate or testicular cancer resulting in total or partial disability or death shall be presumed to have sustained such cancer in the course of employment and shall be entitled to receive workers' compensation benefits pursuant to chapter 568 of the general statutes, unless the contrary is shown by a preponderance of evidence, provided the firefighter:*

(1) Completed a physical examination on entry into such employment that failed to reveal any evidence of such cancer;

(2) Was employed as a firefighter for five or more years at the time the cancer is discovered;

(3) Established that he or she regularly responded to the scene of fires or fire investigations during some portion of his or her employment as a firefighter; and

(4) Provides documentation that , while responding to the scene of fires or fire investigations, the firefighter was exposed to a substance or substances scientifically determined to causally-related to the type of cancer for which he or she is claiming compensation under this section.

- This once again places undue burden on taxpayers and municipalities. Firefighters are provided with personal protective equipment and training to minimize their exposure to smoke and possible carcinogens. Once again, it does not take into consideration the role of lifestyle choices, hereditary predispositions, genetics, and other exposures outside their profession in the development of cancer, which makes it difficult to dispute these claims. Currently if an employee has cancer which has been deemed to have been caused by a work related activity it is covered under workers compensation. There is no need to mandate additional "entitlements" to a select group of employees.

In summary, The City of Stamford does not support Proposed H.B. No. 6194 An Act Concerning Additional Workers' Compensation Presumptions for Firefighters, Police, and Emergency Rescue Workers. Stamford believes if passed, the effect of H.B. 6194 will be: placing an enormous burden on municipalities and taxpayers, it is unfair public policy, and it is fiscally arduous.