

# Labor and Public Employees Committee

## JOINT FAVORABLE REPORT

**Bill No.:** SB-141

AN ACT ESTABLISHING A TASK FORCE TO STUDY CANCER RELIEF

**Title:** BENEFITS FOR FIREFIGHTERS.

**Vote Date:** 2/25/2021

**Vote Action:** Vote to Draft

**PH Date:** 2/18/2021

**File No.:**

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### **SPONSORS OF BILL:**

Labor and Public Employees Committee

### **REASONS FOR BILL:**

Due to the increase of toxic materials and chemicals faced by firefighters, increased incidences of cancer have been reported. Firefighters are not covered for this illness.

### **RESPONSE FROM ADMINISTRATION/AGENCY:**

None submitted.

### **NATURE AND SOURCES OF SUPPORT:**

#### **STEPHEN ANDERSON, PRESIDENT, CSEA SEIU LOCAL 2001**

There is no argument that there are dangers inherent to the job of a firefighter and the risks they face in their normal work week. Toxic substances and poisonous gasses might be invisible but the damage they can do must always be remembered. Passing this bill would provide workers' compensation coverage to professional and volunteer firefighters who are diagnosed with cancer, acquired through their occupational exposure to these substances. It is not only good public policy, but also the right thing to do for these brave people.

#### **NATHAN J. SHAFER, CONNECTICUT TRIAL LAWYERS ASSOCIATION**

Unlike many of us who know what to expect when we go to work, firefighters do not enjoy the luxury of knowing what chemicals they may be exposed to in any give situation, and then years after, trying to figure out what caused their cancer. A structural fire may generate tens of thousands of toxic chemicals and gases from a multiple of products such as plastic,

electronics, textiles, carpeting and treated lumber among many others. Many of these include known or suspected carcinogens. This bill offers a balance both for past and current paid or volunteer firefighters that presume their cancer is work-related. It offers protection for employers that prevent the rebuttable presumption from being invoked depending on years of service, preexisting cancers, and frequency in fighting fires.

**CHRISTINA EDWARDS, WIFE/WIDOW OF A FIREFIGHTER**

Her heartfelt testimony told of the horrible journey she and her family endured when her firefighter husband was diagnosed and eventually died of cancer. In addition to the suffering from her loss, she was suddenly challenged and forced to struggle to keep food on the table for her children even though she works full time. She is trying to create a version of a "new normal" for herself and her children. This committee is in a position to ease another family's journey. Give them the help she needed during the long, agonizing illness of her husband. Take care of these firefighters as they take care of the ones you love.

**PATRICK EYE, FIREFIGHTER, UCONN FIRE DEPARTMENT**

Historically, a covenant has existed between the public and the fire service. Firefighters place their lives and quality of life on the line to save lives and property. In exchange for this service, the public agreed that if someone is hurt in the course of their job, they would be covered. Scientific studies have proven that cancer can be the result of job-related conditions. Firefighters are between 300% and 500% more likely to be stricken with a wide range of cancers than the general public. Firefighters are regularly called to incidents that are the worst days in the lives of the citizens they serve, including fires, serious accidents and life and death medical calls. In addition, they are exposed to a variety of toxic chemicals and hazardous materials. It makes sense to enact this presumptive legislation to cover injuries sustained while serving others.

**RICHARD HART, DIRECTOR OF LEGISLATIVE AND POLITICAL AFFAIRS, UNIFORMED PROFESSIONAL FIREFIGHTERS ASSOCIATION OF CONNECTICUT**

The danger of firefighters is well documented, but what about the silent killer, hiding, stalking, biding its time in the shadows? Every family has felt the cold touch of cancer, including the family that is the fire service. The toxic atmosphere that they work in has hidden poisons ready to attack long after the fire is out. Among many others, there has been various testimony submitted from the wife of a firefighter who lost her husband to cancer. and Dr. Philip Landrigan, who is the preeminent authority on Occupational and Environmental medicine from Mt. Sinai Hospital. There has been research that supports the fact that firefighters are more susceptible to various cancers than the general population. This bill would give firefighters the necessary protections to bring some solace during very trying times.

**CAROLINE JOHNSON, WIDOW OF A FIREFIGHTER, BERLIN RESIDENT**

Her husband, Scott, wanted to be a firefighter from the time he was a young child. His dream came true in 2017. The father of 3 children, Scott was diagnosed with stage IV colorectal cancer in 2015. He was healthy, rode his bike 30 miles on his days off, was an avid runner and did not smoke and there was no history of cancer in his family. She was his caregiver throughout his arduous and painful journey and testified on behalf of so many others who are currently fighting or have already lost their battle. Scott held his sense of fun and humor till the end. When a fellow firefighter came to visit toward the end of his life and greeted him by saying "Hey! What's up? Scott's response was precise and to the point: " Not my sodium

levels". Carcinogens are not just inhaled but they are also absorbed through the skin. This is a profession that must be far more respected and not taken for granted as these men and women put their lives and health on the line daily on their jobs. Firefighters have a 14% higher risk of dying from cancer than the general public. Scott's fellow firefighters pooled their sick tie for Scott when he exhausted all his own. Workers' compensation was not offered because cancer is not recognized as a work-related illness. She told details of the last horrible days of his life and having to make the decision not to resuscitate as was Scott's wish. It is time for the state to do the right thing for these firefighters and their families. Scott's death, as well as the individuals before and after him, should be seen as line-of-duty deaths. Their lives were just as meaningful as those on the Memorial walls at the Fire Academy in South Windsor and at Headquarters in the City of New Britain. Neighboring states put Connecticut to shame. The time has come to act.

**PHILIP J. LANDRIGAN, MD, MSc, FAAP, FACOEM, FACPM, DIRECTOR, PROGRAM FOR GLOBAL PUBLIC HEALTH AND THE COMMON GOOD, BOSTON COLLEGE**

This legislation will make cancer a presumptive "line of duty" illness making CT firefighters eligible for workers' compensation and other benefits, including death benefits. He has done extensive work following the attack on the World Trade Center and provided care to over 22,000 first responders. He has published multiple reports on these studies. It is well documented that Cancer mortality among firefighters is far higher compared to the general public. This is due to their exposure to extremely high concentrations of a large number of toxic and carcinogenic chemicals. A common example would be soot, which contains polycyclic aromatic hydrocarbons which are a natural product of combustion. Modern-day synthetics and plastics have greatly increased. Commonly encountered today at fires are hazards from materials used in plumbing, electrical conduits and furniture benzene, formaldehyde, polycyclic aromatic hydrocarbons, asbestos among others. The rapid proliferation of manufactured chemicals has caught the scientific and regulatory communities off guard. Most have never been assessed for safety or toxicity and with so many new ones each year, it is impossible to study the carcinogenic properties of all of them. Like most workers in this country, firefighters have little idea about the identity of many of the materials and hazards they are exposed to. There is overwhelming evidence that fire fighters suffer excess incidences and deaths from multiple cancers and from the occupational exposures they sustain. Cancer should be recognized as an unavoidable hazard connected to their occupation.

**ANTHONY D. RUGGIERO, FIREFIGHTER, CAPTAIN/PARAMEDIC, LIEUTENANT**

Firefighting has changed significantly throughout the years. Hazardous materials, technical rescues, terrorism, vehicles on roadways, changing building construction that fails quicker and under flame impingement and active shooter incidents are a few of the occurrences they face. Yet the most statistically likely way of dying for firefighters now is cancer. With no occupational cancer protections, his family would not receive his state pension or continue to receive his state health benefits. He would be forced to exhaust all earned time off and then go on unpaid leave. He could be forced to take a medical retirement just to ensure his family receives some kind of financial protection, albeit a fraction of what they should receive. He told heartbreaking stories about several of his fellow firefighters who fought valiant battles through their long illnesses that would have been eased had this bill been in place. These brave heroes were not chain smokers or heavy drinkers, or participants of some other modifiable lifestyle risk factors for cancer. They were firefighters who were exposed on numerous occasions to deadly carcinogens that are abundantly present in the fires of today.

One other suggestion is to include language that protects State of CT and Federal Firefighters and not just municipal fire service members. This would include workers from UCONN, CT Air National Guard, Southbury Training School, Submarine Base (New London) Fire Departments and others be included in this important legislation.

**STACEY ZIMMERMAN, ASSOCIATE DIRECTOR, SEIU CT STATE COUNCIL**

The dangers inherent to the job of firefighters is well known and the threat of direct injury we can all understand. Toxic substances and poisonous gases may be invisible to the eye, but the damage they can do must always be remembered. This is not only good public policy, but also the right thing to do for these brave people.

**NATURE AND SOURCES OF OPPOSITION:**

**JOY AVALONE, GENERAL COUNSEL, INSURANCE ASSOCIATION OF CT**

They recognize the significant contribution firefighters make to the community and are highly sympathetic to their cause, however they caution expanding coverage to include a rebuttable presumption because it will cause claims unrelated to work to be accepted as work-related and undermine the intent of the Workers' Compensation Act. Firefighters are entitled to these benefits when they are able to demonstrate that their illness arose out of and in the course of their employment. When similar criteria is met, they are also eligible for wage replacement benefits from the Cancer Relief Fund, Therefore this bill is unnecessary. This bill is problematic because it would cause employers and insurers to be liable for indemnity and medical benefits throughout the claimant's lifetime without having to prove their illness was employment related. The bill doesn't take into account family history, predisposition to cancer and other contributing factors. It is irresponsible to presume that every firefighter who meets the criteria in this bill necessarily contracted cancer from work. This bill would have significant long-term effects for those entities responsible for firefighters' workers' compensation coverage.

**ZACK McKEON. CONNECTICUT COUNCIL OF MUNICIPALITIES**

Municipalities are already grappling with difficult budget choices as they work to maintain current service levels without unduly burdening local property taxpayers. This bill would reverse the multi-party and bipartisan agreement that was reached in 2016 in enacting PA 16-10. It would mandate that professional and volunteer firefighters diagnosed with cancer, acquired through their occupational exposure be eligible for workers' compensation and other benefits. This is an unfunded mandate that would significantly expand the workers' compensation benefits system. In 2016, a process/ program was established to assist firefighters when they have exhausted their health and sick benefits and ensure that they are still able to receive the necessary treatment and provide financial support for their families. It was determined during deliberations that a presumption would be a costly and undue burden. They suggest creating a presumption under the workers' compensation system that would strengthen their efforts that includes increasing and securing a reliable funding stream for the Firefighter Cancer Relief Fund, providing financial assistance for purchasing multiple pairs of firefighter personal protective equipment, provide a state grant for washing machines and on-scene equipment to assist in decontamination of fire gear, and routinely screen for cancer.

Imposing an unfunded mandate by creating a presumption would not accomplish anything, but it would impose a greater burden on property taxpayers.

**RUDY MARCONI, RIDGEFIELD FIRST SELECTMAN, CCM**

This bill reverses the multi-party and bipartisan agreement that was reached in 2016. This is an unfunded mandate that would significantly expand the workers' compensation benefits system. The agreement created a process to assist firefighters when they have exhausted their health and sick benefits to ensure they are still able to receive necessary treatment and be able to provide financial support for their families. Developing a presumption under the workers compensation law was a major part of the discussions. This dialogue determined a presumption would be a costly and undue burden. The OFA has concluded the 'cost associated with providing medical care lost wages and other indemnity benefits would be significantly higher than other categories of claims within the workers' compensation system. A single cancer claim may exceed \$1million over the life of the claim." They acknowledge the dangers they face and are grateful for their commitment to protect and serve. As an alternative, they suggest maintaining the commitment in supporting firefighters by increasing and securing a reliable funding stream for the Firefighter Cancer Relief Fund. Also provide financial assistance for purchasing multiple pairs of firefighter personal protective equipment to ensure they are not using contaminated gear before they could be properly washed. Provide a state grant to purchase washing machines and on-scene equipment to assist in decontaminating fire gear. The state has not provided the necessary support and assistance to maintain funding for the Firefighters Cancer Relief Fund. Imposing an unfunded mandate by creating a presumption would not accomplish the goal. It would only impose a greater burden on property taxpayers.

**RORY WHELAN, REGIONAL VICE PRESIDENT, NATIONAL ASSOCIATION OF MUTUAL INSURANCE COMPANIES**

American society has made great strides in recognizing and treating mental health issues benefiting millions of people. CT has ranked among the top 15 states for access to mental health care. Current law permits workplace stress related claims to instances where the mental injury was caused by a physical injury or occupational disease. This proposal expands the current law in ways that would be detrimental to the state's workers' compensation system. It would generate a significant increase of claims and cause claims unrelated to work to be acceptable as compensable. The result would cause workers' compensation costs to significantly increase and threaten the affordability. They caution legislators that the unintended consequences of approving these drastic changes would do more harm than good. They are unnecessary given the current protections afforded to workers.

**Reported by:** Marie Knudsen, Assistant Clerk

**Date:** March 18, 2021