

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-937

AN ACT PROVIDING WORKERS' COMPENSATION BENEFITS FOR CERTAIN

Title: CANCERS IN FIREFIGHTERS.

Vote Date: 2/28/2023

Vote Action: Joint Favorable

PH Date: 2/7/2023

File No.:

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SPONSORS OF BILL:

Labor and Public Employees Committee

REASONS FOR BILL:

This bill is intended to support firefighters and their families dealing with work-related cancers by ensuring that firefighters diagnosed with said cancer are entitled to workers' compensation through the creation of a rebuttable presumption that a cancer diagnosis was a result of their employment as firefighters.

RESPONSE FROM ADMINISTRATION/AGENCY:

No response provided from the administration or relevant state agencies.

NATURE AND SOURCES OF SUPPORT:

Meghan Lyon, Attorney, CT Trial Lawyers Association: They offered testimony in strong support of this legislation. They stated that this bill would create a rebuttable presumption, that only after satisfying a long list of criteria, would presume a firefighter diagnosed with cancer got it in the course of employment. They emphasized that this proposal would disqualify a firefighter if they have some other carcinogenic environmental exposure or medical predisposition.

Ed Hawthorne, President, CT AFL-CIO: They offered testimony urging the committee to pass this legislation. They stated that Cancer is the leading cause of death among firefighters and that they are at greater risk of developing certain cancers when compared to the public.

They stated that Connecticut is an outlier as they have not yet established firefighter workers compensation presumption.

Dale Smith, President, IAFF Local F-78: He offered testimony in support of this legislation. He stated that firefighters operate in hazardous conditions that put them at higher risk for cancer. They are often exposed to several toxic carcinogens including polycyclic aromatic hydrocarbons. Additionally, personal protective equipment that should keep firefighters safe contain polyfluoroalkyl substances that have been shown to be incredibly toxic. He urges the legislature to pass this legislation so that Connecticut could join the other 48 states in having presumptive cancer legislation for firefighters.

Joe Schumacher, Chief Operations Officer, Firefighter Cancer Support Network: He offered comments in support of this proposal. He stated that cancer is the number one killer of firefighters in the nation, and that nearly 65% of firefighter's deaths are a result of occupational cancer. They emphasize that this is not an anomaly and urge passing of this bill.

Andrew Patterson, Technical Director, Eurofins Environment: He offered comments in support of this legislation. He expressed concern that Connecticut is one of two states that don't have presumptive cancer legislation for firefighters. He also cited statistics involving the death rates of firefighters due to occupational cancer.

Michael Passero, Mayor, City of New London: He offered comments in support of this legislation. He stated that the scientific evidence that cancer is an occupational disease of firefighting is overwhelming. He urges the legislature pass this bill to support firefighters and their families and make it so Connecticut would no longer be one of the two states that don't have presumptive cancer legislation for firefighters.

Cathy Osten, State Senator, CGA: She offered testimony in support of this legislation. She stated that the Center for Disease Control and Prevention estimates that firefighters have a 9% higher risk of cancer than the general population. Additionally, she believes this legislation would provide relief to firefighters that face insurmountable hurdles under the current system.

Mary Mushinsky, State Representative, CGA: She offered testimony in favor of this legislation. She cited studies which show that firefighters are one of the highest risk occupations when it comes to the chance of developing occupational related cancer. She urges passing of this legislation to support firefighters and their families.

Jeffery Tomchik, Director of Legislative Affairs, UPFFA CT: They offered testimony in support of this proposal. They cited the fact that the World Health Organization has classified firefighting as carcinogenic to humans. Additionally, they pointed out that Connecticut is one of two states that do not have presumptive cancer legislation for firefighters while our neighboring states of New York and Massachusetts have had these protections for more than five years. Lastly, they emphasized the importance of early detection and prevention, but highlighted to properly do so we must acknowledge firefighters incur cancer through the course of their work.

Eric Chester, Attorney: He offered testimony in favor of this legislation. He cited statistics from the International Association of Firefighters which showed that 65% of firefighter deaths

were due to occupational cancer. He stated that it is imperative we pass this legislation to support firefighters.

Dr. Sara Jahnke: She offered comments in support of this proposal. She stated that in 2022 world experts met in Lyon, France and evaluated that firefighter's exposure to cancer should be classified as a group one carcinogen. This was based upon the evidence of genotoxicity, epigenetic alterations, oxidative stress as well as several other prevalent factors. Additionally, she stated that Connecticut is one of the only states in the nation that does not have presumptive cancer legislation.

Kyle Houser, Legislative Representative, Stamford Fire Fighters Association: He offered comments in support of this proposal. He stated that the current cancer relief fund has not adequately supported firefighters. He urges passing of this legislation.

Numerous Firefighters: testified in support of this bill. Many firefighters expressed that occupational cancer is the leading cause of death for firefighters. Many stated that the International Agency of Research on Cancer has classified firefighting occupation as a group one carcinogen, equating its danger to humans to benzene and tobacco. They stated that Connecticut is one of two states without presumptive cancer legislation for firefighters, and strongly urge passing of this bill. Furthermore, several firefighters shared their firsthand experience with cancer.

1. **Peter Brown, President, UPFFA**
2. **William Tuttle, President, IAFF Local 1426**
3. **Kenneth, Fire Chief, City of Norwich**
4. **James Lowe, Firefighter, Middletown Local 1073**
5. **Nathan Lepage, Fire Fighter, Middletown Local 1073**
6. **Ryan Larson, Fire Fighter, Middletown Local 1073**
7. **Richard Littell, Deputy Fire Chief, Local 1548**
8. **Riis Lane, Deputy Fire Marshal, City of Stamford**
9. **Nicholas LaCroix, Firefighter, Fairfield Fire Department**
10. **Gerald Kutz, Retired Firefighter, City of Stamford**
11. **Peter Krajcsik, Firefighter, Local 1426**
12. **Steve Klee, Firefighter**
13. **Brett Kirby, Assistant Chief, Westport Fire Department**
14. **Brian Kibbe, Firefighter, Fairfield**
15. **Thomas Keneally, Firefighter, Local 1426**
16. **Adam Kelly, Firefighter, IAFF Local 1073**
17. **Sean Kearns, Firefighter**
18. **Rick Kazzi, Retired Firefighter, IAFF Local 1426**
19. **Nate Kannas, Retired Firefighter, IAFF Local 5378**
20. **Erik Kalapir, Vice President, Fairfield Firefighters Assoc.**
21. **Mckenzee Juratovic, Firefighter, Fairfield Fire Dept.**
22. **Swindon Joseph, Lieutenant, Fairfield Fire Dept.**
23. **Adam Japha, Firefighter**
24. **Jeffrey Janik, Firefighter, Fairfield Local 1426**
25. **Daniel Isidro, Firefighter, Stamford Fire Department**
26. **Erik Hubbell, Firefighter, IAFF 1426**
27. **Phil Higgins, Firefighter, Fairfield Fire Department**

28. Luke Hawthorne, Firefighter, IAFF Local 1426
29. Macky Haller, Firefighter, IAFF 1426
30. Todd Hall, Firefighter, Westport Fire Dept
31. Corey Gripp, Firefighter
32. Ron Graner, Retired Fire Chief, City of Stamford
33. Bryan Goulet, Lieutenant, Local 1579
34. John Gomola, Firefighter, Town of Fairfield
35. Mark Goletz, Firefighter, Fairfield Fire Department
36. Patrick Gill, Firefighter, Stamford Fire Department
37. Joe Galla, Firefighter, IAFF Local 1426
38. John Gagliano, Firefighter, Stamford Fire Dept
39. Michael Furtak, First Lieutenant, IAFF Local 1073
40. Tiffany France, Firefighter, Middletown Local 1073
41. Michael Fraenza, Firefighter, Local 1073
42. Adam Fontenault, Firefighter, Middletown Fire Local 1073
43. Marc Fongemie, Lieutenant, Local 1073
44. Timothy Firla, Firefighter, IAFF Local 1426
45. Shane Ferwerda, Firefighter, Local 1073
46. Francis Ference, Retired Fire Inspector, IAFF 1426
47. Ryan Farrell, Firefighter
48. John Fallon, Firefighter, Stamford Fire Dept
49. Christopher Falcone, Firefighter, IAFF Local 1426
50. Dominick Errico, Firefighter
51. Kyle Engle, Firefighter, Local 1073
52. Christopher Eidam, Firefighter, Fairfield
53. Patrick, Ehman, Fire Lieutenant, IAFF Local 1073
54. Jeffrey Edmondson, Firefighter/Union Treasurer, IAFF Local 1426
55. Dennis Eannotti, Lieutenant
56. Kyran Dunn, Deputy Chief, Fairfield Fire Dept
57. Michael Ducey, Firefighter, Fairfield Fire Dept
58. Travis Downing, Firefighter, Local 1073
59. Jeffrey DeNitto, Firefighter, Local 1426
60. Nicholas Demko, Firefighter, Fairfield Local 1426
61. Robert Delmhorst, Lieutenant, IAFF Local 1426
62. Nicholas DeJohm, Firefighter, Portland Fire Dept
63. Matthew DeFilippis, Firefighter, Stamford Fire Dept
64. Jamie Defelice, Firefighter, Stamford Fire Dept
65. Nicholas Deangelo, Firefighter, Stamford Fire Dept
66. Christopher Darrow, Firefighter, Local 1426
67. Sean Daly, Lieutenant, Stamford Fire Dept
68. Craig Crosley, Firefighter, Fairfield Fire Dept
69. John Cronin, Lieutenant, Fairfield Fire Dept
70. Justin Crawford, Firefighter, Local 1426
71. David Cox, Lieutenant, Local 1426
72. Paul Couture, Firefighter, Local 1426
73. Lee Corbo, Firefighter, Local 1426
74. John Conte, Retired Captain, Stamford Fire Dept
75. Anthony Comarella, Firefighter, Stamford Fire Dept
76. Dominic Cocchia, Firefighter, Local 1426

77. Gregory Cloud, Retired Firefighter, Stamford Fire Dept
78. Alexander Clarkson, Volunteer Firefighter
79. Pereira Clarkson, Firefighter, Local IAFF 1426
80. Keith Clark, Battalion Chief, Middletown Fire Local 1073
81. Johnathon Catandella, Firefighter, Local 1426
82. Michael Carta, President, Middletown Fire Local 1073
83. Daniel Canevari, Firefighter, Middletown Local 1073
84. David Campbell, Firefighter, IAFF Local 1426
85. Nicholas Caldarone, Firefighter
86. John Calandriello, Lieutenant, Local 1426
87. Paul Calabrese, Firefighter, Stamford Fire Dept
88. Jon Brenes, Firefighter
89. Josh Bellamo, Firefighter, Middletown Local 1073
90. Patrick Baxter, Firefighter, Local 1073
91. Andrew Batchelor, Firefighter, IAFF1426
92. Richard Bassett, Firefighter, Fairfield Fire Dept
93. Peter Ayoub, Firefighter
94. Anonymous, Firefighter, Local 1426
95. Paul Anderson, Firefighter
96. Brian Mchugh, Retired Firefighter, Local 1426
97. Schuyler Sherwood, Assistant Chief, Local 1426
98. Anonymous, Firefighter, Stamford Fire Dept
99. Thomas Rubenstein, Firefighter, Town of Stamford
100. Erik Preteska, Lieutenant, Fairfield Fire Dept
101. Jon Pinto, Firefighter, Stamford Local 786
102. William Malkin, Firefighter, Middletown Local 1073
103. Michael Furtak, Lieutenant, Local 1073
104. Francis Zwierlein III, Firefighter, Fairfield Fire Dept
105. David Williamson, Lieutenant, Stamford Fire Dept
106. Matthew Wille, Firefighter Local 1081
107. Sean Wearne, Firefighter, Fairfield Fire Dept
108. Mike Waughm Firefighter, Fairfield Fire Dept
109. Tim Ward, Firefighter
110. Edward Walsh, Firefighter, IAFF Local 1426
111. Craig Vaporis, Firefighter, IAFF Local 1426
112. Patrick Tripodi, Deputy Fire Chief, City of Stamford
113. Scott Trembley, Lieutenant, Fairfield Fire Dept
114. John Telesco, Firefighter, Stamford Fire Dept
115. Matthew Strangio, Firefighter, Stamford Fire Dept
116. Matthew Striebe, Firefighter, Fairfield Fire Dept
117. Kevin Starbird, Firefighter, Middletown Fire Dept
118. Blake St John, Firefighter, IAFF Local 1426
119. Paul Spennato, Firefighter
120. Robert Smith, Lieutenant, UPFFA CT
121. Kyle Smith, Firefighter, IAFF Local 1426
122. Brian Slattery, Firefighter, Stamford Fire Dept
123. Beau Sienkiewicz, Firefighter, Local 1073
124. James Shiller, Retired Lieutenant, Fairfield Fire Dept
125. Mike Schumann, Firefighter

126. Steve Salafia, Firefighter, Local 1073
127. William Sagalski, Firefighter, IAFF 1426
128. Matthew Rowan, Firefighter, IAFF Local 1426
129. Christopher Rosiak, Retired Firefighter
130. Edward H Riggs III, Firefighter, IAFF Local 1426
131. David Ribnicky, Firefighter, Local 1073
132. Jeffrey Rheume, Battalion Chief, New London Fire Dept
133. Victor Rella, Fire Captain, Stamford Fire Dept
134. Jim Reidy, Retired Firefighter, Consulting LLC
135. Johnathan Ranola, Firefighter, Stamford Fire Dept
136. Joseph Rainis, Firefighter, IAFF 146
137. Tyler Prescott, Firefighter, local 1426
138. Philip Plante, Lieutenant, IAFF 1426
139. Ronald Peterson, Firefighter, IAFF Local 1426
140. Michael Pelchat, Retired Firefighter
141. Derek Paules, Firefighter, Local 1426
142. Matthew Pastir, Firefighter, Local 1426
143. William O Connell, Captain, Stamford Fire Department
144. Kieran O Connell, Retired Firefighter, Local 786
145. Larry Noga, Firefighter, IAFF Local 1426
146. Herman G. Naring Jr, Firefighter, Stamford Fire Department
147. Brendan Murry, Firefighter, Local 1426
148. Robert Morales, Firefighter, Stamford Fire Dept
149. Todd Murphy, Fire Captain, Stamford Fire Dept
150. Joseph Micalizzi, Firefighter, Stamford Fire Dept
151. Paul Melchionno, Firefighter, Stamford Fire Dept
152. Jerry McGuire, Firefighter, IAFF 1426
153. Michael McCullagh, Firefighter, Stamford Fire Dept
154. Nicholas Marsan, Firefighter
155. Brian Madia, Firefighter, IAFF Local 1426
156. Finn MacDaniel, Firefighter, Local 1426
157. Robert Luise, Firefighter
158. Peter Lozyniak, Firefighter
159. Donald Lowndes, Lieutenant, Stamford Fire Dept

Numerous Residents: testified in support of this legislation. Several residents expressed that occupational cancer is the leading cause of death for firefighters. Many stated that the International Agency of Research on Cancer has classified firefighting occupation as a group one carcinogen, equating its danger to humans equal to benzene and tobacco. They stated that Connecticut is one of two states without presumptive cancer legislation for firefighters, and strongly urge passing of this bill.

1. Thomas Hennessey
2. Danielle Kanter
3. William Hopf
4. Jennifer Galla
5. Lara Edmondson
6. Heidi Staniszewski
7. Peter Ruppert

8. **Laura O Brien**
9. **Meghan Lynch**

NATURE AND SOURCES OF OPPOSITION:

Betsy Gara, Executive Director, CT Council of Small Towns: They expressed opposition towards this proposal stating it would create an unsustainable financial burden on towns and their taxpayers. Additionally, they believe that this proposal is a significant departure from current standing law, which requires firefighters to demonstrate a casual connection between the job and incident triggering the illness. They recommend an alternative solution of providing more state funding to the current firefighter relief fund.

Carl Fortuna, First Selectman, Town of Old Saybrook: He offered testimony in opposition to this legislation. He claims that this proposal would create a rebuttable presumption, which would shift the burden of proof onto municipalities to prove that a firefighter's cancer is not related to their job. He argued that this would result in crippling costs towards municipalities as a single cancer claim may exceed one million dollars over the course of a lifetime. He recommended several additional approaches including but not limited to: securing reliable funding for the firefighter relief fund, routine cancer screenings, promoting healthy life practices, examining a state fund assisting firefighters in purchasing life insurance and joining the class action lawsuit against Dupont and 3M.

Brooke Foley, General Counsel, Insurance Association of CT: They offered comments in opposition of this legislation. They stated that this proposal would create a rebuttable presumption that firefighter's diagnosis of cancer was job related, which would result in the acceptance of unrelated claims which municipalities and insurers would be liable for. Additionally, they stated that nearly 40% of the population will be diagnosed with cancer at some point in their lives, and not all of these would be work related. Lastly, they expressed concern that this proposal would lead to a significant increase in workers compensation system cost and prolonged litigation that would result in exorbitant legal expenses for employers, insurers, and claimants.

American Property Casualty Insurance Association: They offered testimony in opposition to this proposal. They argued that statutory presumptions aren't consistent with the fundamental principles of workers compensation law. They stated that the burden of proof that the injury or illness was work related should always remain on the employee suffering said injury or illness. If enacted the employer would be held liable to pay an enormous financial burden without any proof that the cancer was a result of employment. For these reasons they urge that this bill is not advanced.

Bill Adamson, CEO, 7710 Insurance: They offered comments in opposition of this legislation. They stated that there are more affordable alternatives that should be considered including critical illness policy used in conjunction with mandatory healthcare and long term disability which would provide \$25,000 upon diagnosis, cover \$12,000 in co pay and a minimum of \$425,000 in death benefits, respectively. Another alternative suggested was a state cancer fund to pay for health care deductibles, disability payments and death benefits.

They also offered several modifications towards the current legislation including, a provision for insurance companies to file for a surcharge rate and having a maximum age limit of 65 years old.

Rory Whelan, Regional Vice President, NAMIC: They offered comments in opposition of this proposal. They argued that SB 937 would create a presumption that firefighters cancer diagnosis is work related, which would result in a significant increase in claims which may be completely unrelated to work. Additionally, they argue that this "presumption" would lead to an increase in workers compensation costs and threaten the affordability of insurance. Lastly, they argued that the need for a presumption is unnecessary considering firefighters who contracted cancer are currently eligible for wage replacement benefits under sections 7-313i and 7-313j of the general statutes.

Zachary McKeown, CCM: They offered testimony in opposition to this legislation. They stated that the current firefighter Cancer Relief Program has been working, resulting in three successful firefighters claims that were reviewed and benefits issues, and that no firefighter has been denied benefits. Furthermore, they argued that this proposal would unfairly shift the burden of proof onto the municipalities to prove that the cancer was not job related and prevent them from defending themselves which they believe poses constitutional concerns. Additionally, they stated that a single cancer claim may exceed one million dollars over the course of a lifetime, which would result in significant financial harm towards municipalities. They recommended several additional approaches including but not limited to: securing reliable funding for the firefighter relief fund, routine cancer screenings, promoting healthy life practices, and examining a state fund assisting firefighters in purchasing life insurance.

Rudy Marconi, First Selectman, Town of Ridgefield: He offered testimony in opposition to this legislation. He claims that this proposal would create a rebuttable presumption, which would shift the burden of proof onto municipalities to prove that a firefighter's cancer is not related to their job. He argued that this would result in crippling costs towards municipalities as a single cancer claim may exceed one million dollars over the course of a lifetime. He recommended several additional approaches including but not limited to: securing reliable funding for the firefighter relief fund, routine cancer screenings, promoting healthy life practices, examining a state fund assisting firefighters in purchasing life insurance and joining the class action lawsuit against Dupont and 3M.

Reported by:
Sebastian Musante, Assistant Clerk

Date: 3/9/2023