



CCM Testimony

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Labor and Public Employees Committee

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The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent 99% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

SB 937 An Act Providing Workers' Compensation Benefits for Certain Cancers in Firefighters

Good morning, my name is Carl Fortuna, First Selectman of Old Saybrook. I'm here on behalf of CCM and the Town of Old Saybrook.

CCM opposes SB 937 as it would, among other things, create a rebuttable presumption for firefighters bringing a worker's compensation claim for cancer. This bill would significantly change existing workers' compensation laws thereby imposing crippling costs to municipalities. In addition, the bill is a result of a task force that disregarded municipal input and ignores the bipartisan agreement that was reached in 2016 to assist firefighters diagnosed with cancer.

Last year, CCM worked with all stakeholders to ensure that improvements were made to the Cancer Relief Fund. Through PA 22-139, CCM worked collaboratively to address funding and safety issues including crafting a maintenance and remediation plan for toxic substances on firefighter turnout gear, requiring the Workers' Compensation Commission to maintain a record of all firefighters' workers' compensation claims made due to a cancer diagnosis, and requiring each town to make annual contributions of \$10 per firefighter to the state's firefighters cancer relief account starting in 2024. As we worked together to address these issues, there was a commitment that this year **we need to secure a reliable State funding stream for the Firefighter Cancer Relief Fund.**

The Firefighter Cancer Relief Program has been working:

The application and corresponding education have been disseminated to all firefighters throughout the state, which includes the availability and process firefighters need to follow to secure funding through the Firefighter Cancer Relief Fund. To date, at least three firefighters have had their claims reviewed with payments being processed by the state. Additional applications are pending. No firefighter has been denied any benefits. In fact, the committee responsible for reviewing each claim has done so in a timely fashion and working with each applicant to ensure they can receive appropriate funding.

Concerns with Establishing a Presumption in Workers Compensation:

The Office of Fiscal Analysis has concluded, in previous similar proposals, that the “costs 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 \$1 million over the life of the claim.”¹ These costs are not exaggerated, in fact given the greater expansions of this bill to include additional health care and pension obligations that were previously not conceived by OFA, that amount may be a conservative estimate.

This bill shifts the burden of proof onto the municipality to provide through a “clear and convincing evidence” that the cancer was related to other factors. Specifically, the bill also would limit a municipality’s right to defend itself and narrowly lists specific instances where a municipality would be able to rebut the presumption. CT tried rebuttable presumptions once before with heart and hypertension and found that repeal of that law was the only way to keep towns solvent.

Alternative Approach:

CCM acknowledges the dangers that our municipal firefighters face. We are grateful for the commitment they have made to protect and serve Connecticut’s residents. Local officials have long supported these employees and their just compensation when injuries occur on duty and as a result of their work. As an alternative to creating a presumption under workers compensation, CCM would suggest the following this session to strengthen current efforts:

- **Maintain the State’s commitment in supporting firefighters by **increasing and securing a reliable funding stream for the Firefighter Cancer Relief Fund.**** Unfortunately, the State has not provided the necessary support and assistance to maintain funding for the Firefighter Cancer Relief Fund.
- **Support efforts for firefighters** to (a) routinely be screened for cancer, (b) encourage firefighters to clean vulnerable areas for carcinogen exposure, such as the face, neck and groin, (c) ensure firefighters maintain proper usage of their self-contained breathing apparatus (SCBA), and (d) promote health living intended to reduce long-term negative health outcomes.
- **Examine a state fund to assist firefighters in purchasing life insurance benefits.**
- **Pull stakeholders together again** to discuss any deficiencies the Cancer Relief Fund may have and collaboratively work on a solution through the current statute’s framework.
- **Join the class action lawsuits against Dupont and 3M** to recover damages for PFAS foam and PFAS components in turnout gear

¹ OFA Fiscal Note No. 101, HB 6194. 2009

- **With funds recovered**, fund a reliable stream for the Firefighter Cancer Relief Fund and invest in turnout gear without PFAS.
- **Without PFAS in firefighting foam or in turnout gear**, the higher incidence of cancer in firefighters will decline.
- **Let's look for the solution** and end the higher incidence of firefighter cancer; in the meantime, get the stakeholders together to figure out the best way to fund the Cancer Relief Fund.

Conclusion:

Imposing an unfunded mandate by creating a presumption as proposed in SB 937 will not assist firefighters, but rather prolong an ongoing struggle to appropriately address this important issue and/or impose a greater burden on property taxpayers. This bill is not financially or administratively feasible for municipalities to afford and we recommend gathering all stakeholders to discuss a reliable funding stream for the Cancer Relief Fund or any other improvements to the current statute.

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If you have any questions, please contact Zach McKeown (zmckeown@ccm-ct.org), Brian O'Connor (boconor@ccm-ct.org), or Mike Muszynski (mmuszynski@ccm-ct.org) of CCM.