

Labor and Public Employees Committee

JOINT FAVORABLE REPORT

Bill No.: SB-1426

AN ACT MAKING CHANGES TO THE FIREFIGHTERS CANCER RELIEF

Title: PROGRAM.

Vote Date: 3/6/2025

Vote Action: Joint Favorable

PH Date: 3/4/2025

File No.:

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SPONSORS OF BILL:

Labor & Public Employees Committee

REASONS FOR BILL:

The reason for this bill is to make several changes to the Firefighters Cancer Relief Program. Among those changes, it authorizes administrative law judges to adjudicate appeals for denial of benefits, includes coverage for skin cancer, and requires the program's benefits to be provided comparably to coverage for an occupational disease, rather than solely for a personal injury. It also removes a provision that required a firefighter to have had a physical examination that failed to reveal a propensity for cancer in order to qualify for benefits, it specifies that when treatments are not covered by health insurance, they are generally covered by the program, and it ensures that for firefighters applied for the program but had not yet received benefits, who died from cancer, surviving dependents are able to apply for workers' compensation survivors benefits, and clarifies the process for state-employed firefighters to apply for benefits from the program. All of these changes are designed to address potential issues of the program at present, and provide more thorough coverage.

RESPONSE FROM ADMINISTRATION/AGENCY:

Erick Russell, State Treasurer: Provided general comments about the bill, states that the Office of the Treasurer is charged with reimbursing municipalities for payments to provide compensation and benefits to firefighters diagnosed with cancer, and this bill makes several clarifications which will be helpful. However, they also stated that there were several issues that required attention. One, in several locations dealing with administering and paying claims replaces the term "municipality" with "municipal employer," and this change might provide more clarity about which entity firefighters should file claims with and change current procedure so the reimbursement should to the private entities and not the local municipal

government. Two, the definition of state employer does not include entities that employ firefighters at airports in Connecticut, like Tweed-New Haven Airport Authority and Connecticut Airport Authority and urges to revisit the definition to make sure that the legislative intent for eligibility and administrative responsibility is for these firefighters. Third, provide clarity, predictability, and administrative speed in terms of the language of acceptable evidence of a firefighter's eligibility, especially as it relates to documentation regarding smoking. Fourth, the statute provides for reimbursement of costs associated with a firefighter's treatment of cancer where those costs are not otherwise covered by "personal or group health insurance" and wishes clarity regarding the reimbursement program coverage and only where no other party will cover the costs of treatment. Lastly, states that the Office of the Treasurer has interpreted that the "average weekly wage of a volunteer firefighter" as the "average production wage" stated in C.G.S. Section 31-309 and urges to include that in the bill.

William Tong, Attorney General, Office of the Attorney General: Supports the bill, states that firefighters are exposed to chemicals and materials that have been linked to an increased risk of cancer. Recommends that conforming changes be made in sections 7-313h subsection (c)(2) and 7-313r subsection (b)(1), which currently only reference municipalities. These provisions amended to include state employers to ensure that state employed firefighters are completely covered by this relief program.

NATURE AND SOURCES OF SUPPORT:

Peter Brown, President, Uniformed Professional Fire Fighters Association: Supports the bill, states that Cancer is an epidemic in the fire service and cancer has become the number one killer of firefighters as it accounts for nearly 75% of all firefighter deaths annually over the past decade. Also states that THE General Assembly passed a law provides comprehensive protections to firefighters diagnosed with Occupational Cancer and compared to other states, Connecticut laws provided the strongest protections in the country. Has concern about the statute and says there needs to make minor technical changes and lists Sections 1 (a), (b), (e), (f), and (m).

James Demetriades, Attorney for UPFFA, Ferguson Doyle and Chester PC: Supports the bill, states that the bill clarified issues that have arisen over the course of the year regarding the Cancer Relief Program. States concern over the language of the bill and states Section 7-313p (e), and the State Attorney General's workers compensation office has taken the position that the statute currently speaks to the municipality administering the benefits under the Cancer Relief Act and state firefighters would be statutorily excluded from wage replacement. The second issue is that this bill addresses is a jurisdictional question that has been raised, saying that the jurisdiction is already in place, but the statutory changes will make it clear and unambiguous. The last issue is that the statute makes vital changes in Section (m) (1) and (2) for survivorship benefits, which the current statute provides survivorship benefits to dependents only if the firefighter has died and was receiving compensation under the act, and urges the change to ensure that the dependent, whose spouse or other family member who has applied for compensation, but passes are still able to apply for benefits under those funds.

Nelson Hwang, President, Hamden Firefighters: Supports the bill, has been a firefighter for 38 years and has been diagnosed with Thyroid Cancer and Lymphoma. Goes into detail about filing paperwork, stating that there was no direction from the state on how to file or submit paperwork, and it was clear from the UPFFA, but not from the Comptroller's office. Mentions that the Town of Hamden does not know how to submit paperwork, until they submitted the first form in October of 2024 for the first time, now since the end of February must fill out another missing form. Cancer treatment is tough and should not have to worry about paperwork.

Jeffery Tomchik, Legislative Director, UPFFA of CT: Supports the bill, states that Connecticut joined 48 other states by signing into law a comprehensive Cancer coverage program for firefighters, since firefighters are exposed to carcinogens, toxic chemicals, and deadly particles of combustion while being backed by statistics. Also suggests edits to 7-313p. Section 1 (a), definitions were added for “state employee” and “Administrative Law Judge” and state employees are covered under the statute and “Administrative Law Judge” links those judges to Section 31-275 of the general statutes and specifies the jurisdiction they must enforce orders under 7-313p. Section 1 (b) believe skin should be added to the list of covered cancers in the newer section to keep the law consistent “injury” should be replaced with “occupational disease” when describing cancer because cancer is an occupational disease rather than an injury. Section (b) (i), the phrase “or a propensity for” has caused confusion, so by leaving the requirement that initial medical evaluation showed no prior cancer diagnosis, it will make it easier to define for determining eligibility. Section (1)(b)(iii), adding the phrase “in any combination” will determine that a firefighter needs to have five (5) years of service as a firefighter, a fire inspector, or a combination of the two, to qualify for coverage. States that adding in “state employers” in Sections (1)(d), (1)(e)(1), (1)(e)(3), (1)(h), and (1)(l) will affirm that state employers are able to seek reimbursement for benefits paid to their firefighters. Explains Section (1)(e)(2) and believes that defining covered medical expenses in the same manner as defined under 31-294d, the law will remain consistent with the Workers Compensation process. Suggests a change in Section (1)(f) will fix a major issue that has come up in several workers compensation hearings and by adding in the line in Section (1)(f) and referencing 7-313p claims in 31-275, Administrative Law Judges will now have the authority to adjudicate disputed claims and provide relief to eligible firefighters who are unable to access 7-313p benefits. States Sections (m)(1) and (m)(2) and says that adding the phrase “has applied for compensation and benefits” would clearly determine that a firefighter would not have to be receiving benefits under the statute at the time of their death for their family to be eligible for continued access.

Len Waiksnis, Fairfield Firefighters L1426: Supports the bill, describes the working conditions, like fires, hazardous materials, vehicle accidents and EMS incidents. Went to see a dermatologist for a personally scheduled screening in 2019, and the dermatologist found a very concerning spot located on the back. The spot was removed and was sent for a biopsy and the next day, the dermatologist called and told him that it was a malignant Melanoma and would require surgery to remove and treat this issue. Was referred to Yale New Haven Hospital. After testing, the depth of the lesion was concerning, but it was felt that it was detected early enough for a successful outcome. Surgery took place on January 6th, 2020, and the lesion and surrounding tissue was removed, and a lymph node was removed for examination. Passed the five-year mark from the surgery and has one more check up at the end of March, adding in that the dermatologist was thankful when she came.

Jeff Burgess, Professor, University of Arizona: Supports the bill, states that firefighting causes cancer. Was a participant for the International Agency for Research on Cancer back in June of 2022, and it was determined that occupational exposure as a firefighter is carcinogenic to humans, making firefighting a Group 1 carcinogen, the highest level. It was based on extensive documentation on measured firefighter exposure. States that firefighters are exposed to carcinogens not just from breathing them in but also absorption through their skin, explains that the turnout gear protects them from heat, but the carcinogenic products of combustion penetrate inside the gear and deposit on the skin. Presents a picture of a t-shirt under turnout gear and a graph on showing all firefighters, including firefighters and captains that often enter burning structures while responding to a fire, and engineers and paramedics, who rarely enter burning structures engineers, and shows that they are exposed to carcinogens at every fire that they fight. Lastly states that epidemiologic studies demonstrating increased in skin cancer in firefighters compared with the general population and shows a couple of studies that link to firefighters to increased risk in skin cancer.

Jason Diaz, Firefighter, Hartford Firefighters Local 760: Supports the bill, urges the help with claims process and alleviate the strain that firefighters are facing currently. States that more and more members are encountering occupational cancer, and now must navigate obstacles on the language claims process and the types of cancer. Firefighters do not have to deal with that while dealing with the trauma with cancer.

Ed Hawthorne, President Connecticut AFL-CIO: Supports, the bill, states the bill that was passed in 2023. Also states that SB 1426 makes technical changes, negotiated by labor and management, to streamline the process to allow more eligible firefighters to access the benefits.

John Carew, Legislative Consultant, CT State Firefighters Association: Supports the bill, states that aims to ease the challenges faced by the firefighting profession and the bill will provide much-needed relief to firefighters dealing with occupational cancer by removing the administrative hurdles. Thankful to the legislation for backing this bill.

Steve Stephanou, Town Manager, Town of Manchester: Supports the bill but concerned about changing the language from 'personal injury' to 'occupational disease', and doing so shifts the statute away from its original intent and moves it closer to a workers' compensation presumption. States that as a result, municipalities, like Manchester, would be concerned about the liability will fall to cities and towns. Also addresses concerns about adding skin cancer to the list of qualifying cancers covered under the fund and how the state is creating yet another unfunded mandate that falls on property taxpayers to deal with the issue. Lastly states that expanding eligibility without a stable funding mechanism will increase both the number of claims and the overall financial burden on the fund.

NATURE AND SOURCES OF OPPOSITION:

Carl Fortuna, First Selectman, Town of Old Saybrook: Opposes the bill, states being involved with the Connecticut Conference of Municipalities in support of firefighters and worked with stakeholders to work on benefits for firefighters. States the 2023 statute and agrees adding in language to allow an administrative judge to adjudicate claims would correct cases denied by employers and ensure the program functions as intended. States other

parts of the bill are problematic, “personal injury” to “occupational disease” shifts the statute away from its original intent and moves it closer to a workers’ compensation presumption and needs to be avoided. Also adds in adding skin cancer to the list of qualifying cancers covered under the fund is premature and finding a long-term, reliable funding source for the Firefighter Cancer Relief Fund should be the priority.

Reported by: Matthew Domejczyk

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