

From: [David Eckman](#)
To: [David Eckman \(dneckman@comcast.net\)](mailto:dneckman@comcast.net)
Subject: FW: Action Alert - Firefighter Cancer Presumption
Date: Friday, June 04, 2010 2:12:18 PM
Attachments: [House Bill 1231 - Firefighter Cancer Presumption.pdf](#)
[HB 1231 sample ltr.doc](#)

From: Amy Sturges [mailto:asturges@plcm.org]
Sent: Thursday, June 03, 2010 10:54 AM
To: Amy Sturges
Cc: Jack Garner; Rick Schuettler; John Brenner
Subject: Action Alert - Firefighter Cancer Presumption

Hello Everyone,

Your assistance is needed in contacting your Senator next week regarding the following:

House Bill 1231, a firefighter cancer presumption bill, passed the House and is in the Senate Labor Relations Committee. If enacted, this bill would result in a very expensive unfunded mandate and will quite possibly affect your Workers' Compensation coverage.

We have been working with the other local government associations to keep the bill from moving any further in the process. Senate staff tells us there is a lot of interest among Senators regarding this bill and a good amount of pressure to move it to final passage. The firefighters (both paid and volunteer) are working very hard to bring the bill to the floor for a vote this month.

We are requesting that you back-up our efforts by contacting your Senator to express opposition and counteract the firefighters' support. I have prepared the attached sample letter that can be modified and used for such correspondence. Phone calls and e-mails are also fine; the important thing is to make contact and explain why this bill is unnecessary and very harmful to local government and eventually taxpayers.

Please let me know if you have any questions regarding this request for action or the bill itself. Any feedback you receive from your Senator is helpful to us in lobbying so please don't hesitate to report back on any conversations.

Thank you.

Amy

Amy Sturges
Director of Governmental Affairs
PLCM and PSATC
414 North Second Street
Harrisburg, PA 17101
(717) 236-9469
www.plcm.org

The Honorable _____
Pennsylvania Senate
Senate P.O. Box _____
Harrisburg, PA 17120

Re: Opposition to HB 1231 (PN 2547) – Firefighter Cancer Presumption

Dear Senator _____ :

On behalf of the (Municipality's name), I am writing to make you aware of our strong opposition to House Bill 1231 which establishes a cancer presumption for paid and volunteer firefighters under the PA Workers' Compensation Act. House Bill 1231 is a very expensive unfunded mandate with catastrophic consequences for municipal government.

Under the bill, the current presumption for cancer claims is reversed. A firefighter who has contracted *any type* of cancer will merely have to show that he or she was exposed to a fire while performing his or her duties to gain the presumption that the cancer was caused by the occupation of firefighting. There is no requirement of prove medical causation between the cancer and the occupation. Additionally, the bill exempts these particular claims from the normal 300 week window for disability claims. In other words, firefighters will have an unlimited time-frame in which to make a claim. Together, the presumption and the unlimited window for claims will create an unprecedented and unquantifiable liability exposure for our (type of municipality) and the very real potential for losing coverage altogether.

As stated above, the bill switches the duty to rebut the presumption to the municipality. In order to refute the claim, a municipality is required to prove through substantial evidence that a firefighter engaged in conduct or activities outside of firefighting that posed a substantial risk of causing cancer. This rebuttal standard provides no protection to our municipality because only a few types of cancer have been shown to be caused by one's conduct, such as the link between smoking and lung cancer. Attempting to refute these claims will be very costly and time consuming.

Finally, this legislation is unnecessary. Under the PA Workers' Compensation Act, all employees, including firefighters, already have the ability to prove that a medical condition is caused by their occupation. Furthermore, lung cancer is currently an enumerated occupational disease under the Act.

We respectfully suggest that if unlimited cancer coverage is something the General Assembly wishes to provide to firefighters, a special state-funded program should be established for this purpose.

For the reasons set out above, the (Municipality's name) requests that you do not vote to move House Bill 1231 to final passage.

Thank you for your consideration.

Sincerely,