



# Senate Labor and Industry Committee

**Senator John R. Gordner**

Chairman

Senate Box 203027, Harrisburg, PA 17120-3027 • (717) 787-8928 • FAX (717) 787-9715

*Todd B. Roup, Executive Director • Joshua D. Funk, Counsel • Vonda K. Treaster, Committee Secretary*

**SENATE BILL 797**  
**PRINTER'S NO. 966**

**SPONSOR: Rep. Farry**

The legislation amends the act of June 2, 1915 (P.L. 736, No. 338), known as the Workers' Compensation Act, to designate cancer suffered by a firefighter as an occupational disease.

Section 108 is amended by inserting paragraph (r) to provide that cancer suffered by a firefighter which is caused by exposure to a known carcinogen which is recognized "as a Group 1 carcinogen" by the International Agency for Research on Cancer (IARC) is an "occupational disease" for the purposes of the Workers' Compensation Act. Group 1 Carcinogens are those that have been classified as carcinogenic to humans by IARC. IARC is part of the World Health Organization.

Section 301(c)(1) of the Act relating to previous physical condition is amended to provide an exception for section 301(f).

Section 301 is amended by inserting paragraph (f) to:

- Require "continuous" firefighting duties for four or more years in order to invoke the presumption that the cancer was caused by the occupation of firefighting.
- Require that the firefighter passed a physical examination prior to asserting a claim or prior to engaging in firefighting duties and the examination failed to reveal any evidence of the condition of cancer in order to invoke the presumption.
- Provide that an employer (in this case a municipality) may rebut the presumption that the cancer was caused by the occupation of firefighting by "substantial competent evidence that shows that the firefighter's cancer was not caused by the occupation of firefighting."
- Require that any claim made by a member of a volunteer fire company shall be based on evidence documented by the Pennsylvania Fire Information Reporting System (PennFIRS). PennFIRS is a statewide fire data reporting system that is administered by the State Fire Commissioner. It was established to facilitate compliance with reporting requirements to the U.S. Fire Administration. The service is offered free of charge to volunteer companies that wish to participate and can be accessed online or through downloadable software.

- Provide that the limitation provided in section 301(c)(2) relating to claims having to be made within 300 weeks after the last date of employment shall apply to claims that invoke the presumption provided for in section 301(f).
- Provide that claims may be made under section 108(r) relating to claims filed pursuant to cancer suffered by a firefighter within 600 weeks after the last date of employment, but that the presumption provided for in section 301(f) shall only apply to claims made within the first 300 weeks after the last date of employment.

Section 3 of the bill provides that the Department of Labor and Industry shall submit data on the amount of successful claims processed under section 301(f) to the chairman and minority chairman of the Labor and Industry Committees of the Senate and the House two years following the adoption of the act and every two years thereafter.

Sections 4 and 5 of the bill provide that the provisions of the act shall apply to claims filed on or after the effective date and that the act shall take effect immediately.

This legislation is similar to House Bill 1231 from last session which the Senate amended and advanced by a vote of 45-4. After a unanimous concurrence vote in the House, the bill was then vetoed by Governor Ed Rendell due to the unknown fiscal impact it may have on municipalities. Since that time, there have been considerable discussions related to House Bill 797 and Senate Bill 654, Sen. Argall's companion piece which passed the Senate 50-0 on April 12<sup>th</sup>, and there is now broad agreement among the stakeholders on the current version of the bills.

Joshua D. Funk, Esq.  
June 21, 2011