

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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Senate Bill 789 (as passed by the Senate)
Sponsor: Senator Mike Rogers
Committee: Human Resources, Labor and Veterans Affairs

Date Completed: 4-29-98

RATIONALE

Fire fighters are involved in fighting residential as well as industrial fires, and are at a higher risk of developing certain types of cancer than are members of other occupations. Current law, however, does not recognize respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or resulting illnesses as "personal injury" in the workplace for fire fighters. There is some concern that fire fighters should not have to think twice about their own family's welfare before entering a building to perform their job. Some people believe that fire fighters who develop respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or resulting illnesses in the course of employment and who are not covered under a disability pension should receive worker compensation benefits.

CONTENT

The bill would amend the Worker's Disability Compensation Act to include all respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or illnesses resulting from occupational cancer, in the term "personal injury" for members of fully paid fire departments employed 12 months or more. Respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or resulting illnesses of a member of a fully paid fire department, however, would not be considered to arise out of and in the course of employment if evidence were shown that the member was a consistent smoker of cigarettes or other tobacco products within five years immediately before filing a claim under the Act.

Currently, "personal injury" includes respiratory and heart diseases or resulting illnesses, which develop or manifest themselves while the member of the fully paid fire department or police department is in active service and result from the duties performed

for the department. Such respiratory and heart disease or illnesses are considered to arise out of and in the course of employment, unless there is contrary evidence.

In addition, the bill would require the Bureau of Worker's Compensation to research the financial and procedural implications of applying a cancer presumption to volunteer fire fighters. The study would have to include a description of how the Act would have to be amended to apply to a cancer presumption on an equal basis to all classifications of fire fighters. The Bureau would have to provide the report to the chairs and vice-chairs of the Senate Human Resources, Labor and Veterans Affairs Committee and House Labor and Occupational Safety Committee by June 30, 1999.

MCL 418.405

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Fire fighters have a higher likelihood of being exposed to smoke, fumes, and carcinogenic substances than members of many other occupations. Fire fighting involves fire suppression, as well as burned building demolition and overhaul after a fire. Respirators are not completely effective and industrial fires can cause toxic and hazardous fumes even after a fire has been put out. Even when they were not fighting a fire, fire fighters may be exposed to toxic and carcinogenic substances such as soot (from cleaning respirator equipment) and diesel exhaust emissions from fire trucks. Some people believe that fire fighters suffering from respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or resulting

illnesses should be eligible for worker compensation benefits, unless they were covered under a disability pension or they were consistent smokers of cigarettes or other tobacco products.

Opposing Argument

The bill contains some ambiguous provisions. The bill would not define the reference to “consistent smoker”. Under the bill, fire fighters who were life-long smokers up to the five years before filing a claim under the Act could be eligible for benefits.

Opposing Argument

The bill would take respiratory tract, bladder, skin, brain, kidney, blood, and lymphatic cancers or resulting illnesses and create a link to the fire fighting occupation. The causal link, however, is disputable and unique to each individual.

Response: The validity of the causal link of occupational cancer or resulting illnesses to the fire fighting occupation could be rebutted before the magistrate in each individual case.

Legislative Analyst: N. Nagata

FISCAL IMPACT

According to the Department of Consumer and Industry Services, the bill would have no fiscal impact on the State, but could have a fiscal impact on local governments. The bill would eliminate coverage for specific cancer and illnesses for those members of a fully paid fire department where it was proven that an individual was a consistent smoker for five years before filing the claim. This change could lower worker’s compensation claim costs for the local fire departments if the premiums for this insurance were lowered as a result of this condition.

Fiscal Analyst: M. Tyszkiewicz

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.