

PRESUMPTION OF CAUSATION FOR FOREST FIRE AND FIRE/CRASH RESCUE OFFICERS

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<http://www.house.mi.gov/hfa>

House Bill 4171 as reported from committee

Sponsor: Rep. Sue Allor

Committee: Insurance

Complete to 3-17-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 4171 would amend the Worker's Disability Compensation Act to extend to forest fire officers and fire/crash rescue officers a presumption under the act (which currently applies to firefighters) that certain cancers were caused by exposure to hazards on the job. Those who developed such a cancer and were otherwise eligible could seek wage loss and medical benefits from the First Responder Presumed Coverage Fund created under the act.

Currently, for any respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate, or lymphatic cancer, a member in active service of a fully paid fire department or public fire authority who meets the following criteria must suspend a worker's compensation claim he or she has under the act and instead can claim benefits from the First Responder Presumed Coverage Fund:

- He or she has been employed at least 60 months in that active service when the cancer manifests itself.
- He or she is exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in performing his or her work-related duties.

The cancer is presumed to arise out of and in the course of employment only with respect to a claim against the fund and only in the absence of a non-work-related cause. Mere evidence that the condition was preexisting, or an abstract medical opinion that the employment did not cause it, is not enough to overcome this presumption. The presumption can be rebutted by scientific evidence that the individual was a substantial and consistent user of cigarettes or other tobacco products in the 10 years before the date of injury and that this use was a significant factor in causing, aggravating, or promoting the cancer.

The bill would extend these provisions (concerning the same cancers) to a forest fire officer or fire/crash rescue officer¹ who is in active service, who has 60 months or more in active service at the time the cancer manifests itself, and who is exposed to the hazards incidental to fire suppression, rescue, or emergency medical services in the performance of his or her work-related duties.

The bill would take effect 90 days after its enactment.

MCL 418.405

¹ Michigan Civil Service Commission specifications for those job titles are available here https://www.michigan.gov/documents/ForestFireOfficer_12188_7.pdf and here https://www.michigan.gov/documents/FireCrashRescueOfficer_12672_7.pdf

FISCAL IMPACT:

House Bill 4171 would likely increase costs for the Department of Labor and Economic Opportunity (LEO) by an indeterminate amount by increasing the population that is eligible to file claims against and receive benefits from the First Responders Presumed Coverage Fund (FRPCF).

The bill would expand the population of firefighters eligible to receive benefits from the FRPCF to include forest fire officers and fire/crash rescue officers who meet the qualifications. Based on the population of firefighters as of December 2020, the current eligible population of firefighters (full-time) is approximately 7,600. It is presently indeterminate how much the population would grow given the additions under this bill. In addition to increases in benefit obligations, there would also likely be increased administrative costs if the number of active claims increases. As of Fiscal Year (FY) 2019-20, the state utilized a contracted vendor to administer claims, and increased claim volumes would likely result in higher vendor costs.

For reference, in Calendar Year (CY) 2020, there were a total of eight claims applications received; three were approved and four were pending at year end. Spending on claims in CY 2020 totaled approximately \$379,000, while total program expenditures were \$643,400.

The FRPCF is currently funded with revenues that the state receives from internet gaming. Specifically, the FRPCF receives (on appropriation) \$2.0 million annually from the Internet Sports Betting Fund and \$2.0 million annually from the Internet Gaming Fund, after other statutory allocations are made from each of those funds.

POSITIONS:

Representatives of the following entities testified in support of the bill (2-18-21):

- Michigan Association of Fire Chiefs
- Michigan State Firemen's Association
- Michigan Professional Fire Fighters Union
- Brighton Fire Department

The following entities indicated support for the bill:

- Department of Labor and Economic Opportunity (3-4-21)
- Michigan Association for Justice (2-18-21)
- AFSCME Council 25 (3-4-21)

The Michigan Manufacturers Association indicated opposition to the bill. (3-4-21)

Legislative Analyst: Rick Yuille
Fiscal Analyst: Marcus Coffin

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.