

MINUTES
HOUSE COMMERCE & HUMAN RESOURCES COMMITTEE

DATE: Thursday, March 03, 2016

TIME: 1:30 P.M.

PLACE: Room EW05

MEMBERS: Chairman Hartgen, Vice Chairman Anderson, Representatives Harris, Holtzclaw, Romrell, Chaney, Horman, Nielsen, Packer, Redman, King, Chew, Rudolph

**ABSENT/
EXCUSED:** None

GUESTS: Rob Shoplock, Richard Owen, Grant Hamilton, Tom Lovell, Travis Woolford, Shaun Laughlin, PFFI; Chris Johnson, Cancer Data Registry of Idaho; Stacey Carson, CDRI; Don Drum, PERSI; Dennis Doan, Jim Waler, Phillip Desilet, Rick Stover, Boise Fire Department; Juan Bonilla, Donnelly Fire Department; Woody Richards, Ins. Cos; Pat McDanulyn, DISB; Krystal Hinkle, ISFCA

Chairman Hartgen called the meeting to order at 1:31 P.M.

H 554: **Rep. McDonald** stated this bill gives a level of protection for fireman. Fireman are the ones on the inside where the problems are occurring, they typically don't know what they are going to be exposed to until they get to where they are going and even then they usually do not know the toxicity of the elements in the buildings they are in, and they may be exposed to very toxic elements. Safety equipment is designed to keep firefighters protected from elements but they only provide so much protection, exposure still happens. They may be exposed to something for a minute at a job that can cause major harm to them five years down the road.

Chris Johnson, epidemiologist, Cancer Data Registry of Idaho, provided information about cancer. Incident Rates are the number of newly diagnosed cases, and in Idaho there is about 8,000 newly cancer diagnosis each year. cancer is cause by external factors like unhealthy diets, smoke, tobacco, etc as well as internal factors like genetics, these factors can act together or independently to cause cancer. Often ten or more years can pass between exposure by an external factor and the development of cancer. Between two and eight percent of cancer is contributed to occupational exposures. There have been several studies of groups of firefighters to learn about cancer risks, more than 40 studies have been completed. The studies differ in what is measured, and the results of the study's are not always consistent, because of different exposures to different groups of firefighters. After multiple studies were completed it did show there were elevated risks for firefighters for many different types of cancer but few were observed consistently. For all the cancers included in the bill except breast cancer it did show that there is elevated rates for fire fighters to contract those types of cancer. Men are 100 times more likely to not get cancer than woman and since firefighters are predominately men these studies didn't show increased numbers but it presumed that breast cancer is also more likely to develop in firefighters.

In response to committee questions, **Mr. Johnson** explained the scale that was applied to incident rations reflect 95% confidence intervals for those measurements, which means we can be 95% assured that these studies are correct. Even if boundaries for confidence intervals were changed all we are showing is that firefighters have a higher chance of having cancer. These studies mean we can be assured there is a correlation with firefighters having an increased risks for cancers. These studies did not address causality.

Dr. Francesa Litow, Occupational Medicine physician, and Assistant Professor, John Hopkins University, explained that in the past two to three decades workplace conditions have greatly improved but that is not the case for firefighters because they are still entering into uncontrolled, hazardous environments regularly. Smoke is a complex mixture of cancer causing chemicals from combustions of all various products in modern fires. Wood, coal and diesel fuel are also considered as known or probably carcinogens. Studies have revealed that firefighters are commonly exposed to chemicals that the International Agency of Research on Cancer classifies as group 1 agents that are known to cause cancer in humans. In addition, thousands of new chemicals are produced annually making it impossible to study the toxic properties of each one. There is evidence that large number of chemicals can be present in smoke, in one study 70 chemicals were present. Further adding to the risk is that the only equipment available to firefighters are also the least effective to established workplace exposure controls because the equipment does not completely eliminate exposure. There has been many scientific studies linking increased cancer risks to firefighters including three large cohort studies all showing increased risks of firefighters contracting cancer than the general population. Cancer has been shown to take typically 5-10 years but up to 40 years after the exposure to develop. Studies have shown certain cancers are 20%-50% more likely to develop in firefighters than the general population. It is believed that these statistics are actually underestimated because of multiple factor including firefighters health which generally is better than the general population because of their job requirements. Firefighters actually have a 10% less risk of dying at any given age than the general population which makes research very unsettling when it shows firefighter are actually at an increased chance to develop cancer.

Dr. Litlow explained that when firefighters are diagnosed with cancer as a result of their job, they face a system that is stacked against them. When occupational induced cancers are not covered by workers compensation, firefighters must use up leave time and spend personal savings in order to cover medical costs after the insurance maximum is met. Workplace accommodations are very difficult for cancer patients when the work is physically demanding as with firefighters.

In response to committee questions **Dr. Litow**, explained that it is hard to find a statistical research with breast cancer relating to firefighters when the research numbers or firefighters with breast cancer is so limited. When we talk about causality it mostly comes from disasters, we can't give carcinogens to people and see what happens and that is what we would need to do to have a perfect clinical trial. In the case of firefighters many studies have shown that smoke causes cancer in firefighters, and firefighters have multiple exposures. They also look at time frame and if the exposure happens before the cancer. Also consistency, you can see associations when looking at a population of people.

In response to committee questions, **Dr. Litlow** explained that living a healthy life style is encouraged but there has not been a solution to fully protect firefighters from getting cancer. Having a pre disposition to a cancer or engaging in an unhealthy habit like smoking can disqualify them from receiving the workers compensation benefits.

Rob Shoplock, Executive Vice President of the Professional Firefighters of Idaho, has been working on this legislation for eight years and has vetted it through many people and committees, this draft has had many adjustments and he feels everyone is pleased with this legislation.

In response to committee questions, **Mr. Shoplock** explained the fiscal note. NCCI rates workers compensation concerns and they look at this rate and the NCCI were not able to provide a financial impact estimate because there has not been claims, and without claims there would not be an initial increase to workman's compensation premiums. Mr. Shoplock stated that workers compensation is a protection for the employee. Cancer insurance can be purchased, but the intent of this legislation is to pay for the injury or illness that happened at work. If the cancer is proven to be work related it should be covered by the workman's compensation. Through science certain cancers have been identified and found are cause by carcinogens that firefighters are exposed too. Over the years he does expect the amount of cancers listed in the legislation to increase.

In response to committee questions, **Dr. Litlow** explained that although cancer is common, the very serious cancers that this legislation is talking about is rare. She also explained they look at consistency with cancers to understand what may be causing these cancer to occur, but these studies are estimates. Presumption permits firefighters to submit a claim, but it doesn't guaranteed that the cancer was caused do to their occupation.

Richard Owens, Lawyer, testified on what this bill will actually do to the injured worker. For a firefighter to win a workman compensation case they would have to prove that the cancer was caused by their exposure while on the job. First a detailed record of every time a worker had exposure to a carcinogen would be required and he would have to prove that it was more probable than not that these exposures happen and when and where they happened. Then they would need to prove that they were exposed to a particular toxin each time. The last thing that would need to be proven is that what they were exposed to increased their risk to the cancer that the individual has. The standard in a legal case is 51% more likely than not. If all of that can be proven this legislation provides piece of mind they do have some protection and they would not lose their homes under a diagnoses of cancer.

In response to committee question **Mr. Owens** explained that it is very difficult to prove certain exposures caused a cancer with the standard in a legal case. If there were a rebuttable presumption that most of the evidence brought forward to cast doubt on colorations, it would be available to a defense attorney and those same arguments would be available for the courtroom.

Travis Willford, Boise Firefighter, testified in support of **H 554**. He shared his story about his experience with cancer, he had a type of cancer that doctors explained as an old mans cancer but he has been seeing more and more cases of firefighters being diagnosed with this cancer. The financial burden that was placed upon him and his family was devastating. Mr. Willford, stated that if this legislation passes it will provide piece of mind and provide financial stability for firefighters who get diagnosed with cancer due to their employment as a firefighter.

MOTION :

Rep. Nielsen made a motion to send **H 554** to the floor with **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Harris** requested to be recorded as voting **NAY.** **Rep. Malek** will sponsor the bill on the floor.

Adjourn:

There being no further business to come before the committee, the meeting was adjourned at 3:26 P.M.

Representative Hartgen
Chair

Chelsea Cantrell
Secretary