

Firefighters still fighting for their lives and still waiting for the presumptive cancer bill to pass.

Recently, the Ohio Senate overwhelmingly passed S.B. 27. Sadly, this decisive action by the Senate does not make the presumptive law any more attainable for these men and women firefighters serving the public at the present time. The bill is now in the House which will not reconvene until November 2016, after the election. The House is where the Bill will be met with considerable opposition.

A quick overview of the Bill: Senate Bill 27 provides that a firefighter who is disabled as a result of specified type of cancer is presumed for the purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing his or her official job duties. The Bill also allows for this presumption to be rebutted upon presentation of competent or affirmative evidence to the contrary. Further, the bill allows, for the purpose of OP&F disability, for the bills presumption to be rebutted if the cancer was revealed during the firefighters' entrance physical exam. This bill also specifies certain cancers which will be included in the presumption and requires a three year minimum assignment to hazardous duty which means "duty performed under circumstances in which an accident could result in serious injury or death."

One of the reasons the Bill is being contested is the cost that the BWC's former Administrator as projected as reasonably attributable to each cancer claim. The BWC projected that total cost to be \$87 million. This cost included an exceedingly high mortality rate on each of the cancers. Therefore, 39% of the projected cost was allocated to death benefits. The BWC included in the calculation that temporary total disability benefits would be paid for an entire 5 year period in each claim. The expected impact of this extremely high dollar amount certainly will almost certainly have the BWC's desired result by misleading the voting representatives who will ultimately decide the fate of the bill. This projected cost can hardly be an accurate portrayal of claim costs. The BWC did not account for the fact that many cancers, like prostate cancer (which has less than a 1% mortality rate) are not terminal. In addition, treatment and complete disability are not likely to last 5 years.

The Ohio Municipal League opposed the bill stating the scientific evidence relied upon to support the causal link between firefighters and cancer is flawed. The Municipal League presented evidence from various studies which did not find a link between the firefighting occupation and an increased level of cancer. The League failed to provide an explanation for the studies which did support a connection. The League relied upon the testimony of Attorney Kris Kachline from Pennsylvania who defends employers from these cancer claims. Pennsylvania law provides a presumption for firefighters, volunteer and professional, for all cancers which is certainly different than the proposed Senate Bill 27.

In summary, Ohio firefighters are still a long way from the passage of any presumptive/protective cancer law. In the mean time, they will continue to need and seek treatment through their private insurance and use their earned sick time off for treatment of their work-contracted cancers. OAJ is actively supporting this bill which would provide support though the BWC claims for these firefighters. Please reach out to your legislator and urge them to support this bill which will make the BWC claims process more attainable for these men and women in their public service.