

Special workers' Compensation Protections For Pennsylvania Firefighters

The Firefighters Cancer Presumption Act and other laws provide increased workers' comp coverage for firefighters. When the calls for help come in, firefighters charge into burning buildings while other people run out of them. The real risks of the job, however, often appear years later. Firefighters have a significantly higher risk of cancer and certain other illnesses than the rest of the population, likely due to exposure to chemicals on the job. In fact, the Firefighter Cancer Support Network calls cancer "the most dangerous and unrecognized threat to the health and safety of our nation's firefighters."

For a firefighter with cancer, the ordinary process of filing for workers' compensation can be complicated. Workers' compensation benefits in Pennsylvania and other states are available only to people with work-related illnesses and injuries. Proving that cancer is related to a specific hazard encountered years before could be difficult at best, yet the financial, physical and emotional toll of cancer is real.

This difficulty is why Pennsylvania and many other states have enacted presumptive workers' compensation statutes for firefighters and other rescue workers. These statutes create a presumption that a specific illness or disease is work-related. Employers must prove that the disease is not work-related. Presumptive workers' comp statutes have existed for years and cover a variety of diseases specific to certain occupations. In recent years, this coverage for firefighters and other public safety workers has expanded due to new research and greater awareness of issues for firefighters and other public employees.

Workers' Comp For Cancer

In 2011, Pennsylvania lawmakers passed the Firefighters Cancer Presumption Act, which provides for workers' compensation for firefighters who develop cancer after being exposed to known carcinogens. Compensation is available to firefighters who have served for four or more years and can establish direct exposure to certain carcinogens. Employers of firefighters can rebut this presumption with evidence that the firefighter's cancer is not a result of firefighting. Workers' compensation claimants have up to 600 weeks after their employment as a firefighter ends to file a claim.

In response to the law, some workers' compensation insurers dropped coverage because they feared they would be flooded with claims from firefighters with cancer. Other insurers increased premiums for workers' compensation coverage. For more information, see our blog entry on the problem.

Despite the insurance challenges, the law remains in effect. Since it was enacted, more studies have been released showing the increased risk of cancer for firefighters. In an August 2013 [white paper](#), the Firefighter Cancer Support Network called cancer "the most dangerous and unrecognized threat to the health and safety of our nation's firefighters."

Other Presumptions For Firefighters

Cancer is not the only occupational hazard that firefighters face, and it's not the only presumption that firefighters receive under the law. Firefighters are often first responders to accidents and other service calls, and they have a higher than average risk of contracting Hepatitis C from the contaminated blood or bodily fluids they encounter.

In addition, Pennsylvania law provides for presumptive workers' compensation coverage for firefighters with heart and lung disease caused by extreme overexertion or by exposure to

heat, smoke and fumes at work.

Presumptive Coverage Is Expanding

Pennsylvania is not alone in its protections for firefighters. According to an article in Business Insurance, more than 40 states already have presumptive coverage for firefighters and other public employees with heart and lung disease, cancer, infectious diseases and other problems. Coverage is expanding in a number of states, including a push to provide more coverage for mental health conditions such as post-traumatic stress disorder.

Last year, at least seven states enacted bills that involved presumptive disability benefits for these employees. Three states created mental health presumptions for these workers. What's behind these changes, however, is not all science. In the Business Insurance article, an executive at the National Council on Compensation Insurance said that presumptive disability laws often depend on a given state's political climate. For workers, that means that the minds of legislators can be as important as the results of research into their illnesses.

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