



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

HOUSE BILL NO. 797

PRINTERS NO. 966

PRIME SPONSOR: Farry

### COST / (SAVINGS)

FUND	FY 2010/11	FY 2011/12
General Fund	\$0	\$0
Workmen's Compensation Administration Fund	\$0	\$0
Local Funds	\$0	See Analysis

**SUMMARY:** Amends Sections 108 and 301 of the Workers' Compensation Act (Act 338 of 1915) designating cancer as an occupational disease for firefighters who have served for at least four continuous years in firefighting. This legislation would take effect immediately and will apply to claims on or after the effective date of this legislation.

**ANALYSIS:** This legislation:

- Designates cancer as an occupational disease.
- Provides that the cancer must be caused by exposure to a known carcinogen recognized as a Group 1 carcinogen by the International Agency for Research on Cancer.
- Stipulates that occupational disease claims under this act can only be filed by firefighters:
  1. Who have four or more years of continuous firefighting service.
  2. Can establish direct exposure to a Group 1 carcinogen.
  3. Successfully passed a physical examination prior to asserting a claim, or prior to engaging in firefighting duties, which revealed no evidence of cancer.
- Provides that the presumption under the act may be rebutted by substantial competent evidence that shows that the firefighter's cancer was not caused by the occupation of firefighting.
- States that a claim made by a member of a volunteer fire company must be based on evidence of direct exposure to a Group 1 carcinogen as documented by a report filed to the Pennsylvania Fire Information Reporting System.

- Amends Section 301 of the act to state that the 300 week statutory limitation for filing occupational disease claims after the last date of employment (in an occupation in which the claimant was last exposed to hazards that cause disease) shall apply in the case of cancer in firefighters. However, the legislation states that cancer claims may be filed up to 600 weeks after the last date of employment, although the presumption created under the legislation will only apply to claims filed within the first 300 weeks.
- Requires the Department of Labor and Industry will report the number of successful claims processed under this legislation for the two years following its effective date, and every two years thereafter, to the Majority/Minority Chairmen of the Senate Labor and Industry Committee, and the House Labor Relations Committee.

**FISCAL IMPACT:** This legislation would have a fiscal impact to municipalities located in the Commonwealth. Municipalities paying for workers' compensation coverage for professional or volunteer firefighters would realize higher worker's compensation payments or higher premiums as a result of the legislation. Currently, there is no data available that would allow for a reasonable projection of those costs.

This legislation would have no adverse impact on the General Fund. This legislation would have no adverse impact on the Workmen's Compensation Administration Fund.

**PREPARED BY:** Tim Rodrigo  
House Appropriations Committee (R)

**DATE:** June 20, 2011

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*