

**Statement for the
House Veterans Affairs & Emergency Preparedness Committee**

House Labor and Industry Committee

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OFFICE OF THE STATE FIRE COMMISSIONER

Edward A. Mann, State Fire Commissioner

Chairman Barrar, Chairman Sainato, Chairman Scavello, Chairman Keller, and Members of the Committees, I am State Fire Commissioner Ed Mann. Thank you for the opportunity to testify today about the important matter of Act 46 of 2011, which relates to firefighter cancer presumption. My testimony will be limited to sharing the information I have received regarding the cost of workers' compensation for Pennsylvania's fire departments and in particular as it relates to the volunteer fire service.

As a bit of background, you may recall that, in 2010, Governor Rendell vetoed a firefighter cancer presumption bill due to concerns raised by the insurance industry and some local government officials. After the veto, stakeholders worked together to change the legislation to address concerns and to draft a bill that was acceptable to all parties. In 2011, Representative Farry introduced a new bill, HB 797. The General Assembly unanimously approved HB 797 and Governor Corbett signed it into law as Act 46 of 2011.

After Act 46 became effective, and by the middle of 2012, I started to receive phone calls from fire chiefs across the Commonwealth informing me that volunteer fire departments were being dropped from workers' compensation coverage allegedly because of the firefighter cancer presumption law. As the year went on, I continued to receive phone calls from across the Commonwealth from local government officials and volunteer fire company officers telling me that due to being dropped from coverage, they now had to purchase their workers' compensation from the State Workers Insurance Fund (SWIF). In many cases the premium with SWIF would be three, four, or more times higher than what they were paying when the insurance was available through the insurance trust or private carriers. In recent months, I have received information from career fire chiefs advising me that their fire company's share of municipal workers' compensation premiums had increased substantially and, in some cases, the rates increased as much as thirty percent (30%).

I will defer to the Department of Labor and Industry any comment related to the number and status of any firefighter cancer presumption claims since they are the state agency responsible for managing workers' compensation programs. However, I would ask that the General Assembly review the matter knowing that the intent of Act 46 was to make it more balanced for firefighters to pursue workers' compensation for certain types of cancer. Was there an expectation that more workers' compensation claims would be filed? I think all of the stakeholders knew there would be some claims filed as a result of Act 46. I am sure Labor and Industry's statistics show that only a very small number of claims have been filed by volunteer firefighters. Other states have passed laws similar to Act 46 but, to my knowledge, they have not experienced the issues we are facing in Pennsylvania. Therefore, I do recommend that all the stakeholders work together and see if we can address the issue we are facing in Pennsylvania and find a solution that is acceptable to all parties.

In closing, I want to thank you for your support of Governor Corbett's commitment to public safety by passing important legislative initiatives that will help the Pennsylvania fire service such as re-authorizing and expanding the Fire Company-Volunteer Ambulance Service Grant Program and passing HB 1706 (changes to the Volunteer Loan Assistance Program "VLAP"), which was reported out of the Senate Veteran's affairs & Emergency Preparedness Committee earlier this week. Again, I thank you for the opportunity to testify on this important matter and am happy to answer any questions that you may have.