

HB 4113 -2 STAFF MEASURE SUMMARY

House Committee On Business and Labor

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Meeting Dates: 2/2, 2/9

WHAT THE MEASURE DOES:

Adds bladder and female reproductive cancers as occupational diseases which are presumed to result from employment for nonvolunteer firefighters with five or more years of employment.

Awaiting fiscal impact; no revenue impact

ISSUES DISCUSSED:

- Impact of cancer presumptions on workers' compensation claim process
- Elevated rates of cancer in career firefighters when compared to general population
- Consideration of the evidence for presumptions by the Workers' Compensation Management-Labor Advisory Committee

EFFECT OF AMENDMENT:

-2 Requires Workers' Compensation Management-Labor Advisory Committee to review and consider reports, findings, and analysis made public by the National Institute for Occupational Safety and Health that are related to cancers which are presumed to be an occupational disease for nonvolunteer firefighters with five or more years of employment.

BACKGROUND:

Workers' compensation law requires most employers to provide their workers with workers' compensation insurance coverage; the law provides an exclusive remedy for job-related injuries and occupational diseases. Oregon law establishes that certain cancers, including oral, respiratory, digestive, and male reproductive cancers, are presumed to be a compensable occupational disease for non-volunteer firefighters who have been on the job for at least five years. An insurer or self-insured employer can rebut the presumption by providing clear and convincing medical evidence that cancer was not caused or materially contributed to by the firefighter's employment.

A study by the National Institute for Occupational Safety and Health (NIOSH) of over 30,000 career firefighters who served in the Chicago, Philadelphia, and San Francisco Fire Departments between 1950 and 2010 found the firefighters showed higher rates of certain types of cancer than the general U.S. population, including digestive, oral, respiratory, and urinary cancers.

House Bill 4113 adds bladder and female reproductive cancers to the list of cancers that are presumed compensable for non-volunteer firefighters with five or more years of service. The -2 amendments require the Workers' Compensation Management-Labor Advisory Committee to review and consider reports, findings, and analysis made public by NIOSH and which relate to cancers which are presumed compensable for non-volunteer firefighters.