



February 1, 2022

Representatives Zack Fields and Ivy Sponholz, Co-Chairs and
Members of the House Labor and Commerce Committee
Alaska State Capitol
Juneau, Alaska 99801

SENT BY EMAIL: House.Labor.And.Commerce@akleg.gov
Representative.Zack.Fields@akleg.gov
Representative.Ivy.Spohnholz@akleg.gov

RE: OPPOSE HB 131

The Alaska Municipal League Joint Insurance Association (AMLJIA) opposes SB 131.

The AMLJIA is a joint insurance arrangement organized under AS 21.76 with 158 member municipalities and school districts pooling for workers' compensation coverage. Local government bears the single largest exposure to changes in workers' compensation law as it applies to first responder employees such as firefighters, EMTs, and police.

SB 131 proposes to add breast cancer to the already broad list of cancers. All of these are chronic diseases that often have genetic and lifestyle choices as their cause. Breast cancer is a common genetic "life disease" that according to the American Cancer Society afflicts thirteen percent of women without regard to occupation (1 in 8).

The presumption is unnecessary and potentially costly. Currently, if a firefighter contracts cancer and claims that it is work-related, it is up to the employer to demonstrate that it is not. These claims are covered by workers' compensation already. By creating a strict presumption, the claim will most often be covered by the workers' comp. system, even when it is not work-related.

We all know women (and to a lesser degree men) who have battled breast cancer. Very likely none were fire fighters.

If we are destined to get breast cancer added to the presumption list, maybe you can at least amend the bill to those who do not carry BRCA1 or BRCA2 mutations. The National Institutes of Health reports that carriers of BRCA1 or BRCA2 mutations have a lifetime risk of 49 to 87 percent for developing breast cancer.

There is no more expensive way to pay for an injury or illness than our current workers' compensation system. Health programs are able to control medical costs through negotiated agreements with health care providers. Alaska workers' compensation cannot. It is interesting to note that both workers' compensation and health benefits are generally provided by the employer, at least with respect to the career firefighter.

We have made some excellent strides in bringing down the costs of workers' compensation in recent years, dropping Alaska from the most expensive in the nation to the tenth most expensive according to the 2020 Oregon Workers' Compensation Premium Rate Ranking Summary (January 2021). Clearly, we still have a lot of room for improvement, but the attention that Alaska has paid to our workers' compensation system and the efforts of policy makers, employers, and others have resulted in steady progress. We urge you not to impede this progress with another benefit to firefighters for a largely hereditary disease.

Rather than saddle local governments with the additional workers' compensation costs, Michigan's solution was to create a "first responder presumed coverage fund" that it pays for and administers from the state general fund. We might want to consider this instead of continuing to impose on Alaska's local government tax payers.

Thank you.

A handwritten signature in black ink that reads "Kevin". The signature is written in a cursive, flowing style.

Kevin Smith
Executive Director

May 13, 2021

Senator Shelly Hughes, Chair and the
Members of the Senate Community and Regional Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801

Dear Senator Hughes and Committee Members,

The Alaska Municipal League Joint Insurance Association (AMLJIA) opposes SB 131.

The AMLJIA is a joint insurance arrangement organized under AS 21.76 with 157 member municipalities and school districts pooling for workers' compensation coverage. Local government bears the single largest exposure to changes in workers' compensation law as it applies to first responder employees such as firefighters, EMTs, and police.

SB 131 proposes to add breast cancer to the laundry list of cancers that is already too broad in our opinion. All of these are chronic diseases that often have genetic and lifestyle choices as their cause. Breast cancer is a common "life disease" that according to the American Cancer Society afflicts thirteen percent of women without regard to occupation (1 in 8).

The presumption is unnecessary and potentially costly. Currently, if a firefighter contracts cancer and claims that it is work-related, it is up to the employer to demonstrate that it is not. These claims are covered by workers' compensation already. By creating a strict presumption, the claim will most often be covered by the workers' comp. system, even when it is not work-related.

We all know women (and to a lesser degree men) who have battled breast cancer. Very likely none were fire fighters.

If we are destined to get breast cancer added to the presumption list, maybe you can at least narrow the field to those who do not carry BRCA1 or BRCA2 mutations. The National Institutes of Health reports that carriers of BRCA1 or BRCA2 mutations have a lifetime risk of 49 to 87 percent for developing breast cancer.

There is no more expensive way to pay for an injury or illness than our current workers' compensation system. Health programs are able to control medical costs through negotiated agreements with health care providers. Workers' compensation cannot. It is interesting to note that both workers' compensation and health benefits are generally provided by the employer, at least with respect to the career firefighter.

We have made some excellent strides in bringing down the costs of workers' compensation in recent years, dropping Alaska from the most expensive in the nation to the tenth most expensive according to the *2020 Oregon Workers' Compensation Premium Rate Ranking Summary* (January 2021). Clearly, we still have a lot of room for improvement, but the attention that Alaska has paid to our workers' compensation system and the efforts of policy makers, employers, and others have resulted in steady

progress. We urge you not to impede this progress with another generous benefit to firefighters for a largely hereditary disease.

Rather than saddle local governments with the additional workers' compensation costs, Michigan's solution was to create a "first responder presumed coverage fund" that it pays for and administers from the state general fund. We might want to consider this instead of continuing to impose on Alaska's local government tax payers.

Thank you.

A handwritten signature in black ink that reads "Kevin". The signature is written in a cursive, flowing style.

Kevin Smith
Executive Director

May 13, 2021

The Honorable Shelley Hughes, Chair
Members of the Senate Community and Regional Affairs Committee
Alaska State Capitol
Juneau, Alaska 99801

Dear Senator Hughes and Members of the Committee,

I am writing to ask you to oppose SB131, which expands the presumption of compensability for disability resulting from certain cancers in fire fighters. This bill has the potential to significantly increase the workers' compensation costs for Alaskan cities, boroughs, and municipalities at a time when their budgets are very tight and absorbing these costs will be difficult.

APEI is a Joint Insurance Arrangement, formed under AS 21.76, which allows public entities to pool together to share costs and procure insurance on a group basis. We are the non-profit administrator of a pool of about 73 school districts, municipalities, and related organizations located around Alaska. Many of our municipal members have fire departments whose operations and employees could be affected by this legislation.

This bill expands on existing legislation, which creates a presumption that a firefighter who develops one of a list of illnesses (respiratory, cardiovascular, and cancer) qualifies for coverage under the workers' compensation law.

The purpose of presumption legislation is to remove the requirement that an employee demonstrate that their illness resulted from their employment. To deny coverage, the burden of proof is placed on the employer to demonstrate that the illness does NOT result from the employment. Successfully proving such a negative is extremely difficult, if not impossible in most cases. Presumption legislation may make sense in the situation where it is more likely than not that an illness was caused by a worker's employment. It is not appropriate for illnesses that are commonly caused by non-work-related events and/or tend to develop randomly.

There is little evidence that the diseases currently in the law, nor the proposed addition of breast cancer, are caused by firefighting. Studies indicating that there may be higher rates of these cancers among fire fighters tend to show a fairly weak correlation between the workplace and cancer incidence, and, more significantly for Alaska, are often based on data from large urban firefighters. In many small Alaskan communities, a large portion of the

adult population is registered as a volunteer fire fighter. Most of these volunteers spend little time actually fighting fires or being exposed to toxins. Creating a presumption of coverage in the workers' compensation law would effectively transfer the costs of treatment for a number of expensive and (unfortunately) common illnesses to Alaska's municipalities.

The workers' compensation system is designed to cover the cost of injuries received in the workplace. It is not designed to replace a health insurance system, and this bill creates an unfunded mandate. Alaska's municipalities cannot afford this additional cost, and I urge you to vote against HB131.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Thurston". The signature is written in a cursive, flowing style.

Barbara Thurston
Executive Director



ALASKA PROFESSIONAL FIRE FIGHTERS ASSOCIATION

PO Box 111222 Anchorage, AK 99511

North Pole – Fairbanks – Shemya – Anchorage – Juneau – Ketchikan – Sitka

alaskapffa.org



May 5, 2021

The Honorable Senator Roger Holland

Alaska State Capital Room 115

Juneau, AK 99801

Senator Holland,

The Alaska Professional Firefighters Association represents over 500 professional fire fighters and emergency medical personnel across the State of Alaska. On behalf of our membership, I am writing to express our strong support for SB 131.

It is no secret that cancer is an enormous concern for fire fighters. Fire fighter occupational cancer is the leading cause of line-of-duty deaths in the fire service. In 2019, more than 75% of the names of fire fighters added to the IAFF Fallen Fire Fighter Memorial in Colorado Springs, Colorado, were names of members who died from occupational cancer.

In 2010, the National Institute of Occupational Safety and Health (NIOSH) published a multi-year study evaluating cancer in fire fighters. The results concluded that firefighters experience a much greater risk of developing cancers than the general public due to the exposures that we face through the course of our work.

In Alaska and in the fire service in general, more and more women are entering this profession that was once a predominantly male field. Studies have shown that female fire fighters are developing occupational breast cancer at much higher rates than other cancers. This is also not just an issue that is important to our female members. Although breast cancer is much rarer in men, one of our former male members in Fairbanks experienced a long battle with breast cancer that was determined to be directly related to his job as a 42 year fire fighter. In 2017, Fairbanks Fire Chief Warren Cummings passed away after battling breast cancer that had metastasized into other areas of his body.

The AKPFFA strongly supports SB 131 and we thank you for bringing this important issue forward.

Sincerely,

A handwritten signature in black ink that reads "Paul Miranda".

Paul Miranda

President

Alaska Professional Firefighters Association

(907)632-6609

paulmiranda87@gmail.com



Chugiak Volunteer Fire and Rescue

P.O. Box 670363, Chugiak, Alaska 99567

(907) 694-2010 www.cvfrd.com

April 28, 2021

The Honorable Senator Roger Holland
State Senate
State Capitol, Room 115
Juneau, AK. 99801

Senator Holland,

Thank you immensely for your willingness to assist the Alaska Fire Chiefs Association in our endeavor to have Title 23 of Alaska Statute amended to include additional conditions to the list of presumptive diseases. We are happy that AS provides presumptive coverage for diseases that are more prevalent in firefighters. However, we also assert there is work to be done. For example, wider coverage for behavioral health, an expansion of cancer coverages and easier access to ALL responders is something we will be educating about and pursuing in the future.

Our immediate concern is for cancer coverage in support of the large group of female firefighters in the Last Frontier. Numerous studies have been conducted to reveal that individuals involved in fire suppression, whether it be as a volunteer or career firefighter, are at higher risk of cancer. The list of presumptive diseases in the Alaska Statute are either male specific or gender neutral. It is imperative that all responders are afforded the same support. Female responders are 33% of the demographic which makes up Chugiak Volunteer Fire and Rescue. These numbers are similar across the state with some communities relying more so on female responders.

To further illustrate the disparity, one study concluded 14% of male firefighters diagnosed with cancer experience prostate cancer while 28% of female firefighters with cancer have breast cancer. Title 23 currently extends compensability for disability related to firefighter prostate cancer, but does not extend to females with breast cancer. The AFCA appreciates the opportunity to bring this to light and hopes that a resolution can be made quickly with little impact other than the obvious positive.

We are grateful to you and to Senator Hughes for working quickly and hope that this revision can be fast tracked to ensure the responders of Alaska are supported.

Tim Benningfield
Tim Benningfield, Chief