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Explanation of Changes in CS for House Bill No. 538 ()

1. Section 2, page 2, line 7 after "firefighter" add "or volunteer fire fighter"
2. Section 2, page 2, line 9, after "heart disease," add "circulatory disease,"
3. Section 2, page 2, line 15, add "In this subsection "cancer" means cancer of a typer caused by explsure to heat, radiation, or a known carcinogen, as defined by the International Agency for Research on Cancer."
4. Delete Section 3
5. Delete Section 4
6. Renumber Section 5 to Section 3

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WHILE IN SESSION
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ALASKA STATE HOUSE



CHAIR
RULES COMMITTEE

JUDICIARY

SPECIAL COMMITTEE ON INTERNATIONAL
TRADE & TOURISM

LEGISLATIVE COUNCIL

REPRESENTATIVE JOHNNY ELLIS

SPONSOR STATEMENT

House Bill 538

Firefighters face occupational dangers that are unique to their work. They rush into uncontrolled environments where they are exposed to carcinogenic, poisonous or toxic smoke or fumes. They are also exposed to a growing list of hazardous chemicals, the effects of which are not fully known. The effects of exposure may not manifest itself until long after the exposure occurred.

House Bill 538 was introduced due to the unique hazards faced by firefighters. Under the state workers compensation program, this bill changes the burden of proof from the firefighter to the state, that any heart disease, respiratory disease, cancer or circulatory problems that the firefighter develops was not due to the firefighter's employment.

Alaska is one of the few states that has not established this presumption in regard to occupational diseases of firefighters. Forty-three other states have done so. House Bill 538 includes volunteer firefighters.

Sponsor statement



ANCHORAGE FIRE FIGHTERS UNION

LOCAL 1264
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS
AFL-CIO

1200 E. 76TH #1227
ANCHORAGE, ALASKA 99518



February 13, 1992

To The Honorable Members of the Alaska Legislature:

Representative Ellis is sponsoring legislation that would provide Alaskan firefighters with a rebuttable presumption of causation between occupational hazards associated with firefighting and certain diseases prevalent among active and retired firefighters. Specifically, the diseases covered by the presumption include heart and respiratory disease and cancer.

The presumption is necessary in order to ensure that firefighters will qualify for medical cost reimbursement, disability payments and death benefits associated with such illnesses. Under existing Alaska law, firefighters bear the legal burden of proving that such illnesses are occupationally related.

It should be noted that Alaska is one of only a few states that have not established a presumption with regard to occupational diseases. According to information recently received from the International Association of Firefighters, approximately 43 states have statutes establishing a presumption with regard to occupational diseases. The scope of the presumption varies from state to state.

Recognizing that most communities in Alaska have volunteer fire departments, this legislation would extend the benefit of the presumption to any firefighter, volunteer or paid, with five or more years active service.

We look forward to working with the Seventeenth Legislature for passage of this critically important legislation and will be happy to meet with members individually or in committee to foster its advancement. This legislation is the Anchorage Firefighters Union's number one legislative priority.

We respectfully encourage all legislators to consider co-sponsorship and would be happy to provide you with additional information and answer any questions you or your staff may have.

Sincerely,

Tim Cornelius
President

back-up
•  •

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO : HB 538

Revision Date: _____
Title: "An Act relating to workers' compensation ... for firefighters ..."
Sponsor: Representative Ellis
Requestor: House HES

Department Affected: Labor
BRU: Workers' Compensation
Component: _____
Workers' Compensation
COMPONENT SERIAL NO. 344

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE FUND SOURCE:						
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FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Linda Rexwinkel, Director *LR* Phone: 465-2790
Division: Workers' Compensation Date: 3/26/92
Approved by Commissioner: C. W. Mahlen *C. W. Mahlen*
Agency: Department of Labor 3/26/92 Date: 3/26/92

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

BILL NO. HB 538

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Administration

Title: An Act relating to workers' compensation and occupational disability benefits for fire fighters

BRU: Risk Management

Sponsor: Ellis, Donley, Finkelstein

Component: Risk Management

Requestor: _____

COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	300.0	500.0	700.0	900.0	1,200.0	1,500.0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	300.0	500.0	700.0	900.0	1,200.0	1,500.0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE: 1007	300.0	500.0	700.0	900.0	1,200.0	1,500.0
TOTAL	300.0	500.0	700.0	900.0	1,200.0	1,500.0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)
See Attached.

Prepared by: Don Hitchcock, Director
Division: Risk Management

Phone: 465-2180
Date: February 28, 1992

Approved by Commissioner: Nancy Bear Usura
Agency: Administration

Date: 3/24/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FN 300.0 Administration

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 538

ANALYSIS:

HB 538 creates a new and very broad presumption that any form of heart or respiratory disease or cancer affecting an individual with more than five years of fire fighting exposure arises from their work experience. This presumption is further expanded to apply for an additional 20 years beyond the last date the individual was employed as a fire fighter.

The terms "heart disease, respiratory disease and cancer" are very broad and will be construed to extend this presumption such that any form of the many variations of these diseases will be deemed caused by work rather than personal exposures.

The fiscal impact for this bill is difficult to estimate as it will extend not only to the 175 regular full-time fire fighters employed by the State, but also to the 130 regular seasonal fire fighters engaged by the Department of Natural Resources (average of 5.3 months per year) and possibly to the 600-800 emergency fire fighting crews that are hired for anywhere between 3 weeks to 2 months a year.

Conservative cost estimates (medical and wage loss) range between \$240,000 and \$400,000 for each potential permanent disability claim. We project future claims to increase each year due to the very broad language and 20-year extension period. Even by very conservative estimates we anticipate several cases in the early years, with ever increasing obligations even beyond our five-year projection.

Since the Division of Risk Management claims funds are collected entirely through interagency receipts, if enacted premium allocations to the employing agencies would be increased to meet this additional exposure.

7-LS1816D
Ford
3/31/92

CS FOR HOUSE BILL NO. 538 ()
IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES ELLIS, Donley, Finkelstein, Koponen

A BILL
FOR AN ACT ENTITLED

1 "An Act relating to workers' compensation benefits for fire fighters; and providing for an
2 effective date."

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

4 * Section 1. FINDINGS. The legislature finds that fire fighters are

5 (1) required to work in conditions that result in exposure to smoke, fumes, and chemicals
6 that are carcinogenic, poisonous, or toxic;

7 (2) continually exposed to a vast and expanding field of hazardous substances;

8 (3) constantly entering uncontrolled environments to save lives and reduce property
9 damage;

10 (4) frequently not aware of the potential toxic and carcinogenic substances that they may
11 be exposed to;

12 (5) often exposed simultaneously to multiple carcinogens, unlike other workers;

13 (6) experiencing a rise in occupational heart disease, circulatory or respiratory problems,
14 and cancer related to the rapid proliferation of thousands of toxic substances in our everyday environment;

1 (7) being exposed to agents that can result in the development of heart disease,
2 circulatory or respiratory problems, or cancer very slowly over a period of five to 40 years;

3 (8) experiencing heart disease, circulatory or respiratory problems, and cancer that arise
4 out of and in the course of employment.

5 * Sec. 2. AS 23.30.120 is amended by adding a new subsection to read:

6 (d) In a proceeding under this chapter, there is a rebuttable presumption that heart
7 disease, circulatory disease, respiratory disease, or cancer suffered by a fire fighter ~~or volunteer~~
8 fire fighter is an injury that arises out of and in the course of employment if (1) the heart disease,
9 circulatory disease, respiratory disease, or cancer occurs during employment as a fire fighter; (2)
10 the fire fighter has been continuously employed as a fire fighter for five or more years
11 immediately preceding the onset of the disease; or (3) the disease occurs within 20 years
12 immediately following the termination of employment as a fire fighter, and the fire fighter was
13 employed for five years or longer as a fire fighter. In this subsection "cancer" means cancer of
14 a type caused by exposure to heat, radiation, or a known carcinogen, as defined by the
15 International Agency for Research on Cancer.

16 * Sec. 3. This Act takes effect July 1, 1992.

Injured Soldotna firefighter now battles for air



ASSOCIATED PRESS

Lung damage from a Soldotna blaze keeps firefighter Rusty Grilley constantly on oxygen.

ASSOCIATED PRESS

KENAI — A brief breath of toxic smoke has brought Soldotna fireman Rusty Grilley face to face with a deadly lung disease. Now he's not fighting fires, he's fighting for his life.

Grilley, 33, injured his lungs during a fire in January at Alaska Fast Foto in Soldotna. With other firefighters from Central Emergency Services, he was outside the small store when an unexpected gust blew fumes containing photo processing chemicals into his face.

After two visits to a Denver hospital specializing in respiratory problems, Grilley was diagnosed with bronchiolitis obliterans, a disease in which white cells, fighting infection in the lungs, produce scar tissue that closes off the lungs' smallest airways.

In his case, Grilley's lungs admit only 40 percent of the needed oxygen into the blood stream. He is on oxygen 24 hours a day to avoid any organ or brain damage.

Since doctors have little experience combatting the relatively rare lung disease, the effectiveness of his treatment is something of an unknown.

"The problem is, there's no scientific data on this kind of treatment," Grilley said as he inhaled oxygen through a tube secured around his nose. "I'm waiting to be written up."

Grilley is taking steroids to fight the inflammation in his lungs, which constantly burn, he said. The steroids, however, increase the amount of white cells in the lungs which cause the scar tissue, so he must also take chemotherapy pills to counterbalance the increase.

Doctors will not know if the steroids and chemotherapy are working for another three to six months, Grilley said. And if they do work, it will require at least another year of treatment and the oxygen.

Unfortunately, his lungs feel like they are getting worse. Others who have had similar but more severe diseased lungs have died within six

weeks, he said.

Grilley is confined to a breathing cord connected to a machine that boosts his intake of oxygen. His daily, 15-minute walk outside with a portable oxygen tank tires him substantially.

The situation has also been hard on his family. His wife, Cherie, and his three sons, David, 6, Daniel, 13, and Stephen, 16, have had to pick up the slack on tasks he used to do around the house. He cannot work, but he will receive a full-time salary for up to a year from the date of the fire.

Fire Chief Greg Barclay said Grilley's injury in the line of duty is the most severe in his memory.

Since the fire, the fire department has revised its procedures for working around toxic smoke. Firefighters now have better breathing apparatuses, and use a detector that determines the concentrations of carbon dioxide and other chemicals at a fire site.

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To John George

fax 789-6964

HB 538

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concrete statement.

Douglas Group
Pitt Health Project

THE MANUAL OF COMMERCIALY AVAILABLE CHEMICALS

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CHEMCYCLOPEDIA is pleased to expand the usefulness of its listings by providing its users with Chemical Abstracts Service Registry Numbers for those chemicals for which such Numbers are available. The CAS Chemical Registry system enables users to gain access to a unique identification of a chemical substance on the basis of an unambiguous computer-language description of its molecular structure, including all stereochemical detail.

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To obtain the chemical substance information associated with a CAS Registry Number published in CHEMCYCLOPEDIA, a user can employ any one of several access points. The most straightforward is to contact the CAS Registry Services at 1-614 447-3600, Extension 2306, or via Fax 1-614 447-3747. Using this CAS service, chemical substance information related to a CAS Registry Number, such as the CA Index Name or associated chemical synonyms, will be telefaxed or telephoned to you within 24 hours after placing the request (excluding weekends and holidays). Several hard-copy publications, such as the EPA Toxic Substances Control Act (TSCA) Inventory, the Merck Index, and the U.S. Pharmacopeia may be accessed using CAS Registry Numbers. Direct computer access is available through many online services, including STN International (CAS files and others containing CAS Registry Numbers), TOXLIT, CHEMLINE, and MEDLINE. Users interested in learning more about the CAS Chemical Registry system or CAS Registry Numbers should consult the Introduction to the CAS REGISTRY HANDBOOK—Number Section or ask their librarian for assistance.