



# *Michigan Professional* **FIRE FIGHTERS UNION**

Mark Docherty  
*President*

1651 Kingsway Ct., Ste. E, Trenton, MI 48183  
(734) 675-0206 • fax (734) 675-6083

Terrence H. Chesney  
*Secretary-Treasurer*

[www.mpffu.org](http://www.mpffu.org)

Good Afternoon, My name is Mark Docherty and I am president of the Michigan Professional Fire Fighters Union representing over 5000 professional fire fighters and their families in Michigan. I am also a Lieutenant with the Sterling Heights Fire Department, where I have worked for 20 years.

I am here today to speak in support of SB 211.

First of all, I would like to thank Chairman Lund and committee members for the opportunity to appear before you this morning to testify in support of this legislation which is critically important to Michigan's firefighters and their families.

Fire Fighters are the first responders to all types of emergency situations that occur in communities all across Michigan every day.

We respond to and mitigate emergencies ranging from residential and commercial fires, vehicle fires, hazardous materials emergencies, medical emergencies, and almost any other type of emergency situation that may arise.

Many times this brings us face to face with unknown exposures – often occurring in uncontrolled, dangerous environments – exposures to toxic chemicals, fumes, and smoke which are a routine part of many emergency operations.

Because of these exposures, there is a need to recognize that the increased risk of cancer is a very real part of our jobs. Many studies have proven over the years that fire fighters are at a higher risk level for cancer than other workers or the general population.

The purpose of SB 211 is to create a first responder fund to cover work comp claims for fire fighters that are stricken with any of the ten (10) types of cancers listed in the bill. All 10 cancers have scientific evidence connecting them to firefighter exposures while performing their jobs.



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This act would make it a presumption that if a fire fighter were to contract any of the 10 listed cancers; it would be presumed to be from the job, unless there was evidence to the contrary. Employers could still use evidence of smoking or other non-job related exposures to prove that it wasn't from the job.

Any claims would be covered from the First Responder Fund and would not cost the employer or insurance company any money.

Thirty-Three (33) States have adopted Cancer Presumptive legislation protecting firefighters and their families. This is not a partisan issue, as states such as Texas, Alabama, Louisiana and Kansas, to name a few, have adopted cancer presumption language in addition to states such as New York and California. All of these states have looked at the research and made the decision to support and protect their fire fighters. Of the 33 states that have presumptive laws, none have seen an increase in their work comp. premiums greater than 1 percent.

We fully understand that we are in a dangerous business. But we also know that firefighters are exposed to chemical-induced cancers while performing their duties. Chemical testing of smoke from fires confirms that there are carcinogens in the smoke of every fire we fight. These substances include: Benzenes, Chloroform, soot, styrene, formaldehyde and cyanides to name a just a few. Even though we wear protective clothing to protect us from the heat and from breathing the smoke, it still permeates our skin. This is something that we cannot stop. It is a reality we face every time we do our job.

We are also not here to say that we are the only group at risk. But we do know that our occupation continually takes us into situations of high exposure to these toxic substances. And when we deal with these toxic substances, it is under extremely volatile and hazardous conditions.



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Thankfully, this bill before you today will not impact a large number of cases in Michigan. Many fire fighters that are unable to return to work are already covered by disability pensions. Last legislative session, an Actuary from the Michigan Municipal League testified that there would be approx. 5 cases per year.

As to the financial impact on the workers compensation system, there would be none. By creating this First Responder Fund, all claims would come from that and would not affect the work comp rates.

We need this bill passed because, unlike an injury such as a broken leg which can easily be proven happened on the job, cancer is very difficult to prove due to the fact that it is a cumulative disease that occurs after repeated exposures. This is why a presumption is needed.

Thankfully there are not many cases of fire fighters contracting cancer, although when they do it's usually someone much younger and healthier than what is normally seen in the general population. In many cases, the fire fighter is able to successfully beat the cancer and ultimately return to work. This bill would assist them in that fight and relieve the financial burden that many face.

Past legislatures, which adopted our current heart and lung presumption provisions for fire fighters, also understood that we are in a unique and dangerous business. Heart and Lung presumption has been around for over 45 years.

Cancer presumption was also passed years ago by both the House and the Senate with large bipartisan support which in the end was vetoed by Governor Engler. He stated that he wanted more research done to prove the connection of fire fighters and cancer. He commissioned a study that did come back and prove that there is a direct connection with on the job exposure and the cancers listed. Sadly, the bill had already been vetoed.



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That's why we ask for your support in voting for SB211 which will finally provide a much needed level of protection for fire fighters and their families. Now is the time to take care of our fire fighters that are risking their lives every day protecting the residents of this state.

Thank you for this opportunity to testify before your committee today. And I would be glad to answer any questions you may have.

<b>SB 211 – As Introduced</b>	<b>SB 211 – As Passed by the Senate</b>
<ul style="list-style-type: none"> <li>• A presumption through the Workers Compensation system where claims are paid by the insurer or the employer if self-insured.</li> <li>• An employee must be a member of a fully paid fire department.</li> <li>• An employee must be on the job for at least 60 months before being eligible to file a claim.</li> <li>• Only 10 types of cancers will be covered: respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate and lymphatic cancer.</li> <li>• A claim filed as a result of an employee developing one of the 10 types of cancers would be presumed to be work related.</li> <li>• Employee could not be a consistent user of cigarettes or other tobacco products for 10 years prior to filing the claim.</li> </ul>	<ul style="list-style-type: none"> <li>• Sets up the First Responder Presumed Coverage Fund under Worker’s Compensation. Funds would be provided by private or state funds.</li> <li>• An employee must be a member of a fully paid fire department.</li> <li>• An employee must be on the job for at least 60 months before being eligible to file a claim.</li> <li>• Only 10 types of cancers will be covered: respiratory tract, bladder, skin, brain, kidney, blood, thyroid, testicular, prostate and lymphatic cancer.</li> <li>• A claim filed as a result of an employee developing one of the 10 types of cancers would be presumed to be work related.</li> <li>• Employee could not be a consistent user of cigarettes or other tobacco products for 10 years prior to filing the claim.</li> <li>• A claimant could not receive benefits covering the same time period from both the First Responder Coverage Fund and the Employer.</li> <li>• The presumption only exists as long as there are funds available in the First Responder Coverage Fund.</li> <li>• Worker’s Compensation Director will develop application for approval and compliance for the operation of the fund.</li> <li>• The Director has 30 days to review and approve or deny the claim.</li> <li>• The Director must submit a report to the Chairs of the Appropriations Committee annually detailing the # of claims received, approved, total \$s disbursed, costs for operating the fund and anticipated costs for the following fiscal year.</li> <li>• The Department shall not implement the Fund until the legislature has appropriated money to the fund.</li> </ul>