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Committees:
Transportation, Commerce and Labor
Energy & Natural Resources
Finance
Finance – Corrections Subcommittee, Chairman
Government Oversight and Reform
Public Utilities
Rules and Reference

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Sponsor Testimony for Senate Bill 27
House Insurance Committee
May 24, 2016

Honorable Chairwoman Sears, Vice Chair Brinkman, Ranking Member Bishoff and members of the House Insurance Committee:

I thank you for the opportunity to testify before you today on Senate Bill 27. This legislation provides that a firefighter who is disabled as a result of specified types of cancer is presumed to have incurred the cancer from performing official duties as a firefighter. This legislation aims to ensure that this state has a mechanism in place to help firefighters who—due to the nature of their service to the public—are exposed to a vast number of carcinogens and therefore, suffer from an increased risk of certain types of cancers.

In the Senate we added a few more provisions to the bill including the addition of breast, cervix, and uterus cancers to better protect female firefighters, as well as the ability for rebuttal of any claim upon the presentation of competent evidence that the firefighter was a substantial tobacco user in the ten years prior to the diagnosis. We also added a provision barring individuals of 75 years of age or older from claims. This legislation passed our chamber 32-1. After an opportunity to hear the testimony we have heard over in the Senate I encourage your chamber to vote consistent with ours.

This issue was first brought to our attention nearly a decade ago by a retired Akron firefighter named Tim Kling. Mr. Kling served his community as a firefighter for almost twenty years, and unfortunately, as a result of his service has suffered from three different forms of cancer that have frequently been associated with exposure to chemicals and other agents often found in fires. He has been through multiple hearings and appeals with the City of Akron, the BWC, and Ohio Industrial Commission for each of these forms of cancer, and has collected a great deal of statistics and information on the presumption of cancer in firefighters that he has been willing to share with us. Unfortunately, Mr. Kling's story only scratched the surface as we soon thereafter uncovered numerous studies and personal stories creating a real narrative around this serious problem. We are finding out this is far too common among the firefighting community. It is my hope that you will be

able to hear testimony from people such as Columbus firefighter Mark Rine, and the Palumbo family, who have offered their personal stories before the Senate Insurance committee.

Multiple studies, including the NIOSH (National Institute for Occupational Safety and Health) cancer study, have repeatedly demonstrated reliable evidence and biologic creditability for statistically higher rates of multiple types of cancers in firefighters compared to the general American population, including the astounding statistic that firefighters are 2.2 times more likely to develop testicular cancer compared to the general public.

Currently, Ohio law does not recognize that firefighters are at increased risks for certain forms of cancer, and does not presume that these specified cancers (or other diseases) are job related, but 36 other states do. BWC and the Ohio Municipal league have stated the financial stress such legislation would put on effected institutions is not sustainable, yet we have seen this work throughout the Untied States. Our neighbors, Pennsylvania, enacted similar legislation in 2011, and to date it has only cost them \$5.4 million. This has proven to be a small price to pay for those who have and willingly continue to sacrifice everything for our safety.

As a result of Ohio's lack of legislation regarding this matter, many active and retired firefighters are prohibited from receiving certain benefits and compensation for performing official duties, and are left to deal with their illness alone. This presumptive legislation would change this sad truth and make firefighters eligible for benefits in the workers' compensation fund and the Ohio Police and Fire Pension Fund.

Ohio's firefighters understand the difference between presumption and prevention. While firefighters understand they have an obligation to their families, employers, and the citizens of Ohio to take appropriate steps to reduce their exposure to carcinogens, it is only reasonable to expect that they will be protected if they develop occupational cancer. Ohio's laws should reflect our employers' responsibility to ensure as safe a work environment as is reasonably possible. Ohio's firefighters have no unrealistic expectations regarding this. No firefighter wants to need the protections of this bill...at the same time, no firefighter should be without the protections of this bill.

In closing, I would like to add that the Ohio Association of Professional Fire Fighters and the Fraternal Order of Police have supported the bill in the past and continue to do so. Protective gear and proper training offers some degree of protection, but it cannot be denied that these individuals risk exposure to such hazardous and dangerous toxins. Again, I will reiterate the fact that Ohio sits in the minority of states when it comes to the protection of firefighters. My office would be more than happy to provide you with a copy of the *Ohio Police and Fire/EMS Providers Study* or the *University of Cincinnati meta-analysis study*, which offers startling statistics on this issue.

Thank you for your time and consideration. I hope you will join me in supporting this legislation. At this time, I would be happy to answer any questions.