



The Training Brief

Quick Reference mini-training Topics Presumptive Laws for Occupational Cancer

The purpose of this training topic is to understand presumptive laws for occupational cancer.

Discussion

Fact: Firefighters have a 9 percent **higher risk** of being diagnosed with cancer and a 14 percent **higher risk** of dying from cancer than the general U.S. population, according to research by the CDC/National Institute for Occupational Health and Safety (NIOSH).

Key Points: Presumptive laws for firefighters doesn't mean the claim for cancer is not rebuttable. The burden of proof will be on the individual to prove how they got cancer on the job.

Action: Keep records of all exposures to products of combustion. Take the steps to reduce your exposure to carcinogens. Use your SCBA from the start of the fire through overhaul. Perform a preliminary exposure reduction including using wet wipes. Shower within the hour. Don't use tobacco products. Eat healthy and maintain a healthy weight. Get an annual medical exam.

Make the necessary changes

Research from National Institute for Occupational Safety and Health (NIOSH) published in 2013 shows that firefighters are diagnosed with and die from cancer at higher rates than the general population. It confirmed earlier research finding elevated risk for the profession for certain cancers.

The correlation between firefighters' on-the-job exposure to carcinogens and their subsequent illnesses is concerning enough to policy makers that a growing number of states have passed designed to help firefighters who develop cancer.

Presumptive laws vary in many ways. Some cover only certain cancers. Some states limit how long after retirement a cancer diagnosis is covered. And in some states, a diagnosis alone isn't enough to trigger protections such as disability benefits.

Generally, these laws say that firefighters diagnosed with cancer while on the job or within a certain time after retirement are presumed to have become ill because of their work. And that should make it easier for them to get workers' compensation, disability benefits or death benefits for their families.

At times, those protections often fall short.

Firefighters say, despite these laws, firefighters are often denied workers' compensation claims after a cancer diagnosis.

Even though there may be a presumptive law in your state or province the burden of proof is often on the firefighter to prove how they got cancer.

"Presumptive laws aren't the golden ticket that people think they are," says Jim Brinkley, director of occupational health and safety for the International Association of Fire Fighters.

Although presumption plays a crucial role in workers' compensation claims, it is a mistake to assume that a claim will be accepted simply because it is for a presumed occupational disease. A firefighter's employer (in this case, the government) can still challenge a claim.

It is imperative to keep records of all exposure to products of combustion.