

## STATEMENT

### AMERICAN PROPERTY CASUALTY INSURANCE ASSOCIATION (APCIA)

### **S.B. No. 141 – AN ACT CONCERNING WORKERS’ COMPENSATION COVERAGE FOR CURRENT AND FORMER MEMBERS OF PAID MUNICIPAL OR VOLUNTEER FIRE DEPARTMENTS**

### LABOR AND PUBLIC EMPLOYEES COMMITTEE

**February 18, 2021**

The American Property Casualty Insurance Association (APCIA)<sup>1</sup> appreciates the opportunity to comment on Senate Bill No. 141, An Act Concerning Workers’ Compensation Coverage for Current and Former Members of Paid Municipal or Volunteer Fire Departments. With members comprising nearly 60 percent of the U.S. property casualty insurance market, APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association.

While APCIA recognizes the important work and contribution that firefighters make to the community, we generally oppose presumptions of compensability regardless of the class of worker or condition for which the presumption is proposed. There is no policy justification for creating a statutory presumption of coverage for a particular class of employees suffering a particular type of injury. The burden of proof that the injury was work-related should always remain on the claimant seeking benefits. If this proof requirement is eliminated through a presumption, employers or carriers could be liable for paying indemnity and medical benefits for non-work-related injuries which is both contrary to the foundations of the workers compensation system and would add unnecessary, potentially significant, costs to the workers compensation system.

This bill would create a statutory presumption that where certain firefighters contract cancer, the impairment shall be deemed to have incurred within the course and scope of employment unless the contrary can be proven by a preponderance of the evidence. The practical effect of this proposed law would mean that whenever a firefighter develops a cancer during his or her lifetime, the insurer would be liable for all medical coverage and ancillary services related to treating that cancer so long as the firefighter is a nonsmoker and did not have cancer when he or she first began working. The medical costs related to treating cancer are enormous and the workers’ compensation insurer would be liable for all these payments even without any proof whatsoever that the cancer was the result of employment. It is a sad fact of life that many people do not have cancer when they are young but

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<sup>1</sup> Effective January 1, 2019, the American Insurance Association (AIA) and the Property Casualty Insurers Association of America (PCIAA) merged to form the American Property Casualty Insurance Association (APCIA). Representing nearly 60 percent of the U.S. property casualty insurance market, APCIA promotes and protects the viability of private competition for the benefit of consumers and insurers. APCIA represents the broadest cross-section of home, auto, and business insurers of any national trade association. APCIA members represent all sizes, structures, and regions, which protect families, communities, and businesses in the U.S. and across the globe.

develop cancer when they are older. Most of these cancers are not caused by the workplace. It is not warranted to presume that a firefighter who did not have cancer when they were 22 years old when he or she first joined the force, and then had cancer detected decades later, necessarily contracted cancer from work.

For the foregoing reasons, APCIA urges your Committee NOT to advance this bill.