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WHAT AB 451 DOES DO !

- **It makes a changes to EXISTING statute to provide for clarification of the correlation between specific types of cancer and firefighters.**
- **The bill specifies certain types of cancer that research has shown to be of a higher prevalence for firefighters.**

WHAT AB 451 DOES NOT DO !

- **It does NOT create a NEW benefit. It only amends an EXISTING statute.**
- **The bill does NOT change the existing requirements that must be met before a firefighter can file a claim.**
- **It does NOT create a conclusive presumption. The presumption is still rebuttable.**
- **It does NOT make any changes to the sunset clause. This remains as it has been since 1987. Three months for every year of service up to a maximum of 60 months.**
- **It will NOT increase the number of cancer claims filed by firefighters. Firefighters have had a law in place since 1987 and have had the ability to file a claim since then.**
- **It does NOT do away with benefits for Volunteer Firefighters. These benefits will remain as they have been since 1987.**

ENTITY	FISCAL YR. 2003-04	FISCAL YR. 2004-05	FUTURE BIENNIA	ESTIMATED NUMBER OF PAID FIREFIGHTERS COVERED	FOOTNOTES
State of Nevada	\$25,000	\$75,000		84	** 1
Washoe County	\$416,000	\$416,000	\$632,000		** 2
City of Reno	\$300,000	\$600,000	\$900,000	350	
Carson County	\$25,000	\$25,000	\$60,000	55	
Douglas County	\$50,000	\$50,000	\$100,000	80	
City of Las Vegas	\$50,000	\$75,000	\$100,000	475	
City of North Las Vegas	\$1,000,000	\$1,000,000	\$2,000,000	120	** 3
City of Henderson	\$15,354,600	\$15,354,600	\$30,709,200	157	** 4
PACT	\$756,000			135	** 5

** 1 = State of Nevada estimates 1 new case per year. If they still have one new case per year why did the fiscal note increase?? This estimate also figures this as a lifetime benefit. Does not take into account a sunset already in statute.

** 2 = Washoe County's estimate discusses volunteer claims. The volunteers are excluded from this new language. Volunteers would retain their current coverage under existing statute. Also Washoe County assumes an extension of the sunset clause which is not the case with this bill. The sunset clause does not change.

** 3 = North Las Vegas estimates costs of \$0 in the first year and then \$1,000,000 in the 2nd year. They cover approximately 120 firefighters and yet their estimate is well above that of the City of Las Vegas, a department over three times it's size.

** 4 = City of Henderson estimates \$15.3 million dollars a year. They assume lifetime benefits which are not the case. They assume the same costs and benefits as current heart/lung statutes. They assume a conclusive presumption which is not the case. The reserve for all 157 of their employees. This is not necessary as statistically not all employees will suffer from cancer. They assume the option of taking a permanent total disability which is not the case. They assume \$97,800 per claim per person which is not the case. These are public employees and therefore a large portion of their disability payment would be covered by PERS if the disability became permanent. This fiscal note has to be suspect based on these improper assumptions. The question probably needs to be asked though is: How much do you currently reserve under the existing statute in place since 1987?? Why is their estimate so much higher than the other entities? They are only 1/3 the size of the City of Las Vegas Fire Dept.

** 5 = PACT estimate assumes a lifetime benefit. This is not the case, sunset clause does not change. They also estimate 20 cases based on statistics. You would have to assume that they already estimate 20 cases under existing statute. Why is there an increased fiscal note if the number of cases will not increase? How much are they currently funding in reserves for the existing statute?

Proposed Amendment to AB 451

By the Professional Firefighters of Nevada
Rusty McAllister
Vice President
(702) 493 - 2796

We propose to amend the following section.

Amend **Section 1.**, Subsection **2.**, (**g**) on page 3 by deleting lines 1 through 3.

Delete the following language:

(g) Lung cancer and that he was exposed during the course of his employment to any asbestos, diesel exhaust, formaldehyde, or vinyl chloride; or

Professional Firefighters of Nevada
Rusty McAllister
Vice President
(702) 493 - 2796

Testimony for AB 451

Mr. Chairman and members of the Assembly Commerce and Labor Committee;

On behalf of the Professional Firefighters of Nevada we urge your support of AB451. We bring this bill before you today in an attempt to get some help and clarification of existing statute regarding cancer protections currently in place for firefighters. In 1987 the legislature passed legislation to provide firefighters some protections for cancer due to the increased risks of repeated exposures to known toxic carcinogens. This legislation was put in law and currently exists in NRS 617.453.

Currently under 617.453 the following needs to be established for a cancer claim for industrial insurance for firefighters.

- 1.) First you must have been a full time salaried firefighter for 5 years or more.
- 2.) You have to demonstrate that you were exposed, while in the course of your employment, to a known carcinogen as defined by the International Agency for Research on Cancer or the National Toxicology Program.
- 3.) And the carcinogen that you have been exposed to needs to be reasonably associated with the disabling cancer.

If you meet these requirements you may file your cancer claim. This bill doesn't change this current language, you still have to do this. The reason that we bring this bill before you today is because there are several insurers out there that will not accept these claims even though we meet the requirements set forth in the statute. Denial is a common practice amongst SOME insurers. I believe this will be more clearly exposed during later testimony. Please don't misunderstand; there are some insurers that accept these claims. We have had claims accepted for some cancers, mostly because the physician stated that the specific cancer was absolutely caused by firefighting. There are those insurers out there though that claim that we cannot show a correlation between the carcinogens we've been exposed to and the type of cancer we have. Even if we produce research and physician testimony that there is a correlation between the cancer and the known carcinogen we are most often times denied.

An example of this is one recent claim that has been denied for a firefighter with thyroid cancer. He has been on the job for over 10 years. This firefighter was repeatedly exposed to soot, a known human carcinogen, during and in the course of his employment. This carcinogen has been shown to increase vulnerability to cancers in the esophageal areas and cause thyroid cancer. His claim has been denied and is still pending in the system. This firefighter has gotten the appropriate treatment through his health insurance trust and is back on the job at this time.

This bill is meant to provide your clarification to insurers that certain types of cancers are associated with specific types of carcinogens. There have been many studies done that show there is a greater incidence of certain types of cancer in humans after exposure to certain types of carcinogens. We have copies of these studies, they are here, they are numerous, and they are lengthy. I can provide copies of those studies if anyone desires one. These studies show the increased risks to humans and to firefighters specifically. These carcinogens are produced in many of the environments that firefighters face every day during the course of their employment whether it's on a house fire, a vehicle fire, or a simple dumpster fire.

What we have attempted to do with this bill is reaffirm the connection between certain types of cancer and certain types of carcinogens that firefighters are routinely exposed to. The same connection that was established by this body in 1987. I believe that the opponents of this bill will say that this will increase their costs drastically. We don't believe that to be the case. I have provided for you a breakdown on the fiscal notes that were turned in on this bill. Many of the fiscal notes make improper assumptions to what the bill does and doesn't do. Let me clarify for these insurers what this bill does and does not do.

This bill doesn't change the number of cancer claims that are going to be filed by firefighters. It doesn't increase the amount of compensation that would be awarded. It doesn't make this a conclusive presumption, it's still rebuttable. It doesn't change or extend the sunset clause attached to the law. It doesn't change the definition of carcinogen or the specific agencies lists of recognized carcinogens. As a matter of fact it outlines specific types of cancer, which narrows the scope. It doesn't cover all cancers, only those that research has shown to be of higher prevalence in firefighters. It will provide insurers with the ability to rebut more easily those cancers not shown to be of higher prevalence in firefighters.

What this bill does do is clarify that there are some cancers that have been shown to be of a higher incidence in firefighters after exposures to specific carcinogens. We believe that this will not increase the costs as much as it will compel some insurers to start accepting claims that they should have been accepting and paying all along. We believe that this bill will help to clarify the intent of this existing statute.

Mr. Chairman, I have provided for you and the committee an amendment to address a concern made by one of the insurance industry representatives. This amendment would remove lung cancer as a covered cancer in this bill as it is already a covered disease under NRS 617.455. That way there will be no confusion over which statute should be used to file a claim under.

Mr. Chairman and committee members, I urge your support of this bill. I will conclude for now and turn over the testimony to others that have come to speak on this bill. Thank you and I would be happy to answer any questions you may have.