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Union Calendar No. 226

117TH CONGRESS
2D SESSION

H. R. 2499

[Report No. 117–306]

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employees duty, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 14, 2021

Mr. CARBAJAL (for himself, Mr. BACON, Mr. TAKANO, and Mr. FITZPATRICK) introduced the following bill; which was referred to the Committee on Education and Labor

MAY 6, 2022

Additional sponsors: Mr. TURNER, Ms. SCANLON, Mr. FOSTER, Mr. SHERMAN, Ms. NORTON, Mrs. NAPOLITANO, Mr. SWALWELL, Ms. WILD, Ms. BUSH, Ms. PINGREE, Mr. PETERS, Mr. RYAN, Mr. SMITH of New Jersey, Mr. VAN DREW, Mr. HARDER of California, Mr. SEAN PATRICK MALONEY of New York, Mr. COHEN, Ms. CRAIG, Mrs. LURIA, Mr. LAWSON of Florida, Mrs. DEMINGS, Ms. SPANBERGER, Mr. JOHNSON of Ohio, Mr. LARSEN of Washington, Ms. DEAN, Mr. KIM of New Jersey, Mr. BROWN of Maryland, Ms. STRICKLAND, Mr. LAMB, Ms. SHERRILL, Ms. SCHRIER, Mr. RASKIN, Mr. KILDEE, Mr. LAMALFA, Ms. MANNING, Mr. COSTA, Mr. DELGADO, Ms. SLOTKIN, Mr. POCAN, Mr. QUIGLEY, Mr. PERLMUTTER, Ms. WASSERMAN SCHULTZ, Mr. HORSFORD, Ms. JACKSON LEE, Mrs. TRAHAN, Mr. COURTNEY, Mr. MCKINLEY, Mr. TRONE, Ms. BROWNLEY, Mrs. HAYES, Ms. PORTER, Mr. CARTER of Louisiana, Mr. SUOZZI, Mr. RUPPERSBERGER, Ms. LEE of California, Mr. VICENTE GONZALEZ of Texas, Mr. LYNCH, Mr. SARBANES, Mr. GARAMENDI, Mr. VARGAS, Ms. BARRAGÁN, Mrs. AXNE, Ms. STANSBURY, Mr. PANETTA, Mr. FORTENBERRY, Mr. LEVIN of California, Mr. MCNERNEY, Mr. O'HALLERAN, Ms. HOULAHAN, Mr. LOWENTHAL, Mr. GOTTHEIMER, Mr. PASCRELL, Mr. NEGUSE, Mr. GARBARINO, Mr. AGUILAR, Mr. MCGOVERN, Ms. WATERS, Mr. NORCROSS, Mrs. CAROLYN B. MALONEY of New York, Mr. BEYER, Mr. LEVIN of Michigan, Ms. OMAR, Mr. GRIJALVA,

Mr. MORELLE, Ms. ESCOBAR, Mr. DESAULNIER, Ms. TITUS, Mrs. BUSTOS, Mr. CORREA, Ms. SÁNCHEZ, Mr. KAHELE, Mr. CLEAVER, Mr. PAPPAS, Ms. KUSTER, Mrs. WAGNER, Mr. KILMER, Ms. BOURDEAUX, Mr. TONY GONZALES of Texas, Mr. KHANNA, Mr. SOTO, Ms. LOIS FRANKEL of Florida, Mr. YOUNG, Mr. GOLDEN, Mr. CASTEN, Ms. ROYBAL-ALLARD, Mr. NADLER, Mr. CÁRDENAS, Ms. WEXTON, Mr. SCHRADER, Mr. HUFFMAN, Mr. TORRES of New York, Ms. DEGETTE, Ms. JAYAPAL, Mr. CROW, Ms. MATSUI, Mrs. TORRES of California, Mr. BRENDAN F. BOYLE of Pennsylvania, Ms. ADAMS, Mr. CONNOLLY, Mrs. DINGELL, Mr. ESPAILLAT, Mr. HIGGINS of New York, Mr. CUELLAR, Mr. BLUMENAUER, Ms. ROSS, Mr. THOMPSON of Pennsylvania, Mr. RUSH, Ms. WILSON of Florida, Mr. BISHOP of Georgia, Ms. MCCOLLUM, Ms. TLAIB, Ms. BONAMICI, Mr. GALLEGO, Mr. CASTRO of Texas, Mr. CARSON, Ms. DELBENE, Mrs. CHERFILUS-MCCORMICK, Mr. DEFAZIO, Mr. GARCÍA of Illinois, Mr. AUCHINCLOSS, Mr. MALINOWSKI, Mrs. LAWRENCE, Ms. LEGER FERNANDEZ, Ms. NEWMAN, Ms. SALAZAR, Ms. MENG, Mr. SCOTT of Virginia, Ms. HERRERA BEUTLER, Mr. MRVAN, Mr. MFUME, Mr. BOWMAN, Mr. REED, Mr. JONES, Mr. KATKO, Mr. COLE, Ms. LOFGREN, Mr. YARMUTH, Mr. SCHIFF, Mr. JOYCE of Ohio, Mr. WITTMAN, Ms. BROWN of Ohio, Ms. CHENEY, Mr. STANTON, Mr. LANGEVIN, Mr. DAVID SCOTT of Georgia, Mrs. WATSON COLEMAN, Mr. JEFFRIES, Ms. SCHAKOWSKY, Mr. DANNY K. DAVIS of Illinois, Mrs. MCBATH, Ms. VELÁZQUEZ, Ms. KAPTUR, Mr. MCEACHIN, Ms. KELLY of Illinois, Ms. WILLIAMS of Georgia, Ms. CHU, Mr. MOULTON, Mr. HUDSON, Mr. BARR, Mr. LARSON of Connecticut, Mr. VEASEY, Ms. SEWELL, Mr. HIMES, Mr. JOHNSON of Georgia, Mr. SMITH of Washington, Ms. JACOBS of California, Mrs. RADEWAGEN, Mr. CICILLINE, Mr. GREEN of Texas, Mr. WELCH, Mr. BERA, Mr. BOST, Mrs. KIM of California, Mr. EVANS, Ms. CLARK of Massachusetts, Mr. KRISHNAMOORTHI, Mr. THOMPSON of California, Mr. SABLAN, Ms. BLUNT ROCHESTER, and Ms. STEVENS

MAY 6, 2022

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 14, 2021]

A BILL

To amend chapter 81 of title 5, United States Code, to create a presumption that a disability or death of a Federal employee in fire protection activities caused by any of certain diseases is the result of the performance of such employees duty, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Federal Firefighters Fairness Act of 2022".

SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RELATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL EMPLOYEES IN FIRE PROTECTION ACTIVITIES.

(a) PRESUMPTION RELATING TO EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—Subchapter I of chapter 81 of title 5, United States Code, is amended by inserting after section 8143a the following (and by conforming the table of contents of such chapter accordingly):

"§ 8143b. Employees in fire protection activities.

"(a) CERTAIN DISEASES DEEMED TO BE PROXIMATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION ACTIVITIES.—

"(1) IN GENERAL.—For a claim under this subchapter of disability or death of an employee who has been employed for a minimum of 5 years in aggregate as an employee in fire protection activities, a disease specified on the list established under paragraph (2) shall be deemed to be proximately caused by the employment of such employee.

"(2) ESTABLISHMENT OF INITIAL LIST.—There is established under this section the following list of diseases:

"(A) Bladder cancer.

"(B) Brain cancer.

"(C) Chronic obstructive pulmonary disease.

"(D) Colorectal cancer.

"(E) Esophageal cancer.

"(F) Kidney cancer.

"(G) Leukemias.

"(H) Lung cancer.

"(I) Mesothelioma.

"(J) Multiple myeloma.

"(K) Non-Hodgkin lymphoma.

"(L) Prostate cancer.

"(M) Skin cancer (melanoma).

"(N) A sudden cardiac event or stroke while, or not later than 24 hours after, engaging in the activities described in subsection (b)(1)(C).

"(O) Testicular cancer.

"(P) Thyroid cancer.

"(3) ADDITIONS TO THE LIST.—

"(A) IN GENERAL.—The Secretary shall periodically review the list established under this

section in consultation with the Director of the National Institute on Occupational Safety and Health and shall add a disease to the list by rule, upon a showing by a petitioner or on the Secretary's own determination, in accordance with this paragraph.

"(B) BASIS FOR DETERMINATION.—The Secretary shall add a disease to the list upon a showing by a petitioner or the Secretary's own determination, based on the weight of the best available scientific evidence, that there is a significant risk to employees in fire protection activities of developing such disease.

"(C) AVAILABLE EXPERTISE.—In determining significant risk for purposes of subparagraph (B), the Secretary may accept as authoritative and may rely upon recommendations, risk assessments, and scientific studies (including analyses of National Firefighter Registry data pertaining to Federal firefighters) by the National Institute for Occupational Safety and Health, the National Toxicology Program, the National Academies of Sciences, Engineering, and Medicine, and the International Agency for Research on Cancer.

"(4) PETITIONS TO ADD TO THE LIST.—

"(A) IN GENERAL.—Any person may petition the Secretary to add a disease to the list under this section.

"(B) CONTENT OF PETITION.—Such petition shall provide information to show that there is sufficient evidence of a significant risk to employees in fire protection activities of developing such illness or disease from their employment.

"(C) TIMELY AND SUBSTANTIVE DECISIONS.—Not later than 18 months after receipt of a petition, the Secretary shall either grant or deny the petition by publishing in the Federal Register a written explanation of the reasons for the Secretary's decision. The Secretary may not deny a petition solely on the basis of competing priorities, inadequate resources, or insufficient time for review.

"(b) DEFINITIONS.—In this section:

"(1) EMPLOYEE IN FIRE PROTECTION ACTIVITIES.—The term 'employee in fire protection activities' means an employee employed as a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who—

"(A) is trained in fire suppression;

"(B) has the legal authority and responsibility to engage in fire suppression;

"(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk, including the prevention, control, suppression, or management of wildland fires; and

"(D) performs such activities as a primary responsibility of his or her job.

"(2) SECRETARY.—The term 'Secretary' means Secretary of Labor.".

(b) RESEARCH COOPERATION.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall establish a process by which a Federal employee in fire protection activities filing a claim related to a disease on the list established by section 8143b of title 5, United States Code, will be informed about and offered the opportunity to contribute to science by voluntarily enrolling in the National Firefighter Registry or a similar research or public health initiative conducted by the Centers for Disease Control and Prevention.

(c) REVIEW OF SCIENCE ON BREAST CANCER.—Not later than 3 years after the date of enactment of this Act, the Secretary shall—

(1) evaluate the best available scientific evidence of the risk to an employee in fire protection activities of developing breast cancer;

(2) add breast cancer to the list established under section 8143b of title 5, United States Code, by rule in accordance with subsection (a)(3) of such section, if the Secretary determines that such evidence supports such addition; and

(3) submit a report of the Secretary's findings under paragraph (1) and the Secretary's determination under paragraph (2) to the Committee on Education and Labor of the House and the Committee on Health, Education, Labor, and Pensions of the Senate.

(d) APPLICATION.—The amendments made by this section shall apply to claims for compensation filed on or after the date of enactment of this Act.

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