

AMENDMENT TO RULES COMMITTEE PRINT

117-54

OFFERED BY MR. CARBAJAL OF CALIFORNIA

At the appropriate place in division E, insert:

1 **SECTION ____ . PRESUMPTION OF CAUSE OF DISABILITY OR**
2 **DEATH DUE TO EMPLOYMENT IN FIRE PRO-**
3 **TECTION ACTIVITIES.**

4 (a) CERTAIN DISEASES PRESUMED TO BE WORK-RE-
5 LATED CAUSE OF DISABILITY OR DEATH FOR FEDERAL
6 EMPLOYEES IN FIRE PROTECTION ACTIVITIES.—

7 (1) PRESUMPTION RELATING TO EMPLOYEES IN
8 FIRE PROTECTION ACTIVITIES.—Subchapter I of
9 chapter 81 of title 5, United States Code, is amend-
10 ed by inserting after section 8143a the following:

11 **“§ 8143b. Employees in fire protection activities.**

12 “(a) CERTAIN DISEASES DEEMED TO BE PROXI-
13 MATELY CAUSED BY EMPLOYMENT IN FIRE PROTECTION
14 ACTIVITIES.—

15 “(1) IN GENERAL.—For a claim under this sub-
16 chapter of disability or death of an employee who
17 has been employed for a minimum of 5 years in ag-
18 gregate as an employee in fire protection activities,
19 a disease specified on the list established under

1 paragraph (2) shall be deemed to be proximately
2 caused by the employment of such employee.

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

6 “(A) Bladder cancer.

7 “(B) Brain cancer.

8 “(C) Chronic obstructive pulmonary dis-
9 ease.

10 “(D) Colorectal cancer.

11 “(E) Esophageal cancer.

12 “(F) Kidney cancer.

13 “(G) Leukemias.

14 “(H) Lung cancer.

15 “(I) Mesothelioma.

16 “(J) Multiple myeloma.

17 “(K) Non-Hodgkin lymphoma.

18 “(L) Prostate cancer.

19 “(M) Skin cancer (melanoma).

20 “(N) A sudden cardiac event or stroke
21 while, or not later than 24 hours after, engag-
22 ing in the activities described in subsection
23 (b)(1)(C).

24 “(O) Testicular cancer.

25 “(P) Thyroid cancer.

1 “(3) ADDITIONS TO THE LIST.—

2 “(A) IN GENERAL.—The Secretary shall
3 periodically review the list established under
4 this section in consultation with the Director of
5 the National Institute on Occupational Safety
6 and Health and shall add a disease to the list
7 by rule, upon a showing by a petitioner or on
8 the Secretary’s own determination, in accord-
9 ance with this paragraph.

10 “(B) BASIS FOR DETERMINATION.—The
11 Secretary shall add a disease to the list upon a
12 showing by a petitioner or the Secretary’s own
13 determination, based on the weight of the best
14 available scientific evidence, that there is a sig-
15 nificant risk to employees in fire protection ac-
16 tivities of developing such disease.

17 “(C) AVAILABLE EXPERTISE.—In deter-
18 mining significant risk for purposes of subpara-
19 graph (B), the Secretary may accept as authori-
20 tative and may rely upon recommendations, risk
21 assessments, and scientific studies (including
22 analyses of National Firefighter Registry data
23 pertaining to Federal firefighters) by the Na-
24 tional Institute for Occupational Safety and
25 Health, the National Toxicology Program, the

1 National Academies of Sciences, Engineering,
2 and Medicine, and the International Agency for
3 Research on Cancer.

4 “(4) PETITIONS TO ADD TO THE LIST.—

5 “(A) IN GENERAL.—Any person may peti-
6 tion the Secretary to add a disease to the list
7 under this section.

8 “(B) CONTENT OF PETITION.—Such peti-
9 tion shall provide information to show that
10 there is sufficient evidence of a significant risk
11 to employees in fire protection activities of de-
12 veloping such illness or disease from their em-
13 ployment.

14 “(C) TIMELY AND SUBSTANTIVE DECI-
15 SIONS.—Not later than 18 months after receipt
16 of a petition, the Secretary shall either grant or
17 deny the petition by publishing in the Federal
18 Register a written explanation of the reasons
19 for the Secretary’s decision. The Secretary may
20 not deny a petition solely on the basis of com-
21 peting priorities, inadequate resources, or insuf-
22 ficient time for review.

23 “(D) NOTIFICATION TO CONGRESS.—Not
24 later than 30 days after making any decision to
25 approve or deny a petition under this para-

1 graph, the Secretary shall notify the Committee
2 on Education and Labor of the House of Rep-
3 resentatives and the Committee on Homeland
4 Security and Government Affairs of the Senate
5 of such decision.

6 “(b) DEFINITIONS.—In this section:

7 “(1) EMPLOYEE IN FIRE PROTECTION ACTIVI-
8 TIES.—The term ‘employee in fire protection activi-
9 ties’ means an employee employed as a firefighter,
10 paramedic, emergency medical technician, rescue
11 worker, ambulance personnel, or hazardous material
12 worker, who—

13 “(A) is trained in fire suppression;

14 “(B) has the legal authority and responsi-
15 bility to engage in fire suppression;

16 “(C) is engaged in the prevention, control,
17 and extinguishment of fires or response to
18 emergency situations where life, property, or
19 the environment is at risk, including the pre-
20 vention, control, suppression, or management of
21 wildland fires; and

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

24 “(2) SECRETARY.—The term ‘Secretary’ means
25 Secretary of Labor.”.

1 (2) RESEARCH COOPERATION.—Not later than
2 120 days after the date of enactment of this Act, the
3 Secretary of Labor shall establish a process by which
4 a Federal employee in fire protection activities filing
5 a claim related to a disease on the list established
6 by section 8143b of title 5, United States Code, will
7 be informed about and offered the opportunity to
8 contribute to science by voluntarily enrolling in the
9 National Firefighter Registry or a similar research
10 or public health initiative conducted by the Centers
11 for Disease Control and Prevention.

12 (3) AGENDA FOR FURTHER REVIEW.—Not later
13 than 3 years after the date of enactment of this Act,
14 the Secretary shall—

15 (A) evaluate the best available scientific
16 evidence of the risk to an employee in fire pro-
17 tection activities of developing breast cancer,
18 gynecological cancer, and rhabdomyolysis;

19 (B) add breast cancer, gynecological can-
20 cer, and rhabdomyolysis to the list established
21 under section 8143b of title 5, United States
22 Code, by rule in accordance with subsection
23 (a)(3) of such section, if the Secretary deter-
24 mines that such evidence supports such addi-
25 tion; and

1 (C) submit a report of the Secretary's find-
2 ings under subparagraph (A) and the Sec-
3 retary's determination under subparagraph (B)
4 to the Committee on Education and Labor of
5 the House and the Committee on Homeland Se-
6 curity and Governmental Affairs of the Senate.

7 (4) REPORT ON FEDERAL WILDLAND FIRE-
8 FIGHTERS.—The Director of the National Institute
9 for Occupational Safety and Health shall conduct a
10 comprehensive study on long-term health effects that
11 Federal wildland firefighters who are eligible to re-
12 ceive workers' compensation under chapter 81 of
13 title 5, United States Code, experience after being
14 exposed to fires, smoke, and toxic fumes when in
15 service. Such study shall include—

16 (A) the race, ethnicity, age, gender, and
17 time of service of such Federal wildland fire-
18 fighters participating in the study; and

19 (B) recommendations to Congress on what
20 legislative actions are needed to support such
21 Federal wildland firefighters in preventing
22 health issues from this toxic exposure, similar
23 to veterans that are exposed to burn pits.

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

4 (6) REPORT ON AFFECTED EMPLOYEES.—Be-
5 ginning 1 year after the date of enactment of this
6 Act, the Secretary shall include in each annual re-
7 port on implementation of the Federal Employees’
8 Compensation Act program and issues arising under
9 it that the Secretary makes pursuant to section
10 8152 of title 5, United States Code, the total num-
11 ber and demographics of employees with diseases
12 and conditions described in the amendments made
13 by this Act as of the date of such annual report,
14 disaggregated by the specific condition or conditions,
15 for the purposes of understanding the scope of the
16 problem. The Secretary may include any information
17 they deem necessary and, as appropriate, may make
18 recommendations for additional actions that could be
19 taken to minimize the risk of adverse health impacts
20 for Federal employees in fire protection activities.

21 (b) SUBROGATION OF CONTINUATION OF PAY.—

22 (1) SUBROGATION OF THE UNITED STATES.—
23 Section 8131 of title 5, United States Code, is
24 amended—

1 (A) in subsection (a), by inserting “con-
2 tinuation of pay or” before “compensation”;
3 and

4 (B) in subsection (c), by inserting “con-
5 tinuation of pay or” before “compensation al-
6 ready paid”.

7 (2) ADJUSTMENT AFTER RECOVERY FROM A
8 THIRD PERSON.—Section 8132 of title 5, United
9 States Code, is amended—

10 (A) by inserting “continuation of pay or”
11 before “compensation” the first and second
12 place it appears;

13 (B) by striking “in his behalf” and insert-
14 ing “on his behalf”;

15 (C) by inserting “continuation of pay and”
16 before “compensation” the third place it ap-
17 pears; and

18 (D) by striking the 4th sentence and in-
19 serting the following: “If continuation of pay or
20 compensation has not been paid to the bene-
21 ficiary, the money or property shall be credited
22 against continuation of pay or compensation
23 payable to him by the United States for the
24 same injury.”.

1 (c) PROTECTION OF FIREFIGHTERS FROM TOXIC
2 CHEMICALS AND OTHER CONTAMINANTS.—

3 (1) IN GENERAL.—Not later than 1 year after
4 the date of the enactment of this Act, the Comp-
5 troller General of the United States shall submit to
6 the Committee on Education and Labor of the
7 House of Representatives and the Committee on
8 Health, Education, Labor, and Pensions of the Sen-
9 ate a report that evaluates the health and safety im-
10 pacts on employees engaged in fire protection activi-
11 ties that result from the employees' exposure to toxic
12 chemicals and other contaminants that could cause
13 human health problems. The report may include in-
14 formation on—

15 (A) the degree to which such programs and
16 policies include consideration of the possibility
17 of toxic exposure of such employees who may
18 come into contact with residue from fibers,
19 combusted building materials such as asbestos,
20 household chemicals, polymers, flame-retardant
21 chemicals, and other potentially toxic contami-
22 nants;

23 (B) the availability and proper mainte-
24 nance of professional protective equipment and

1 secure storage of such equipment in employees'
2 homes and automotive vehicles;

3 (C) the availability of home instructions
4 for employees regarding toxins and contami-
5 nants, and the appropriate procedures to coun-
6 teract exposure to same;

7 (D) the employees' interests in protecting
8 the health and safety of family members from
9 exposure to toxic chemicals and other contami-
10 nants to which the employees may have been
11 exposed; and

12 (E) other related factors.

13 (2) CONTEXT.—In preparing the report re-
14 quired under paragraph (1), the Comptroller Gen-
15 eral of the United States may, as appropriate, pro-
16 vide information in a format that delineates high
17 risk urban areas from rural communities.

18 (3) DEPARTMENT OF LABOR CONSIDER-
19 ATION.—After issuance of the report required under
20 paragraph (1), the Secretary of Labor shall consider
21 such report's findings and assess its applicability for
22 purposes of the amendments made by subsection (b).

23 (d) INCREASE IN TIME-PERIOD FOR FECA CLAIM-
24 ANT TO SUPPLY SUPPORTING DOCUMENTATION TO OF-
25 FICE OF WORKER'S COMPENSATION.—Not later than 60

1 days after the date of enactment of this Act, the Secretary
2 of Labor shall—

3 (1) amend section 10.121 of title 20, Code of
4 Federal Regulations, by striking “30 days” and in-
5 serting “60 days”; and

6 (2) modify the Federal Employees Compensa-
7 tion Act manual to reflect the changes to such sec-
8 tion made by the Secretary pursuant to paragraph
9 (1).

