

Testimony on LD 1024
Resolve, Directing the Workers Compensation Board to Study the Impact of Workers' Compensation
Laws on Certain Public Sector Employees

Senator Hickman. Chair
Representative Sylvester Chair
Members Joint Standing Committee on Labor and Housing

My name is Gerry Gay and I currently serve as a Career Lieutenant with the City of Sanford Fire Department. I have been with the Fire Department for almost 39 years and served 1 year as a volunteer Firefighter with the Town of Gray. I wish to address LD 1024 which is seeking to study the fiscal impacts on the Rebuttable Presumptive for Workers Compensation.

Over the last 22 years, the Sanford Fire Department has had 19 firefighter's cases of cancer. Here are the types of cancer we have recorded over the years by active or retired firefighters. They are as follows; Brain, prostate, Colon, Kidney, Leukemia, Pancreatic, Esophageal and Throat Cancer. Only 1 case of cancer has gone before Workers Compensation Board. That firefighter with Brain cancer has fought with the city for almost 10 years and at each step the employee prevailed as a work related. By city fighting this claim for almost 10 years raises the legal costs associated with this case. Without question the cost of treating cancer is expensive.

Sanford firefighters over the years have been attempting to reduce our exposure to carcinogen only to be rebuffed by the past fire chiefs and elected officials. We wanted to do what was right for the employee. Just reducing our exposure to diesel exhaust in fire stations has been a struggle. We did not receive station exhaust systems until the city sold a building and then used some of the proceeds to cover the cost of exhaust systems in all 3 fire stations and that was around 2016. Had this been in place years ago we could have strived in setting the example to reduce our long term exposure by starting with station diesel exhaust a known carcinogen. While I don't know if it would have impacted on our cancer rates it would have shown the attempt to reduce the employee level exposure and may very well have reduced Workers Compensation cancer claims against the city.

Today, with pro-active Fire Chiefs, they have developed policies and procedures that educate every firefighter coming into the fire department and the importance of properly wearing your protective gear and decontamination after every incident. I do agree that every firefighter should have a baseline medical exam to help address future firefighters but that comes a cost which should be invested at ones beginning career and not having to fight these type of claims in the future.

If this study is to go forward, does it not do cost shifting and place a burden on other departments that have taken a pro-active approach to reducing any firefighter's exposure to carcinogens. It's also important for the committee to not just look at the cost but how long the firefighter exposure existed and when did the employer take action or some protection to reduce the firefighter's exposure to any carcinogen he or she has been exposed to. To look at the time frame of those who served a firefighter spending less time fighting those claims and figuring out is the city looking out for the best interest and safety of the employee and protecting those.

Lieutenant Gerry Gay

Gerry Gay
City of Sanford

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