



Corporate Report

NO: R038

COUNCIL DATE: February 21,

2005

REGULAR

TO: Mayor & Council DATE: February 18,
2005

FROM: Fire Chief FILE: 2660-00

SUBJECT: Firefighters and certain cancers

RECOMMENDATION

It is recommended that Council:

1. That Council express their support directly to Worker's Compensation Board and to the Provincial Government for the presumption of a number of cancers such as those identified by Dr. Tee Guidotti.

1.0 BACKGROUND

On January 24, 2005 Council received a delegation from the Surrey Firefighters asking that they support the presumption of certain forms of cancer among firefighters.

Currently there is no statutory provision or policy specifically addressing cancer in firefighters. The British Columbia WCB Policy and Research has developed a discussion paper on "Firefighters and Certain Cancers" and has invited stakeholders to provide feedback on the proposed policy options by March 2, 2005.

The issue is a complex one. Not being an expert in the field of epidemiology makes it difficult to assess which medical or scientific approach is more legitimate. Any decision, while we may have input, ultimately belongs to the WCB.

At the November 3, 2003 Council meeting the following motion was passed:

1. *That Council express to the Workers Compensation Board its support for the concept for presumption of a number of cancers in full time urban firefighters who have been regularly exposed to the hazards of a fire scene for a specific length of time, and*
2. *That Council request the Workers Compensation Board examine the legislation of other provinces and the medical research that they were based upon for the creation of regulations.*

2.0 DISCUSSION

Recently, the Governments of four Canadian provinces have amended their Workers' Compensation legislation to include a statutory presumption for a number of cancers in firefighters. This is summarized below:

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Cancer	Alberta	Sask	Man	N. Scotia	Minimum Period of employment (yrs)
Leukemia (“primary site”)	Yes	Yes	Yes	Yes	5
Non-Hodgkin's Lymphoma (“primary site”)	Yes	Yes	Yes	Yes	20
Primary site brain cancer	Yes	Yes	Yes	Yes	10
Primary site bladder cancer	Yes	Yes	Yes	Yes	15
Primary site urethra cancer	Yes	No	No	No	15
Primary site kidney cancer	Yes	Yes	Yes	Yes	20
Primary site colon cancer	Yes	No	No	Yes	20

The presumptions in Alberta, Manitoba and Saskatchewan apply to full-time firefighters who have been regularly exposed to the hazards of a fire scene, other than a forest fire scene.

The Nova Scotia presumption applies to a worker who has been a member of a fire protection service of a municipality or a volunteer fire department and who has been regularly exposed to the hazards of a fire scene, other than a forest fire scene.

Ontario

Established policy Operational Guidelines only, for brain and lymphatic cancers for full-time urban firefighters. Claims for other types of cancers from full-time urban firefighters are not covered under this Policy but are adjudicated on a case-by-case basis.

New Brunswick

A Private Member's Bill was introduced in the Legislature in August 2003, but it has not progressed to second reading.

Quebec

Does not have a statutory presumption for cancer in firefighters. A commissioned study recognized a casual link between bladder and kidney cancers and firefighting where an employee is exposed to fires and fumes during suppression or overhaul and investigation stage, and provided the employee has a minimum of 20 years as a full-time firefighter.

Other Jurisdictions

In the United States, 23 of the 40 States have some form of coverage related to certain cancers and firefighting. There are 9 States that have presumptive legislation.

There is no presumptive legislation in Australia, New Zealand or the United Kingdom.

3.0 B.C. MUNICIPALITIES

The City of Vancouver is the largest employer of firefighters in the Province of B.C. Attached to this report, is a Motion on Notice dated February 15, 2005 which was passed by Vancouver City Council supporting the presumption of Occupational Cancers risk in firefighters.

City Councils of Burnaby, Richmond and Delta support presumptive cancers for the firefighters.

History of Cancer Claims

British Columbia

Since 1985 the WCB has received 47 claims for cancer, where the WCB accepted 17 (\$5.7 million cost) and denied 29. Each case is judged on its own merit.

Cancer Claims by Firefighters (1985 to October 2004)

Type of Cancer	Total	Accepted	Denied	Other
Skin (melanoma)	4	2	2	
Skin (squamous cell)	2	1	1	
Brain	8	6	1	1 suspended
Colon/Rectum	9	1	8	
Bladder	1	0	1	
Kidney	5	4	1	
Leukemia	1	0	1	
Lung	1	0	1	
Non-Hodgkin's Lymphoma	5	0	5	
Hodgkin's Lymphoma	2	0	2	
Multiple Myeloma	3	3	0	
Esophagus	1	0	1	
Larynx	1	0	1	
Digestive system	2	0	2	
Testicular	1	0	1	
Thyroid	1	0	1	
Total	47	17	29	1

4.0 COSTS

In response to an inquiry of October 2004 by the Firefighter's Association, the WCB provided an estimated cost of the impact of covering the cost of the 10 cancers in question. Average cost per non-fatal claim is \$100,000 and a fatality based claim is \$350,000 (based on WCB data).

Based on discussions with the BC Cancer Agency, it is assumed rates of cancer in the population of retired and active firefighters will be double that of the general population of males in the same age group. Therefore, if the general population cancer death rate is 8 per year, then the rate will be 16 for firefighters.

The WCB estimates that the base rate for municipalities would go up by 31 cents for every hundred dollars of payroll, and 64 cents for every 100 dollars of payroll if a 10 year retro is applied.

If the City following the WCB calculations they derive the following:

Estimated Costs if WCB recognizes those cancers under discussion

	2004	No Retro	10 year retro
Assessable payroll (2003)	\$76,199,220.00	\$76,199,220.00	\$76,199,220.00
Base Rate	1.63	1.94	2.27
WCB base premiums	\$1,242,047.29	\$1,478,264.87	\$1,729,722.29
Increased Annual Costs		\$236,217.58	\$487,675.01

Although cancer claims are extremely expensive, the WCB estimate of 16 claims a year seems unreasonably high. Cancer claims filed by firefighters have been at a rate of 2 to 3 per year. It would, therefore, be reasonable to assume that 8 compensable claims a year may occur, which would substantially reduce the increased cost estimate to approximately one half.

Further to Council's earlier resolution, we recommend that further support be expressed directly to Worker's Compensation Board and to the Provincial Government for the presumption of a number of cancers such as those identified by Dr. Tee Guidotti, specifically to amend Schedule B of the Provincial Workers Compensation Act to include certain cancers as occupational among professional firefighters with a minimum period of employment.

Len Garis
Fire Chief

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MOTION ON NOTICE

for consideration at the Regular Council meeting on February 15, 2005.

1. Presumption of Occupational Cancer Risk in Fire Fighters

WHEREAS:

- The City of Vancouver is the largest employer of fire fighters in the province of British Columbia, and therefore the largest stakeholder.
- City Councils of Vancouver, Surrey, Burnaby, Richmond and Delta have voted to support the fire fighters going forward for Presumptive Cancer Legislation based on the scientific works of the 1994 Ontario Industrial Disease Standards Panel (IDSP), Baris (2001), and the work of Doctor Tee Guidotti.

- The GVRD Labour Bureau is not proportional representation of employers of fire fighters.
- The major stakeholders of the GVRD Labour Bureau are in favour of supporting adoption of Legislation and Regulations acknowledging the relationship between fire fighting and cancers identified by Doctor Tee Guidotti.
- Certain voting members of the GVRD Labour Bureau do not employ fire fighters, and are therefore not stakeholders.

THEREFORE BE IT RESOLVED THAT:

- Vancouver City Council, as the largest employer of fire fighters in the province of British Columbia, express directly to the Workers Compensation Board and to the Provincial Government their continued support for the presumption that a number of cancers, as identified by Doctor Tee Guidotti, be adopted as soon as possible.
- Vancouver City Council will continue supporting fire fighters by replying to the WCB Discussion Paper - specifically (page 16) Section 6.1 (Disease Recognition Options) firmly calling for Schedule "B" to be amended as identified in Option 2 - Sub-option (d).