



Information about Presumptive Legislation

What are presumptive disability laws?

A presumptive disability law links a particular occupation with a disease or condition that has been shown to be a hazard associated with that occupation.

As a result of this linkage, if an individual employed in the occupation covered by the presumption contracts a disease or condition that is specified in the presumptive law, then that disease or condition is presumed to have come from that occupation. In this case, the burden of proof shifts from the employee to the employer to demonstrate that the condition was not in fact associated with the occupation but with another cause.

For fire fighters and emergency medical responders, scientific evidence has demonstrated an increased risk for heart disease, lung disease, cancer and infectious diseases. At this time, most of the United States and Canadian provinces have some form of presumptive law that applies to fire fighters and emergency response personnel. These laws vary greatly between states and provinces.

The IAFF Division of Occupational Health, Safety & Medicine has developed an information database of the current presumptive disability provisions in the United States and Canada.

How do these laws benefit fire fighters and EMS workers?

The employee diagnosed with an occupational disease or condition covered by a presumptive disability law would be entitled to:

- payment of medical expenses
- disability retirement benefits
- worker's comp benefits
- lost wages, or
- benefits for spouse/family as the situation allows

These benefits will vary between states and provinces, so fire fighters should be familiar with the workers compensation system that applies to them.

What are the limitations of presumptive disability laws?

The employee diagnosed with an occupational disease or condition covered by a presumptive disability law would be entitled to:

- Currently federal fire fighters and many state and provincial fire fighters do not have presumptive laws in their jurisdictions. This means that these fire fighters must prove that any illness or condition that they contract is associated with their employment on a case-by-case basis.

DISPATCH



What are the limitations of presumptive disability laws (cont'd)?

- Generally presumptive laws apply to full-time paid professional fire fighters however some states and provinces do include limited coverage for part-time and volunteer fire fighters.
- Most states and provinces require a minimum number of years of service before a condition or illness is presumed to be associated with fire fighting.
- Most states and provinces limit the types of cancers or diseases that are presumed to be associated with fire fighting.
- Most states and provinces include rebuttable clauses that allow an employer to challenge that a condition or illness did not come from fire fighting but from some other cause. A classic example is if a fire fighter gets cancer but was also a smoker the employer will rebut the presumption claiming that smoking was the primary cause of the cancer and not fire fighting.
- Despite the presence of presumptive legislation, there is still no guarantee that claim will be approved.

How can I bring presumptive disability laws to my state, province or municipality?

- Scientific evidence continues to demonstrate the increased risk for heart disease, lung disease, cancer, and infectious disease among fire fighters and emergency medical responders.
- The IAFF encourages its affiliates to work with state and provincial legislatures to enact presumptive laws and to update and enhance legislation where laws vary or provide limited benefits.
- For assistance with obtaining presumptive legislation for your state, contact the IAFF Division of Health, Safety and Medicine.

History of Presumptive Disability Laws

- First state to enact a heart and lung presumption was Pennsylvania in 1935.
- California was the first state to enact Cancer legislation in 1982.

Presumptive Legislative Stories

Click on the links below to read stories regarding presumptive legislation.

[Cancer takes heavy toll on Seattle fire fighters](#)

[Pushing for Presumptive Protections](#)

[Senate Committee Approves Presumptive Disability Benefits for Federal Fire Fighters](#)

[Ontario Enacts Presumptive Legislation](#)

[Cancer Presumption Bill Protects Vermont Fire Fighters](#)

For more information on presumptive legislation, go to phi.iaff.org.