

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 2499
OFFERED BY MR. TAKANO OF CALIFORNIA**

Strike all after the enacting clause and insert the following:

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Federal Firefighters
3 Fairness Act of 2022”.

4 **SEC. 2. CERTAIN DISEASES PRESUMED TO BE WORK-RE-**
5 **LATED CAUSE OF DISABILITY OR DEATH FOR**
6 **FEDERAL EMPLOYEES IN FIRE PROTECTION**
7 **ACTIVITIES.**

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

12 **“§ 8143b. Employees in fire protection activities.**

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

16 “(1) IN GENERAL.—For a claim under this sub-
17 chapter of disability or death of an employee who
18 has been employed for a minimum of 5 years in ag-

1 gregate as an employee in fire protection activities,
2 a disease specified on the list established under
3 paragraph (2) shall be deemed to be proximately
4 caused by the employment of such employee.

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

8 “(A) Bladder cancer.

9 “(B) Brain cancer.

10 “(C) Chronic obstructive pulmonary dis-
11 ease.

12 “(D) Colorectal cancer.

13 “(E) Esophageal cancer.

14 “(F) Kidney cancer.

15 “(G) Leukemias.

16 “(H) Lung cancer.

17 “(I) Mesothelioma.

18 “(J) Multiple myeloma.

19 “(K) Non-Hodgkin lymphoma.

20 “(L) Prostate cancer.

21 “(M) Skin cancer (melanoma).

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

1 “(O) Testicular cancer.

2 “(P) Thyroid cancer.

3 “(3) ADDITIONS TO THE LIST.—

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

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

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

1 tional Institute for Occupational Safety and
2 Health, the National Toxicology Program, the
3 National Academies of Sciences, Engineering,
4 and Medicine, and the International Agency for
5 Research on Cancer.

6 “(4) PETITIONS TO ADD TO THE LIST.—

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

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

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

25 “(b) DEFINITIONS.—In this section:

1 “(1) EMPLOYEE IN FIRE PROTECTION ACTIVI-
2 TIES.—The term ‘employee in fire protection activi-
3 ties’ means an employee employed as a firefighter,
4 paramedic, emergency medical technician, rescue
5 worker, ambulance personnel, or hazardous material
6 worker, who—

7 “(A) is trained in fire suppression;

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

10 “(C) is engaged in the prevention, control,
11 and extinguishment of fires or response to
12 emergency situations where life, property, or
13 the environment is at risk, including the pre-
14 vention, control, suppression, or management of
15 wildland fires; and

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

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

20 (b) RESEARCH COOPERATION.—Not later than 120
21 days after the date of enactment of this Act, the Secretary
22 of Labor shall establish a process by which a Federal em-
23 ployee in fire protection activities filing a claim related to
24 a disease on the list established by section 8143b of title
25 5, United States Code, will be informed about and offered

1 the opportunity to contribute to science by voluntarily en-
2 rolling in the National Firefighter Registry or a similar
3 research or public health initiative conducted by the Cen-
4 ters for Disease Control and Prevention.

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

8 (1) evaluate the best available scientific evi-
9 dence of the risk to an employee in fire protection
10 activities of developing breast cancer;

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

16 (3) submit a report of the Secretary's findings
17 under paragraph (1) and the Secretary's determina-
18 tion under paragraph (2) to the Committee on Edu-
19 cation and Labor of the House and the Committee
20 on Health, Education, Labor, and Pensions of the
21 Senate.

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

