



I A F F A L W A Y S O N T H E F R O N T L I N E



FIRE FIGHTER ISSUES BOOK

110TH CONGRESS • SECOND SESSION





INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

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Dear Member of Congress:

On behalf of the more than 287,000 men and women of the International Association of Fire Fighters, I am pleased to provide you with a copy of our 2008 Legislative Issues Book. The second session of the 110th Congress is expected to address many issues of concern to the nation's first responders, and this briefing book is intended to provide you with a better understanding of the IAFF's positions on the vital issues before you.

On March 9-12, more than 800 professional fire fighters and emergency medical personnel from across the nation will come to Washington, DC to attend the IAFF annual Legislative Conference and meet with their elected representatives. I hope you will have the opportunity to meet with your fire fighter-constituents to discuss the issues described on these pages, and that you will continue to seek the perspective of our nation's frontline domestic defenders on legislative matters in the months ahead.

I thank you in advance for your consideration of these issues and our positions. The IAFF Department of Governmental Affairs stands ready to assist you and your staff throughout the year. Please do not hesitate to call on us. We look forward to a cooperative and productive legislative session.

Sincerely,

Harold A. Schaitberger
General President

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IAFF LEGISLATIVE ISSUES BOOK

110th Congress - Second Session

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IAFF LEGISLATIVE FACT SHEET

COLLECTIVE BARGAINING

The IAFF strongly supports the Public Safety Employer-Employee Cooperation Act and encourages Senators to support the bill.

BACKGROUND

Fire and police departments and the citizens they protect benefit immeasurably from productive partnerships between public safety employers and employees. Studies show that communities promoting such cooperation enjoy more effective and efficient delivery of emergency services. Such cooperation, however, is undermined in states that do not provide public safety employees with the fundamental right to bargain with their employers.

Congress has historically given states and localities latitude in managing their own employees, including public safety officers. However, the terrorist attacks of September 11, 2001 redefined the federal government's role in protecting the public safety, and first responders now play a pivotal role in homeland security.

Americans now understand homeland security is a vital responsibility shared by federal, state, and local governments. Since 9/11, the federal government has pursued greater involvement in state and local emergency preparedness and response through the creation of the Department of Homeland Security, homeland security grants, and homeland security presidential directives. As part of this mandate to promote effective local emergency response capabilities, Congress has an obligation to ensure that emergency responders have the ability to provide input into how to best protect the public safety. Such input requires a collective bargaining framework.

CURRENT LEGISLATION

U.S. House: H.R. 980, the Public Safety Employer-Employee Cooperation Act
Sponsors: Representative Dale Kildee (D-MI)
Representative John Duncan (R-TN)

U.S. Senate: S. 2123, the Public Safety Employer-Employee Cooperation Act
Sponsors: Senator Judd Gregg (R-NH)
Senator Edward Kennedy (D-MA)

Summary: H.R. 980 and S. 2123 would grant public safety officers collective bargaining rights in states that currently don't have them. The legislation would establish minimum standards for state collective bargaining laws, including:

- the right of public safety officers to bargain over wages, hours and working conditions;
- a dispute resolution mechanism, such as fact finding or mediation; and
- enforcement of contracts through state courts.

The legislation expressly prohibits strikes and lockouts; does not infringe on right-to-work laws; and does not interfere with existing state laws and collective bargaining agreements.

CONGRESSIONAL ACTION

On June 20, 2007, the House Committee on Education and Labor approved H.R. 980 by a vote of 42-1.

On July 17, 2007, the U.S. House of Representatives voted to pass H.R. 980 by a vote of 314-97.

On December 11, 2007, Senators Harkin (D-IA), Gregg (R-NH), and Kennedy (D-MA) offered S. 2123 as an amendment (S.A. 3830) to the Farm bill (H.R. 2419).

On December 13, 2007, Senate leaders attempted to bring up the amendment, S.A. 3830. Senator Jim DeMint (R-SC) objected and prevented the Senate from considering S.A. 3830, forcing its withdrawal.

KEY POINTS

COLLECTIVE BARGAINING

- The Public Safety Employer-Employee Cooperation Act enjoys broad support in Congress. The House version was adopted by a vote of 314 to 97, with a majority of both Republicans and Democrats supporting the bill. The Senate version similarly enjoys strong bipartisan support.
- Fire fighters, police officers, and emergency medical personnel risk their lives every day to protect the public. They deserve the same right to discuss workplace issues with their employer that the federal government already grants to most employees.
- The federal government has a vital interest in improving local emergency response operations through adequate staffing, training, and equipment. The federal government responded to the 9/11 tragedy by creating a network of federal and local emergency response coordination programs facilitated by billions of dollars of federal funding to state and local emergency response agencies. It is clearly within the federal government's authority to also ensure that front-line responders are able to discuss with their employer how to best provide emergency services.
- The ability of first responders to talk about their jobs with their employers protects the public safety. Collective bargaining has produced measurable staffing, training, equipment, health and safety improvements throughout the nation's fire departments resulting in safer fire fighters and improved local emergency response capabilities. The fatality rate from fires—for both fire fighters and civilians—is significantly lower in states that permit fire fighters to discuss workplace issues with their employer.
- The bill gives maximum flexibility to states to craft their own laws giving fire fighters and police officers the ability to sit down and talk with their employers. The bill does not require public agencies to agree to anything, and does not empower a third party to compel a jurisdiction to do anything it has not explicitly agreed to.
- The bill explicitly protects right-to-work laws. Public safety collective bargaining and right-to-work can and do co-exist. For example, fire fighters currently enjoy collective bargaining rights in right-to-work states such as Florida, Oklahoma and Idaho.
- Just as important as what the bill requires, is what it does not require. The bill does *not* allow public safety officers to strike; does *not* require binding arbitration to resolve disputes; does *not* take away authority of states and local jurisdictions to have the final say over all public safety decisions; does *not* require any specific method to certify unions; does *not* infringe on the rights of volunteer fire fighters; and does *not* mandate compulsory unionism.
- The legislation is strongly supported by the International Association of Fire Fighters (IAFF), Fraternal Order of Police (FOP), International Union of Police Associations (IUPA), the National Association of Police Organizations (NAPO), and the American Federation of State, County and Municipal Employees (AFSCME).

IAFF LEGISLATIVE FACT SHEET

HEALTH INSURANCE FOR EARLY RETIREES

The IAFF urges Members of Congress to cosponsor the Medicare Early Access Act.

BACKGROUND

According to current estimates, 47 million Americans – or one in six – lack health insurance. The growing health insurance void in this country endangers the health of the uninsured and increases health care costs for all Americans. One of the largest groups of uninsured Americans is early retirees – those who leave the workforce before becoming eligible for Medicare coverage. In 2006, a staggering 10.7 million uninsured Americans were between the ages of 45 and 64.

Early retiree access to health insurance is especially important to professional fire fighters because they retire earlier than other occupations. Not only do fire fighters often lose their health insurance when they retire, but they also find it more difficult than other Americans to purchase affordable health insurance because of health ailments associated with long-term occupational exposure to toxins, smoke, stress and extreme physical exertion.

There have been a number of legislative proposals designed to ensure early retirees have access to health insurance. Some of these proposals seek to address the broader problem of covering all uninsured people, while others focus exclusively on early retirees. The proposals range from creating a national health care insurance system to using tax incentives to encourage people to buy insurance. One proposal that has generated significant interest in recent years would allow people between the ages of 55-64 to buy into Medicare.

CURRENT LEGISLATION

The Medicare Early Access Act, introduced in the 109th Congress in the House and Senate by Representative Pete Stark (D-CA) and Senator Jay Rockefeller (D-WV), would give people ages 55 to 64 the option to buy Medicare coverage. The Medicare Early Access Act has generated significant support in Congress. However, past proposals have also drawn concerns about the cost to the federal government of such a program.

CONGRESSIONAL ACTION

Representative Stark and Senator Rockefeller are working on a proposal to provide early retirees with an option to buy into Medicare that would minimize the cost of such a program to the federal government.

KEY POINTS

HEALTH INSURANCE FOR EARLY RETIREES

- Fire fighters retire earlier than most professions, and many of these early retirees lose access to health insurance once they separate from service. Some jurisdictions have mandatory retirement ages that require fire fighters to leave the job before they become eligible for Medicare.
- Some jurisdictions offer retirees the option to remain in the employer-provided health plan, but require these retirees to pay most or all of the premiums. Whether the retirees retain their employer-provided insurance or seek another insurance carrier, it is not uncommon for retired fire fighters to spend 80 percent of their modest pension benefit on health insurance.
- Retired fire fighters often face significant and unique health care needs as a result of a career spent responding to emergencies in hazardous and stressful environments. These health conditions often result in increased premiums, placing an even greater financial burden on retired fire fighters and their dependents.
- Allowing early retirees to buy into Medicare would make health care more affordable for fire fighters and other Americans who lose access to employer-provided insurance when they need it most - during retirement.
- Proposals that expand access to health insurance save federal dollars in the long run by reducing costs associated with providing health care for the uninsured. Reducing the number of uninsured also alleviates strain on the nation's over-burdened emergency response and care systems.
- Without additional health insurance options, retired fire fighters sometimes have to fend for themselves in the private market for health insurance coverage. Fire fighters should not be penalized by the health insurance industry through higher premiums for a career in the fire service spent protecting the public.

IAFF LEGISLATIVE FACT SHEET

NATIONAL FIRE FIGHTER SAFETY STANDARDS

The IAFF supports adoption of national consensus standards for safe fire department operations, and supports legislation to promote compliance with such standards.

BACKGROUND

Fire Department operations, protective gear and equipment, and fire fighter qualifications vary greatly among localities, with such requirements remaining largely a matter of local custom and history. As a result, there is a wide disparity in fire department capabilities, and too many fire departments use outdated policies and ineffective equipment and practices. This not only hampers an effective emergency response, but threatens the health and safety of fire fighters.

Between 100 and 120 fire fighters continue to die in the line of duty each year, while tens of thousands of additional fire fighters sustain work-related injuries. While it will never be possible to eliminate all line-of-duty deaths, many such fatalities are entirely avoidable.

Fortunately, the most effective ways to protect fire fighter health and safety are well understood. The National Fire Protection Association (NFPA) and other standards-making bodies have developed industry consensus standards for safe firefighting practices. These standards have been developed and are supported by all facets of the fire service, as well as government agencies and interested private sector parties. The standards address a wide range of issues including requirements for protective equipment, safe fireground staffing, training, fitness and incident command.

Simply following such consensus standards would significantly reduce the number of avoidable fatalities among fire fighters. Yet, due to their voluntary nature, these standards are too often ignored by fire departments.

CURRENT LEGISLATION

Representative Ed Perlmutter (D-CO) is crafting legislation to promote fire department compliance with fire fighter safety standards. Specifically, the bill would:

- Require the Department of Homeland Security to ascertain the current level of compliance with industry consensus standards for safe operations, staffing, training and fitness among career, volunteer, and combination fire departments;
- Establish a task force to explore ways that governments can promote adoption of such standards by fire departments; and
- Require the task force to provide recommendations to the Congress, states and localities on how best to increase fire department compliance with such standards.

CONGRESSIONAL ACTION

Representative Perlmutter plans on introducing legislation to promote compliance with fire fighter safety standards in early 2008.

KEY POINTS

NATIONAL FIRE FIGHTER SAFETY STANDARDS

- The failure to follow industry consensus standards puts both the public and fire fighters at risk. An independent analysis conducted by the Boston Globe found that response time to emergencies in fire departments throughout the nation rose significantly over the past two decades due to a failure to abide by industry consensus standards.
- Fire fighter fatality investigations conducted by the National Institute for Occupational Safety and Health often cite the failure to follow specific consensus standards as contributing factors to a fire fighter's death. Providing adequate training and proper equipment, establishing safe staffing levels, following safe operating procedures and ensuring the physical and mental health of fire fighters can help reduce avoidable fire fighter fatalities.
- Using an open, consensus-based development process, standards-making bodies such as the National Fire Protection Association (NFPA) develop fire fighter safety standards in concert with members of the fire service as well as industry and government agencies. As a result, fire fighter safety standards are widely respected throughout the fire service, government, and private sector.
- The federal government already places minimum requirements on fire departments through NIMS, OSHA and the EPA, but many of these requirements are outdated and are not fully consistent with modern firefighting practices, placing fire fighters and the public at risk.
- The federal government relies on local fire departments to properly implement the National Response Framework in the response to any large-scale disaster. Fire departments and fire fighters must possess certain minimum capabilities to ensure an efficient and effective response.
- Insurance companies use standards compliance data to price homeowner and commercial property insurance. Widespread standards compliance would result in significantly lower insurance costs for both consumers and businesses.
- Recent surveys by the U.S. Fire Administration have found that a significant percentage of fire departments are unable to effectively respond to many common emergency situations. A more thorough analysis on the status of compliance with consensus standards would assist policy makers in seeking to address these threats to public safety.

IAFF LEGISLATIVE FACT SHEET

FEDERAL FIRE FIGHTER PRESUMPTIVE DISABILITY

The IAFF supports the Federal Firefighters Fairness Act and encourages Members of Congress to cosponsor the legislation.

BACKGROUND

Fire fighters are exposed on a daily basis to stress, smoke, heat and various toxic substances. As a result, fire fighters are far more likely to contract heart disease, lung disease and cancer than other workers. And as fire fighters increasingly assume the role of the nation's leading providers of emergency medical services, they are also exposed to infectious diseases. Heart disease, lung disease, cancer and infectious disease are now among the leading causes of death and disability for fire fighters, and numerous studies have found that these illnesses are occupational hazards of fire fighting.

In recognition of this link, more than 40 states have enacted "presumptive disability" laws, which presume that cardiovascular diseases, certain cancers and certain infectious diseases contracted by fire fighters are job-related for purposes of workers' compensation and disability retirement unless proven otherwise. No such law covers fire fighters employed by the federal government.

Under the Federal Employee Compensation Act (FECA), federal fire fighters must be able to pinpoint the precise incident or exposure that caused a disease in order for it to be considered job-related. This burden of proof is extraordinarily difficult for fire fighters to meet because they respond to a wide variety of emergency calls, constantly working in different environments under different conditions. As a result, very few cases of occupational disease contracted by fire fighters have been deemed to be service-connected.

CURRENT LEGISLATION

U.S. House: [H.R. 1142, the Federal Firefighters Fairness Act](#)
Sponsors: Representative Lois Capps (D-CA)
 Representative Todd Platts (R-PA)

U.S. Senate: [S. 1924, the Federal Firefighters Fairness Act](#)
Sponsors: Senator Thomas Carper (D-DE)
 Senator John Warner (R-VA)

Summary: H.R. 1142 and S. 1924 would create a rebuttable presumption that cardiovascular disease, certain cancers and certain infectious diseases contracted by federal fire fighters are job-related for purposes of workers' compensation and disability retirement.

CONGRESSIONAL ACTION

On February 16, 2007, H.R. 1142 was introduced in the U.S. House of Representatives and referred to the Committee on Education and Labor.

On August 1, 2007, S. 1924 was introduced in the U.S. Senate and referred to the Committee on Homeland Security and Governmental Affairs.

KEY POINTS

FEDERAL FIRE FIGHTER PRESUMPTIVE DISABILITY

- Our nation's federal fire fighters have some of the most hazardous and sensitive jobs in the country. While protecting our national interests on military installations, nuclear facilities, VA hospitals and other federal facilities, they are routinely exposed to toxic substances, biohazards, temperature extremes and stress.
- Fire fighters who are forced to separate from service due to a disability sustained in the line of duty receive enhanced retirement benefits over those who are injured off the job.
- Occupational illnesses should be considered job-related disabilities, but unlike most states, the federal government does not presume that illnesses associated with firefighting were contracted in the line of duty.
- To qualify for disability retirement, a federal fire fighter who suffers from an occupational illness must specify the precise exposure that caused his or her illness - an almost insurmountable burden.
- The Federal Firefighters Fairness Act creates a rebuttable presumption that federal fire fighters who become disabled by heart and lung disease, certain cancers and certain infectious diseases contracted the illness on the job.
- Because the presumption is rebuttable, illnesses would not be considered job-related if the employing agency can demonstrate that the illness likely has another cause. For example, a fire fighter who smokes would not be able to receive line-of-duty disability for lung cancer. But the burden of proof would be on the employer, rather than the injured employee or his or her family.
- It is fundamentally unfair that fire fighters employed by the federal government are not eligible for disability retirement for the same occupational diseases as their municipal counterparts. This disparity is especially glaring in instances where federal fire fighters work alongside municipal fire fighters during mutual aid responses and are exposed to the same hazardous conditions, such as the responses to Hurricane Katrina and the California wildfires.
- If the federal government wants to recruit and retain qualified fire fighters, it must be able to offer a benefits package that is competitive with the municipal sector, including having occupational illness covered by workers' compensation.
- Congress has provided presumptive disability benefits to other groups of individuals, such as Peace Corps volunteers, military veterans and public safety officers who die in the line of duty.



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