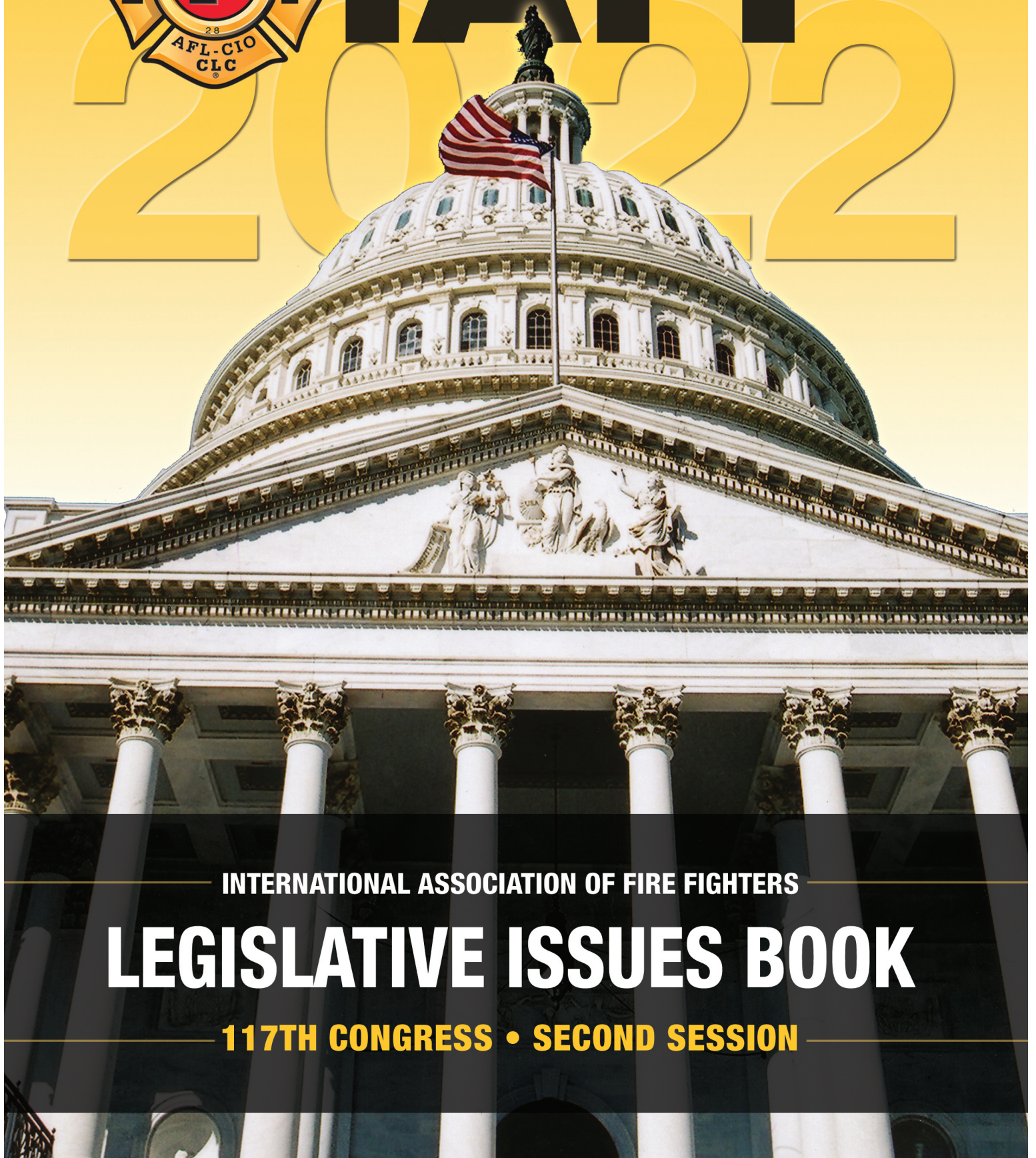




# IAFF

# 2022



INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS

# LEGISLATIVE ISSUES BOOK

117TH CONGRESS • SECOND SESSION



# INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS®

EDWARD A. KELLY  
General President

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March 2022

Dear Member of Congress:

On behalf of the more than 326,000 men and women of the International Association of Fire Fighters (IAFF), I present a copy of our 2022 Legislative Issues Book. This briefing book will provide you with a better understanding of the policy issues that impact America's professional fire fighters and emergency medical personnel.

Our members face significant challenges at the federal, state and local levels, particularly as they continue to serve their communities in the wake of COVID-19. The decisions you make on Capitol Hill directly impact their ability to do their jobs safely and effectively.

Hundreds of IAFF leaders and members will gather in our Nation's Capital March 6-9, 2022, to meet with their elected representatives. I hope that you find the time to meet with your fire fighter and emergency medical personnel constituents to hear their concerns and discuss the issues outlined in these pages.

Thank you for your consideration of our views and issues. Please know that our entire office stands ready to assist you and your staff throughout the year. Please do not hesitate to call on us. We look forward to working with you.

Sincerely,

Edward A. Kelly  
General President

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# IAFF Legislative Issues Book 117th Congress — Second Session

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# Fire Fighter and EMS Collective Bargaining Rights

The IAFF strongly supports the Fire Fighters and EMS Employer-Employee Cooperation Act and encourages members of Congress to cosponsor the bill.

## BACKGROUND

Fire and EMS departments benefit from productive partnerships between employers and employees. Studies have shown that communities with strong labor-management relations enjoy more effective and efficient delivery of emergency services. Recently, this cooperation enabled employers and workers to confront budgetary constraints, staffing challenges and shortages of personal protective equipment (PPE) amid the coronavirus pandemic.

The best way to promote this cooperation is through an established collective bargaining framework. Legislation providing these rights to fire fighters and EMS personnel has long received strong bipartisan support in Congress due to its key role in establishing better staffed, equipped and trained fire departments.

Congress has extended collective bargaining laws to private sector employees, transportation workers and federal government employees. One of the few groups of workers not covered by federal law are state and local government employees – including fire and EMS personnel.

Ensuring fire and EMS personnel have basic collective bargaining rights is consistent with the increasing role of fire fighters and EMS personnel in protecting our national security and responding to emergencies across state lines.

Local and state governments would still maintain control over their own policies as the legislation would not interfere with right-to-work laws or existing labor agreements. In fact, many states would not need to make any changes.

The Fire Fighters and EMS Employer-Employee Cooperation Act would give fire and EMS personnel basic collective bargaining rights in states that currently do not provide them and protect these rights in states where they exist but could be repealed.

The legislation gives states wide flexibility to develop their own laws based on the following minimum standards:

- The right to form and join a labor organization and to have that organization recognized through a written contract.
- The right to bargain over working conditions, hours and wages.
- The ability to resolve disputes through an impasse resolution mechanism and, when an agreement is reached, the right to enforce the agreement.

The legislation does not permit strikes and lockouts by fire fighters and EMS personnel.

## LEGISLATION

**House:** H.R. 2586, the Fire Fighters and EMS Employer-Employee Cooperation Act of 2021  
Sponsors: Representative Dan Kildee (D-MI); Representative Brian Fitzpatrick (R-PA)

**Senate:** S. 2178, the Fire Fighters and EMS Employer-Employee Cooperation Act of 2021  
Sponsor: Senator John Hickenlooper (D-CO)

**Summary:** The Cooperation Act would guarantee fire fighters and emergency medical services personnel basic collective bargaining rights in states that do not currently provide them.

## KEY POINTS

## The Cooperation Act enjoys broad bipartisan support while protecting states' rights

- Legislation providing collective bargaining rights for fire fighters and EMS personnel has enjoyed broad, bipartisan support in Congress. The U.S. House of Representatives passed legislation in the 110th Congress by a vote of 314 to 97 with a majority of each party in favor.
- The bill gives maximum flexibility for states to craft their own laws and enables fire fighters and EMS personnel to sit down and talk with their employers. The Cooperation Act respects the uniqueness of each state's employment needs by prohibiting fire fighters or EMS personnel from striking, maintaining states' right-to-work laws and enabling local jurisdictions to make public safety decisions.

## Collective bargaining helps protect public safety

- The federal government has a vested interest in improving local emergency response capabilities by supporting adequate staffing, training, and equipment. Beyond local emergencies, preparedness for major interstate emergency incidents, such as natural disasters and terrorist acts, relies on effective local fire and EMS agencies. This readiness is best supported when first responders can work directly with their local government leadership to ensure their needs are met.
- Fire fighters' ability to talk about their job with employers protects public safety and promotes preparedness. Collective bargaining has produced measurable improvements to staffing, training, equipment and health and safety throughout the nation's fire departments. The benefits from this

improved coordination are illustrated by the fact that civilian fire fatality rates are, on average, lower in states that provide these basic rights to fire and EMS personnel.

## The Cooperation Act is a matter of fairness for public safety

- Fire fighters and emergency medical personnel risk their lives every day to protect the public. They deserve the same rights to discuss workplace issues with their employer that the federal government grants most other workers.
- The United States has a long history of providing collective bargaining rights to workers. The freedom to assemble is established by the First Amendment to the Constitution and is key to our democracy. These rights were further codified over 80 years ago for private sector workers through passage of the National Labor Relations Act. Those working on the frontlines to protect our communities must be treated the same.

## The Cooperation Act strengthens public safety retirement and wages

- Due to the dangerous nature of the profession, fire fighters often are forced to retire early, putting an emphasis on smart retirement planning. Studies show that employers and employees who engage in collective bargaining achieve fairer pension contributions and improved retirement security.
- Collective bargaining also strengthens earnings for those still on the job. Eight of the top 10 states, in terms of disposable income, recognize public employees' rights to collectively bargain. Conversely, nine of the bottom 10 states, in terms of per capita income, do not allow collective bargaining for all public sector workers.

# Early Retiree Health Care for Public Safety Workers

The IAFF supports the Expanding Health Care Options for Early Retirees Act and encourages members of Congress to cosponsor the bill.

## BACKGROUND

Fire fighters and emergency medical services (EMS) personnel work in dangerous and demanding conditions day in and day out, taking a serious toll on their physical and mental health. Due to the unique aspects of the profession, public safety officers often retire before the age of 65 and before qualifying for Medicare. As a result, these first responders are left to themselves to obtain comprehensive health coverage during this gap period. As costs increase, finding comprehensive and affordable coverage is becoming harder.

When fire fighters retire in the United States, they essentially have three options for post-retirement healthcare. The first, and least realistic option, is for a fire fighter to have their insurance provided by their former employer until age 65. As health costs continue to rise, this already-rare benefit is disappearing.

Once this happens, retirees have just two options. One option is to buy into their old health plan at a substantially higher rate and often without a stipend to defray the cost. This option is usually prohibitively expensive for retirees on a fixed income.

The final option, which is quickly becoming the norm, is to purchase insurance on a state or federal exchange, or on the open market at a much higher rate and without any subsidy from the employer. These plans often lack the comprehensive coverage that retired fire fighters need to address a career's worth of orthopedic injuries and exposures to carcinogens.

Retirees' challenges in obtaining quality health insurance coverage can be compounded by their limited retirement earnings. Roughly 75% of fire fighters will not receive Social Security and, depending on their work history, their pension benefit can be as low as \$30,000 per year. When a fire fighter's employer eliminates a post-retirement health benefit, the cost of obtaining quality healthcare skyrockets and the value of their retirement plan craters.

Medicare buy-in at 50 could ease the transition into retirement for public safety workers. Early Medicare buy-in would provide an additional option for accessing health insurance at an affordable rate. These savings produce an added benefit whereby public safety workers get to keep more of their hard-earned savings to use for other essential needs after they leave work.

## LEGISLATION

**House:** [H.R. 4148, the Expanding Health Care Options for Early Retirees Act](#)  
Sponsor: Representative Tom Malinowski (D-NJ)

**Senate:** [S. 2236, the Expanding Health Care Options for Early Retirees Act](#)  
Sponsor: Senator Sherrod Brown (D-OH)

**Summary:** The bill would allow fire fighters, emergency medical personnel and police officers to buy into Medicare starting at age 50 following their retirement or disability.

## KEY POINTS

## Fire fighters generally retire earlier than other workers, leaving many with gaps in accessing quality health insurance

- The fire service requires a high level of physical and mental exertion and takes a serious toll on workers' health. As a result, many employers force fire fighters to retire as early as age 50, leaving workers burdened with securing expensive health insurance. Many fire fighters are stuck in this limbo for over a decade until they reach Medicare eligibility.
- In some jurisdictions, fire fighters and EMS personnel are legally forced to retire before reaching age 65. The lack of a realistic gap healthcare option is particularly concerning when individual fire fighters and EMS personnel have no control over their retirement dates.
- Early retirement is linked to the physically demanding aspects of the profession. Studies find that general markers for fitness decline as fire fighters age, including overall physical fitness, body weight, blood pressure, aerobic capacity and the likelihood of musculoskeletal injuries. Compared to private sector workers, fire fighters are more likely to suffer a workplace injury and take longer to return to work after being injured.
- Studies also show that fire fighters are significantly more at risk of contracting various cancers. Fire fighters work in dangerous environments and are routinely exposed to toxins, chemicals and other carcinogens. If a retired fire fighter gets sick because of service to their community, they should not have to worry about finding quality healthcare. Buying into Medicare following their retirement would provide an additional option for retirees to access the care they need.

## Finding quality health insurance on the open market can be difficult and expensive

- Fire fighters have few options to access quality health insurance once they retire. Costs associated with state and federal exchanges are unpredictable year-to-year and vary depending on where one lives. Painful uncertainty results when state exchanges' premium costs fluctuate and insurance providers move in and out of communities each year. These plans also often lack the comprehensive benefits that retirees need to address the injuries and cancer exposures that occurred throughout their careers. Early Medicare buy-in could provide more certainty for a high-need group like public safety workers.
- Buying insurance on the open market as an alternative comes with its own set of obstacles. Without an employer plan and a larger participant pool, rejection for coverage can occur. Studies show that individuals aged 55-64 are the most frequently rejected from buying coverage on the open market. Early Medicare buy-in would provide much-needed certainty and peace of mind for accessing healthcare in retirement.

## Providing the option for early Medicare buy-in will not increase costs

- This legislation states explicitly that, if enacted, it will have no negative impact on the Medicare Trust Fund. Costs overall may decrease due to the addition of younger participants into the Medicare pool.
- An estimated 7,000 fire fighters retire each year, including those who will continue to receive health insurance through their employer. Nearly two million individuals are added to the Medicare rolls each year. Adding eligible public safety retirees to this figure will have a negligible impact on the system and its 44 million enrollees.

# Federal Fire Fighter Presumptive Disability

The IAFF supports the Federal Firefighters Fairness Act and encourages members of Congress to cosponsor the bill.

## BACKGROUND

Fire fighters are routinely exposed to high stress, high heat, blinding smoke and various toxic substances. As a result, fire fighters are far more likely to contract a cardiovascular disease, lung disease and cancer than other workers. Additionally, as the nation's leading providers of emergency medical services, fire fighters are also exposed to communicable diseases.

Cancer, heart disease, lung disease and communicable diseases are among the leading causes of death and disability for fire fighters. Numerous studies have found that these illnesses are occupational hazards of the job. In recognition of this, 49 states have enacted presumptive disability laws, which presume that certain diseases contracted by fire fighters are job-related for purposes of workers' compensation and disability retirement, unless proven otherwise. Beyond a limited

COVID-19 presumption granted all public-facing federal employees, no such law covers federal fire fighters, who are routinely tasked with combatting fires and mitigating hazardous materials incidents alongside fire fighters from municipal and state fire departments covered by these presumptive disability laws.

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

## LEGISLATION

**House:** [H.R. 2499, the Federal Firefighters Fairness Act](#)  
Sponsors: Representative Salud Carbajal (D-CA); Representative Don Bacon (R-NE)

**Senate:** [S. 1116, the Federal Firefighters Fairness Act](#)  
Sponsors: Senator Thomas Carper (D-DE); Senator Susan Collins (R-ME)

**Summary:** The bill 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.



## KEY POINTS

## Federal fire fighters provide essential services across the nation

- Federal fire fighters have some of the most hazardous and sensitive jobs in the country. While protecting our national interests on military installations, federal research laboratories, homeland security facilities and veterans' hospitals, federal fire fighters are exposed to carcinogenic smoke, toxic substances, high heat, and stress, putting them at an increased risk for developing occupational diseases.
- Federal fire fighters often serve alongside state and local fire fighters who have presumptive coverage and are exposed to the same hazardous conditions, such as when responding to wildfires. It is fundamentally unfair that federal fire fighters are not eligible for presumptive health or disability retirement coverage for the same occupational diseases as their state and municipal counterparts.

## Fire fighters are at significant risk for occupational diseases

- Studies demonstrate that fire fighters develop numerous cancers more often than the public. Moreover, fire fighters experience a statistically significant increased risk of dying from cancer.
- Fire fighters have an increased risk of sudden cardiac events after participating in firefighting activities. One-fifth of fire fighters engaging in live-fire suppression activities experience cardiac arrhythmias, an irregular series of heartbeats. Electrocardiograms obtained up to 12 hours following active firefighting show ventricular arrhythmias and changes indicative of inadequate blood supply to the heart. Fire fighters' risk of death from a heart attack is up to 100 times greater than those performing non-emergency work.
- Fire fighters and emergency medical personnel are regularly exposed to blood and bodily fluids, putting them at risk for infectious disease. Exposure to bloodborne diseases occurs to four out of five fire

fighters, according to a study by the Occupational Health and Safety Administration (OSHA).

## The existing claims process is lengthy and cumbersome

- In Fiscal Year 2019, the Office of Workers Compensation Programs (OWCP) received more than 100,000 new cases. There are lengthy review and approval processes leading to delays in employee compensation and payment of medical bills. The Division of Federal Employees' Compensation indicates cases requiring evidentiary development take nearly six months to deliver a decision. Complex cases, such as cancers, heart and lung disease and infectious diseases in fire fighters often take as long as 10 months or longer.
- A federal fire fighter must specify the precise exposure that caused his or her illness to be eligible for OWCP's disability coverage. This burden of proof is extraordinarily difficult to meet because fire fighters experience countless exposures throughout their careers. The level of specificity required by OWCP is impossible to achieve.

## Rebuttable presumptive disability benefits are reasonable

- Because the presumption is rebuttable, illnesses would not be considered job-related if the employing agency can demonstrate the disease or illness likely had a non-occupational cause, such as smoking. However, the burden of proof rests with the employer, rather than the injured employee.
- Presumptive disability benefits are not a new concept. Congress approved a COVID-19 presumption for public safety officers and has provided presumptive disability benefits to other groups of individuals, such as 9/11 World Trade Center responders and victims. Additionally, 49 states have enacted similar laws for state and municipal fire fighters.



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