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

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

“(A) Bladder cancer.
“(B) Brain cancer.
“(C) Chronic obstructive pulmonary disease.
“(D) Colorectal cancer.
“(E) Esophageal cancer.
“(F) Kidney cancer.
“(G) Leukemias.
“(H) Lung cancer.
“(I) Mesothelioma.
“(J) Multiple myeloma.
“(K) Non-Hodgkin lymphoma.
“(L) Prostate cancer.
“(M) Skin cancer (melanoma).
“(N) A sudden cardiac event or stroke while, or not later than 24 hours after, engaging in the activities described in subsection (b)(1)(C).
“(O) Testicular cancer.

“(P) Thyroid cancer.

“(3) ADDITIONS TO THE LIST.—

“(A) IN GENERAL.—The Secretary shall periodically review the list established under this section in consultation with the Director of the National Institute on Occupational Safety and Health and shall add a disease to the list by rule, upon a showing by a petitioner or on the Secretary’s own determination, in accordance with this paragraph.

“(B) BASIS FOR DETERMINATION.—The Secretary shall add a disease to the list upon a showing by a petitioner or the Secretary’s own determination, based on the weight of the best available scientific evidence, that there is a significant risk to employees in fire protection activities of developing such disease.

“(C) AVAILABLE EXPERTISE.—In determining significant risk for purposes of subparagraph (B), the Secretary may accept as authoritative and may rely upon recommendations, risk assessments, and scientific studies (including analyses of National Firefighter Registry data pertaining to Federal firefighters) by the Na-
tional Institute for Occupational Safety and Health, the National Toxicology Program, the National Academies of Sciences, Engineering, and Medicine, and the International Agency for Research on Cancer.

“(4) PETITIONS TO ADD TO THE LIST.—

“(A) IN GENERAL.—Any person may petition the Secretary to add a disease to the list under this section.

“(B) CONTENT OF PETITION.—Such petition shall provide information to show that there is sufficient evidence of a significant risk to employees in fire protection activities of developing such illness or disease from their employment.

“(C) TIMELY AND SUBSTANTIVE DECISIONS.—Not later than 18 months after receipt of a petition, the Secretary shall either grant or deny the petition by publishing in the Federal Register a written explanation of the reasons for the Secretary’s decision. The Secretary may not deny a petition solely on the basis of competing priorities, inadequate resources, or insufficient time for review.

“(b) DEFINITIONS.—In this section:
“(1) Employee in fire protection activities.—The term ‘employee in fire protection activities’ means an employee employed as a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who—

“(A) is trained in fire suppression;

“(B) has the legal authority and responsibility to engage in fire suppression;

“(C) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk, including the prevention, control, suppression, or management of wildland fires; and

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

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

(b) Research Cooperation.—Not later than 120 days after the date of enactment of this Act, the Secretary of Labor shall establish a process by which a Federal employee in fire protection activities filing a claim related to a disease on the list established by section 8143b of title 5, United States Code, will be informed about and offered
the opportunity to contribute to science by voluntarily en-
rolling in the National Firefighter Registry or a similar
research or public health initiative conducted by the Cen-
ters for Disease Control and Prevention.

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

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

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

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

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