



Statement for the Senate Veterans Affairs & Emergency

Preparedness and Labor & Industry Committees

March 29, 2017

OFFICE OF THE STATE FIRE COMMISSIONER

Tim Solobay, Commissioner

Good Morning Chairman Vulakovich, Chairman Costa, Chairman Ward,
Chairman Tartaglione and members of the Senate Veterans Affairs & Emergency
Preparedness and Labor & Industry Committees, my name is Tim Solobay, the State Fire
Commissioner. Thank you for the opportunity to come before you to discuss
the State Workers Insurance Fund (SWIF) and the impact of the Cancer Presumption Act.

The remarks I share with you are not in the capacity as the State Fire Commissioner, but as
a member of the fire service community in the Commonwealth of Pennsylvania for nearly
40 years, and someone who served as a member of the General Assembly during the time
the Cancer Presumption Act was passed.

When the Cancer Presumption Law (Act 46 of 2011) was enacted, it was done so in a
collaborative matter as the Pennsylvania fire services had been advocating for its passage
for several years. The law expanded the definition of "occupational disease" under the
Workers' Compensation Act to include cancer suffered by a firefighter which is caused by
exposure to certain chemicals, including carcinogens during their careers. The expansion of
the definition, and the Act as a whole was seen as a win to provide much need protection
for members of the fire services and their families.

However, since its enactment, an issue has been continuously raised regarding the use and
validity of the PennFIRS system to document a volunteer firefighter's exposure to
carcinogens. It is presumed in the fire community that when there is fire and smoke,
carcinogens are released into the atmosphere. If a firefighter participates in an incident
response, the possibility exists that cancer could have occurred as a result of chemicals,
including carcinogens the firefighter was exposed to during the incident response.

I want to stress that the opinions expressed with regard to release of carcinogens or cancer
causing agents at the site of a fire are not within my scope of authority or responsibility as
State Fire Commissioner. These types of opinions require scientific evidence and testing.

Requiring the collection of this level of scientific information at the scene of a fire for
PennFIRS reporting would come at a significant expense to volunteer fire
companies. Without scientific evidence or proof, even if fire companies report this

information to the PennFIRS system, it does not prove that the information contained in the report is true.

It is my recommendation to amend the Cancer Presumption Act to remove this PennFIRS reporting requirement because a firefighter generally does not know what a group 1 carcinogen is, does not generally have the ability to collect samples on the fire scene to be able to test for carcinogens in the atmosphere, and the Office of State Fire Commissioner has no business maintaining this type of information.

Thank you for providing me with an opportunity to discuss this matter and for your continued support of the fire services. I would be happy to answer any questions you may have.