

MAY 3, 2022

**RULES COMMITTEE PRINT 117-41**  
**TEXT OF H.R. 2499, THE FEDERAL FIREFIGHTERS**  
**FAIRNESS ACT OF 2022**

[Showing the text of H.R. 2499, as ordered reported by the  
Committee on Education and Labor.]

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.

