

S 599

Federal Firefighters Fairness Act of 2009

Congress: 111 (2009–2011, Ended)

Chamber: Senate

Policy Area: Government Operations and Politics

Introduced: Mar 16, 2009

Current Status: Placed on Senate Legislative Calendar under General Orders. Calendar No. 160.

Latest Action: Placed on Senate Legislative Calendar under General Orders. Calendar No. 160. (Sep 14, 2009)

Official Text: <https://www.congress.gov/bill/111th-congress/senate-bill/599>

Sponsor

Name: Sen. Carper, Thomas R. [D-DE]

Party: Democratic • **State:** DE • **Chamber:** Senate

Cosponsors (19 total)

Cosponsor	Party / State	Role	Date Joined
Sen. Collins, Susan M. [R-ME]	R · ME		Mar 16, 2009
Sen. Inhofe, James M. [R-OK]	R · OK		Mar 18, 2009
Sen. Lieberman, Joseph I. [ID-CT]	ID · CT		Mar 19, 2009
Sen. Whitehouse, Sheldon [D-RI]	D · RI		Mar 19, 2009
Sen. Boxer, Barbara [D-CA]	D · CA		Mar 26, 2009
Sen. Dodd, Christopher J. [D-CT]	D · CT		Mar 26, 2009
Sen. Kerry, John F. [D-MA]	D · MA		Mar 26, 2009
Sen. Wyden, Ron [D-OR]	D · OR		Mar 30, 2009
Sen. Bennet, Michael F. [D-CO]	D · CO		Mar 31, 2009
Sen. Murray, Patty [D-WA]	D · WA		Mar 31, 2009
Sen. Landrieu, Mary L. [D-LA]	D · LA		Apr 2, 2009
Sen. Bingaman, Jeff [D-NM]	D · NM		Apr 20, 2009
Sen. Begich, Mark [D-AK]	D · AK		Apr 28, 2009
Sen. Kennedy, Edward M. [D-MA]	D · MA		Apr 28, 2009
Sen. Webb, Jim [D-VA]	D · VA		Jul 7, 2009
Sen. Brown, Sherrod [D-OH]	D · OH		Jul 13, 2009
Sen. Durbin, Richard J. [D-IL]	D · IL		Sep 15, 2009
Sen. Menendez, Robert [D-NJ]	D · NJ		Nov 18, 2009
Sen. Casey, Robert P., Jr. [D-PA]	D · PA		Dec 14, 2010

Committee Activity

Committee	Chamber	Activity	Date
Homeland Security and Governmental Affairs Committee	Senate	Referred to	Mar 25, 2009

Subjects & Policy Tags

Policy Area:

Government Operations and Politics

Related Bills

Bill	Relationship	Last Action
111 HR 948	Related bill	Mar 23, 2009: Referred to the Subcommittee on Workforce Protections.

Federal Firefighters Fairness Act of 2009 - **Title I: Federal Firefighters Fairness** - (Sec. 101) Provides that: (1) specified diseases of federal employees in fire protection activities shall be presumed to be proximately caused by such employment; (2) the disability or death of such an employee due to such a disease shall be presumed to result from personal injury sustained while in the performance of duty; and (3) such presumptions may be rebutted by a preponderance of the evidence.

Distinguishes between "uncommon infectious diseases," including human immunodeficiency virus (HIV), tuberculosis, and hepatitis A, B, and C (which are presumed to be proximately caused by such employment regardless of length of service), and heart disease, lung disease, and specified cancers (which are subject to that presumption only if the employee has been employed for at least five years).

Defines an "employee in fire protection activities" as a firefighter, paramedic, emergency medical technician, rescue worker, ambulance personnel, or hazardous material worker, who: (1) is trained in fire suppression; (2) has the legal authority and responsibility to engage in fire suppression; (3) is engaged in the prevention, control, and extinguishment of fires or response to emergency situations where life, property, or the environment is at risk; and (4) performs such activities as a primary responsibility of his or her job.

Directs the National Institute of Occupational Safety and Health (NIOSH) to examine the implementation of this title and appropriate scientific and medical data related to the health risks associated with firefighting and to report to Congress on: (1) an analysis of the injury claims made under this title; (2) an analysis of the available research related to the health risks associated with firefighting; and (3) recommendations for any administrative or legislative actions necessary to ensure that those diseases most associated with firefighting are included in the presumption created by this title.

Title II: Notifications of Possible Exposure to Infectious Diseases - (Sec. 201) Directs the Secretary of Health and Human Services (HHS), within 180 days after enactment of this Act, to complete the development of: (1) a list of potentially life-threatening infectious diseases, including those that are routinely transmitted through airborne or aerosolized means, to which emergency response employees may be exposed; (2) guidelines describing the circumstances in which such employees may be so exposed; and (3) guidelines describing the manner in which medical facilities should make determinations regarding whether an employee was so exposed. Directs the Secretary to make available to the public, and transmit to state public health officers for dissemination, copies of such list and guidelines.

(Sec. 202) Requires a medical facility that determines that an emergency victim transported to it has, or died from, an airborne infectious disease to notify the designated officer of the emergency response employees who transported the victim within 48 hours after making such determination.

(Sec. 203) Sets forth the duties of the designated officer of an employee who believes that he or she may have been exposed to an infectious disease by a victim of an emergency and who requests a determination regarding such exposure. Requires the officer to collect and evaluate the facts, make a determination of whether the employee may have been exposed, and submit to the facility to which the victim was transported a request for a response regarding such exposure. Requires the facility to make an evaluation and notify the officer of its determination of whether exposure occurred, or of the insufficiency of information to make such determination, within 48 hours. Requires the public health officer of the community in which a facility is located to evaluate any facility response regarding insufficiency of information.

(Sec. 204) Requires a facility, in making a required notification, to provide: (1) the name of the infectious disease involved; and (2) the date on which the victim of the emergency involved was transported by emergency response employees to the facility.

(Sec. 205) Requires a designated officer to immediately notify each employee who responded to the emergency and who may have been exposed regarding a facility's determination of exposure or other response.

(Sec. 206) Requires the public health officer of each state to designate one official or officer of each employer of emergency response employees in the state as such an employee's designated officer for purposes of this title, giving preference to individuals who are trained in the provision of health care or in the control of infectious diseases.

(Sec. 207) Sets forth limitations on the time periods for duties of, the liability of, and disclosure of information by medical facilities under this title.

(Sec. 209) Authorizes the Secretary to commence a civil action to obtain injunctive relief with respect to any violation of this title. Requires the Secretary to establish an administrative process for encouraging emergency response employees to provide information regarding violations.

(Sec. 210) Makes this title inapplicable in a state if the state's chief executive officer certifies that the state's law is in substantial compliance with this title.

Actions Timeline

- **Sep 14, 2009:** Committee on Homeland Security and Governmental Affairs. Reported by Senator Lieberman with amendments. With written report No. 111-75.
- **Sep 14, 2009:** Placed on Senate Legislative Calendar under General Orders. Calendar No. 160.
- **May 20, 2009:** Committee on Homeland Security and Governmental Affairs. Ordered to be reported with an amendment favorably.
- **Mar 25, 2009:** Committee on Homeland Security and Governmental Affairs referred to Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia.
- **Mar 16, 2009:** Introduced in Senate
- **Mar 16, 2009:** Read twice and referred to the Committee on Homeland Security and Governmental Affairs.