

February 11, 2005

Policy and Research Division
Workers' Compensation Board
PO Box 5350, Stn Terminal
Vancouver, B.C.
V6B 5L5

Attention: Susan Furlong, Senior Policy Analyst

Dear Ms. Furlong:

Re: Firefighters and Certain Cancers

The Okanagan Mainline Municipal Labour Relations Association (OMMLRA) appreciates the opportunity to participate in this review process, including the most recent stakeholders meeting on January 14th, 2005.

The OMMLRA is an “accredited” Employer bargaining association under the Labour Code of the Province of British Columbia. As such, the OMMLRA is the recognized legal representative for the City of Kelowna, the City of Penticton, the City of Revelstoke, the Town of Princeton, the District of Salmon Arm, the District of Summerland and the Regional District of Okanagan Similkameen in all labour relations matters.

Four of our municipal members (Kelowna, Penticton, Revelstoke and Salmon Arm) have Collective Agreements with Union Locals of the International Fire Fighters Association (IAFF). Our other members have volunteer fire departments.

The matter before the Board is whether, in consideration of the current scientific and medical knowledge, a statutory or policy provision is required to address the potential of cancer among firefighters.

In the late 1990s, the IAFF sought to have brain cancer added to Schedule B of the *Act* to establish a rebuttable presumption. The WCB obtained an expert report that found inadequate evidence to conclude that there was any increased risk of brain cancer among firefighters. A peer review of that expert report concluded that firefighters working in the 1940s and 1950s were at increased risk but that all firefighters were not.

The WCB did not reach a final decision at that time.

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The IAFF commissioned Dr. Tee Guidotti to conduct research into the relationship between firefighting and selected cancers. The IAFF submitted Dr. Guidotti's report to the WCB in 2003. He supported a Schedule B presumption.

The GVRD then submitted a report by Dr. Geoffrey Howe to the WCB. Dr. Howe's report is critical of the methodology in Dr. Guidotti's report and does not support the presumption.

In October 2003, given the conflicting conclusions of Dr. Howe and Dr. Guidotti and the conclusion of a 1999 expert report that found inadequate evidence of any increased risk of brain cancer among firefighters, the WCB commissioned an independent third party review of the medical and scientific evidence on the relationship between cancer and the job of a firefighter. The WCB chose Cancer Care Ontario (CCO) to complete the review. The IAFF and GVRD each appointed a peer reviewer to review the CCO report.

The CCO report concludes, in the main, that the information does not support a link between the studied cancers and the role of a firefighter.

The IAFF continues to seek the addition of certain cancers to Schedule B of the *Act* to establish the rebuttable presumption.

The Union is conducting a thorough and resolute political lobby that has convinced many politicians across the Province to support its quest for a presumption.

At the January 14th, 2005 meeting of the Policy and Research Division and stakeholders, irrespective of the conclusion of the WCB commissioned independent review, the IAFF continued to insist that a presumption was the only resolution acceptable to the Union.

The Employer representatives (GVRD Labour Relations Bureau, the District of Campbell River and the OMMLRA) generally expressed opposition to the introduction of a presumption citing the lack of medical and scientific evidence of a link between firefighting and cancer.

Consistent with our presentation to you on January 14th, the OMMLRA submits that, whether by practice or statutory requirement, the manner in which the WCB recognizes an occupational disease must be based solely on the strength of medical and scientific evidence linking employment to the cause of a disease.

We believe that the integrity of the entire WCB system, policy and program depends, in large part, upon strict adherence to the principle that demands clear and cogent evidence of a relationship between a disease and the nature of employment before establishing a right to compensation by statute, regulation or policy.

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The OMMLRA submits that the WCB acted appropriately and in accordance with sound and universally accepted business practice when it commissioned a ‘third party’ review of the scientific evidence relative to the occupation of firefighter and certain cancers. In fact, the ‘third party’ arbitration style approach was not only appropriate, but absolutely necessary, given the differences in stakeholder positions which are largely based upon opposing views previously put before the Board by the GVRD (Dr. Howe) and the IAFF (Dr. Guidotti).

We believe that the conclusions of the Cancer Care Ontario (CCO) review are the **only reasonable neutral assessment of the scientific evidence** on this issue other than the 1999 expert report on brain cancer that found not enough evidence of increased risk to firefighters. Consequently, only the CCO conclusions meet the test of reliable independent medical and scientific evidence upon which the WCB can base its decision.

In view of all of the foregoing, the OMMLRA submits that the WCB has no option but to conclude that the current medical and scientific evidence is insufficient to establish a link between the role of a firefighter and any cancer.

We, therefore, urge the WCB to continue to assess claims by firefighters for cancer on the same basis as a claim from any other worker; that is, based on the evidence for each individual case. This, in our view, would be a true and accurate reflection of the current scientific and medical evidence and would maintain the integrity of the Workers’ Compensation system.

The OMMLRA would also support an ongoing independent assessment of the issue over the next 10 to 15 years with reports presented to stakeholders at intervals of about 3 years. The ongoing assessment is recommended by the OMMLRA in response to the submission of Employer representatives that improvements in protective equipment, safety regulations, training, firefighting techniques, etc. will reduce the risk in future **AND** in response to the IAFF submission that a link between firefighting and cancer will become more evident.

The OMMLRA also recognizes that there may (and only may) be a political will in the Province – not based on scientific or medical evidence - to grant firefighters some new form of ‘compensation’ simply as a matter of social policy. While we cannot agree that such social policy is appropriate, we do say that if the political will is that paid firefighters be granted any extraordinary protection, it must occur outside the purview and jurisdiction of the WCB.

The responsibility to decide whether to afford firefighters this significant and costly benefit as a matter of social policy must rest with politicians at both the municipal and Provincial level. We believe this is the only way to grant fire fighters an exceptional payment and still maintain the integrity of the workers’ compensation system.

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In conclusion, the OMMLRA submits that there is no current medical or scientific evidence of a link between firefighting and cancer. The OMMLRA believes, therefore, that the WCB categorically cannot implement a policy or statutory provision that would purport to recognize such a link.

Thank you for the opportunity to participate in this process.

Sincerely,

Colin Day
Chairman, Okanagan Mainline Municipal Labour Relations Association
Councillor, City of Kelowna

c.c. OMMLRA Directors and member municipalities