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SPECIAL PENNSYLVANIA WORKERS' COMPENSATION ALERT

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On July 7, 2011, Governor Tom Corbett signed House Bill 797 into law, which designates cancer as an occupational disease for firefighters. Under the new law (Act 46 of 2011), firefighters can receive workers' compensation benefits if they develop cancer and can establish direct exposure to certain carcinogens at fire or hazmat incidents. To be eligible, the firefighter would have to have participated in continuous firefighting duty for four or more years and have passed a physical examination prior to bringing the claim or engaged in firefighter duties that failed to reveal any evidence of cancer.

The legislation goes into effect immediately. Although the law allows for a presumption that the cancer was caused by firefighting, the legislation contains specific language stating that the presumption may be rebutted by substantial competent evidence showing that the cancer was not caused by the occupation of firefighting. Unlike other occupational diseases under the Act, this legislation permits claims to be made within 600 weeks from the last date of employment that the firefighter was exposed to the hazards of the disease. However, the causation presumption will only apply to claims that are made within the first 300 weeks.

What's Hot in Workers' Comp is published by Marshall, Dennehey, Warner, Coleman & Goggin to provide information on recent legal developments of interest to our readers. This publication is not intended to provide legal advice for a specific situation or to create an attorney-client relationship. We would be pleased to provide such legal assistance as you require on these and other subjects when called upon. Our firm, founded in 1962, is exclusively a defense litigation law firm with over 400 attorneys working out of 19 offices in the states of Pennsylvania, New Jersey, Delaware, Ohio, Florida, and New York.

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