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TO: Senate Committee on Economic Development, Housing, and General Affairs
FROM: Department of Financial Regulation
DATE: April 23, 2024
RE: Reporting Requirement, H. 55

The Department of Financial Regulation (“DFR”) respectfully submits this written comment regarding the annual reporting requirements for the Division of Fire Safety and DFR regarding firefighters’ workers’ compensation claims for cancer (both currently in unnumbered sections of draft 3.1 of the bill).

1) Division of Fire Safety Report

To enable DFR to provide the most effective reporting possible, we suggest the following changes to the data gathered by the Division of Fire Safety:

- The data should be gathered every year that DFR will be reporting. This will allow firefighters to be captured as they enter and leave the various departments and will allow DFR to assess change over time.
- Hire dates and termination dates and/or years of service should be added to the data collected. This data is helpful in assessing exposure to carcinogens.
- Full-time or part-time status should be collected for each firefighter. Data on the number of fires worked each year would be more impactful. This type of data provides information on level of exposure.
- Gender should be included.
- Employment position/rank/level would be helpful as this data also assists in exposure analysis.
- DFR believes that the timing for this report is problematic. Data is due to DFR no later than 12/15/2024 and DFR's first report using this data is also due on that date.

2) Firefighters' Workers' Compensation Claims for Cancer Report; Annual Report

This section details the annual DFR report due 12/15 of 2024, 2025, 2026, 2027 and 2028. We suggest the following issues be considered.

- DFR is asked to report on a number of claims related issues. One item is the number and percentage of claims that are not for a type of cancer currently in the presumptions. Unfortunately, since these claims do not currently qualify for a presumption, they are unlikely to be reported to the workers' compensation insurer or the Department of Labor



and may only be reported to FF's health insurer. As a result, it will be difficult for DFR to make any assessment.

- DFR is asked to report the number of Vermont workers' compensation firefighter claims for cancer that were reported to the National Fire Registry for Cancer. DFR is concerned as to the accessibility and usability of this information. First, the Registry is entirely voluntary, and reporting is done on a firefighter-by-firefighter basis. DFR has also been unable to find information on the Registry website that indicates the data can be requested for our use. The Registry specifically notifies firefighters that the information is protected and will only be available to National Institute of Occupational Safety and Health researchers. As such, we presume that we would be unable to access information on which firefighters had reported or any related statistical information.
- As indicated above, DFR has been asked to report on the prior 12 months of claims using information from the insurers and the Division of Fire Safety. The Division of Fire Safety is not scheduled to report until the same date DFR's report is due. DFR will need to set up a process for insurers to report claims information and would need to receive that claims information with sufficient time to analyze it prior to the due date of its report. Based on the present timeline, DFR believes it would need insurers to report by October, leaving a short window to develop a reporting process and initiate data collection. A due date of 2/1/25 for the first report would be a more workable timeframe.

