

S.661 (Sanders) / A.6424 (Bichotte Hermelyn)

STAFF CONTACT : Frank Kerbein | Director, Center for Human Resources | 518-455-7180

BILL S.661 (Sanders) / A.6424 (Bichotte Hermelyn)
SUBJECT Provides a Claim-Filing Opportunity for the Widows and Dependents of Workers Who Died as a Result of Cancer Caused by Exposure to Diesel Exhaust
DATE June 10, 2021
OPPOSE

The Business Council is deeply concerned with any bill that represents further expansion of the workers' compensation system that increases costs to employers. In 2017, the Legislature acted to amend the workers' comp system. The reform was fair and balanced and offered a modest savings to employers while expanding access to benefits to injured workers. This bill ignores those efforts and would act to not only reverse those modest savings but once again send the workers' compensation system down the path of spiraling cost increases year after year.

Accordingly, The Business Council opposes S.661 (Sanders) / A.6424 (Bichotte Hermelyn). This bill establishes an arbitrary period (one-year) in which survivors of claimants may seek compensation as the result of an occupational disease only recently scientifically considered a Class 1 carcinogen. One can imagine the number of future "scientific" advances in health and the potentially unlimited number of potential claimants and the effect that could have on an already expensive workers' compensation system.

Statutes of limitations exist for a reason. As time goes by, the finding of fact become more difficult if not impossible. Memories fade, records are expunged, lost, or were not required during the individual's term of employment. It seems almost impossible that one could firmly establish that a particular exposure led to a particular disease during employment with a particular employer 10, 20, 30 years ago or more.

While we sympathize with victims of cancer as the result of the exposure to diesel exhaust, and while we stipulate that such disease could arise out of the course of employment, it is essential that the integrity of the Workers' Compensation system be maintained and that special conditions, rules, and procedures are not created for each particular injury or illness.

For these reasons, The Business Council, on behalf of our 2,300 members, opposes this bill.