



**OHIO ASSOCIATION OF
PROFESSIONAL FIRE FIGHTERS**

Ohio Senate Insurance Committee
SB 63, Opposition – Written Testimony
Jon Harvey, President of Ohio Professional Fire Fighters Association
November 14, 2023

Chairman Hackett, Vice Chair Lang, Ranking Member Craig, and members of the Senate Insurance Committee, thank you for the opportunity to submit written testimony in opposition to Senate Bill 63 on behalf of the Ohio Association of Professional Fire Fighters (OAPFF). My name is Jon Harvey and I currently serve as a Captain with the Middletown Fire Department (MFD) assigned to Station 81, the head of the city's Hazardous Materials Response team, the co-chair of the Butler Co. Regional Haz Mat team, and President of the OAPFF.

Firefighters face uniquely extreme asbestos exposure risks, and as a result, they suffer an elevated rate of asbestos-related diseases such as mesothelioma. When people imagine the dangers of firefighting, they often don't realize cancer is now the No. 1 occupational cause of death for career firefighters. While a soot-covered set of overalls serves as a sign of a proud and brave firefighter, rescue workers should see that visible grit for what it really represents — potentially deadly asbestos contamination.

While Senate Bill 63 seeks to reduce wasteful litigation against wrongfully named asbestos defendants while allowing litigation against potentially culpable defendants to proceed more efficiently. OAPFF is concerned with unintended consequences created by SB 63 that would negatively impact the good work of 131st GA's, Senate Bill 27.

SB 27 was passed with the intent to provide firefighters who are disabled as a result of specific types of cancer are presumed to have incurred the cancer while performing his or her official duties. The bill established a presumption that a member of the Ohio Police and Fire Pension Fund who is a member of a fire department and who incurs and is disabled by the types of cancer specified in the bill incurred the cancer while performing the member's duties.

SB 63's requirement of finding manufacturers and sellers of specific asbestos-containing products would be impossible for a fire fighter to accomplish if said firefighter or loved one is seeking a tort claim.

Lines 26-31

(3) The manufacturer and seller and the specific name of each asbestos-containing product, including, but not limited to, all brand and trade names of that specific asbestos-containing product, to which the exposed person was exposed or to which the other person was exposed if the exposure was through another person;

The list of asbestos products goes on and on. In most circumstances, these materials fall into two categories: Friable materials (such as old pipe insulation) that can release asbestos fibers easily, and nonfriable materials (such as vinyl tiles) that keep asbestos fibers fixed in place. In a disaster situation, however, all materials are effectively friable. This is what sets firefighters apart from other tradesmen at risk of asbestos exposure. Most occupational asbestos exposure happens little by little on a regular basis. But for firefighters, exposure may come in the form of a single encounter with asbestos-contaminated smoke or debris.

Fire fighters protect the community by putting out dangerous blazes, but they can also be exposed unknowingly to toxic environmental hazards like asbestos. OAPFF would respectfully request the committee to remove the following:

- Specific brand and trade name of each asbestos-containing product
- Each site and specific location at each site
- The beginning and ending dates of each exposure
- The specific manner of each exposure
- The frequency and length of each exposure
- the proximity of the asbestos-containing product or its use to the exposed person

ORC 2307.96 already requires plaintiffs to prove these details at trial after discovery. Without discovery, mesothelioma victims, widowers, surviving family members, or plaintiff attorneys cannot provide these details.