

Washington State Fire Service Line of Duty Death Guidelines and Procedures



- **LODD Determination Quick Sheet**
- **RCW 51.32.185**

LODD Determination Quick Sheet

LODD Determination of Medical Related Deaths for IAFF Firefighters

Overview

When the Washington State Council of Firefighters has been given notification that a firefighter has received a terminal cancer diagnosis, there will be a meeting with the IAFF 7th District Representative, the President of the Local, a representative of the Department's Administration and a member of the Washington State LAST Team. The purpose of this meeting is to determine if the cancer diagnosis is presumptive under the RCW 51.32.185 using the attached check sheet. If it is determined that the cancer is presumptive, the planning process for a Line of Duty Death Fire Service Funeral that is consistent with the State LODD Funeral Policy will begin. The department will be offered the services of the LAST Team, State Honor Guard and Massed Band resource for assistance in planning and performing the LODD Fire Service Funeral.

If the cancer diagnosis is not determined to be line of duty, the department will be given a funeral service outline that is consistent with the State LODD Funeral Policy for a non-LODD funeral. The department will be offered the services of the LAST Team to provide assistance as needed as well as State Honor Guard and Massed Band resources as available.

If it is determined at a later date that the cancer diagnosis is presumptive a ceremony will be planned to render the proper LODD honors. These honors would include the IAFF Medal of Honor, a letter of condolence from the Washington State Governor, a Washington State Flag, and recognition from the Washington State Association of Fire Chiefs.

LODD Determination Process

Step 1: Notification received by the State Council

Step 2: State Council Representative will set up a meeting or conference call with the IAFF 7th District Representative, the President of the Local, a representative of the Department's Administration and a member of the Washington State LAST Team within 24 hours of notification.

Step 3: The LODD Determination Quick Sheet will be gone over and services offered in accordance with its recommendations.

If the answer is "Yes" to any of these questions the death will most likely be considered LODD. The family and the department will need to work with WA State L&N for final determination.

LODD Determination Quick Sheet

- Did the firefighter die on scene of a working incident? _____
- Did the firefighter die as a result of a cancer or other medical related issue? _____

RCW Determination Check List

- Did the Firefighter die of a respiratory or heart problems within 72 hours of exposure to smoke, fumes, or toxic substances? _____
- Did the Firefighter die of respiratory or heart problems experienced within 24 hours of strenuous physical exertion due to firefighting activities? _____
- Is there any evidence of (may include, but is not limited to) the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, or exposure from other employment or non-employment activities? _____
- Did the Firefighter die after a diagnosis of the following infectious diseases?
 - Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome
 - Hepatitis
 - Meningococcal Meningitis
 - Mycobacterium Tuberculosis
- Did the Firefighter die after a diagnosis of one of the following cancers?

○ Prostate Cancer diagnosed prior to the age of fifty	○ Multiple Myeloma
○ Primary Brain Cancer	○ Testicular Cancer
○ Malignant Melanoma	○ Kidney Cancer
○ Leukemia	○ Mesothelioma
○ Non-Hodgkin's Lymphoma	○ Stomach Cancer
○ Bladder Cancer	○ Nonmelanoma Skin Cancer
○ Ureter Cancer	○ Breast Cancer in Women
○ Colorectal Cancer	○ Cervical Cancer
- Did this cancer develop or manifest itself after the firefighter had served at least ten years and was given a qualifying medical examination upon becoming a firefighter that showed no evidence of cancer? _____
- Retired Firefighter:
 - When did the firefighter retire? _____
 - Is this date within 60 months of the cancer diagnosis? _____
- Did the Firefighter receive a diagnosis of Post-Traumatic Stress Disorder that developed or manifested itself after the Firefighter has served for at least 10 years? _____

RCW 51.32.185

Occupational diseases—Presumption of occupational disease for firefighters and fire investigators—Limitations—Exception—Rules—Advisory committee on occupational disease presumptions.

(1)(a) In the case of firefighters as defined in [RCW 41.26.030](#)(17) (a), (b), (c), and (h) who are covered under this title and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and public employee fire investigators, there shall exist a prima facie presumption that: (i) Respiratory disease; (ii) any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion due to firefighting activities; (iii) cancer; and (iv) infectious diseases are occupational diseases under RCW 51.08.140.

(b) In the case of firefighters as defined in [RCW 41.26.030](#)(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in [RCW 41.26.030](#)(19) (b), (c), and (e), who are covered under this title, there shall exist a prima facie presumption that posttraumatic stress disorder is an occupational disease under RCW 51.08.140.

(c) In the case of law enforcement officers as defined in [RCW 41.26.030](#)(19) (b), (c), and (e) who are covered under Title 51 RCW, there shall exist a prima facie presumption that: (i) Any heart problems, experienced within seventy-two hours of exposure to smoke, fumes, or toxic substances, or experienced within twenty-four hours of strenuous physical exertion in the line of duty; and (ii) infectious diseases are occupational diseases under RCW 51.08.140.

(d) This presumption of occupational disease established in (a), (b), and (c) of this subsection may be rebutted by a preponderance of the evidence. Such evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

(2) The presumptions established in subsection (1) of this section shall be extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service but may not extend more than sixty months following the last date of employment.

(3)(a) The presumption established in subsection (1)(a)(iii) of this section shall only apply to any active or former firefighter or fire investigator who:

(i) Has cancer that develops or manifests itself after the firefighter or fire investigator has served at least ten years; and

(ii)(A) Was given a qualifying medical examination upon becoming a firefighter or fire investigator that showed no evidence of cancer; or

(B)(I) For a firefighter or fire investigator who became a firefighter or fire investigator on or after July 28, 2019, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator; or

(II) For a firefighter or fire investigator who became a firefighter or fire investigator before July 28, 2019, the employer did not provide a qualifying medical examination upon becoming a firefighter or fire investigator and the employer provides a qualifying medical examination on or before July 1, 2020. If a firefighter or fire investigator described in this subsection

(3)(a)(ii)(B)(II) did not receive a qualifying medical examination before July 1, 2020 or is diagnosed with a cancer listed in (b) of this subsection at the time of the qualifying medical examination under this subsection (3)(a)(ii)(B)(II) and otherwise meets the requirements of this section, the presumption established in subsection (1)(a)(iii) of this section applies.

(b) The presumption established in subsection (1)(a)(iii) of this section shall only apply to the following cancers: Prostate cancer diagnosed prior to the age of fifty, primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple myeloma, testicular cancer, kidney cancer, mesothelioma, stomach cancer, nonmelanoma skin cancer, breast cancer in women, and cervical cancer.

(4) The presumption established in subsection (1)(a)(iv) and (c)(ii) of this section shall be extended to any firefighter, fire investigator, or law enforcement officer who has contracted any of the following infectious diseases: Human immunodeficiency virus/acquired immunodeficiency syndrome, all strains of hepatitis, meningococcal meningitis, or mycobacterium tuberculosis.

(5) The presumption established in subsection (1)(b) of this section only applies to active or former firefighters as defined in RCW 41.26.030(17) (a), (b), (c), and (h) and firefighters, including supervisors, employed on a full-time, fully compensated basis as a firefighter of a private sector employer's fire department that includes over fifty such firefighters, and law enforcement officers as defined in RCW 41.26.030(19) (b), (c), and (e) who have posttraumatic stress disorder that develops or manifests itself after the individual has served at least ten years.

(6) If the employer does not provide the psychological exam as specified in RCW 51.08.142 and the employee otherwise meets the requirements for the presumption established in subsection (1)(b) of this section, the presumption applies.

(7) Beginning July 1, 2003, this section does not apply to a firefighter, fire investigator, or law enforcement officer who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use. The department, using existing medical research, shall define in rule the extent of tobacco use that shall exclude a firefighter, fire investigator, or law enforcement officer from the provisions of this section.

(8) For purposes of this section, "firefighting activities" means fire suppression, fire prevention, fire investigation, emergency medical services, rescue operations, hazardous materials response, aircraft rescue, and training and other assigned duties related to emergency response.

The Washington State LAST team is available to assist the agency and the family upon request. This resource is extremely valuable and brings LODD-specific knowledge and expertise to assist in planning and executing the service and ensuring that the family and the affected department are properly cared for. The team works for the Agency and acts in a support role. The Public Safety Officer Benefit (PSOB) is a key for survivors, and the LAST team can assist with this process. Planning these services is a very detail-orientated process, the services of the LAST Team is invaluable. Please contact Pat Ellis pellis@pugetsoundfire.org and/or Pat Pawlak ppawlak@pugetsoundfire.org.