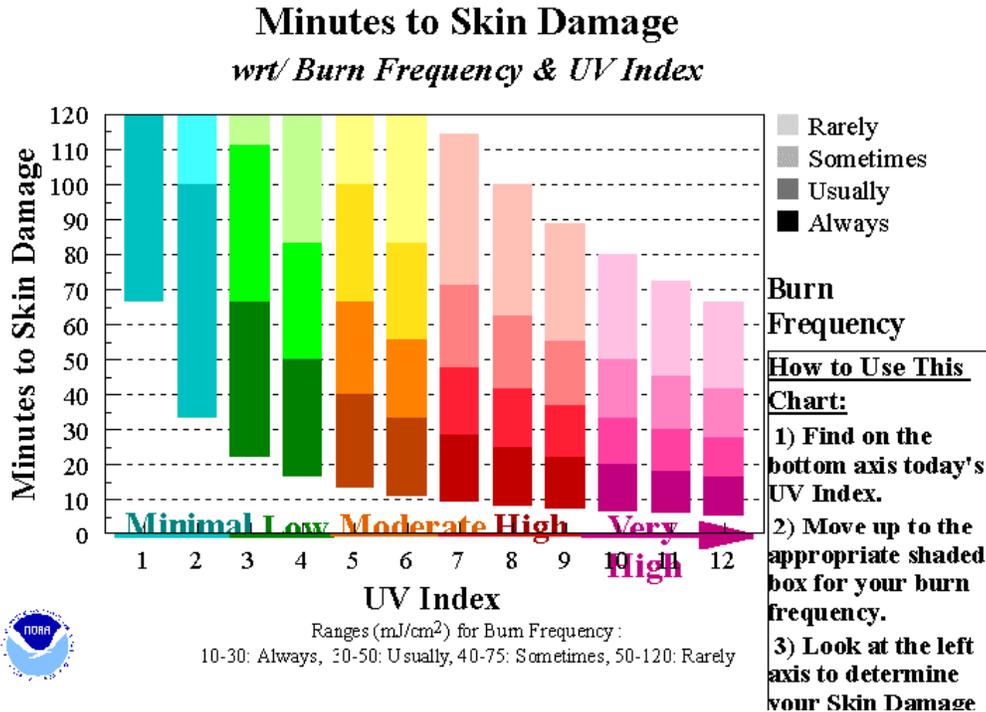


SKIN CANCER PREVENTION IN OUTDOOR WORKERS AND YOUR LIABILITY: WHAT EVERY EMPLOYER OF OUTDOOR WORKERS NEEDS TO KNOW

YOUR OUTDOOR WORKERS ARE AT RISK

According to a recent study (Stepnaski, B.M., Mayer, J.A. (1998). Sun protection behaviors among outdoor workers. Journal of Environmental and Occupational Medicine, 40(1): 43-48.), **outdoor workers** receive 6-8 times more UV exposure than indoor workers.



UV Index: How To Use It!

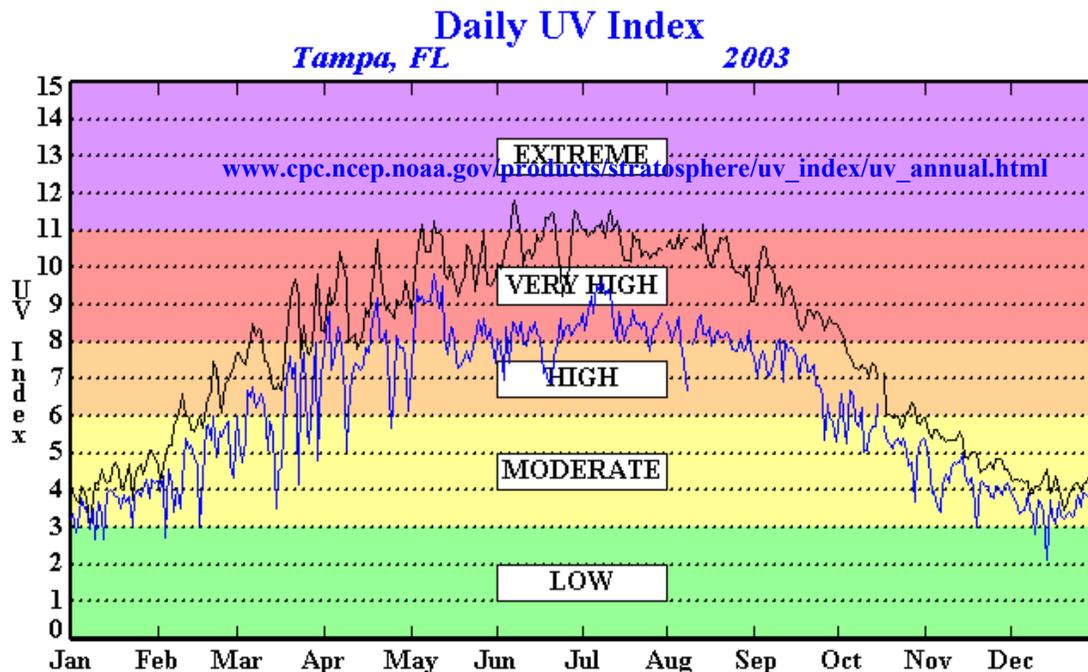
The UV Index is a forecast of the probable intensity of skin damaging ultraviolet radiation reaching the surface of the earth during the solar noon hour (11:30-12:30 local standard time or 12:30-13:30 local daylight time). The greater the UV Index is, the greater the amount of skin damaging UV radiation. How much UV radiation is needed to actually damage one's skin is dependent on several factors. In general, the darker one's skin is, (that is the more melanin one has in his/her skin) the longer (or the more UV radiation) it takes to cause erythema (skin reddening). The figure above shows a look up chart where by one can cross check his/her propensity to burn (Burn Frequency) versus the UV Index- and determine how long they can stay in the sun before they burn. For those who always burn and never tan, the times to burn are relatively short compared to those who almost always tan.

The EPA has devised general guidelines as far as what to do to protect oneself from overexposure to UV radiation. These are shown in the table below:

Exposure Category	UV Index	Protective Actions
Minimal	0, 1, 2	Apply skin protection factor (SPF) 15 sunscreen.
Low	3, 4	SPF 15 & protective clothing (hat)
Moderate	5, 6	SPF 15, protective clothing, and UV-A&B sun glasses.
High	7, 8, 9	SPF 15, protective clothing, sun glasses and make attempts to avoid the sun between 10am to 4pm.
Very High	10+	SPF 15, protective clothing, sun glasses and avoid being in the sun between 10am to 4pm.

“IN FLORIDA, IN 2003, YOUR OUTDOOR WORKERS WERE EXPOSED TO 354 DAYS WHERE THE EPA RECOMMENDED AT LEAST SPF 15 SUNSCREEN AND PROTECTIVE CLOTHING.”

What Kind Of Protection Did You Offer Your Employees?



Number of Days in Each Exposure Category		UV Index Forecast	
Clear Sky UV Index		Extreme	= 0
Extreme	= 23	Very High	= 101
Very High	= 174	High	= 97
High	= 52	Moderate	= 157
Moderate	= 113	Low	= 7
Low	= 0		

Were

You In Compliance With EPA Recommendations?

Daily UV Index: How You Use It

The chart above shows the forecasted UV Index, by month in 2001, for your area. The black line is the “Clear Sky Index”, or the amount of UV radiation that would be expected if there were no cloud cover. The blue line is the forecasted UV exposure taking into account local variations in weather.

For **Tampa Bay**, the UV Index forecasts **362 days** where the UV exposure will be LOW – VERY HIGH- conditions where the EPA recommends at least SPF 15 sunscreen and protective clothing.

EMPLOYER LIABILITY IS INCREASING

It is very likely that in the next few years you could be held liable for your employees' skin cancer. Litigation and legislation to this end has already begun:

- On October 13, 2001, Assembly Bill 663 was approved by the Governor of **California** and filed with the Secretary of State.
- This bill holds city, county, and state entities liable for skin cancer that develops or manifests itself during a lifeguard's employment.
- Compensation includes full hospital, surgical, and medical treatment, disability indemnity, and death benefits.
- The cost to treat metastatic melanoma ranges from **\$10,000 - \$150,000 per patient**, and averages \$59,000 per patient.
- See the attachment "California Worker's Comp Legislation" for the full text of Assembly Bill 663.

CALIFORNIA WORKER'S COMPENSATION LEGISLATION

BILL NUMBER: AB 663 CHAPTERED BILL TEXT

CHAPTER 846:

FILED WITH SECRETARY OF STATE OCTOBER 13, 2001
APPROVED BY GOVERNOR OCTOBER 12, 2001
PASSED THE SENATE SEPTEMBER 12, 2001
PASSED THE ASSEMBLY SEPTEMBER 12, 2001
AMENDED IN SENATE AUGUST 31, 2001
AMENDED IN SENATE JULY 2, 2001
AMENDED IN SENATE JUNE 20, 2001
AMENDED IN ASSEMBLY MAY 31, 2001
AMENDED IN ASSEMBLY APRIL 24, 2001
AMENDED IN ASSEMBLY APRIL 16, 2001
AMENDED IN ASSEMBLY MARCH 26, 2001

INTRODUCED BY: Assembly Member Vargas (Coauthors: Assembly Members Calderon, Chavez, Frommer, Kehoe, LaSuer, Strom-Martin, Washington, Wayne, and Zettel) (Coauthors: Senators Alpert and Burton) FEBRUARY 22, 2001

An act to add Section 3212.11 to the Labor Code, relating to workers' compensation.

LEGISLATIVE COUNSEL'S DIGEST

AB 663, Vargas. Workers' compensation: Lifeguards.

Existing law provides that an injury of an employee arising out of and in the course of employment is generally compensable through the workers' compensation system. Existing law provides that, in the case of certain law enforcement officers and firefighters, the term "injury" includes heart trouble, hernia, pneumonia, and other injuries and diseases.

This bill would provide, with respect to active lifeguards employed, for more than 3 consecutive months in a calendar year, by certain local agencies and the Department of Parks and Recreation, that the term "injury" includes skin cancer that develops or manifests itself during the period of the lifeguard's employment.

This bill would further create a rebuttable presumption that the above injury arises out of and in the course of the lifeguard's employment if it develops or manifests during the period of the employment.

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 3212.11 is added to the Labor Code, to read:

3212.11. This section applies to both of the following: (a) active lifeguards employed by a city, county, city and county, district, or other public or municipal corporation or

political subdivision, and (b) active state lifeguards employed by the Department of Parks and Recreation. The term "injury," as used in this division, includes skin cancer that develops or manifests itself during the period of the lifeguard's employment. The compensation awarded for that injury shall include full hospital, surgical, and medical treatment, disability indemnity, and death benefits, as provided by the provisions of this division.

Skin cancer so developing or manifesting itself shall be presumed to arise out of and in the course of the employment. This presumption is disputable and may be controverted by other evidence, but unless so controverted, the appeals board shall find in accordance with it. This presumption shall be extended to a lifeguard following termination of service for a period of three calendar months for each full year of the requisite service, but not to exceed 60 months in any circumstance, commencing with the last date actually worked in the specified capacity.

Skin cancer so developing or manifesting itself in these cases shall not be attributed to any disease existing prior to that development or manifestation.

This section shall only apply to lifeguards employed for more than three consecutive months in a calendar year.

MOST EMPLOYERS FEEL OBLIGATED TO PROTECT THEIR EMPLOYEES FROM ENVIRONMENTAL CARCINOGENS LIKE ASBESTOS. WHY SHOULD UV RADIATION BE ANY DIFFERENT?

- The EPA has added UV radiation to the list of environmental carcinogens.
- It's only a matter of time before private employers are held liable for sun-related injuries.

BEGIN PROTECTING YOUR OUTDOOR WORKERS...AND YOUR WALLET TODAY.