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EXPOSURE TO HARM AND THE KNOWLEDGE OF SAME CAN BE YOUR PROTECTION

BY: SCOTT A. O'MARA

As the heat level increases, along with the change in Air Quality Index (AQI), there is an expansion of exposures that all California workers will have due to the level of heat and the wildfires that develop and become problematic to contain and control. Fires are a strong developmental component of particulates that adversely impact the AQI. The AQI measurement reflects the level of air quality in relation to wild land fires, structure fires and vehicular exhaust.

There are many occupations/careers that protect us from wild land fires, structure fires, vehicular fires (such as trucks/auto) and rioting that occurs also causing harm by fires.

The University of California, Davis has reviewed the measurements of the AQI. The University has raised the concern that the AQI for agricultural workers increases the level of pollutants that they are exposed to. This study does not dive itself into the exposures that the safety officers have at fires; whether that be wild land, structure fires, vehicle fires, or trying to redirect, contain and/or control traffic, but does state the higher level of risk to air pollution.

The safety officers are protecting our society for many hours or several days while having these exposures can strike their pulmonary system by breathing damaged air. If they are out there for a lengthy periods of time they will dehydrate, and that water used to replenish their system can have exposures to these particulates that cause problems either now, or later. An additional factor is that as these safety workers stand protecting the public and the exposures of those particulates from the various fires embed themselves into their skin and clothing.

The AQI again is a measurement, and that in itself creates knowledge as to the serious exposures, and risk factors to safety officers.

California has created a disputable legal presumption for certain medical conditions, and one of those conditions is pneumonia. Pursuant to the Labor Code a member of a Police Department, Fire Department, City Municipality, Highway Patrol, Sheriff, District Attorney and other individuals that develop pneumonia or manifest itself during a period of in which the member is in the service of the various departments the conditioned could be presumed to arise out of and in the course of employment if developed properly.

The importance for the individuals that have these exposures is documentation and discussions of same if they seek medical care with the doctors. Also, share the various exposures and any manifestations of symptoms that they have post exposure.

Pneumonia is an infection of the air sacks in one, or both lungs. The air sacks can fill with a fluid or puss causing coughing, chills, fever, chest pains, difficulty breathing and possible change in mental awareness called phlegmatic. These are just some of the symptoms that may involve having pneumonia. Documentation with the doctor and the staff are paramount. Often times there is also fatigue, fever, sweating and for some people a shortness of breath, nausea, vomiting and diarrhea. This documentation can reflect the changes that have occurred with manifestation and development of pneumonia.

The changes that occur because of the various seasons, such as hot weather and fire weather, are also factors as to the impact to the pollutants that safety members are exposed to. The documentation and proper medical care affords a more reasonable likelihood of recovery. In the event the recovery is delayed for a period of time, this could give access to benefits pursuant to Labor Code §4800.5, §4850 and/or industrial leave depending upon the agency you work for.

The immediacy of the problem and the alleged recovery after you have returned back to work does not mean that there is not a change in function or residual impairment. If there is residual impairment after returning back to work, documentation of this is necessary because there can be recurrence, and you have five years from the date of injury to obtain a more adequate level of determination as to residual impairment, if there is any.

One of the most significant factors is obtaining medical care to cure or relieve the effects of the injury, this is obtained by showing it is work-related. A back-up is that if the condition arises to the point that you cannot do your substantial duties, you may be in an avenue of establishing more benefits pursuant to Labor Code §4800.5, §4850 or potentially an industrial disability retirement.

