

STAND. COM. REP. NO. 1719

Honolulu, Hawaii

A-43 , 2007

RE: H.C.R. No. 250
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Labor & Public Employment, to which was referred H.C.R. No. 250 entitled:

"HOUSE CONCURRENT RESOLUTION REQUESTING THE LEGISLATIVE REFERENCE BUREAU TO SURVEY WHETHER AND HOW WORKERS' COMPENSATION LAWS IN OTHER STATES ARE USED TO COVER EMPLOYEE DISABILITIES CAUSED BY MULTIPLE CHEMICAL SENSITIVITIES,"

begs leave to report as follows:

The purpose of this concurrent resolution is to request the Legislative Reference Bureau to survey other states as to whether and how they use workers' compensation laws to address employee disabilities caused by multiple chemical sensitivities.

The Legislative Reference Bureau is further requested to develop a workable model by which the State can cover disabilities caused by multiple chemical sensitivities through the State's workers' compensation law.

Your Committee received testimony in support of this measure from the Hawaii State Teachers Association, the ILWU Local 142, and one individual. The Legislative Reference Bureau offered testimony in opposition. The Department of Labor and Industrial Relations and the Disability and Communication Access Board offered comments.

Your Committee finds that the literature is not conclusive concerning either the definition or the existence of multiple chemical sensitivities, nor is there agreement as to its coverage

HCR250 HD1 HSCR LRB 07-3944.doc



under the Americans with Disabilities Act. Your Committee also finds that it is unclear whether the Legislative Reference Bureau has the program expertise to develop and recommend a workable workers' compensation program model involving multiple chemical sensitivities. Your Committee further finds that requesting the development of a workable model using the Hawaii workers' compensation law to cover multiple chemical sensitivities already assumes that multiple chemical sensitivities exists as a bona fide medical condition and that the use of workers' compensation laws is an appropriate response.

Upon further consideration, your Committee has amended this measure by:

- (1) Removing the request for the development of a workable workers' compensation model to cover multiple chemical sensitivities;
- (2) Removing the Legislative Reference Bureau and substituting the Department of Labor and Industrial Relations, which has the appropriate program expertise, to conduct the study;
- (3) Inserting the further request that the Department of Labor and Industrial Relations include in its report:
 - (A) The results of consultations with the Department's counterparts in other states to determine how other states handle workers' compensation cases involving multiple chemical sensitivities; and
 - (B) The standard of proof, the amount, type, and quality of evidence that must be presented in this State to demonstrate or otherwise prove to the satisfaction of the Department that a person's multiple chemical sensitivities claim is work-related; and
- (4) Amending the title of this measure to reflect the foregoing amendments.

As affirmed by the record of votes of the members of your Committee on Labor & Public Employment that is attached to this report, your Committee concurs with the intent and purpose of H.C.R. No. 250, as amended herein, and recommends that it be referred to the Committee on Legislative Management in the form attached hereto as H.C.R. No. 250, H.D. 1.



1719

Respectfully submitted on
behalf of the members of the
Committee on Labor & Public
Employment,



ALEX M. SONSON, Chair



