

DAVID Y. IGE
GOVERNOR



JAMES K. NISHIMOTO
DIRECTOR

RANDY BALDEMOR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT
235 S. BERETANIA STREET
HONOLULU, HAWAII 96813-2437

April 6, 2015

**TESTIMONY TO THE
HOUSE COMMITTEE ON FINANCE**

For Hearing on Tuesday, April 7, 2015
2:30 p.m., Conference Room 308

BY

JAMES K. NISHIMOTO
DIRECTOR

**Senate Bill No. 675, H.D. 2
Relating to Firefighters**

WRITTEN TESTIMONY ONLY

TO CHAIRPERSON SYLVIA LUKE AND MEMBERS OF THE COMMITTEE:

Thank you for the opportunity to provide comments on S.B. 675, H.D. 2.

The purposes of S.B. 675, H.D. 2, are to establish a rebuttable presumption that a firefighter who suffers from cancer, blood-borne infectious diseases, or conditions related to hazardous material exposure contracted it in the course of employment; and provide benefits including one-hundred per cent average weekly wages, disability indemnity, and death benefits.

The Department of Human Resources Development ("DHRD") has a fiduciary duty to administer the State's self-insured workers' compensation program and its expenditure of public funds. In that regard, DHRD respectfully submits these comments on the bill.

First, Section 386-85, HRS, already contains a presumption that a claim for workers' compensation benefits is for a covered work injury. Section 386-3, HRS, is broadly construed and includes personal injury either by accident arising out of and in the course of the employment or by disease proximately caused by or resulting from the

nature of the employment. These provisions would also apply to a firefighter's claim for cancer, blood-borne infectious disease, or methicillin-resistant staphylococcus aureus skin infection.

Second, Section 386-85, HRS, already provides that the presumption of compensability can only be rebutted by "substantial evidence to the contrary." As demonstrated in legions of Disability Compensation Division, Labor and Industrial Relations Appeals Board, Hawaii Intermediate Court of Appeals decisions, and the 2014 Hawaii Supreme Court decision involving a vog-related claim for workers' compensation benefits, this "substantial evidence" standard is a very high standard for employers to overcome.

Finally, in light of the apparently strong interest in having a cancer presumption specific to firefighters in the workers' compensation law, we are in accord with the various resolutions that would have a task force of stakeholders study the issue and make the appropriate recommendations before any changes are made to the existing statute and administrative rules. Specifically, we note that H.C.R. 7, H.D. 1; S.R. 74; and S.C.R. 126—while all currently deferred—all contemplate a more methodical approach to the issue by creating a task force to formulate: 1) revisions to the workers' compensation laws to improve and expedite workers' compensation benefits for firefighters who are diagnosed with cancer; 2) a cost estimate to the State and counties based on projected increases of workers' compensation benefits for firefighters diagnosed with cancer; and 3) recommendations on administrative rules that can improve the workers' compensation benefits for firefighters diagnosed with cancer.



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DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
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April 6, 2015

To: The Honorable Sylvia Luke, Chair,
The Honorable Scott Y. Nishimoto, Vice Chair, and
Members of the House Committee on Finance

Date: Tuesday, April 07, 2015
Time: 2:30 p.m.
Place: Conference Room 308, State Capitol

From: Leonard Hoshijo, Deputy Director
Department of Labor and Industrial Relations (DLIR)

Re: S.B. No. 675 H.D. 2 Relating to Firefighters

I. OVERVIEW OF PROPOSED LEGISLATION

SB675 HD2 proposes to add a new section in chapter 386, Hawaii Revised Statutes (HRS). Section 2 of the proposal establishes a rebuttable presumption that a firefighter who suffers from cancer, blood-borne infectious diseases, or conditions related to hazardous material exposure contracted it in the course of employment. Benefits include one-hundred per cent average weekly wages, disability indemnity, and death benefits payable by the employer. The proposal also requires the employer to pay for a consultation with a medical specialist if the firefighter is unable to obtain an appointment for consultation.

II. CURRENT LAW

Section 386-3, HRS, defines injury and provides that the employee's employer shall pay compensation to the employee or the employee's dependents as provided in chapter 386 if an employee suffers personal injury either by accident arising out of and in the course of the employment, or by disease proximately caused by or resulting from the nature of the employment.

Section 386-85, HRS, provides that there is a presumption that a claim for compensation is for a covered work injury. Section 386-85, HRS, provides that in

any proceeding for the enforcement of a claim for compensation under this chapter, it shall be presumed, in the absence of substantial evidence to the contrary:

- (1) That the claim is for a covered work injury;
- (2) That sufficient notice of such injury has been given;
- (3) That the injury was not caused by the intoxication of the injured employee;
and
- (4) That the injury was not caused by the willful intention of the injured employee to injure oneself or another.

Section 386-31, 386-32, and 386-41, HRS provides that benefit rates for temporary disability, indemnity, and death benefits not exceed sixty-six and two thirds percent of the claimant's average weekly wage, subject to the state average weekly wage for year of injury.

Chapter 386, HRS does not address payment for a comparable consultation with a medical specialist, even if that specialist does not accept workers' compensation insurance.

III. COMMENTS ON THE SENATE BILL

Section 2, paragraph (b) references a "rebuttable" presumption. The current Section 386-85, HRS, already has provisions for presumption and rebuttal for all employees including firefighters.

The department understands the concerns raised in this measure that the litigious environment of the workers' compensation (WC) system and the difficulty of finding a physician who will accept a WC claimant may prevent firefighters from filing for and/or pursuing a WC claim in order to receive timely, complex, and expensive medical treatments due them under the WC law.

The department, however, recognizes that these individuals have the right to file a workers' compensation claim and at the same time can still pursue their diagnosis and treatment through their health plan (e.g. Employer-Union Health Benefits Trust Fund – EUTF). If the workers' compensation claim is controverted, section 12-12-45 (Controverted workers' compensation claims), Hawaii Administrative Rules, provides for the health care contractor to pay or provide for the medical services in accordance with the health care contract. If WC liability is later established, the health care contractor shall be reimbursed by the WC carrier.

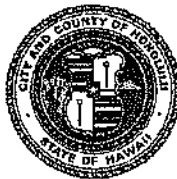
The department is also concerned that these individuals may not file for or pursue their WC claim because of a lack of knowledge of their eligibility or to avoid the litigious and lengthy process of the WC system. If the individual later succumbs to the injury or illness and has not filed for WC, survivors of the claimant may not be

eligible to receive benefits that would have been due them (386-41 through 386-44, HRS).

HONOLULU FIRE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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Honolulu, Hawaii 96813-5007
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KIRK CALDWELL
MAYOR



MANUEL P. NEVES
FIRE CHIEF

LIONEL CAMARA JR.
DEPUTY FIRE CHIEF

April 6, 2015

The Honorable Sylvia Luke, Chair
Committee on Finance
House of Representatives
State Capitol, Room 306
Honolulu, Hawaii 96813

Dear Chair Luke:

Subject: Senate Bill (SB) 675, Senate Draft (SD) 2, and House Draft (HD) 2 Relating to Firefighters

I am Manuel P. Neves, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports SB 675, SD 2, HD 2. The bill proposes to provide fire fighters (FF) with comprehensive medical coverage through workers' compensation benefits by establishing a rebuttable presumption that a FF who develops cancer, a blood-borne infectious disease, or illnesses associated with exposures to hazardous materials contracted the condition in the course of their employment.

Thirty-three states and eight Canadian provinces have cancer presumptive laws that provide FFs with workers' compensation, medical, and service-connected disability benefits. Numerous studies have proven that the risk of being diagnosed with cancer is higher among FFs than the general population. A study of male FFs in Massachusetts from 1987 to 2003 found an increased risk for numerous cancers, including colon and brain cancer. The University of Cincinnati's 2006 study found that on-the-job exposure to soot and toxins creates an increased risk of various cancers among FFs. A federal government study conducted during the development of an Occupational Safety and Health Administration Bloodborne Pathogen Standard showed that 98 percent of emergency medical technicians and 80 percent of FFs are exposed to blood-borne infectious diseases on the job.

FFs are exposed to many compounds designated as carcinogens by the International Agency for Research on Cancer, including benzene, diesel engine exhaust, chloroform,

The Honorable Sylvia Luke, Chair
Page 2
April 6, 2015

soot, styrene, and formaldehyde. These substances can be inhaled or absorbed through the skin, and a FF's protective equipment does not always prevent exposure.

Cancer treatment may take years, and costs may exceed the financial resources of FFs and their families. This bill will provide much needed benefits in the unfortunate event a FF cannot return to duty. Although the language of the current workers' compensation law presumes a broad coverage of any injury or illness to be work-related, the current system provides the employer with the right to deny claims and proceed through a lengthy litigious environment. FFs who are diagnosed with cancer and undergo treatment are faced with a life and death struggle that they and their family must battle. A FF's certainty of knowing that benefits will be provided offers some peace of mind during this uncertain time.

The HFD strongly urges your committee's support and passage of SB 675, SD 2, HD 2, which will provide additional workers' compensation benefits to those who risk their lives to protect our citizens.

Should you have questions, please contact Assistant Chief Socrates Bratakos of our Support Services section at 723-7105 or sbratakos@honolulu.gov.

Sincerely,

A handwritten signature in black ink, appearing to read 'MANUEL P. NEVES', with a long horizontal flourish extending to the right.

MANUEL P. NEVES
Fire Chief

MPN/LR:clc

William P. Kenoi
Mayor



Darren J. Rosario
Fire Chief

Renwick J. Victorino
Deputy Fire Chief

County of Hawai'i
HAWAII FIRE DEPARTMENT
25 Aupuni Street • Suite 2501 • Hilo, Hawai'i 96720
(808) 932-2900 • Fax (808) 932-2928

April 6, 2015

The Honorable Sylvia Luke, Chair
Committee on Finance
House of Representatives
State Capitol, Room 306
Honolulu, Hawai'i 96813

Dear Chair Luke:

**Subject: Senate Bill (SB) 675, Senate Draft (SD) 2, House Draft (HD) 2
Relating to Firefighters
Hearing Date: Tuesday, April 7, 2015
Time/Place of Hearing: 2:30 p.m.; Conference Room 308**

I am Darren J. Rosario, Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The HCFD supports SB 675, SD 2, HD 2. The bill proposes to provide fire fighters (FF) with comprehensive medical coverage through workers' compensation benefits by establishing a rebuttable presumption that a FF who develops cancer, a blood-borne infectious disease, and illnesses associated with exposures to hazardous materials contracted the condition in the course of their employment.

Thirty-three states and eight Canadian provinces currently have cancer presumptive laws that provide FFs with workers' compensation, medical, and service-connected disability benefits. Numerous studies have proven that the risk of being diagnosed with cancer is higher among FFs than the general population. A study of male FFs in Massachusetts from 1987 to 2003 found an increased risk for numerous cancers, including colon and brain cancer. The University of Cincinnati's 2006 study found that on-the-job exposure to soot and toxins creates an increased risk of various cancers among FFs. A federal government study conducted during the development of an Occupational Safety and Health Administration Bloodborne Pathogen Standard showed that 98 percent of emergency medical technicians and 80 percent of FFs are exposed to blood-borne infectious diseases on the job.

FFs are exposed to many compounds designated as carcinogens by the International Agency for Research on Cancer, including benzene, diesel engine exhaust, chloroform, soot, styrene, and formaldehyde. These substances can be inhaled or absorbed through the skin, and FF's protective equipment does not always prevent exposures.



The Honorable Sylvia Luke, Chair

April 6, 2015

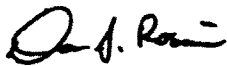
Page 2

Cancer treatment may take years and costs may exceed the financial resources of FFs and their families. In the unfortunate event that a FF cannot return to duty, this bill will provide much needed benefits. Although the language of the current workers' compensation law presumes a broad coverage of any injury or illness to be work-related, the current system provides the employer with the right to deny claims and proceed through a lengthy litigious environment. A FF who is diagnosed with cancer and undergoes treatment is faced with a life and death struggle that he and his family must battle. The FF's certainty of knowing that benefits will be provided offers some peace of mind during this uncertain time.

The HFD strongly urges your committee's support and passage of SB 675 SD 2, HD 2, which will provide additional workers' compensation benefits to those who risked their lives to protect our citizens.

Should you have questions, please contact me at (808) 932-2903 or fire@hawaiicounty.gov.

Respectfully,



DARREN J. ROSARIO
Fire Chief

SHOPO



PRESIDENT
Tenari R. Ma'afala

VICE PRESIDENT
Malcolm Lutu

TREASURER
James "Kimo" Smith

SECRETARY
Michael Cusumano

DIRECTORS AT LARGE
Don Faumuina
John Haina
Erik Iinuma

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TO: The Honorable Sylvia Luke, Chair
House Committee on Finance

The Honorable Scott Y. Nishimoto, Vice Chair
House Committee on Finance

Members of the House Committee on Finance

FROM: Tenari Ma'afala, President *Tenari R. Ma'afala*
State of Hawaii Organization of Police Officers

DATE: April 6, 2015

SUBJECT: Testimony on S.B. No. 675 SD2 HD1 HD2, Relating to
Firefighters

HEARING DATE: Tuesday, April 7, 2015
2:30 p.m. Conference Room 308

This bill creates a rebuttable presumption for workers compensation benefits for firefighters in regards to certain diseases and exposure to biochemical substances. The State of Hawaii Organization of Police Officers ("SHOPO") supports this bill with amendments to extend its applicability to county police officers.

Workers compensation claims for Hawaii's county police officers demonstrate exposure to biochemical hazards when arriving as first responders at fires and other hazardous materials events. Police have been known many times to search burning buildings and to bring injured victims to safety, at the same time being exposed to hazardous fumes.

While the University of Cincinnati study focuses on the meta-analysis of 32 studies regarding firefighter exposure to "various mixtures of particulates, gases, mists, fumes of an organic and/or inorganic nature and the resultant pyrolysis products" at fire scenes (Cancer Risk Among Firefighters: A Review and Meta-analysis of 32 Studies, Grace K. LeMasters, Ph.D. et al., 2005), it must be remembered that police officers are also present at these scenes.

Additionally, county police officers are exposed to infectious diseases on a regular basis when making arrests and other situations where officers have to come into physical contact with various members of the public, who may be contagious and/or infected.

SHOPO proposes amendments as follows:

§386- Injuries covered; firefighters, county police officers. (a) In addition to the injuries covered pursuant to section 386-3, if a firefighter or county police officer develops cancer or leukemia

We strongly ask your support for our proposed amendments which would include county police officers in the coverage of this bill, and for passage of this bill.



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Telephone (808) 525-5877

Alison H. Ueoka
Executive Director

TESTIMONY OF JANICE FUKUDA

COMMITTEE ON FINANCE
Representative Sylvia Luke, Chair
Representative Scott Y. Nishimoto, Vice Chair

Tuesday, April 7, 2015
2:30 p.m.

SB 675, SD2, HD2

Chair Luke, Vice Chair Nishimoto and members of the Committee, my name is Janice Fukuda, Assistant Vice President, Workers' Compensation Claims at First Insurance, testifying on behalf of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately thirty-six percent of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **opposes** this bill.

The proposed language specifies descriptive conditions under which a firefighter would be entitled to workers' compensation benefits. This bill also attempts to establish a special statute of limitations to file a claim.

HRS 386-3 Injuries covered states that "If an employee suffers personal injury either by accident arising out of and in the course of the employment or by disease proximately caused by or resulting from the nature of the employment, the employee's employer or the special compensation fund shall pay compensation to the employee or the employee's dependents as provided in this chapter." We believe this language addresses illnesses referenced in this bill that may arise in the course and scope of employment.

The proposed language does not allow rebuttal of non-carcinogenic conditions that the firefighter may have been exposed to following termination of employment. Blood borne infectious disease, methicillin-resistant staphylococcus aureus skin infections can occur in anyone exposed to a variety environments unrelated to employment.

HRS 386-82 Claim for Compensation; limitation of time specifically addresses exposures to carcinogens and does not require years of service as a prerequisite to file a claim.

We believe the concern this bill attempts to address is already covered in HRS 386 and that the provisions in this bill is problematic due to conflicts with various other sections in HRS 386.

For these reasons we ask that this bill be held.

Thank you for the opportunity to testify.

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

April 7, 2015

LATE

The Honorable Sylvia Luke, Chair
and Members of the Committee
on Finance
The House of Representatives
State Capitol, Room 308
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Luke and Members of the Committee:

**SUBJECT: Senate Bill No. 675, SD 2, HD 2
Relating to Firefighters**

The purpose of S.B. 675, SD 2, HD 2, is to provide firefighters with a rebuttable presumption under workers' compensation for cancer, blood-borne infectious diseases and illnesses associated with exposure to hazardous materials. The measure also provides benefits which include one-hundred per cent average weekly wages, disability indemnity and death benefits.

The City and County of Honolulu opposes the specific portion of the measure that provides benefits which include one-hundred per cent average weekly wages, disability indemnity and death benefits. Hawaii Revised Statutes Section 386-31 currently provides a method for calculating the workers' compensation weekly benefit rate for all work-related injuries. This method of weekly benefit rate calculation does not differentiate or vary between any particular diagnosis nor does it vary based on the severity of the injury. This measure seeks to set forth a separate wage loss compensation standard for Firefighters who sustain a work-related cancer, blood-borne infectious disease or condition related to exposure to hazardous materials. By creating a separate, higher standard for compensation based on these particular types of injuries, this measure selectively places a higher compensation value on a Firefighter who suffers from one of the foregoing conditions over another employee who suffers a significant work-related injury. Adding a different standard for a limited set of injuries sustained by a finite group of employees is excessive and discriminatory.

The Honorable Sylvia Luke, Chair
and Members of the Committee
on Finance
The House of Representatives
April 7, 2015
Page 2

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Carolee C. Kubo". The signature is written in a cursive, flowing style.

Carolee C. Kubo
Director

cc: Mayor's Office



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

S.B. NO. 0675, S.D. 2, H.D. 2, RELATING TO FIREFIGHTERS.

LATE

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Tuesday, April 7, 2015

TIME: 2:30 p.m.

LOCATION: State Capitol, Room 308

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Li-Ann Yamashiro, Deputy Attorney General, or
Adam S. Rosenberg, Deputy Attorney General

Chair Luke and Members of the Committee:

The Department of the Attorney General has concerns about this bill.

The House Committee on Judiciary in Standing Committee Report No. 1127, reported, with respect to this bill, that the purpose of this bill is to improve medical coverage for firefighters. In section 1 of this bill, the stated purpose

is to provide a firefighter who develops cancer, blood-borne infectious diseases, or conditions related to hazardous material exposure contracted in the course of employment with additional benefits of one-hundred per cent average weekly wages, disability indemnity, and death benefits as paid for by the employer through workers' compensation benefits, upon the time such a workers' compensation claim is filed by the firefighter, unless and until a claim is found not compensable as determined by the appropriate division of the department of labor and industrial relations, or by the courts, in the case of an administrative appeal.

Two sentences in the new section being added to chapter 386, Hawaii Revised Statutes (HRS), by section 2 of this bill raise concerns. Subsection (a) on page 3, lines 6-9, provides: "The additional benefits shall include one-hundred per cent average weekly wages, disability indemnity, and death benefits as paid for by the employer through workers' compensation benefits." Subsection (c) on page 3, lines 12-18, provides: "In cases where the firefighter's treating physician refers the firefighter to a consultation with a medical specialist, if within a month of the referral, the firefighter is unable to obtain an appointment for consultation, then the employer shall pay for a comparable consultation with a medical specialist, even if that specialist does not accept workers' compensation insurance."

Both provisions are vague and ambiguous and not easily capable of interpretation in the context of the workers' compensation law. Under the workers' compensation law, an employee is compensated for temporary total, temporary partial, permanent total, and permanent partial disability at a compensation rate of sixty-six and two-thirds percent of the employee's average weekly wage, and, depending on who the dependents are and the number of dependents, at compensation rates between twenty-five percent and sixty-six and two-thirds percent for death benefits, all of which are subject to a maximum and minimum pursuant to section 386-31(a), HRS. Thus, concerning the provision in subsection (a), is it the Legislature's intent to simply change the compensation rate for firefighters whose claims for cancer are deemed compensable, or is the intent something else?

Regarding the provision in subsection (c), many questions arise, such as would this provision apply even if the referred physician is simply unable to accommodate the employee within one month; at what rate will the physician be compensated (pursuant to section 386-21, HRS, and title 12, chapter 15, Hawaii Administrative Rules, physicians are compensated based on the workers' compensation medical fee schedule); and will the employer receive reports that are required of treating physicians. Because of the vagueness of the provisions, it will make it difficult for the Department of Labor and Industrial Relations to administer and will likely lead to litigation on the interpretation of the provisions.

Although section 1 of the bill expresses the purpose of the bill on page 2, lines 7-17, it does not provide sufficient information as to the Legislature's intent as to what the firefighters will be entitled to receive. In addition, the purpose as stated in section 1 of the bill is inconsistent with the purpose as stated in the Committee Report. The bill provides that the purpose is to provide firefighters with additional benefits including benefits related to wages, indemnity, and death benefits. The committee report provides that the purpose of the bill is to improve medical benefits. Further, the bill does not appear to carry out all of the stated purposes. One stated purpose is for the firefighter to receive benefits immediately upon the filing of a claim. This point is not addressed in the bill.

In addition, in the new section being added by section 2 of the bill, subsections (a) and (b) reference a rebuttable presumption that, in the absence of substantial evidence to the contrary, claims will be presumed to arise out of the course of employment. Section 386-85, HRS,

expressly sets forth a rebuttable presumption that a workers' compensation claim is for a covered work injury such as a claim for cancer, and this presumption applies to all employees, including firefighters. Thus, subsections (a) and (b) of that new section being added by section 2 of the bill duplicate existing Hawaii law. Although there has been testimony that other states have a presumption for firefighters, it may be that those states do not have a presumption for all injured workers as provided for in Hawaii's workers' compensation law.

As to the definition of firefighters set out in subsection (d) of that new section being added by section 2 of the bill, on page 3, lines 19-20, we are not aware of non-governmental firefighters whose principal duties are to prevent and fight fires, but if there are such firefighters, consideration should be given to including "employees whose principal duties are to prevent and fight fires" in the definition of firefighters in order to avoid a potential equal protection challenge.

If the intent of this bill is to be a full income replacement program, as opposed to improving medical benefits received by firefighters, the provisions in this bill may also affect all employers who pay into the Special Compensation Fund (SCF). The SCF is a special fund administered by the Department of Labor and Industrial Relations from which payments are made under certain circumstances: if there is a pre-existing disability or when an individual has more than one job. All employers and carriers contribute to the SCF. If more payments are made from the SCF as a result of this bill, levy and charges paid by employers and carriers who contribute to the SCF may increase.

House Concurrent Resolution No. 7, H.D. 1, Authorizing the Formation of a Task Force to Study the Issue of a Cancer Presumptive Statute Relating to Firefighters, proposes a task force to study the issues identified in this bill. Given the concerns expressed in this testimony, we believe that moving forward with the task force may be a good alternative.

Thank you for the opportunity to testify.



HAWAII FIRE FIGHTERS ASSOCIATION

INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO

1018 PALM DRIVE | HONOLULU, HAWAII 96814

TEL: (808) 949-1566 FAX: (808) 952-6003

www.hawaiifirefighters.org

LATE

HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

April 7, 2015

Committee on Finance

Testimony by
Hawaii Fire Fighters Association

S.B. 675 SD2 HD2 Relating to Firefighters

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association (HFFA), Local 1463, AFL-CIO. HFFA represents approximately 2,100 active-duty professional fire fighters throughout the State. We **support S.B. 675 SD2 HD2**, which provides fire fighters with comprehensive medical coverage through workers compensation by establishing a rebuttable presumption. S.B. 675 SD2 HD1 recognizes the occupational exposures experienced by fire fighters in the line of duty.

Thirty-three states and eight Canadian provinces already have cancer presumptive laws that provide fire fighters with medical and service-connected disability benefits. Several studies, as recommended by the International Association of Fire Fighters (IAFF), serve as the basis that demonstrates the need for cancer presumptive legislation locally. In a meta-analysis of 32 studies conducted by GK LeMasters in 2006, there was significant excess risk of cancer that was reported for the brain, stomach, colon, rectum, prostate, testes, multiple myeloma and non-Hodgkin lymphoma (NHL). A 2009 study conducted by the U.S. National Institute for Occupational Study (NIOSH) compared fire fighters to the general public for incidence rates in cancer diagnosis. Of the 30,000 full-and-part-time fire fighters involved in the study, there was an increase in cancer risks associated with excess malignancies of the oral, respiratory, digestive, and urinary systems. There were 4461 malignant tumors distributed among 3903 fire fighters with cancer, among which 488 reported cancers were at multiple primary sites.

More recent studies, including 2010 report by the Underwriters Laboratories Inc. regarding fire fighters exposure to smoke particulates established that because 99+% of smoke particles are less than 1 micron in diameter making it invisible to the naked eye, it is difficult to determine whether or not "clean air" is indeed clean air post-fire. Such exposure leads to deposits of phthalates, PAHs, lead, and mercury that remain on fire fighters' hoods and gloves

that can be dermally absorbed or inhaled, thus contributing to the correlation with increased cardiovascular and respiratory morbidity and mortality, i.e., lung cancer. “Systemic Exposure to PAHs and Benzene in Firefighters Suppressing Controlled Structure Fires,” a study administered in 2014, reported that despite wearing full protective ensembles, fire fighters absorb polycyclic aromatic hydrocarbons (PAHs) through their skin during firefighting as shown by an increase in their biological levels following the exposure period. PAHs are linked to an increase risk of skin, lung, bladder and gastrointestinal cancers.

These studies are consistent with other previous studies assessing the cancer risks in fire fighters associated with occupational exposure. With statistics showing an increase in the risk of cancer as well as infectious diseases and illnesses associated with exposure to patient care and biochemical substances for fire fighters in comparison to the general population, it is important that discussion begins.

HFFA appreciates the Committee’s favorable consideration of this measure and ask that you **pass S.B. 675 SD2 HD2**.