

DAVID Y. IGE
GOVERNOR



THOMAS WILLIAMS
EXECUTIVE DIRECTOR

KANOE MARGOL
DEPUTY EXECUTIVE DIRECTOR

STATE OF HAWAII
EMPLOYEES' RETIREMENT SYSTEM

TESTIMONY BY THOMAS WILLIAMS
EXECUTIVE DIRECTOR, EMPLOYEES' RETIREMENT SYSTEM
STATE OF HAWAII

TO THE HOUSE COMMITTEE ON LABOR AND PUBLIC EMPLOYMENT
AND
THE HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
ON

SENATE CONCURRENT RESOLUTION NO. 8, S.D.2

APRIL 15, 2016, 11:30 A.M.

AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF A
CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS

Chairs Nakashima and McKelvey, Vice Chairs Keohokalole and Woodson, and Members of the Committees,

S.C.R 8 S.D. 2 would establish a task force to examine the issues related to cancer in the firefighting profession. The task force will not include a representative of the Employees' Retirement System (ERS); however, one of its main objectives is to provide recommendations for revisions to the state workers' compensation laws, administrative rules and benefits for firefighters diagnosed with cancer.

As the ERS does not have a role in workers' compensation determinations, the ERS staff takes no position on this resolution.

We wish to note that an ancillary connection between workers' compensation and ERS benefits is that ERS members are required to file for workers' compensation in order to submit a claim for ERS service-connected disability benefits. The approval of workers' compensation benefits, however, does not guarantee that a member will be approved for service-connected disability retirement and does not currently have any impact on the outcome of the disability application. Disability cases, including service connected disabilities, are reviewed by the ERS Medical Board which consists of three physicians. Recommendations by the Medical Board to the ERS Board of Trustees (Board) are based on medical records, reports and interviews with the



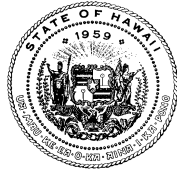
Employees' Retirement System
of the State of Hawaii

claimant. Upon review, the Board may decide to approve, deny or remand Medical Board recommendations.

Section 88-79, HRS, provides for service-connected disability benefits for a member who is permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty or as the cumulative result of an occupational hazard. This section already includes a rebuttable presumption that firefighters, police officers and sewer workers who are permanently incapacitated for duty as a result of any disease of the heart, lungs, or respiratory system, contracted such disease while in the performance of duty and as the result of the inherent occupational hazard of exposure to smoke inhalation, toxic gases, chemical fumes, and other toxic vapors.

These benefits are typically higher than regular retirement benefits and have no minimum age or service requirements. As a word of caution, should the task force recommend legislation to obtain higher ERS benefits with additional cancer presumptive causes, the task force's mandate could result in the enhancement of benefits. This would be contrary to Act 29, Session Laws of Hawaii 2011, which placed a moratorium on retirement benefit enhancements until the ERS becomes fully funded. Any benefit enhancement would increase the ERS' existing \$8.7 billion unfunded liability and possibly require an increase in employer contributions.

Thank you for the opportunity to provide testimony on this resolution.



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony Offering Comments for SCR0008, SD2
AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF
A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS**

REPRESENTATIVE MARK M. NAKASHIMA
HOUSE COMMITTEE ON LABOR & PUBLIC EMPLOYMENT
REPRESENTATIVE ANGUS L.K. MCKELVEY
HOUSE COMMITTEE ON CONSUMER PROTECTION & COMMERCE

Hearing Date: April 15, 2016

Room Number: 329

1 **Fiscal Implications:** None.

2 **Department Testimony:** Firefighters are potentially exposed to various mixtures of
3 particulates, gases, mists, and fumes of an organic and/or inorganic nature that may have acute,
4 toxic and carcinogenic effects. There are nearly 2,000 state and county firefighters in nearly 100
5 fire stations throughout Hawaii, and for some, the long-term health consequences of workplace
6 exposure to harmful toxicants may only become apparent after retirement. Studies conducted on
7 occupational risk indicates potential increased risk for cancer among firefighters. The
8 Department of Health is willing to participate in a proposed Task Force to review the issues on
9 recommending the enactment of a cancer presumptive statute relating to firefighters.

10 Thank you for the opportunity to testify.

LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIO
DEPUTY DIRECTOR

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
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April 14, 2016

The Honorable Mark Nakashima, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 406
Honolulu, Hawaii 96813

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chairs Nakashima and McKelvey:

Subject: Senate Concurrent Resolution (SCR) 8, Senate Draft (SD) 2 Authorizing
the Formation of a Task Force to Study the Issue of a Cancer Presumptive
Statute Relating to Firefighters

I am Manuel P. Neves, Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly support SCR 8, SD 2, which proposes to form a Firefighter Cancer Presumptive Task Force to develop recommendations for enactment of a cancer presumptive statute relating specifically to fire fighters.

We believe it is imperative that each county fire department is represented through the SFC, as the health and safety of fire personnel are high priorities for each fire department. Other task force participants will contribute to a better understanding of the various challenges related to this important issue.

The SFC and the HFD strongly urge your committees' passage of SCR 8, SD 2.

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TTY/TDD (808) 586-8844

The Honorable Mark Nakashima, Chair
The Honorable Angus McKelvey, Chair
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Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

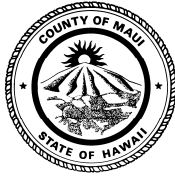
Sincerely,

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

MANUEL P. NEVES
Chair

MPN/EYS:clc

ALAN M ARAKAWA
MAYOR



JEFFREY MURRAY
FIRE CHIEF

ROBERT SHIMADA
DEPUTY FIRE CHIEF

COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

200 DAIRY ROAD
KAHULUI, HI 96732
(808) 270-7561
Fax (808) 270-7919

April 13, 2016

The Honorable Mark Nakashima, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 406
Honolulu, Hawaii 96813

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chairs Nakashima and McKelvey:

Subject: Senate Concurrent Resolution (SCR) 8, Senate Draft (SD) 2
Authorizing the Formation of a Task Force to Study the Issue of a
Cancer Presumptive Statute Relating to Firefighters

I am Jeffrey A. Murray, Member of the Hawaii State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD strongly support SCR 8, SD 2, which proposes to form a Firefighter Cancer Presumptive Task Force to develop recommendations for enactment of a cancer presumptive statute relating specifically to fire fighters.

We believe it is imperative that each county fire department is represented through the SFC, as the health and safety of fire personnel are high priorities for each fire department. Other named task force participants will contribute to a better understanding of the various challenges related to this important issue.

The SFC and the MFD strongly urge your committee's passage of SCR 8, SD 2.

Should you have questions please contact me at (808) 270-7561 or fire.dept@mauicounty.gov.

The Honorable Mark Nakashima, Chair
The Honorable Angus McKelvey, Chair
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April 13, 2016

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey A. Murray". The signature is fluid and cursive, with a prominent loop at the end.

JEFFREY A. MURRAY, Chief
Maui Fire Department

CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 768-8500 • FAX: (808) 768-5583 • INTERNET: www.honolulu.gov/hr

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR
NOEL T. ONO
ASSISTANT DIRECTOR

April 15, 2016

The Honorable Mark M. Nakashima, Chair
and Members of the Committee on
Labor and Public Employment
The Honorable Angus L.K. McKelvey, Chair
And Members of the Committee on
Consumer Protection and Commerce
The House of Representatives
State Capitol, Room 329
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Nakashima and McKelvey and Members of the Committees:

Subject: SCR 8, SD2
Authorizing the Formation of a Task Force to Study the Issue of a
Cancer Presumptive Statute Relating to Firefighters

The purpose of SCR 8, SD2 is to authorize the formation of a task force to study the issue of a cancer presumptive statute relating to firefighters. The City and County of Honolulu has concerns about the measure insofar as it presently excludes the county Directors of Human Resources from membership on the Task Force.

SCR 8, SD2 authorizes various stakeholders to convene a Firefighter Cancer Presumptive Task Force (Task Force) to develop recommendations for the enactment of a cancer presumptive statute relating to firefighters. Among other things, the Task Force is to report on:

- (1) Recommendations, if any, for revisions to workers' compensation statutes to expedite the award of workers' compensation benefits for firefighters who are diagnosed with cancer;

The Honorable Mark M. Nakashima, Chair
The Honorable Angus L.K. McKelvey, Chair
and Members of the Committees
The House of Representatives
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- (2) An estimate of the cost to the State and counties of workers' compensation benefits for firefighters who are diagnosed with cancer; and
- (3) Recommendations, if any, for changes to a fire department's administrative rules to improve workers' compensation benefits for firefighters who are diagnosed with cancer.

Although the Directors of Human Resources for each county were originally part of the Task Force when the measure was introduced, they were removed from membership and replaced by, among others, the Fire Chiefs from each county and representatives from the Hawaii Employers' Mutual Insurance Company (HEMIC) and the Hawaii Employer-Union Health Benefits Trust Fund (EUTF) in the SD1. As a result, the Task Force now consists of four representatives from the Legislative Branch, three representatives from state agencies, a private workers' compensation attorney, a representative from the University of Hawaii Cancer Center, the aforementioned representatives from HEMIC and EUTF, and six Fire representatives.

Insofar as the Task Force's report is to include recommended revisions to workers' compensation statutes and administrative rules as well as provide an estimate of the workers' compensation cost for firefighters who are diagnosed with cancer, we think it would be prudent to include the entities responsible for administering the workers' compensation programs for the vast majority of firefighters in the state as part of the Task Force. Thus, while we support the intent of the measure and formation of a Firefighter Cancer Presumptive Task Force, we are concerned that the group's current makeup fails to include a representative from each of the counties' Department of Human Resources. As a result, the City respectfully requests that SCR 8, SD2 be amended to include these representatives as part of its membership.

Thank you for the opportunity to testify.

Sincerely,



Carolee C. Kubo
Director



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

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HOUSE OF REPRESENTATIVES
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

APRIL 14, 2016

Committee on Labor and Public Employment
Committee on Consumer Protection and Commerce

Testimony by
Hawaii Fire Fighters Association, Local 1463

**SCR 8 SD2 AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE
ISSUE OF A CANCER PRESUMPTIVE STATUTE RELATING TO FIRE
FIGHTERS.**

My name is Robert H. Lee and I am the President of the Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO. The HFFA represents approximately 2,100 active-duty professional fire fighters throughout the State. We **SUPPORT** SCR 8 SD2, as it relates to the authorization of a task force to study the issue of a cancer presumptive statute as it relates to Hawaii's fire fighters.

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 growing need for cancer presumptive legislation locally. In addition, despite our fire departments' efforts in improving procedures for cleaning the protective clothing and breathing apparatus, fire fighters are still exposed to carcinogens and toxicants while performing their duties as a study administered in 2014 entitled "Systemic Exposure to PAHs and Benzene in Firefighters Suppressing Controlled Structure Fires" have recently discovered. Such exposure to these carcinogens and toxicants during a fire fighter's career may not result in immediate manifestation of symptoms or cancer diagnosis but instead, years after retirement.

SCR 8 SD2 authorizes the formation of a task force to examine the possibility of implementing a cancer presumptive statute relating to fire fighters through recommendations, if any, on revisions to workers' compensation statutes and fire departments' administrative rules. With the ever-increasing number in statistics through research conducted by legitimate, prominent organizations and researchers relating to 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 Committees' favorable consideration of this measure and ask that you pass SCR 8 SD2.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
House Committee on Labor and Public Employment
House Committee on Consumer Protection and Commerce
Friday, April 15, 2016 at 11:30 a.m.

By

Robert Bley-Vroman, Chancellor

And

Jerris Hedges, MD, MS, MMM

Dean, John A. Burns School of Medicine
Interim Director, University of Hawai'i Cancer Center
University of Hawai'i at Mānoa

SCR 8 SD2 – AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS

Chairs Nakashima and McKelvey, Vice Chairs Keohokalole and Woodson, and
Members of the Committees:

The University of Hawai'i Cancer Center provides the following comments.

The UH Cancer Center's mission is to reduce the burden of cancer through research, education, and patient care with an emphasis on the unique ethnic, cultural, and environmental characteristics of Hawai'i and the Pacific. The UH Cancer Center is one of only 69 institutions in the United States that hold the prestigious National Cancer Institute (NCI) designation, and the only NCI-designated center in the Pacific. The NCI designation provides cancer researchers in Hawai'i with greater access to federal funding and research opportunities, and gives the people of Hawai'i and the Pacific region access to many innovative and potentially life-saving clinical trials without the necessity of traveling to the mainland.

Our perspective on health-related legislation is informed by scientific literature, including research conducted by our own faculty. While we have not yet formed an opinion on whether a cancer-presumptive statute relating to firefighters should be enacted in Hawai'i, we appreciate the opportunity to participate in the proposed task force.

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Nadine K. Nakamura
Managing Director

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 315, Līhu'e, Hawai'i 96766
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April 13, 2016

The Honorable Mark Nakashima, Chair
Committee on Labor and Public Employment
House of Representatives
State Capitol, Room 406
Honolulu, Hawaii 96813

The Honorable Angus McKelvey, Chair
Committee on Consumer Protection and Commerce
House of Representatives
State Capitol, Room 320
Honolulu, Hawaii 96813

Dear Chairs Nakashima and McKelvey:

Subject: Senate Concurrent Resolution (SCR) 8, Senate Draft (SD) 2 Authorizing
the Formation of a Task Force to Study the Issue of a Cancer Presumptive
Statute Relating to Firefighters

I am Robert F. Westerman, Vice Chair of the State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD strongly support SCR 8, SD 2 which proposes to form a Firefighter Cancer Presumptive Task Force to develop recommendations for enactment of a cancer presumptive statute relating specifically to fire fighters.

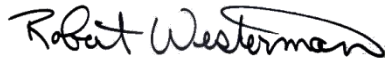
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The Honorable Mark Nakashima, Chair
The Honorable Angus McKelvey, Chair
Page 2
April 13, 2016

The SFC and the KFD strongly urge your committees' passage of SCR 8, SD 2.

Please call me at (808) 241-4975 should you have any questions regarding this matter.

Sincerely,

A handwritten signature in black ink that reads "Robert Westerman". The signature is written in a cursive style with a prominent flourish at the end.

Robert Westerman
Fire Chief, County of Kaua'i

RFW/eld