

SCR8/SR6

Measure Title: AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS.

Report Title: State Fire Council Package; Firefighters; Cancer; Task Force; Establishment

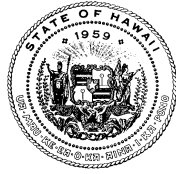
Description:

Companion:

Package: None

Current Referral: CPH/PSM, JDL

Introducer(s): BAKER, DELA CRUZ, KIDANI, Espero, Ruderman



**STATE OF HAWAII
DEPARTMENT OF HEALTH**

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

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

SENATE COMMITTEES ON COMMERCE, CONSUMER PROTECTION,
AND HEALTH AND PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS

Hearing Date: March 14, 2016

Room Number: 229

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. Some studies indicate that the long-term health consequences of
6 workplace exposure to harmful toxicants may only become apparent after retirement. The
7 Department of Health is willing to participate in a proposed Task Force to review the issues on
8 recommending the enactment of a cancer presumptive statute relating to firefighters.

9 Thank you for the opportunity to testify.

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 SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH
AND
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS
ON

SENATE CONCURRENT RESOLUTION NO. 8
AND
SENATE RESOLUTION NO. 6

MARCH 14, 2016, 10:00 A.M.

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

Chairs Baker and Nishihara, Vice Chairs Kidani and Espero, and Members of the Committee,

S.C.R 8 and S.R. 6 request 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 purposes is to provide recommendations for revisions to the state workers' compensation statutes to expedite workers' compensation benefits for firefighters diagnosed with cancer.

As the ERS does not have a role in workers' compensation determinations, the ERS staff has no position on these resolutions or this task force.

We wish to comment 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 have conclusive impact on the outcome of the disability application. All disability cases are reviewed by the ERS Medical Board which consists of three



Employees' Retirement System
of the State of Hawaii

physicians. Recommendations by the Medical Board to the ERS Board of Trustees (Board) are based on medical records, reports and interviews with the 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 note of caution, should the task force recommendations lead to legislation for 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' \$8.7 billion unfunded liability, increase employer contributions and would lengthen the period required for the ERS to become fully funded. The ERS Board of Trustees will likely oppose any legislation which provides for enhanced retirement benefits and/or increases the System's unfunded liability.

Thank you for the opportunity to provide testimony on these resolutions.

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

March 11, 2016

The Honorable Rosalyn Baker, Chair
Committee on Commerce, Consumer
Protection, and Health

The Senate
State Capitol, Room 230
Honolulu, Hawai'i 96813

The Honorable Clarence Nishihara
Committee on Public Safety, Intergovernmental,
And Military Affairs

The Senate
State Capitol, Room 204
Honolulu, Hawai'i 96813

**Subject: SCR8/SR6 Authorizing the Formation of a Task Force to
Study the Issue of a Cancer Presumptive Statute Relating to Firefighters
Hearing Date: Monday, March 14, 2016
Time/Place of Hearing: 10:00 a.m., Conference Room 229**

Dear Chairs Baker and Nishihara:

I am Darren J. Rosario, member of the Hawai'i State Fire Council (SFC) and Fire Chief of the Hawai'i Fire Department of the County of Hawai'i (HCFD). The SFC and the HCFD strongly support SCR 8 and SR 6.

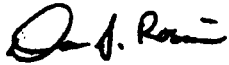
SCR 8 and SR 6 proposes to form a Firefighter Cancer Presumptive Task Force to develop recommendations for enactment of a cancer presumptive statute relating specifically to firefighters. We believe it is imperative that each county fire department is represented through the SFC, as the health and safety 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.



SCR 8 / SR 6, Authorizing the Formation of a Task Force to
Study the Issue of a Cancer Presumptive Statue Relating to Firefighters
March 11, 2016
Page 2

We, therefore, urge your support on the passage of SCR8 and SR6. Should you have any questions, please contact me at (808)932-2903 or Darren.Rosario@hawaiicounty.gov.

Very Truly Yours,

A handwritten signature in black ink, appearing to read "D. J. Rosario". The signature is written in a cursive style with a horizontal line at the end.

DARREN J. ROSARIO
Fire Chief



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Written Testimony Presented Before the
Senate Committee on Commerce, Consumer Protection, and Health
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
Monday, March 14, 2016 at 10:00 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 / SR 6 – AUTHORIZING THE FORMATION OF A TASK FORCE TO STUDY THE ISSUE OF A CANCER PRESUMPTIVE STATUTE RELATING TO FIREFIGHTERS

Chairs Baker and Nishihara, Vice Chairs Kidani and Espero, 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.

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHINO
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
830 PUNCHBOWL STREET, ROOM 321
HONOLULU, HAWAII 96813
www.labor.hawaii.gov
Phone: (808) 586-8844 / Fax: (808) 586-9099
Email: dliir.director@hawaii.gov

March 10, 2016

The Honorable Rosalyn Baker, Chair
Committee on Commerce, Consumer Protection,
and Health
The Senate
State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara
Committee on Public Safety, Intergovernmental,
and Military Affairs
The Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: Senate Concurrent Resolution (SCR) 8/Senate Resolution (SR) 6
Authorizing the Formation of a Task Force to Study the Issue of a Cancer
Presumptive Statue Relating to Firefighters

I am Manuel P. Neves, Chair of the State Fire Council (SFC) and Fire Chief of the Honolulu Fire Department (HFD). The SFC and the HFD strongly support SCR 8/SR 6 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 Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Chair
Page 2
March 10, 2016

The SFC and the HFD strongly urge your committees' passage of SCR 8/SR 6.

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

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
TEL (808) 241-4980 FAX (808) 241-6508

March 10, 2016

The Honorable Rosalyn Baker, Chair
Committee on Commerce, Consumer Protection,
and Health
The Senate
State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara
Committee on Public Safety, Intergovernmental,
and Military Affairs
The Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: Senate Concurrent Resolution (SCR) 8/Senate Resolution (SR) 6
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/SR 6 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.

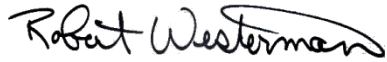
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The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Chair
Page 2
March 10, 2016

The SFC and the KFD strongly urge your committees' passage of SCR 8/SR 6.

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

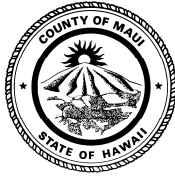
Sincerely,

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

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

March 11, 2016

The Honorable Rosalyn Baker, Chair
Committee on Commerce, Consumer Protection,
and Health
The Senate
State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara
Committee on Public Safety, Intergovernmental,
and Military Affairs
The Senate
State Capitol, Room 204
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: Senate Concurrent Resolution (SCR) 8/Senate Resolution (SR) 6
Authorizing the Formation of a Task Force to Study the Issue of a
Cancer Presumptive Statue Relating to Firefighters

I am Jeffrey A. Murray, Member of the State Fire Council (SFC) and Fire Chief of the Maui Fire Department (MFD). The SFC and the MFD strongly support SCR 8/SR 6 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 committees' passage of SCR 8/SR 6.

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

The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Chair
Page 2
March 11, 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

March 10, 2016

The Honorable Rosalyn Baker, Chair
Committee on Commerce, Consumer Protection,
and Health
The Senate
State Capitol, Room 230
Honolulu, Hawaii 96813

The Honorable Clarence Nishihara
Committee on Public Safety, Intergovernmental,
and Military Affairs
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The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Chair
Page 2
March 10, 2016

The SFC and the HFD strongly urge your committees' passage of SCR 8/SR 6.

Should you have questions, please contact SFC Administrator Socrates Bratakos at 723-7105 or sbratakos@honolulu.gov.

Sincerely,

MANUEL P. NEVES
Chair

MPN/EYS:clc



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

THE SENATE
THE TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2016

MARCH 14, 2016

Committee on Commerce, Consumer Protection, and Health
Committee on Public Safety, Intergovernmental, and Military Affairs

Testimony by
Hawaii Fire Fighters Association, Local 1463

**SCR 8 / SR 6 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 and SR 6, 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 and SR 6 both authorize 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 Committee's favorable consideration of this measure and ask that you pass both SCR 8 and SR 6.