

DAVID Y. IGE
GOVERNOR

SHAN S. TSUTSUI
LIEUTENANT GOVERNOR



LINDA CHU TAKAYAMA
DIRECTOR

LEONARD HOSHIJO
DEPUTY DIRECTOR

LATE

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: dllr.director@hawaii.gov

March 21, 2017

To: The Honorable Clarence K. Nishihara, Chair,
The Honorable Glenn Wakai, Vice Chair, and
Members of the Senate Committee on Public Safety, Intergovernmental,
and Military Affairs

The Honorable Rosalyn H. Baker, Chair
The Honorable Clarence K. Nishihara, Vice Chair, and
Members of the Senate Committee on Commerce, Consumer Protection,
and Health

Date: Tuesday, March 21, 2017
Time: 1:30 p.m.
Place: Conference Room 229, State Capitol

From: Linda Chu Takayama, Director
Department of Labor and Industrial Relations (DLIR)

Re: H.B. No. 913 HD2 Relating to Medical Coverage for Firefighters

I. OVERVIEW OF PROPOSED LEGISLATION

This proposal is intended to improve access for firefighters to comprehensive medical coverage and service-connected disability retirement benefits for hazardous duty related diseases that are presumed to arise out of and in the course of employment. This bill adds a new chapter to the Hawaii Revised Statutes (HRS), entitled "Hazardous Duty Related Diseases Treatment Insurance Benefits."

The Department provides comments on the proposal and notes it contains a fiscal impact.

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 employment, or by disease proximately caused

by or resulting from the nature of the employment.

Section 386-73.5, HRS, establishes that the DLIR Director has original jurisdiction over all controversies and disputes arising out of workers' compensation.

Section 386-85, HRS, provides a presumption of employment and compensation for a work-covered work injury, in the absence of substantial evidence to the contrary.

Section 386-86, HRS, establishes an informal hearing process that is not subject to chapter 91.

III. COMMENTS ON THE HOUSE BILL

DLIR appreciates the intent of this proposal to ensure that firefighters receive proper medical treatment in a timely manner, as well as lessen the impact due to the effects of cancer, and offers the following comments:

- The Department has concerns that this measure will set a precedent in carving out certain classes of workers (e.g. police officers, emergency medical technicians, wastewater system employees, etc.) from the Workers' Compensation law.
- The measure varies from the laws of the five states mentioned in the preamble in that those states require some degree of relationship between the illness and employment. HB913 HD2 permits a presumption that cancer developed by a firefighter is employment related regardless of the type of cancer.
- This proposal also varies from the laws of the five states by requiring the employer to pay total disability benefits at 100% of the firefighter's average weekly wages. Total disability benefits under the Workers' Compensation Law, chapter 386, HRS, include a weekly benefit amount equal to 66 and two-thirds percent, not 100%.
- DLIR notes that these jurisdictions may also cover police and peace (sheriffs, state troopers, etc.) officers and establish time limits for claim filing.
 - Arizona - covers certain cancers or leukemia resulting in disability or death to a firefighter or peace officer, if certain criteria are met and is deemed to arise out of employment. Claim must be filed within 2 years of diagnosis.
 - California - covers peace officers and firefighters' cancer, presumption of compensability is only rebuttable if not related to employment or if the carcinogen is not reasonably linked to cancer. Claim must be filed within 1 year of injury, last payment, or death.
 - Nevada - covers cancer for police officers, firefighters, and emergency

medical attendants in specified circumstances. Claim filed within 1 year of disability or death.

- North Dakota - has a presumption for cancer for police officers and firefighters, which the burden to disprove entitlement is on the bureau. Claim filed within 1 year of injury; within 2 years of death.
- Virginia - covers ovarian and breast cancer in the case of eligible firefighters. Claim filed within 2 years of diagnosis or within 5 years of last injurious exposure, whichever is greater; within 3 years of death.

These jurisdictions do not bifurcate the process and cover the individual under their workers' compensation law and process.

- DLIR recognizes that there may be times a firefighter will receive benefits covered under the proposed measure as well as chapter 386, HRS, creating a dual system. Without additional staffing and resources, the same DCD staff that administers the workers' compensation program would administer the new program. This would be a heavy burden on the Department and counterproductive to the intent of the measure to improve timely access to comprehensive medical coverage for firefighters.
- Without the proper data to understand the full scope of Hawaii's firefighters who develop cancer, it is difficult to estimate the necessary staffing and resource levels to administer the new chapter. DLIR provides the following annual estimates to start up the program:

Annual Costs:

Program Specialist I	SR-24	\$57,168	
Hearings Officer V	SR-26	\$61,824	
Office Assistant IV	SR-10	\$29,340	
Medical Advisor		\$50,000	
Attorney General Support		<u>\$40,000</u>	\$238,332
Telephones (\$167 each)		\$ 835	
Computer Software (\$350 each)		<u>\$ 1,750</u>	<u>\$ 2,585</u>

One-time Costs:

Consultant/Contractor to Reprogram Mainframe, Lotus Notes, and HDRD System Programs		\$200,000	
Set up costs (Computer, desk, chair, filing cabinets)		<u>\$23,750</u>	<u>\$223,750</u>
Total Annual costs			<u>\$240,917</u>
Total One-Time Costs			<u>\$223,750</u>

- The measure is unclear as to who is responsible for the copayment, deductible, and coinsurance provisions (firefighter or employer).
- The proposal will increase costs to the State and counties, which are self-insured.
- The measure addresses the termination of benefits if the firefighter is able to resume work. In the case that the firefighter disagrees with the employer, the measure should address this process. In addition, the measure does not provide for a hearing process, the appeal rights, and whether chapter 91 applies to these procedures.

DAVID Y. IGE
GOVERNOR



LATE

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

HOUSE BILL NO. 913, H.D. 2

March 21, 2017, 1:30 P.M.

RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS

Chairs Nishihara and Baker, Vice Chair Wakai and Members of the Committees,

Section 2 of H.B. No. 913, H.D. 2, creates a new chapter of the Hawaii Revised Statutes ("HRS"), for hazardous duty related disease benefits for firefighters. § -5 of the new chapter ("§ -5"), entitled "Disability retirement," provides that if a firefighter with one or more years of credited service develops a hazardous duty related disease (cancer) or dies due to a hazardous duty related disease, it shall be presumed that the death or hazardous duty related disease arose out of or in the course of employment, provided that the firefighter shall have taken a physical exam upon becoming a firefighter, or subsequent thereto, that failed to reveal any evidence of the condition.

The Board of Trustees of the Employees' Retirement System (ERS) **opposes** this legislation as its additional cancer presumption is believed to represent a benefit enhancement. Under HRS 88-99, there is to be no benefit enhancement under HRS Chapter 88 until such time as the assets of the ERS are 100% of the ERS's actuarial accrued liability. With an unfunded liability of \$12.4 billion and a funded ratio of 54.7% the ERS is far below 100% of its actuarial accrued liability. **The ERS Board views this bill as a violation of HRS 88-99.**

The provisions of H.B. 913, H.D. 2, § -5 are inconsistent with the ERS statutes on service-connected disability retirement (HRS § 88-79) and accidental death benefits (HRS §§ 88-85 and 85.5). These inconsistencies will confuse, complicate, and delay the ERS's administration of



Employees' Retirement System
of the State of Hawaii

City Financial Tower • 201 Merchant Street, Suite 1400 • Honolulu, Hawaii 96813-2980
Telephone (808) 586-1735 • Fax (808) 586-1677 • <http://ers.ehawaii.gov>

disability retirement and accidental death benefits for firefighters, possibly leading to unnecessary and costly litigation. **Therefore, the ERS respectfully requests that § -5 and all references to the ERS and its benefit programs be deleted from the new chapter created by H.B. 913, H.D. 2 due to the following:**

1. § -5(a) presumes that a firefighter's hazardous duty related disease or death "arise out of and in the course of employment" The words "arise out of and in the course of employment" are not used in the ERS statutes. Under HRS §§ 88-79 and 88-85, service-connected disability retirement and accidental death benefits are granted when a member's permanent incapacity is "the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the cumulative result of some occupational hazard" The presumptions for firefighters, police officers, and sewer workers in HRS §§ 88-79(b) 88-85(b) are similarly related to impairments of health "suffered in the actual performance of duty at some definite time and place ..., and as a result of the inherent occupational hazard of exposure to and inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors" The use of the words "arise out of and in the course of employment" in § -5(a) may not be effective to create a presumption to ERS service-connected disability retirement or accidental death benefits for firefighters with cancer.
2. § -5(a) provides that the benefits awarded upon manifestation of or death from hazardous duty related disease shall include full hospital, surgical, medical treatment, disability indemnity, and death benefits as provided by this chapter and chapter 88. The ERS does not provide hospital, surgical and medical treatment benefits. No ERS statute refers to "disability indemnity" or "death benefits." As they pertain to firefighters, HRS § 88-79 provides "service-connected disability retirement," HRS § 88-84 provides "ordinary death benefits," and HRS §§ 88-85 and 88-85.5 provide "accidental death benefits." The use of the terms "disability indemnity" or "death benefits" in § -5(a) is ambiguous and confusing as far as ERS benefits are concerned.
3. § -5(c) provides that the presumption under subsection (a) shall be rebuttable only by a finding of "substantial evidence to the contrary." The presumptions in favor of firefighters, police officers, and sewer workers in HRS § 88-79(b) and 88-85(b) apply "unless the contrary be shown by competent evidence." The "substantial evidence" standard is used to rebut the statutory presumption in HRS § 386-85 that a claim for workers' compensation is for a covered work injury. The workers' compensation presumption is based on the legislature's decision that "work injuries are among the costs of production which industry is required to bear" and the "socially enforced bargain: the employee giving up his right to recover common law damages from the employer in exchange for the certainty of a statutory award for all work-connected injuries." See Van Ness v. State Dept. of Educ., 131 Hawai'i 545, 558 (2014). Based on the broad humanitarian purposes of workers' compensation, the workers' compensation presumption is construed liberally with all reasonable doubts being resolved in favor of the claimant. Id. ERS members do not give up their right to recover common law

damages in exchange for service-connected disability retirement or accidental death benefits, and the Legislature has not decided that such benefits are a cost of production that industry must bear. Thus, the Legislature should not impose workers' compensation presumption standards on the ERS's disability retirement and accidental death benefit programs as the policies and purposes behind each program are very different. Using workers' compensation standards in § -5 could lead claimants and the courts to impose such standards on other parts of the ERS disability retirement and accidental death benefit programs causing unexpected and expensive consequences for the ERS, the State, and the other public employers.

4. § -5(c) provides that the presumption under subsection (a) shall be extended to a firefighter in perpetuity following termination of service. Under HRS § 88-79, service-connected disability retirement can only be applied for by a "member." If a firefighter terminates service and either does not qualify for vested benefit status or requests a return of the firefighter's accumulated contributions, the firefighter ceases to be a member of the system. See HRS §§ 88-96 and 88-61(a). When a firefighter retires, the firefighter ceases to be a member of the system. See HRS § 88-61(b). Allowing non-members to apply for service-connected disability retirement and beneficiaries to apply for accidental death benefits with respect to non-members would violate the provisions of HRS §§ 88-79 and 88-85, would constitute a benefit enhancement in violation of HRS § 88-99, and may create concerns regarding the ERS's tax qualified status.

Other parts of Section 2 of H.B. 913, H.D. 2, provide firefighters with health insurance benefits for hazardous duty related disease (§ -2), total disability benefits of 100% of the firefighter's weekly wages (§ -7), and death benefits for dependents (§§ -8, -9 and -10), without affecting any of the ordinary disability retirement, service-connected disability retirement, and accidental death benefits a firefighter may apply for under current ERS statutes - which already include a presumption for firefighters who are permanently incapacitated or die from any disease of the heart, lungs, or respiratory system. See HRS §§ 88-79(b) and 88.85(b). Thus, the ERS questions the necessity for changing any of the ERS disability retirement and accidental death benefits in H.B. 913, H.D. 2. This is particularly so given the confusion and complications § -5 will cause for the ERS and firefighters.

For the reasons stated above, the ERS requests that § -5 and all references to the ERS and its benefit programs be deleted from the new chapter created by H.B. 913, H.D. 2. Alternatively, the ERS requests that, should the creation of any new presumption for firefighters with cancer regarding service-connected disability retirement and accidental death benefits be the desire of your Committees, there be separate sections amending HRS §§ 88-79 and 88-85. Those amendments (see Attachments 1 and 2) would use the terminology, conditions, and standards that the Legislature has already established for the ERS in HRS §§ 88-79 and 88-85, and which the ERS has incorporated in its rules implementing those statutes.

Thank you for this opportunity to testify.

§88-79 Service-connected disability retirement. (a) Upon application of a member, or the person appointed by the family court as guardian of an incapacitated member, any member who has been permanently incapacitated for duty as the natural and proximate result of an accident occurring while in the actual performance of duty at some definite time and place, or as the cumulative result of some occupational hazard, through no wilful negligence on the member's part, may be retired by the board for service-connected disability; provided that:

- (1) In the case of an accident occurring after July 1, 1963, the employer shall file with the system a copy of the employer's report of the accident submitted to the director of labor and industrial relations;
 - (2) An application for retirement is filed with the system within two years of the date of the accident, or the date upon which workers' compensation benefits cease, whichever is later;
 - (3) Certification is made by the head of the agency in which the member is employed, stating the time, place, and conditions of the service performed by the member resulting in the member's disability and that the disability was not the result of wilful negligence on the part of the member; and
 - (4) The medical board certifies that the member is incapacitated for the further performance of duty at the time of application and that the member's incapacity is likely to be permanent.
- (b) In the case of firefighters, police officers, and sewer workers, the effect of the exposure to and inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors on the heart, lungs, and respiratory system shall be construed as an injury received or disease contracted while in the

Attachment 1
ERS Amendment to H.B. 913, H.D. 2

performance of their duty and as the result of some occupational hazard for the purpose of determining [~~occupational~~] service-connected disability retirement under this section. In the case of firefighters, the effect of exposure to smoke, toxic gases, chemical fumes, and other toxic vapors on their digestive and urinary systems shall be construed as an injury received or disease contracted while in the performance of their duty and as the result of some occupational hazard for the purpose of determining service-connected disability retirement under this section.

Notwithstanding any other law to the contrary, any condition of impairment of health caused by any disease of the heart, lungs, or respiratory system, resulting in permanent incapacity to a firefighter, police officer, or sewer worker, and any condition of impairment of health caused by cancer of the respiratory, digestive, or urinary system, resulting in permanent incapacity to a firefighter, shall be presumed to have been suffered in the actual performance of duty at some definite time and place through no wilful negligence on the firefighter's, police officer's, or sewer worker's part, and as a result of the inherent occupational hazard of exposure to and inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors, unless the contrary be shown by competent evidence; provided that such firefighter, police officer, or sewer worker shall have passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition.

(c) The board may waive strict compliance with the time limits within which a report of the accident and an application for service-connected disability retirement must be filed with the board if it is satisfied that the failure to file within the time limited by law was due to ignorance of fact or law,

Attachment 1
ERS Amendment to H.B. 913, H.D. 2

inability, or to the fraud, misrepresentation, or deceit of any person, or because the applicant was undergoing treatment for the disability or was receiving vocational rehabilitation services occasioned by the disability.

(d) The board may determine whether or not the disability is the result of an accident occurring while in the actual performance of duty at some definite time and place and that the disability was not the result of wilful negligence on the part of the member. The board may accept as conclusive:

- (1) The certification made by the head of the agency in which the member is employed; or
- (2) A finding to this effect by the medical board.

(e) Upon approval by the board, the member shall be eligible to receive a service-connected disability retirement benefit after the member has terminated service. Retirement shall become effective on the first day of a month, except for the month of December when retirement on the first or last day of the month shall be allowed.

Attachment 2
ERS Amendment to H.B. 913, H.D. 2

§88-85 Accidental death benefit. (a) In the case of an accidental death as determined by the board pursuant to section 88-85.5, there shall be paid to the member's designated beneficiary or to the member's estate the amount of the member's accumulated contributions and there shall be paid in lieu of the ordinary death benefit payable under section 88-84, a pension of one-half of the average final compensation of the member:

- (1) To the surviving spouse or reciprocal beneficiary of the member to continue until the surviving spouse or reciprocal beneficiary remarries, marries, or enters into a new reciprocal beneficiary relationship;
- (2) If there be no surviving spouse or reciprocal beneficiary, or if the surviving spouse or reciprocal beneficiary dies or remarries, marries, or enters into a new reciprocal beneficiary relationship before any child of the deceased member shall have attained the age of eighteen years, then to the deceased member's child or children under the age of eighteen, divided in the manner as the board in its discretion shall determine, to continue as a joint and survivor pension of one-half of the deceased member's final compensation until every child dies, or attains the age of eighteen; or
- (3) If there is no surviving spouse or reciprocal beneficiary or child under the age of eighteen years surviving the deceased member, then to the deceased member's dependent father or dependent mother, as the deceased member shall have nominated by written designation duly acknowledged and filed with the board, or if there is no nomination, then to the deceased member's dependent father or to the deceased

Attachment 2
ERS Amendment to H.B. 913, H.D. 2

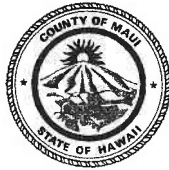
member's dependent mother as the board, in its discretion, shall direct to continue for life.

The pension shall be effective on the first day of the month following the member's death, except for the month of December, when benefits shall be effective on the first or last day of the month.

(b) Notwithstanding any other law to the contrary, any condition of impairment of health caused by any disease of the heart, lungs, or respiratory system, resulting in death to a firefighter, police officer, or sewer worker, and any condition of impairment of health caused by cancer of the respiratory, digestive, or urinary system, resulting in the death of a firefighter, shall be presumed to have been suffered in the actual performance of duty at some definite time and place through no wilful negligence on the firefighter's, police officer's, or sewer worker's part, and as a result of the inherent occupational hazard of exposure to and inhalation of smoke, toxic gases, chemical fumes, and other toxic vapors, unless the contrary be shown by competent evidence; provided that such firefighter, police officer, or sewer worker shall have passed a physical examination on entry into such service or subsequent to such entry, which examination failed to reveal any evidence of such condition.

(c) Benefits payable under subsection (a) shall continue through the end of the last month in which the payee is eligible for the benefit.

ALAN M ARAKAWA
MAYOR



COUNTY OF MAUI
DEPARTMENT OF FIRE & PUBLIC SAFETY

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

March 20, 2017

JEFFREY MURRAY
FIRE CHIEF

ROBERT SHIMADA
DEPUTY FIRE CHIEF

LATE

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

The Honorable Clarence Nishihara, Chair
Committee on Commerce, Public Safety,
Intergovernmental, and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihara:

Subject: House Bill (HB) 913, House Draft (HD) 2 Relating to Medical Coverage for 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 support HB 913, HD 2, which proposes to provide fire fighters who develop cancer with expanded benefits that improve access to comprehensive medical coverage and disability benefits for hazardous duty-related diseases.

Over the last decade, the fire profession has experienced an increase in fire fighter deaths related to cancer. The University of Cincinnati and the National Institute for Occupational Safety and Health conducted studies as a result of the initial findings. They are the most comprehensive investigations into cancer-related diseases incurred by career fire fighters to date and support the initial findings. The State of Hawaii (State) cancer taskforce performed an investigative study with assistance from medical insurance companies and found that fire fighters in the State are also experiencing elevated levels of exposure to the effects of cancer-related diseases, correlating Hawaii's information with the national studies.

The Honorable Rosalyn Baker, Chair
The Honorable Clarence Nishihara, Chair
Page 2
March 20, 2017

If passed, this bill will provide the fire fighter and their family with the financial and moral support they need during this crisis.

The SFC and the MFD urge your committees' passage of HB 913, HD 2, for the welfare of our fire fighters.

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 "Jeffrey A. Murray".

JEFFREY A. MURRAY
Fire Chief

DEPARTMENT OF HUMAN RESOURCES
CITY AND COUNTY OF HONOLULU
850 SOUTH KING STREET, 10TH FLOOR • HONOLULU, HAWAII 96813
TELEPHONE: (808) 788-8500 • FAX: (808) 788-5583 • INTERNET: www.honolulu.gov/hr

LATE

KIRK CALDWELL
MAYOR



CAROLEE C. KUBO
DIRECTOR

NOEL T. ONO
ASSISTANT DIRECTOR

March 21, 2017

The Honorable Rosalyn H. Baker, Chair
The Honorable Clarence K. Nishihara, Vice Chair
and Members of the Committee
on Commerce, Consumer, Protection, and Health

The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
and Members of the Committee
on Public Safety, Intergovernmental, and Military Affairs

The Senate
State Capitol, Room 229
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Baker, Chair/Vice Chair Nishimura, Vice Chair Wakai, and Members of the Committees:

**SUBJECT: House Bill No. 913, HD2
Relating to Medical Coverage for Firefighters**

H.B. 913, HD2 is intended to provide firefighters who develop cancer with (a) improved access to comprehensive medical coverage, (b) a presumption of work-relatedness for service-connected disability retirement benefits and (c) indemnity benefits outside of workers' compensation. As fully set forth below, the City and County of Honolulu has serious concerns with the bill, especially regarding the indemnity provisions set forth in H.B. 913, HD2.

The bill is clearly designed to provide firefighters who develop cancer with the same indemnity benefits, albeit in a higher amount, that the individuals would have received under Hawaii's workers' compensation law had the injuries been deemed work-related. However, H.B. 913, HD2 fails to recognize and provide the exemption from liability for workplace injuries that employers received under the "grand compromise" that led to workers' compensation laws being enacted over a century ago. Absent any such exclusivity provision, the State and counties would be subject to lawsuits from firefighters and their dependents for their injuries while also being required to provide indemnity benefits to these individuals. This would clearly result in double recovery for firefighters and/or their dependents to the fiscal detriment of the government entities that employ them.

March 21, 2017
Page 2

The bill similarly fails to provide any mechanism whereby the City could either institute a third-party lawsuit against the parties responsible for the hazardous duty related disease or authorize the right of a first lien against any recovery should the firefighter receive a judgment or settlement. This deficiency creates the potential for double recovery for the employee and/or the individual's dependents.

H.B. 913, HD2 also leaves open the question of who has jurisdiction should a dispute arise under the newly proposed chapter. While a few of the provisions covering indemnity benefits appear to give the decision-making responsibility to the Director of Labor and Industrial Relations, jurisdiction over all other issues related to compensability and indemnity are not addressed, nor is jurisdiction for those that may arise regarding the health coverage, health screening and disability retirement provisions set forth in the bill. Given the disparate components of the legislation, it is difficult to even assess where that responsibility should be placed.

The City is also concerned that H.B. 913, HD2 requires total disability benefits to be paid at 100% of the firefighter's weekly wages. Under workers' compensation, the same benefits would be paid at 66 2/3% of the firefighter's average weekly wages. From a public policy standpoint there appears to be no basis for the disparity. Moreover, paying indemnity benefits at 100% of wages creates a significant disincentive for a firefighter to return to work. We would therefore ask that the committee amend this portion of the bill so indemnity benefits are paid at 66 2/3% of average weekly wages rather than 100%.

Finally, we note there are areas of the bill that need to be clarified and/or amended. For example, "Section -8" of Section 2 refers to a "maximum weekly benefit rate" which is neither defined in the section or in "Section -1."

While the City supports the intent of the bill, we believe that additional discussions among the interested stakeholders should occur in light of the concerns expressed above. We would therefore request that decision-making on the bill be deferred until those issues can be properly addressed.

Thank you for the opportunity to testify.

Sincerely,


Carolee C. Kubo
Director

Bernard P. Carvalho, Jr.
Mayor



Robert F. Westerman
Fire Chief

Wallace G. Rezendes, Jr.
Managing Director

Kilipaki K. F. Vaughan
Deputy Fire Chief

KAUA'I FIRE DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite 315, Lihu'e, Hawai'i 96766
TEL (808) 241-4980 FAX (808) 241-6508

March 20, 2017

LATE

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

The Honorable Clarence Nishihara, Chair
Committee on Commerce, Public Safety,
Intergovernmental, and Military Affairs
The State Senate
State Capitol, Room 214
Honolulu, Hawaii 96813

Dear Chairs Baker and Nishihira:

Subject: House Bill (HB) 913, House Draft (HD) 2 Relating to Medical Coverage for Firefighters

I am Robert F. Westerman, Vice-Chair of the Hawaii State Fire Council (SFC) and Fire Chief of the Kauai Fire Department (KFD). The SFC and the KFD support HB 913, HD 2, which proposes to provide fire fighters who develop cancer with expanded benefits that improve access to comprehensive medical coverage and disability benefits for hazardous duty-related diseases.

Over the last decade, the fire profession has experienced an increase in fire fighter deaths related to cancer. The University of Cincinnati and the National Institute for Occupational Safety and Health conducted studies as a result of the initial findings. They are the most comprehensive investigations into cancer-related diseases incurred by career fire fighters to date and support the initial findings. The State of Hawaii (State) cancer taskforce performed an investigative study with assistance from medical

insurance companies and found that fire fighters in the State are also experiencing elevated levels of exposure to the effects of cancer-related diseases; correlating Hawaii's information with the national studies.

If passed, this bill will provide the fire fighter and their family with the financial and moral support they need during this crisis.

The SFC and the KFD urge your committees' passage of HB 913, HD 2, for the welfare of our fire fighters.

Please contact me at (808) 241-4975 or rwesterman@kauai.gov should you have any questions or require additional information regarding this matter.

Sincerely,



Robert Westerman
Fire Chief, County of Kaua'i

RFW/dag



HAWAII FIRE FIGHTERS ASSOCIATION
INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS LOCAL 1463, AFL-CIO
1018 PALM DRIVE, HONOLULU, HAWAII 96814-1929
TELEPHONE (808) 949-1566 FAX: (808) 952-6003
WEBSITE: www.hawaiifirefighters.org

**THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2017**

LATE

March 21, 2017

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

**Testimony by
Hawaii Fire Fighters Association, Local 1463, IAFF, AFL-CIO**

H. B. No. 913 HD 2 RELATING TO MEDICAL COVERAGE FOR FIREFIGHTERS

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO represents more than 1,900 professional active-duty and 800 retired fire fighters throughout the State. On behalf of our members, HFFA **supports H. B. No. 913 HD 2** which improves the access for fire fighters to gain comprehensive medical coverage and service-connected disability retirement benefits upon diagnosis with or death from cancer that is presumed to arise out of and in the course of employment.

Thirty-three states and nine 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. These studies are consistent with other previous studies assessing the cancer risks in fire fighters associated with occupational exposure. As a stakeholder participating in the Cancer Presumption Task Force that convened in 2016 as a response to H.C.R. No. 32, H.D. 1, S.D. 1, HFFA is grateful that H. B. No. 913 HD 2 addresses the concerns of the fire service.

HFFA appreciates the Committee's favorable consideration of this measure and ask that you **pass H. B. No. 913 HD 2**. Thank you for the opportunity to testify.

baker2 - Heath

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 21, 2017 7:05 AM
To: CPH Testimony
Cc: burgharc@gmail.com
Subject: Submitted testimony for HB913 on Mar 21, 2017 13:30PM

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HB913

Submitted on: 3/21/2017

Testimony for CPH/PSM on Mar 21, 2017 13:30PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Comments Only	No

Comments: While the firefighters certainly deserve to have coverage for exposure to materials that may cause them issues later on, I STRONGLY OBJECT that this bill only covers firefighters. The person(s) who initiated this bill should also look into those people who work with firefighters and support their efforts and are also put into situations with being exposed to many of the same possible materials. ARE the "civilians" less important than them? I think not. Who will take care of the civilians who work for HFD who are the support team for the firefighters?

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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