



STATE OF HAWAII  
KA MOKU'ĀINA O HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
KA 'OIHANA PONO LIMAHANA

February 3, 2025

To: The Honorable Henry J.C. Aquino, Chair,  
The Honorable Chris Lee, Vice Chair, and  
Members of the Senate Committee on Labor and Technology

The Honorable Brandon J.C. Elefante, Chair  
The Honorable Glenn Wakai, Vice Chair and  
Members of the Senate Committee on Public Safety and Military Affairs

Date: Monday, February 3, 2025  
Time: 3:00 p.m.  
Place: Conference Room 224, State Capitol

From: Jade T. Butay, Director  
Department of Labor and Industrial Relations (DLIR)

**Re: S.B. 828 RELATING TO WORKERS' COMPENSATION MEDICAL BENEFITS**

**I. OVERVIEW OF PROPOSED LEGISLATION**

The **DLIR supports** this measure that amends Chapter 386-21.9, (HRS), to expand workers' compensation medical benefits as defined in Chapter 386-21 for firefighters to include coverage for adenocarcinoma or mesothelioma of the respiratory system; cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma unless an employer proves that the cancer or disease was not associated with the firefighting duties.

**II. CURRENT LAW**

Section 386-21.9, HRS defines medical care, services, and supplies for firefighters suffering from cancer. If a claim for leukemia, multiple myeloma, non-Hodgkin lymphoma, or cancer of the lung, brain, stomach, esophagus, intestines, rectum, kidney, bladder, prostate, or testes filed by an employee with five or more years of service as a firefighter is accepted or determined to be compensable, section 386-21 shall remain applicable; provided that the employer shall be liable for medical care, services and supplies for a minimum of one hundred ten per cent, and not to exceed one hundred fifty per cent of fees prescribed in the Medicare Resource

Based Relative Value Scale applicable to Hawaii as prepared by the United States Department of Health and Human Services.

Section 386-21, HRS, defines medical care, services, and supplies and provides that immediately after a work injury sustained by an employee and so long as reasonably needed the employer shall furnish to the employee all medical care, services and supplies as the nature of the injury requires.

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

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

### **III. COMMENTS ON THE SENATE BILL**

The DLIR supports this measure to ensure that first responders receive timely and appropriate medical treatment to include coverage for adenocarcinoma or mesothelioma of the respiratory system; cancer of the buccal cavity, colon, pharynx, and thyroid; and malignant melanoma when determined that said cancer or disease was associated with firefighting duties.



## 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.hawaii firefighters.org](http://www.hawaii firefighters.org)

**LATE**

THE SENATE  
THE THIRTY-THIRD LEGISLATURE  
REGULAR SESSION OF 2025

COMMITTEE ON LABOR AND TECHNOLOGY

AND

COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

Monday, February 3, 2025

3:00 PM

Conference Room 224

S.B. No. 828 RELATING TO WORKERS' COMPENSATION MEDICAL BENEFIT LBT/PSM,  
WAM

Dear Chair Aquino, Vice Chair Lee, Chair Elefante, Vice Chair Wakai, and members of the committee

The Hawaii Fire Fighters Association (HFFA), Local 1463, IAFF, AFL-CIO represents more than 2,000 active-duty and 1,000 retired professional fire fighters throughout the State of Hawaii. The HFFA, on behalf of all our members, strongly supports S.B. 828, which expands medical benefits for firefighters under workers' compensation to include additional types of cancers.

"The National Institute for Occupational Safety and Health (NIOSH) study identified that fire fighters have a 9% greater chance of being diagnosed with cancer and a 14% greater chance of dying from cancer than the general U.S. population." Fire fighters are exposed to carcinogenic agents from fire combustion products that can be inhaled, ingested, or absorbed through dermal exposure, fire fighting foam, diesel exhaust from fire apparatus, and even the turnouts, which provide thermal stability, contain PFAS. The Grace LeMasters' study found a direct correlation occupational exposure and the increased risk for cancer.

S.B. No. 828 provides the workers' compensation coverage for our fire fighters diagnosed and require cancer treatment.

Thank you for the opportunity to testify and we ask the Committee to pass S.B. No. 828 for further action in the Senate.