

HOUSE BILL REPORT

ESHB 2696

As Passed Legislature

Title: An act relating to chemically-related illness.

Brief Description: Developing procedures and criteria for chemically related illness.

Sponsors: By House Committee on Commerce & Labor (originally sponsored by Representatives Flemming, Heavey, Backlund, Veloria, Thibaudeau, Campbell, Valle, Wineberry, Holm, Roland, Johanson, Pruitt, J. Kohl, Jones, L. Johnson, King, Karahalios, Conway and Springer).

Brief History:

Reported by House Committee on:
Commerce & Labor, February 1, 1994, DPS;
Appropriations, February 5, 1994, DPS(CL-A APP);
Passed House, February 10, 1994, 76-18;
Senate amended;
House concurred;
Passed Legislature, March 10, 1994, 73-21.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives Heavey, Chair; G. Cole, Vice Chair; Conway; King; Springer and Veloria.

Minority Report: Do not pass. Signed by 3 members: Representatives Lisk, Ranking Minority Member; Chandler, Assistant Ranking Minority Member; and Horn.

Staff: Chris Cordes (786-7117).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The substitute bill by Committee on Commerce & Labor be substituted therefor and the substitute bill as amended by Committee on Appropriations do pass. Signed by 24 members: Representatives Sommers, Chair; Valle, Vice Chair; Silver, Ranking Minority Member; Carlson, Assistant Ranking Minority Member; Appelwick; Ballasiotes; Basich; Cooke; Dorn; Dunshee; G. Fisher; Foreman; Jacobsen; Lemmon; Linville; H. Myers; Peery; Rust; Sehlin; Sheahan; Talcott; Wang;

Wineberry and Wolfe.

Minority Report: Do not pass. Signed by 1 member:
Representative Stevens.

Staff: Chris Cordes (786-7117).

Background: Workers may be exposed to a variety of chemicals in both workplace and nonwork settings. Many exposures lead to well-defined and accepted diagnoses, such as contact dermatitis. However, among researchers and the medical community there is disagreement about the effects of other exposures.

To provide guidance for the management of industrial insurance claims that include exposure to chemicals, the Department of Labor and Industries developed an interim plan in conjunction with several state agencies. In addition, the department has begun a review of complex chemically-related illness claims and has created a special claims unit for these cases.

Summary of Bill: By July 1, 1994, the Department of Labor and Industries must establish interim criteria and procedures to ensure consistent and fair adjudication of claims involving chemically-related illness. The final criteria and procedures must be adopted by December 31, 1994. The department must assign claims managers with special training or expertise to manage claims that are determined to require expert management.

An advisory committee is established to consult with and advise agencies on issues related to chemically-related illness. The two lead agencies are the Department of Labor and Industries and the Department of Health. Members of the advisory committee include representatives of injured workers with chemically-related illness, organized labor, state fund and self-insured employers, the Department of Labor and Industries, the Department of Health, and physicians and osteopathic physicians. The committee will review the responsibilities of the agencies for providing services to persons with chemically-related illness. The committee terminates on June 30, 1995.

The Department of Labor and Industries is directed to work with the Department of Health to establish one or more centers for research and clinical assessment of chemically-related illness. The department is also directed to conduct research on chemically-related illness which will include contracting with recognized medical research institutions. The department will develop an implementation plan based on sound scientific research criteria and submit the plan to the Workers' Compensation Advisory Committee. Specific research proposals

will be submitted for review to the committee, and a scientific advisory committee will provide oversight of the research projects. A regional research project is encouraged. The research will be funded with appropriations from the medical aid fund, with the state fund and self-insured employers paying a pro rata share based on worker hours. Self-insurers may deduct one-half of their cost from their employees' pay.

In consultation with the Workers' Compensation Advisory Committee, the Department of Labor and Industries and the Department of Health must make a joint interim report by December 31, 1994, and a final report by June 30, 1995, to the Governor and Legislature on the status of the criteria and procedures for management of chemically-related illness claims, research projects, other initiatives related to chemically related illness and any recommendations for legislation. Included in the report will be a plan to include occupational information in the automated health data bases and a plan to make occupational diseases reportable conditions.

Fiscal Note: Available.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Testimony For: (Commerce & Labor) This bill is the product of a long process in which many ideas were considered to find a solution that would benefit everyone. It has become clear that better information is needed for medical assessment of the health effects of chemical exposure. The bill will provide resources for research, both basic science and site-specific evaluation, and expert claims management with diagnostic evaluation centers. The advisory committee needs to become a balanced forum for reaching solutions that assist everyone. The research should include advice from physicians who have already been involved in this issue. The Legislature should continue to exercise control over future directions. It would be helpful if policy was set at the state level that preempted actions by local jurisdictions in dealing with chemically-related health issues.

(Appropriations) It is important to establish a consistent method of adjudicating injured worker claims that allege chemically-related illness. Research is needed as there is concern about mistreatment and misdiagnosis of these claims. It will be important for the Department of Labor and Industries to have a few claims staff who are focused on this project.

Testimony Against: (Commerce & Labor) The Department of Labor

and Industries has already taken many of the steps outlined in the bill. However, the bill raises concerns because the parties with the most at stake in this issue are a minority on the advisory committee. A plan to provide research and other solutions should be developed first before the Legislature is asked to fund it.

(Appropriations) The research to be conducted should be identified before money is appropriated. The composition of the advisory committee is a concern.

Witnesses: (Commerce & Labor) (In favor) Representative Stan Flemming, prime sponsor; Theresa Whitmarsh, Department of Labor and Industries; Buck Cameron, International Union of Aerospace Workers; and Cliff Webster and Ken Martin, Washington State Medical Association. (Support with concerns) Karen McDonell and Laurel Ballou, multiple-chemical sensitivity community; and Bill Fritz, Reynolds Metal Company. (Opposed) Steve Harrington, Washington Self-Insurers Association; and Clif Finch, Association of Washington Business.

(Appropriations) Representative Stan Flemming, prime sponsor (in favor); and Duncan Wurm, Association of Washington Business (opposed).