

# SENATE BILL REPORT

## ESSB 5470

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As Passed Senate, March 12, 1999

**Title:** An act relating to chemically related illnesses and injuries.

**Brief Description:** Studying chemically related illnesses and injuries.

**Sponsors:** Senate Committee on Labor & Workforce Development (originally sponsored by Senators Kline, Oke, Fairley, Prentice, Spanel, Wojahn, Franklin, McAuliffe, Winsley, Roach and Costa).

**Brief History:**

**Committee Activity:** Labor & Workforce Development: 2/9/99, 3/2/99 [DPS, DNPS].  
Passed Senate, 3/12/99, 30-17.

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### SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** That Substitute Senate Bill No. 5470 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; Kline, Oke and Wojahn.

**Minority Report:** Do not pass substitute.

Signed by Senator Hochstatter.

**Staff:** David Pringle (786-7448)

**Background:** Workers may be exposed to a variety of chemicals in both work and nonwork settings. It is widely accepted that certain chemical exposures result in occupational diseases; however, the effects of other exposures are disputed both by researchers and within the medical community. An occupational disease is one that "arises naturally and proximately out of employment...."

When an employer disputes whether a disease arose out of employment, the worker has the burden of proving the connection between the employment and the disease. In some chemically related illness claims, the difficulty in relating a clearly defined illness to a toxic workplace exposure results in prolonged controversy.

Multiple chemical sensitivity illness is one type of chemically related occupational disease subject to wide disagreement.

**Summary of Bill:** The department must contract with an outside entity to study industrial insurance claims for chemically related illnesses and injuries suffered between January 1, 1995, through December 31, 1998.

The study must review: the nature and severity of the injury claims; the impact of the injuries on the lives of claimants; the use of the center for excellence at Harborview Medical

Center to guide the adjudication of claims; and any recommendations for changes in the handling of chemically related illness claims.

The difficulties of diagnosing and categorizing chemically related injury claims must also be studied. The criteria for determining causality, exposure, and the relationship between the two must be studied, as well as their relation to current Washington law.

The study must be funded from within the legislative appropriations for the medical aid fund, with self-insured employers and the state fund each paying a pro rata share.

A task force including legislative representation is appointed to oversee and advise the study. The task force must make a preliminary report to the Legislature in December 1999, and a final report in December 2000.

**Appropriation:** None.

**Fiscal Note:** Not requested.

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

**Testimony For:** This bill relates to ongoing problems that we have had in this area, including several aspects of claims processing. The current system allows claims disputed by employers or the department to drag on for many years. Even well documented claims confirmed by medical opinion are caught up in endless reviews and dispute. There are hundreds of people out there with terrible stories about how their claims have been mishandled or denied.

**Testimony Against:** In 1994 the Legislature appropriated \$1.5 million to study this problem, including studying criteria to clarify causality problems. Several of the research projects funded have yet to report their results, and the researchers have indicated that there are many problems. We think we should see the results of those studies before we launch new studies. This study starts out in the wrong direction, as it is not clear that there is anything wrong with the way chemical illness claims are handled now. Multiple chemical sensitivity claims are still an area of major dispute and the medical evidence is not available yet.

**Testified:** PRO: Robby Stern, Washington State Labor Council; Jackie Der, Harborview Medical Center; Sheila Sandwick, citizen, former teacher; Randolph Gordon, Attorney; Lee Glass, Department of Labor and Industries; Thomas Lent, Alaska Airlines Flight Attendants Association, AAFAA; Terri Nixon, AAFAA; Karen Burns, AAFAA; Doris Cellarius, citizen; Eva Burke, citizen; Rebecca Alani, citizen; CON: Clif Finch, Association of Washington Business; Elizabeth Reeve, Washington Self-Insured Association.