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ENGROSSED SUBSTITUTE SENATE BILL 5470

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State of Washington

56th Legislature

1999 Regular Session

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

Read first time 03/03/1999.

1 AN ACT Relating to chemically related illnesses and injuries; and  
2 creating new sections.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** (1) The legislature finds that there has  
5 been perceived growth in occupational disease and chemically related  
6 illness claims that arise from the workplace, and that statistics kept  
7 by the department of labor and industries indicate that a significant  
8 proportion of such claims may be rejected by the department and self-  
9 insured employers. It is also recognized that workers suffering such  
10 illnesses may have physical, psychological or financial burden from  
11 their disorders.

12 (2) The legislature recognizes that the department, in order to  
13 accept a claim for chemically related illness, or any related  
14 occupational disease or injury, must receive medical evidence of  
15 causality in the relationship between an exposure and illness.

16 NEW SECTION. **Sec. 2.** (1) A study, subject to the confidentiality  
17 requirements under RCW 51.28.070, shall be conducted of industrial  
18 insurance claims filed by an appropriate sample of workers who have

1 suffered chemically related illnesses or injuries and whose claims were  
2 open any time during the period from January 1, 1995, through December  
3 31, 1998. At a minimum, the study shall review:

4 (a) The nature and severity of the illnesses or injuries reported  
5 in these industrial insurance claims;

6 (b) The disposition of these industrial insurance claims by the  
7 department of labor and industries or self-insured employers;

8 (c) The degree to which the lives of these claimants have changed  
9 from the time of exposure to the time of the study, including physical  
10 and financial condition; and

11 (d) The extent to which the chemically related injury center of  
12 excellence at Harborview medical center was used for clinical  
13 assessment and to guide adjudication of these claims.

14 (2) A study shall also be conducted to determine:

15 (a) Which occupational diseases and injuries should be considered  
16 chemically related illnesses so that an accurate annual count of such  
17 illnesses may be reported;

18 (b) The best method of reporting such illnesses annually, including  
19 the most accurate set of available or obtainable data;

20 (c) A review of other workers' compensation jurisdictions and  
21 relevant scientific literature regarding the criteria for determining  
22 causality or work-relatedness in occupational diseases and injuries.  
23 This review shall at least include:

24 (i) Methods generally accepted in the medical determination of  
25 whether an exposure or exposures are likely to be either toxic or  
26 causative, or both;

27 (ii) Methods generally accepted in the medical determination of the  
28 presence or absence of a definable clinical condition;

29 (iii) Methods generally accepted in determining the medical  
30 relationship between the exposure and the clinical condition.

31 (3) The department of labor and industries must contract with an  
32 outside entity to conduct the study. The contractor shall be selected  
33 by the director of the department of labor and industries and two  
34 members of the workers' compensation advisory committee who are  
35 designated for that purpose by the committee. The study shall be  
36 funded within legislative appropriations from the medical aid fund,  
37 with self-insured employers and the state fund each paying a pro rata  
38 share, based on the number of worker hours, of the authorized  
39 expenditures.

1        NEW SECTION.    **Sec. 3.**    A special task force composed of four  
2 members or designees of the workers' compensation advisory committee  
3 and four legislators, two from the house of representatives and two  
4 from the senate, shall advise and provide oversight to the studies in  
5 section 2 of this act. The task force shall report to the legislature  
6 on an interim basis in December 1999, and with a final report in  
7 December 2000. The final report shall make statutory and policy  
8 recommendations including recommended changes to the criteria for  
9 determining causality for chemically related occupational disease and  
10 injury.

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