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**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. Referred to Committee on .

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 chemically related illness claims that arise  
6 from the workplace, and that statistics kept by the department of labor  
7 and industries indicate that a significant proportion of such claims  
8 may be rejected by the department and self-insured employers. It is  
9 also recognized that workers suffering such illnesses may have  
10 physical, psychological or financial burden from their disorders.

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

15 NEW SECTION. **Sec. 2.** (1) A study shall be conducted of industrial  
16 insurance claims filed by an appropriate sample of workers who have  
17 suffered chemically related illnesses or injuries and whose claims were

1 open any time during the period from January 1, 1995, through December  
2 31, 1998. At a minimum, the study shall review:

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

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

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

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

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

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

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

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

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

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

28 (iii) Methods generally accepted in determining the relationship  
29 between the exposure and the clinical condition;

30 (iv) How the methods enumerated in (c) of this subsection relate to  
31 the current statutory, regulatory, case law, policy, and claims  
32 administration criteria for determining causality in occupational  
33 diseases and injuries in Washington state.

34 (3) The department of labor and industries must contract with an  
35 outside entity to conduct the study. The contractor shall be selected  
36 by the director of the department of labor and industries and two  
37 members of the workers' compensation advisory committee who are  
38 designated for that purpose by the committee. The study shall be  
39 funded within legislative appropriations from the medical aid fund,

1 with self-insured employers and the state fund each paying a pro rata  
2 share, based on the number of worker hours, of the authorized  
3 expenditures.

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

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