

SENATE BILL REPORT

2SHB 2663

As Reported By Senate Committee On:
Labor, Commerce & Financial Institutions, February 28, 2002
Ways & Means, March 4, 2002

Title: An act relating to occupational diseases affecting fire fighters.

Brief Description: Changing conditions that are presumed to be occupational diseases of fire fighters.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Conway, Clements, Cooper, Reardon, Sullivan, Delvin, Simpson, Armstrong, Hankins, Benson, Cairnes, Lysen, Kirby, Edwards, Chase, Kenney, Campbell, Barlean, Santos, Talcott, Wood and Rockefeller).

Brief History:

Committee Activity: Labor, Commerce & Financial Institutions: 2/25/02, 2/28/02 [DP-WM, DNP].

Ways & Means: 3/1/02, 3/4/02 [DPA].

SENATE COMMITTEE ON LABOR, COMMERCE & FINANCIAL INSTITUTIONS

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators Prentice, Chair; Keiser, Vice Chair; Benton, Deccio, Fairley, Franklin, Gardner, Rasmussen, Regala and Winsley.

Minority Report: Do not pass.

Signed by Senator Hochstatter.

Staff: Jack Brummel (786-7428)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended.

Signed by Senators Brown, Chair; Regala, Vice Chair; Fairley, Vice Chair; Fraser, Hewitt, Kline, Kohl-Welles, Long, Poulsen, Rasmussen, Roach, Rossi, Sheahan, B. Sheldon, Snyder, Spanel, Thibaudeau, Winsley and Zarelli.

Staff: Brian Sims (786-7431)

Background: A worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to benefits under Washington's industrial insurance law. To prove an occupational disease, the injured worker must show that the disease arose "naturally and proximately" out of employment.

A number of states have presumptions to establish that cancer, heart disease, various infectious diseases, or other conditions are work-related under disability or workers' compensation laws. In 1987, the Legislature created a rebuttable presumption that respiratory diseases in fire fighters are occupationally related.

Summary of Amended Bill: Legislative findings are made concerning the exposures and risks of disease faced by fire fighters. The bill applies to private sector fire fighters in a fire department with over 50 fire fighters as well as public sector fire fighters.

A rebuttable presumption is established that a fire fighter's heart problem is an occupational disease if it is experienced within 72 hours of exposure to smoke, fumes, and toxic or chemical substances. Brain cancer, malignant melanoma, leukemia, non-Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer are presumed to be occupational diseases if the claimant has served as a fire fighter for ten or more years and showed no evidence of cancer upon becoming a fire fighter. HIV/AIDS, hepatitis, meningitis, and tuberculosis are also presumed to be occupational diseases.

Beginning July 1, 2003, the occupational disease presumptions do not apply to a fire fighter who develops a heart or lung condition and is a regular user of tobacco products.

Amended Bill Compared to Second Substitute Bill: The amended bill clarifies that a history of tobacco use also excludes a fire fighter with heart or lung problems from a presumption of occupational disease.

Appropriation: None.

Fiscal Note: Requested on February 21, 2002.

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

Testimony For: The bill is more restricted in scope than it was when originally introduced. It now represents a compromise with no opposition. The list of cancers is more narrow. The bill now denies the presumption that a heart or lung condition is an occupational disease to regular smokers.

Testimony Against: None.

Testified: PRO: Representative Conway; Kelly Fox, WA State Council of Fire Fighters.
NEUTRAL: Jim Justin, Assoc. of WA Cities.