
HOUSE BILL 2663

State of Washington

57th Legislature

2002 Regular Session

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

Read first time 01/23/2002. Referred to Committee on Commerce & Labor.

1 AN ACT Relating to occupational diseases affecting fire fighters;
2 amending RCW 51.32.185; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that by
5 reason of their employment, fire fighters are required to work in the
6 midst of and are subject to smoke, fumes, infectious diseases, and
7 toxic substances; that fire fighters are continually exposed to a vast
8 and expanding field of hazardous substances; that fire fighters are
9 constantly entering uncontrolled environments to save lives, provide
10 emergency medical services, and reduce property damage and are
11 frequently not aware or informed of the potential toxic and
12 carcinogenic substances, and infectious diseases that they may be
13 exposed to; that fire fighters, unlike other workers, are often exposed
14 simultaneously to multiple carcinogens; that fire fighters so exposed
15 can potentially and unwittingly expose coworkers, families, and members
16 of the public to infectious diseases; and that exposures to fire
17 fighters, whether cancer, infectious diseases, and heart or respiratory
18 disease develop very slowly, usually manifesting themselves years after
19 exposure. The legislature further finds and declares that all the

1 aforementioned conditions exist and arise out of or in the course of
2 such employment.

3 **Sec. 2.** RCW 51.32.185 and 1987 c 515 s 2 are each amended to read
4 as follows:

5 (1) In the case of fire fighters as defined in RCW 41.26.030(4)
6 (a), (b), and (c) who are covered under Title 51 RCW and fire fighters,
7 including supervisors, employed on a full-time, fully compensated basis
8 as an employee of a private sector employer's fire department that
9 includes over fifty such fire fighters, there shall exist a prima facie
10 presumption that: (a) Respiratory disease ((is—an)); (b) heart
11 problems that are experienced within seventy-two hours of exposure to
12 smoke, fumes, or toxic substances; (c) cancer; and (d) infectious
13 diseases are occupational diseases under RCW 51.08.140. This
14 presumption of occupational disease may be rebutted by a preponderance
15 of the evidence controverting the presumption. Controverting evidence
16 may include, but is not limited to, use of tobacco products, physical
17 fitness and weight, lifestyle, hereditary factors, and exposure from
18 other employment or nonemployment activities.

19 (2) The presumptions established in subsection (1) of this section
20 shall be extended to an applicable member following termination of
21 service for a period of three calendar months for each year of
22 requisite service, but may not extend more than sixty months following
23 the last date of employment.

24 (3) The presumption established in subsection (1)(c) of this
25 section shall only apply to any active or former fire fighter who has
26 cancer that develops or manifests itself after the fire fighter has
27 served at least ten years and who was given a qualifying medical
28 examination upon becoming a fire fighter that showed no evidence of
29 cancer. The presumption within subsection (1)(c) of this section shall
30 only apply to cancers affecting the skin, breasts, central nervous
31 system, or lymphatic, digestive, hematological, urinary, skeletal,
32 oral, or reproductive systems.

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