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**SENATE BILL 5411**

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**State of Washington**

**57th Legislature**

**2001 Regular Session**

**By** Senators Patterson, Zarelli, Gardner, Costa, Roach, Constantine, Prentice, Winsley, Kohl-Welles, McAuliffe and Rasmussen

Read first time 01/22/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

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 or chemical substances; that fire fighters are continually  
8 exposed to a vast and expanding field of hazardous substances; that  
9 fire fighters are constantly entering uncontrolled environments to save  
10 lives, provide emergency medical services, and reduce property damage  
11 and are frequently not aware or informed of the potential toxic,  
12 carcinogenic, and infectious diseases that they may be exposed to; that  
13 fire fighters, unlike other workers, are often exposed simultaneously  
14 to multiple carcinogens; that fire fighters so exposed can potentially  
15 and unwittingly expose coworkers, families, and members of the public  
16 to infectious diseases; and that exposures to fire fighters, whether  
17 cancer, infectious diseases, and heart or respiratory disease develop  
18 very slowly, usually manifesting themselves years after exposure. The

1 legislature further finds and declares that all the aforementioned  
2 conditions exist and arise out of or in the course of 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, there shall exist  
7 a prima facie presumption that: (a) Respiratory disease ((is an)); (b)  
8 heart problems that are experienced within seventy-two hours of  
9 exposure to smoke, fumes, and toxic or chemical substances; (c) cancer;  
10 and (d) infectious diseases are occupational diseases under RCW  
11 51.08.140. This presumption of occupational disease may be rebutted by  
12 a preponderance of the evidence controverting the presumption.  
13 Controverting evidence may include, but is not limited to, use of  
14 tobacco products, physical fitness and weight, lifestyle, hereditary  
15 factors, and exposure from other employment or nonemployment  
16 activities.

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

22 (3) The presumption established in subsection (1)(c) of this  
23 section shall be extended to any active fire fighter who is unable to  
24 perform his or her duties in the fire department by reason of a  
25 disabling cancer, which develops or manifests itself during a period  
26 while the fire fighter has served a total of ten or more years and a  
27 qualifying medical examination given prior to the time of his or her  
28 joining the department showed no evidence of cancer. The presumption  
29 within subsection (1)(c) of this section shall only apply to cancers  
30 affecting the skin, breasts, central nervous system, or lymphatic,  
31 digestive, hematological, urinary, skeletal, oral, or reproductive  
32 systems.

33 (4) The presumption established in subsection (1)(d) of this  
34 section shall be extended to any active fire fighter who is exposed to  
35 an infectious disease by means of a communicable disease transmittable  
36 through an exposure, including, but not limited to, acquired

- 1 immunodeficiency syndrome, hepatitis A, hepatitis B, hepatitis C,
- 2 meningococcal meningitis, and mycobacterium tuberculosis.

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