
HOUSE BILL 2576

State of Washington

63rd Legislature

2014 Regular Session

By Representatives Reykdal, Kirby, and Pollet

Read first time 01/21/14. Referred to Committee on Labor & Workforce Development.

1 AN ACT Relating to establishing a mandatory occupational disease
2 exposure reporting requirement for firefighters; and amending RCW
3 51.32.185.

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

5 **Sec. 1.** RCW 51.32.185 and 2007 c 490 s 2 are each amended to read
6 as follows:

7 (1)(a) In the case of firefighters as defined in RCW
8 41.26.030(~~(+4)~~) (16) (a), (b), and (c) who are covered under Title 51
9 RCW and firefighters, including supervisors, employed on a full-time,
10 fully compensated basis as a firefighter of a private sector employer's
11 fire department that includes over fifty such firefighters, there shall
12 exist a prima facie presumption that: (a) Respiratory disease; (b) any
13 heart problems, experienced within seventy-two hours of exposure to
14 smoke, fumes, or toxic substances, or experienced within twenty-four
15 hours of strenuous physical exertion due to firefighting activities;
16 (c) cancer; and (d) infectious diseases are occupational diseases under
17 RCW 51.08.140. This presumption of occupational disease may be
18 rebutted by a preponderance of the evidence. Such evidence may

1 include, but is not limited to, use of tobacco products, physical
2 fitness and weight, lifestyle, hereditary factors, and exposure from
3 other employment or nonemployment activities.

4 (b) Beginning July 1, 2014, the department shall begin rule making
5 to require the reporting of all hazardous exposures suffered in the
6 course of employment by firefighters covered in (a) of this subsection.
7 At a minimum, the rules must require that records of exposures be
8 maintained for at least sixty-one months following the last date of the
9 firefighter's employment.

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

15 (3) The presumption established in subsection (1)(c) of this
16 section shall only apply to any active or former firefighter who has
17 cancer that develops or manifests itself after the firefighter has
18 served at least ten years and who was given a qualifying medical
19 examination upon becoming a firefighter that showed no evidence of
20 cancer. The presumption within subsection (1)(c) of this section shall
21 only apply to prostate cancer diagnosed prior to the age of fifty,
22 primary brain cancer, malignant melanoma, leukemia, non-Hodgkin's
23 lymphoma, bladder cancer, ureter cancer, colorectal cancer, multiple
24 myeloma, testicular cancer, and kidney cancer.

25 (4) The presumption established in subsection (1)(d) of this
26 section shall be extended to any firefighter who has contracted any of
27 the following infectious diseases: Human immunodeficiency
28 virus/acquired immunodeficiency syndrome, all strains of hepatitis,
29 meningococcal meningitis, or mycobacterium tuberculosis.

30 (5) Beginning July 1, 2003, this section does not apply to a
31 firefighter who develops a heart or lung condition and who is a regular
32 user of tobacco products or who has a history of tobacco use. The
33 department, using existing medical research, shall define in rule the
34 extent of tobacco use that shall exclude a firefighter from the
35 provisions of this section.

36 (6) For purposes of this section, "firefighting activities" means
37 fire suppression, fire prevention, emergency medical services, rescue

1 operations, hazardous materials response, aircraft rescue, and training
2 and other assigned duties related to emergency response.

3 (7)(a) When a determination involving the presumption established
4 in this section is appealed to the board of industrial insurance
5 appeals and the final decision allows the claim for benefits, the board
6 of industrial insurance appeals shall order that all reasonable costs
7 of the appeal, including attorney fees and witness fees, be paid to the
8 firefighter or his or her beneficiary by the opposing party.

9 (b) When a determination involving the presumption established in
10 this section is appealed to any court and the final decision allows the
11 claim for benefits, the court shall order that all reasonable costs of
12 the appeal, including attorney fees and witness fees, be paid to the
13 firefighter or his or her beneficiary by the opposing party.

14 (c) When reasonable costs of the appeal must be paid by the
15 department under this section in a state fund case, the costs shall be
16 paid from the accident fund and charged to the costs of the claim.

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