

# HOUSE BILL REPORT

## HB 1602

---

### As Reported by House Committee On: Labor

**Title:** An act relating to occupational diseases affecting emergency medical technicians.

**Brief Description:** Allowing for certain prima facie presumptions for occupational diseases affecting emergency medical technicians.

**Sponsors:** Representatives Bergquist, Van De Wege, Griffey, Riccelli, Fitzgibbon, Pollet and Goodman.

#### **Brief History:**

##### **Committee Activity:**

Labor: 2/5/15, 2/10/15, 2/12/15 [DP].

#### **Brief Summary of Bill**

- Amends the occupational disease presumption statute to include certain emergency medical technicians.

---

### HOUSE COMMITTEE ON LABOR

**Majority Report:** Do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe.

**Staff:** Trudes Tango (786-7384).

#### **Background:**

Under the state's Industrial Insurance Act (Act), a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. To prove an occupational disease, the worker must show that the disease arose "naturally and proximately" out of employment.

---

*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

For firefighters who are members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) and certain private sector firefighters, there is a presumption that certain medical conditions are occupational diseases. Those conditions are: respiratory disease; certain heart problems; specified cancers; and infectious diseases. With respect to heart problems, the problems must be experienced within 72 hours of exposure to smoke, fumes, or toxic substances; or experienced within 24 hours of strenuous physical exertion due to firefighting activities.

The presumption of occupational disease may be rebutted by a preponderance of evidence, including, but not limited to: use of tobacco products; physical fitness and weight; lifestyle; hereditary factors; and exposure from other employment or non-employment activities. In addition, the presumption does not apply to a firefighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use.

Emergency medical technicians are included in the membership of the LEOFF if they work on a full-time, fully compensated basis for public employers, including cities, towns, counties, districts, municipal corporations, general authority law enforcement agencies, or four-year institutions of higher education that had working fire departments before January 1, 1996.

---

**Summary of Bill:**

The occupational disease presumption statute is amended to include emergency medical technicians who are members of the LEOFF.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Paramedics are firefighters and go on the same types of calls as firefighters. They should not be treated differently. They are exposed to the same hazards and develop the same types of illnesses as firefighters.

(With concerns) Local jurisdictions are sensitive to factors that would increase rates.

(Opposed) Having a presumption makes it easier to show an occupational illness and then the burden shifts to the employer. There were peer-reviewed studies showing a higher risk of diseases for the groups currently listed in the statute. There should be a review of evidence-based data on other groups of workers before expanding the statute to include them.

**Persons Testifying:** (In support) Representative Bergquist, prime sponsor; and Michael White, Washington State Council of Fire Fighters.

(With concerns) Candice Bock, Association of Washington Cities.

(Opposed) Kris Tefft, Washing Self-Insurers Association.

**Persons Signed In To Testify But Not Testifying:** None.