

HOUSE BILL REPORT

HB 1604

As Reported by House Committee On: Labor

Title: An act relating to an occupational disease exposure reporting requirement for firefighters.

Brief Description: Studying an occupational disease exposure reporting requirement for firefighters.

Sponsors: Representatives Reykdal, Hayes, Sawyer, Van De Wege, Holy, Griffey, Riccelli, Fitzgibbon, Ormsby and Pollet.

Brief History:

Committee Activity:

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

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries (Department) to convene a work group to discuss establishing policies and procedures for the mandatory reporting of hazardous exposures suffered by firefighters.

HOUSE COMMITTEE ON LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe, Moeller and Ormsby.

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.

Summary of Substitute Bill:

Beginning August 1, 2015, the Department must convene a work group to discuss creating definitions, policies, and procedures for mandatory reporting of hazardous exposures suffered by firefighters in the course of employment.

The work group must include representatives of firefighters unions, fire departments, fire chiefs, self-insured employers, and state fund public employers.

The Department must report recommendations for legislation or rule-making to the appropriate committees of the Legislature by January 1, 2016.

Substitute Bill Compared to Original Bill:

State fund public employers are added to the list of entities to be represented on the work group.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill will help everyone learn more about the effects of consistent exposures and will help to minimize exposures. It will get stakeholders together to create protocols and help eliminate future illnesses.

(In support with amendment(s)) Cities should have a seat on the work group.

(With concerns) There should not be this assumption that the current system is wrong.

(Opposed) None.

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

(In support with amendment(s)) Candice Bock, Association of Washington Cities.

(With concerns) Kris Tefft, Washington Self-Insurers Association.

Persons Signed In To Testify But Not Testifying: None.