

HOUSE BILL REPORT

SHB 2805

As Passed House:
February 11, 2016

Title: An act relating to mandatory reporting of hazardous exposures for firefighters.

Brief Description: Requiring mandatory reporting of hazardous exposures for firefighters.

Sponsors: House Committee on Labor & Workplace Standards (originally sponsored by Representatives Reykdal, Griffey, Moeller, Van De Wege, Gregerson, Ormsby, Sawyer, Stokesbary, Tarleton, Fitzgibbon, Morris, Stanford, Pollet, Frame, Goodman and Bergquist).

Brief History:

Committee Activity:

Labor & Workplace Standards: 2/1/16, 2/4/16 [DPS].

Floor Activity:

Passed House: 2/11/16, 80-17.

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries to begin rule-making to require the reporting of all hazardous exposures suffered by firefighters in the course of employment.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Sells, Chair; Gregerson, Vice Chair; Manweller, Ranking Minority Member; Moeller and Ormsby.

Minority Report: Do not pass. Signed by 1 member: Representative McCabe.

Staff: Trudes Tango (786-7384).

Background:

Under the state's Industrial Insurance Act, a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits. To

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prove an occupational disease, the worker must show that the disease arose naturally and proximately out of employment. For certain firefighters, there is a rebuttable presumption that certain medical conditions (such as respiratory disease, certain heart problems, specified cancers, and certain infectious diseases) are occupational diseases.

In 2015 the Legislature passed Substitute House Bill 1604, which required the Department of Labor and Industries (Department) to 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 included representatives of firefighters unions, fire departments, fire chiefs, self-insured employers, and state fund public employers. The work group met eight times during the 2015 interim. The work group did not reach consensus on mandating the reporting of personal hazardous exposures by individual firefighters.

Summary of Substitute Bill:

Legislative findings are made stating firefighters contract diseases at significantly higher rates than the general population and that there is no reliable reporting requirement to consistently track and account for hazardous exposure suffered by firefighters.

Beginning July 1, 2016, the Department must begin rule-making to require the reporting of all hazardous exposures suffered by firefighters in the course of employment. The rules must:

- require reports of exposures to be maintained for at least six years after the firefighter's last date of employment and maintained in a database that is readily accessible to firefighters; and
- address the nondisclosure of reports to protect the privacy of personal information.

Employers are responsible for costs associated with the incident report database and may purchase database services. The Department is not responsible for creating or maintaining the reporting database. The provisions do not apply to volunteer firefighters. The reports by firefighters are exempt from disclosure under the Public Records Act.

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) We know about acute cardiac arrest and disease from exposures but we do not know about other products in our homes, such as paints, that turn into vapor in a fire. It makes sense to document every firefighter exposure. The intent is to look at the existing exposure reporting system.

(Opposed) None.

(Other) The bill is premature because the report from last year's work group is not yet final. A bill should be a recommendation of the work group and while the work group had productive discussions, it did not have time to come up with a bill. Mandatory reporting poses many challenges. There are benefits but discussion is needed about how the reporting happens, how the data will be used, and what will be the long term plan for the data. The bill is an unfunded mandate and the costs may be reflected in employer rates.

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

(Other) Candice Bock, Association of Washington Cities; and Christine Brewer, Washington Self-Insurers Association.

Persons Signed In To Testify But Not Testifying: None.