
**Labor & Workplace Standards
Committee**

HB 2806

Brief Description: Addressing the presumption of occupational diseases for purposes of industrial insurance.

Sponsors: Representatives Kuderer, Gregerson, Stambaugh, Griffey, Hayes, Ormsby, Van De Wege, Sawyer, Moeller, Zeiger, Riccelli, Stokesbary, Tarleton, Fitzgibbon, Reykdal, Morris, Pollet, Goodman and Bergquist.

Brief Summary of Bill

- Adds certain EMTs and public employee fire investigators to the list of workers covered by the occupational disease presumption for purposes of industrial insurance.
- Adds strokes occurring under certain conditions, methicillin-resistant staphylococcus aureus (MRSA), and several cancers to the list of diseases presumed to be occupational.

Hearing Date: 2/1/16

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.

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; heart problems; specified cancers; and infectious diseases. With respect to heart problems, the

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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 (EMTs) 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:

Legislative findings are made, including stating that: (1) the number of firefighters stricken with cancer is rising; (2) scientific studies demonstrate that firefighters are more likely than the general public to become afflicted with various cancers as a direct result of workplace exposure suffered while combating fires; and (3) recent scientific studies provide evidence that cancers not currently covered by the occupational disease presumption should be covered because firefighters are more likely to contract certain cancers and diseases.

EMTs who are in the LEOFF and public employee fire investigators are included in the list of workers covered by the occupational disease presumption.

The following cancers are added to the occupational disease presumption:

- mesothelioma;
- adenocarcinoma;
- stomach cancer;
- esophageal cancer;
- buccal cancer;
- pharynx cancer;
- nonmelanoma skin cancer; and
- breast cancer.

In addition, methicillin-resistant staphylococcus aureus (MRSA) is added to the list of infectious diseases, and stroke is included under the same limitations as heart problems.

Appropriation: None.

Fiscal Note: Available.

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