

SENATE BILL REPORT

SHB 2805

As of February 26, 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: Passed House: 2/11/16, 80-17.

Committee Activity: Commerce & Labor:

SENATE COMMITTEE ON COMMERCE & LABOR

Staff: Susan Jones (786-7404)

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 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 requiring the Department of Labor and Industries (Department) to convene a work group to discuss establishing 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 but did not reach a consensus on mandating reporting of personal hazardous exposures by individual firefighters.

Summary of Bill: Legislative findings are made regarding firefighters exposure to hazardous substances: they contract diseases, such as cancer, at significantly higher rates than the general population; and there is no reliable reporting requirement to track these hazardous exposures.

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.

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

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

Employers must pay for the costs associated with the incident report database and may purchase database services. The Department is not responsible for creating or maintaining the reporting database.

These reports are exempt from disclosure under the Public Records Act.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.