

SHB 1723 - H AMD TO H AMD (1723-S AMH HALE TANG 028) 142
By Representative Manweller

WITHDRAWN 03/02/2017

1 On page 1 of the striking amendment, strike all material after
2 line 2 and insert the following:

3

4 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32
5 RCW to read as follows:

6 (1) The definitions in this section apply throughout this
7 section.

8 (a) "Hanford nuclear site" and "Hanford site" and "site" means
9 the approximately five hundred sixty square miles in southeastern
10 Washington state, excluding leased land, state-owned lands, and
11 lands owned by the Bonneville Power Administration, which is owned
12 by the United States and which is commonly known as the Hanford
13 reservation.

14 (b) "United States department of energy Hanford site workers"
15 and "Hanford site worker" means any person, including a contractor
16 or subcontractor, who was engaged in the performance of work, either
17 directly or indirectly, for the United States, regarding projects
18 and contracts at the Hanford nuclear site and who, while covered
19 under this title, worked on the site for a length of time that a
20 preponderance of medical evidence shows is more likely than not to
21 result in the development of the disease or condition alleged.

22 (2)(a) For United States department of energy Hanford site
23 workers, as defined in this section, who are covered under this
24 title, there exists a prima facie presumption that the diseases and
25 conditions listed in subsection (3) of this section are occupational
26 diseases under RCW 51.08.140.

27

1 (b) The presumption established in this section applies to
2 claims filed on or after the effective date of this section.

3 (c) The presumption may be rebutted by a preponderance of the
4 evidence. Such evidence may include, but is not limited to, use of
5 tobacco products, physical fitness and weight, lifestyle, hereditary
6 factors, and exposure from other employment or nonemployment
7 activities.

8 (3) The prima facie presumption applies to the following:

9 (a) Acute and chronic beryllium disease;

10 (b) Any heart problems, experienced within seventy-two hours of
11 exposure to fumes, toxic substances, or chemicals at the site;

12 (c) Cancer, subject to subsection (4) of this section; and

13 (d) Neurological disease of the brain, which excludes
14 neurological conditions of the spine and other nerves.

15 (4)(a) The presumption established for cancer only applies to
16 any active or former United States department of energy Hanford site
17 worker who has cancer that develops or manifests itself and who was
18 given a qualifying medical examination upon becoming a United States
19 department of energy Hanford site worker that showed no evidence of
20 cancer.

21 (b) The presumption applies to the following cancers:

22 (i) Primary or secondary renal (kidney) cancer;

23 (ii) Waldenstrom's macroglobulinemia and mycosis fungoides; and

24 (iii) Primary cancer of the: (A) Esophagus; (B) stomach; (C)
25 pharynx, including all three areas, oropharynx, nasopharynx, and
26 hypopharynx and the larynx. The oropharynx includes base of tongue,
27 soft palate and tonsils (the hypopharynx includes the pyriform
28 sinus); (D) small intestine; (E) pancreas; (F) bile ducts, including
29 ampulla of vater; (G) gall bladder; (H) salivary gland; (I) urinary
30 bladder; and (J) liver, except if cirrhosis or hepatitis B is
31 indicated.

32 (5) The presumption established in this section extends to an
33 applicable United States department of energy Hanford site worker
34

1 following termination of service for the lifetime of that
2 individual.

3 (6)(a) When a determination involving the presumption
4 established in this section is appealed to the board of industrial
5 insurance appeals and the final decision allows the claim of
6 benefits, the board of industrial insurance appeals shall order that
7 all reasonable costs of the appeal, including attorneys' fees and
8 witness fees, be paid to the worker or his or her beneficiary by the
9 opposing party.

10 (b) When a determination involving the presumption established
11 in this section is appealed to any court and the final decision
12 allows the claim for benefits, the court shall order that all
13 reasonable costs of appeal, including attorneys' fees and witness
14 fees, be paid to the worker or his or her beneficiary by the
15 opposing party.

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17 Correct the title."

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EFFECT: The striking amendment makes the following changes to the underlying striking amendment:

- Specifies that the presumption applies to workers who, while covered under the Industrial Insurance Act, worked on the Hanford site for a length of time that a preponderance of medical evidence shows is more likely than not to result in the development of the disease or condition alleged (rather than to workers who worked on the site for at least one eight-hour shift).
- Provides that the presumption applies to claims filed on or after the effective date of the bill (rather than on or after the effective date of the bill and where the injurious exposure occurred on or after January 1, 2007).
- Removes the provision stating that for claims arising from the presumption, the United States Department of Energy is the responsible employer and no costs may be borne by the state fund.
- Removes respiratory disease, leukemia, lung cancer, bone cancer, lymphomas, thyroid cancer, breast cancer, brain cancer, colon cancer, and ovarian cancer.
- Modifies neurological disease to specify neurological disease of the brain, which excludes neurological conditions of the spine and other nerves.

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