

# FINAL BILL REPORT

## SSB 5175

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Synopsis as Enacted

**Brief Description:** Concerning firefighter safety.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Braun, Keiser, Becker, Fortunato, Palumbo, Wilson, L., Rivers, Kuderer, O'Ban, Van De Wege and Wagoner).

**Senate Committee on Labor & Commerce**  
**House Committee on Labor & Workplace Standards**  
**House Committee on Appropriations**

**Background:** In the case of certain firefighters, there is a prima facie presumption that certain diseases are occupational diseases under certain circumstances for workers' compensation, including cancer. This presumption of occupational disease may be rebutted by a preponderance of evidence. This evidence may include, but is not limited to, use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities. The presumption is extended to an applicable member following termination of service for a period of three calendar months for each year of requisite service, but may not extend more than 60 months following the last date of employment.

The cancer presumption only applies to any active or former firefighter who has cancer that develops or manifests itself after the firefighter has served at least ten years and who was given a qualifying medical examination upon becoming a firefighter that showed no evidence of cancer. The presumption only applies to these types of cancers:

- prostate cancer diagnosed prior to the age of fifty;
- primary brain cancer;
- malignant melanoma;
- leukemia;
- non-Hodgkin's lymphoma;
- bladder cancer;
- ureter cancer;
- colorectal cancer;
- multiple myeloma;
- testicular cancer; and
- kidney cancer.

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*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.*

Generally, 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. The Department of Labor and Industries (L&I), using existing medical research, is required to, and has defined in rule, the extent of the tobacco use exclusion.

**Summary:** L&I must establish best practices to improve safety and health outcomes for firefighters, including best practices:

- for a proactive health and safety risk management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting safety and health hazards in the workplace;
- to reduce firefighter risk of exposure to carcinogens; and
- to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable workers' compensation claims.

Employers of firefighters who implement the best practices may be eligible for a premium discount as determined by L&I. L&I must consult with firefighters and their employers in establishing the best practices and criteria for a premium discount.

The term firefighter is defined.

L&I may provide funding up to two percent of the premiums paid in the prior year from the risk classes for firefighters for the purposes of providing funding to state fund employers of firefighters who have limited resources to purchase additional equipment and other gear needed to follow the best practices. L&I may require matching funds from employers.

**Votes on Final Passage:**

Senate	48	0
House	96	0

**Effective:** July 28, 2019