

HOUSE BILL REPORT

HB 2576

As Reported by House Committee On:
Labor & Workforce Development

Title: An act relating to establishing a mandatory occupational disease exposure reporting requirement for firefighters.

Brief Description: Establishing a mandatory occupational disease exposure reporting requirement for firefighters.

Sponsors: Representatives Reykdal, Kirby and Pollet.

Brief History:

Committee Activity:

Labor & Workforce Development: 1/31/14, 2/5/14 [DPS].

Brief Summary of Substitute Bill

- Requires the Department of Labor and Industries to convene a workgroup, beginning July 1, 2014, to discuss establishing a policy of mandatory reporting of all hazardous exposures suffered by firefighters.

HOUSE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Sells, Chair; Reykdal, Vice Chair; Manweller, Ranking Minority Member; Green, G. Hunt, Moeller and Ormsby.

Minority Report: Do not pass. Signed by 2 members: Representatives Condotta, Assistant Ranking Minority Member; Christian.

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

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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 prima facie presumption that certain medical conditions are occupational diseases. Those conditions are: respiratory disease; certain heart problems; specified cancers; and infectious diseases. With respect to heart problems, the 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.

Summary of Substitute Bill:

Beginning July 1, 2014, the Department of Labor and Industries (Department) must convene a workgroup to discuss establishing definitions, policies, and procedures for mandatory reporting of hazardous exposures suffered in the course of employment by firefighters. The workgroup must include stakeholders representing firefighter unions, fire departments, fire chiefs, and self-insured employers.

By December 31, 2014, the Department must report to the appropriate committees of the Legislature any recommendations for legislation or rulemaking.

Substitute Bill Compared to Original Bill:

The original bill required the Department to begin rulemaking, rather than convene a workgroup.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) The proposed substitute allows the conversation on this issue to get started. It does not require rulemaking. It is costly to determine whether something is an occupational

disease or not. This bill helps in establishing a way of reporting so that there is better documentation for when exposures happen. Everyone has an interest in getting the most information as possible and understanding why and when exposures are happening.

(With concerns) The original bill was onerous. Self-insured employers want to understand what the scope of the workgroup will be. There should not be an assumption that there is a need for reporting.

(Opposed) None.

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

(With concerns) Kathleen Collins, Washington Self Insurers Association.

Persons Signed In To Testify But Not Testifying: None.