

2 **SB 5470** - S COMM AMD - 153

3 By Senators Hochstatter, Stevens and Swecker

4 PULLED 3/12/99

5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** The legislature finds that chemically
8 related claims continue to present unique challenges to the state
9 industrial insurance system. Many of these claims are difficult to
10 diagnose and create real hardship for individuals who suffer from
11 related health problems. At the same time, many of these claims are not
12 work-related, but nonetheless result in extensive litigation which
13 imposes great costs and hardship on employers.

14 The legislature further recognizes that the department of labor
15 and industries, in order to accept a claim for a chemically related
16 illness, or any other occupational disease, must meet a minimum
17 standard of causality in the relationship between a putative exposure
18 and a claimed illness.

19 NEW SECTION. **Sec. 2.** A study shall be conducted to determine:

20 (1) Which occupational diseases should be considered chemically
21 related illnesses so that an accurate annual count of such illnesses
22 may be reported;

23 (2) The best method of reporting such diseases annually, including
24 the most accurate set of available or obtainable data elements;

25 (3) A review of relevant scientific literature regarding the
26 criteria for determining causality or whether there is a relation to
27 employment in occupational diseases. This review shall at least
28 include:

29 (a) Methods generally accepted in the determination of whether an
30 exposure or exposures are likely to be toxic and/or causative;

31 (b) Methods generally accepted in the determination of the presence
32 or absence of a definable clinical condition;

33 (c) Methods generally accepted in determining the relationship
34 between the exposure and the clinical condition;

1 (d) How the methods enumerated in 3(a), 3(b), and 3(c) of this
2 section relate to the current statutory, regulatory, case law, policy
3 and claims administration criteria for determining causality in
4 occupational diseases in Washington state.

5 (4) A review of industries with the highest incident rates of
6 chemically related illnesses and an examination of incident rates and
7 outcomes in other states with similar industries;

8 (5) The most appropriate approach to better utilize SHARP and
9 University of Washington programs funded by the department of labor and
10 industries to expand medical research and cooperative efforts in areas
11 where existing research is not adequate.

12 NEW SECTION. **Sec. 3.** The Workers' Compensation Advisory Committee
13 shall advise and provide oversight to the study described in section 3
14 of this act. The committee shall report back to the legislature on an
15 interim basis by December 31, 1999, and with a final report by June 30,
16 2000. The final report shall make only recommendation which represent
17 a consensus of the committee.

18 NEW SECTION. **Sec. 4.** (1) The department of labor and industries
19 may contract with one or more experts in occupational medicine,
20 industrial hygiene, toxicology, epidemiology, or any other appropriate
21 field to conduct this study.

22 (2) The sum of \$250,000 dollars shall be allocated from the Medical
23 Aid Fund, with self-insured employers and the state fund each paying a
24 proportionate share for the purposes of conducting the study."

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