

2 **SSB 5470** - S AMD - 115
3 By Senator Hochstatter

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 related
21 illnesses so that an accurate annual count of such illnesses may be
22 reported;
23 (2) The best method of reporting such diseases annually, including the
24 most accurate set of available or obtainable data elements;
25 (3) A review of relevant scientific literature regarding the criteria
26 for determining causality or whether there is a relation to employment
27 in occupational diseases. This review shall at least include:
28 (a) Methods generally accepted in the determination of whether an
29 exposure or exposures are likely to be toxic and/or causative;
30 (b) Methods generally accepted in the determination of the presence or
31 absence of a definable clinical condition;
32 (c) Methods generally accepted in determining the relationship between
33 the exposure and the clinical condition;
34 (d) How the methods enumerated in 3(a), 3(b), and 3(c) of this section
35 relate to the current statutory, regulatory, case law, policy and

1 claims administration criteria for determining causality in
2 occupational diseases in Washington state.

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

7 NEW SECTION. **Sec. 3.** The Workers' Compensation Advisory Committee
8 shall advise and provide oversight to the study described in section 3
9 of this act. The committee shall report back to the legislature on an
10 interim basis by December 31, 1999, and with a final report by June 30,
11 2000. The final report shall make only recommendation which represent
12 a consensus of the committee.

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

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

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