

# SENATE BILL REPORT

## SB 6350

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As Reported By Senate Committee On:  
Labor & Workforce Development, February 3, 2000

**Title:** An act relating to occupational disease.

**Brief Description:** Presuming the existence of an occupational disease.

**Sponsors:** Senators Kline, Fairley, Heavey, Thibaudeau, Costa, Kohl-Welles, McAuliffe and Goings.

**Brief History:**

**Committee Activity:** Labor & Workforce Development: 1/25/2000, 2/3/2000 [DP, DNP].

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### SENATE COMMITTEE ON LABOR & WORKFORCE DEVELOPMENT

**Majority Report:** Do pass.

Signed by Senators Fairley, Chair; Franklin, Vice Chair; Kline and Wojahn.

**Minority Report:** Do not pass.

Signed by Senator Hochstatter.

**Staff:** Jack Brummel (786-7428)

**Background:** Washington's industrial insurance law defines an occupational disease as "such disease or infection as arises naturally and proximately out of employment..." When an employer disputes whether a disease arose out of employment, the worker has the burden of proving the connection between employment and the disease. Some workers contend that employers should be required to respond quickly to notifications of dangerous conditions and that an employer's failure to timely respond to unsafe conditions they have been notified of should shift the burden of proof to the employer.

**Summary of Bill:** When a worker notifies an employer of an unsafe or unhealthy condition, practice, or other hazard and subsequently claims an occupational disease resulted from that condition, practice, or other hazard between the time of notification and the employer's corrective action, the employer then has the burden of proving no connection between the condition, practice, or hazard and the disease, provided a physician has certified that the disease is, more likely than not, a result of the type of unsafe or unhealthy condition, practice, or hazard reported.

Failure to respond within a reasonable time to a notice of an unsafe or unhealthy condition, practice, or hazard subjects an employer to a fine of up to \$2,500. The department is directed to adopt rules to carry out the act.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** There is a growing volume of chemically related injuries. The bill is a step in the right direction. Workers need more protection. The fine in the bill needs to be higher to have an effect.

**Testimony Against:** The bill removes the premise that the worker must prove that the work is causing the occupational disease. An occupational disease is not that difficult to prove under the current law. Employees will need complete access to a worker's medical file. Current case law favors employees. The employee's burden of proof is relatively easy to overcome. This will burden employers.

**Testified:** PRO: William Cook; Laurie Anderson; Becky Alani; Robby Stern, WA State Labor Council; CON: Elizabeth Reeve, AWB, WSIA; Tim Drangsholt, King Co. Safety & Claims; Dave Ducharme, Assn. of WA Retro Employers; Heather Hansen, WA Friend of Farms and Forests.