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SENATE BILL 5304

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State of Washington

57th Legislature

2001 Regular Session

By Senators Fairley, Oke, Costa, Kline, Prentice, Roach, Patterson, Kastama and Regala

Read first time 01/18/2001. Referred to Committee on Labor, Commerce & Financial Institutions.

1 AN ACT Relating to exposure to chemicals in the course of  
2 employment; adding a new section to chapter 51.32 RCW; and declaring an  
3 emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32 RCW  
6 to read as follows:

7 (1) The claim of a worker who is exposed to a hazardous chemical in  
8 the course of his or her employment is presumed to be covered by this  
9 title if the worker establishes that: (a) He or she suffered harm or  
10 pain; and (b) an accident occurred or working conditions existed which  
11 could have caused that harm or pain. This presumption may be rebutted  
12 only by substantial evidence showing that the worker has no  
13 physiological symptoms or that the worker's physiological symptoms are  
14 not caused or aggravated, in any part, by the exposure.

15 (2) For the purposes of this section, "hazardous chemical" means a  
16 chemical for which there is statistically significant evidence based on  
17 at least one study conducted in accordance with established scientific  
18 principles that acute or chronic health effects may occur in exposed  
19 individuals. "Hazardous chemical" does not include a consumer product

1 when the product is used by a worker in substantially the same manner,  
2 form, and concentration as the product is used by a noncommercial  
3 consumer and when the product exposure is not substantially greater to  
4 the worker than to the noncommercial consumer during normal and  
5 accepted use of that product.

6 (3) This section applies only to claims for chemical exposure when  
7 the exposure occurs on or after the effective date of this section.

8 NEW SECTION. **Sec. 2.** This act is necessary for the immediate  
9 preservation of the public peace, health, or safety, or support of the  
10 state government and its existing public institutions, and takes effect  
11 immediately.

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