
SUBSTITUTE SENATE BILL 5411

State of Washington

57th Legislature

2001 Regular Session

By Senate Committee on Labor, Commerce & Financial Institutions (originally sponsored by Senators Patterson, Zarelli, Gardner, Costa, Roach, Constantine, Prentice, Winsley, Kohl-Welles, McAuliffe and Rasmussen)

READ FIRST TIME 02/26/01.

1 AN ACT Relating to occupational diseases affecting fire fighters;
2 amending RCW 51.32.185; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that by
5 reason of their employment, fire fighters are required to work in the
6 midst of and are subject to smoke, fumes, infectious diseases, and
7 toxic substances; that fire fighters are continually exposed to a vast
8 and expanding field of hazardous substances; that fire fighters are
9 constantly entering uncontrolled environments to save lives, provide
10 emergency medical services, and reduce property damage and are
11 frequently not aware or informed of the potential toxic and
12 carcinogenic substances, and infectious diseases that they may be
13 exposed to; that fire fighters, unlike other workers, are often exposed
14 simultaneously to multiple carcinogens; that fire fighters so exposed
15 can potentially and unwittingly expose coworkers, families, and members
16 of the public to infectious diseases; and that exposures to fire
17 fighters, whether cancer, infectious diseases, and heart or respiratory
18 disease develop very slowly, usually manifesting themselves years after
19 exposure. The legislature further finds and declares that all the

1 aforementioned conditions exist and arise out of or in the course of
2 such employment.

3 **Sec. 2.** RCW 51.32.185 and 1987 c 515 s 2 are each amended to read
4 as follows:

5 (1) In the case of fire fighters as defined in RCW 41.26.030(4)
6 (a), (b), and (c) who are covered under Title 51 RCW, there shall exist
7 a prima facie presumption that: (a) Respiratory disease ((is an)); (b)
8 heart problems that are experienced within seventy-two hours of
9 exposure to smoke, fumes, or toxic substances; (c) cancer; and (d)
10 infectious diseases are occupational diseases under RCW 51.08.140.
11 This presumption of occupational disease may be rebutted by a
12 preponderance of the evidence controverting the presumption.
13 Controverting evidence may include, but is not limited to, use of
14 tobacco products, physical fitness and weight, lifestyle, hereditary
15 factors, and exposure from other employment or nonemployment
16 activities.

17 (2) The presumptions established in subsection (1) of this section
18 shall be extended to an applicable member following termination of
19 service for a period of three calendar months for each year of
20 requisite service, but may not extend more than sixty months following
21 the last date of employment.

22 (3) The presumption established in subsection (1)(c) of this
23 section shall only apply to any active or former fire fighter who has
24 cancer that develops or manifests itself after the fire fighter has
25 served at least ten years and who was given a qualifying medical
26 examination upon becoming a fire fighter that showed no evidence of
27 cancer. The presumption within subsection (1)(c) of this section shall
28 only apply to cancers affecting the skin, breasts, central nervous
29 system, or lymphatic, digestive, hematological, urinary, skeletal,
30 oral, or reproductive systems.

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