

2 **2SHB 2663** - S COMM AMD  
3 By Committee on Ways & Means

4 ADOPTED 03/07/02

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

7 "NEW SECTION. **Sec. 1.** (1) The legislature finds that:

8 (a) Benzene is detected in most fire environments and has been  
9 associated with leukemia and multiple myeloma. Given the established  
10 exposure to benzene in a fire environment, there is biologic  
11 plausibility for fire fighters to be at increased risk of these  
12 malignancies;

13 (b) Increased risks of leukemia and lymphoma have been described in  
14 several epidemiologic studies of fire fighters. The risks of leukemia  
15 are often two or three times that of the population as a whole, and a  
16 two-fold risk of non-Hodgkin's lymphoma has also been found;

17 (c) Epidemiologic studies assessing fire fighters' cancer risks  
18 concluded that there is adequate support for a causal relationship  
19 between fire fighting and brain cancer;

20 (d) Fire fighters are exposed to polycyclic aromatic hydrocarbons  
21 as products of combustion and these chemicals have been associated with  
22 bladder cancer. The epidemiologic data suggests fire fighters have a  
23 three-fold risk of bladder cancer compared to the population as a  
24 whole;

25 (e) A 1990 review of fire fighter epidemiology calculated a  
26 statistically significant risk for melanoma among fire fighters;

27 (f) Fire fighters are exposed to extremely hazardous environments.  
28 Potentially lethal products of combustion include particulates and  
29 gases and are the major source of fire fighter exposures to toxic  
30 chemicals; and

31 (g) The burning of a typical urban structure containing woods,  
32 paints, glues, plastics, and synthetic materials in furniture,  
33 carpeting, and insulation liberates hundreds of chemicals. Fire  
34 fighters are exposed to a wide variety of potential carcinogens,  
35 including polycyclic aromatic hydrocarbons in soots, tars, and diesel

1 exhaust, arsenic in wood preservatives, formaldehyde in wood smoke, and  
2 asbestos in building insulation.

3 (2) The legislature further finds that some occupational diseases  
4 resulting from fire fighter working conditions can develop slowly,  
5 usually manifesting themselves years after exposure.

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

8 (1) In the case of fire fighters as defined in RCW 41.26.030(4)  
9 (a), (b), and (c) who are covered under Title 51 RCW and fire fighters,  
10 including supervisors, employed on a full-time, fully compensated basis  
11 as a fire fighter of a private sector employer's fire department that  
12 includes over fifty such fire fighters, there shall exist a prima facie  
13 presumption that: (a) Respiratory disease ((is-an)); (b) heart  
14 problems that are experienced within seventy-two hours of exposure to  
15 smoke, fumes, or toxic substances; (c) cancer; and (d) infectious  
16 diseases are occupational diseases under RCW 51.08.140. This  
17 presumption of occupational disease may be rebutted by a preponderance  
18 of the evidence ((controverting the presumption)). ((Controverting))  
19 Such evidence may include, but is not limited to, use of tobacco  
20 products, physical fitness and weight, lifestyle, hereditary factors,  
21 and exposure from other employment or nonemployment activities.

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

27 (3) The presumption established in subsection (1)(c) of this  
28 section shall only apply to any active or former fire fighter who has  
29 cancer that develops or manifests itself after the fire fighter has  
30 served at least ten years and who was given a qualifying medical  
31 examination upon becoming a fire fighter that showed no evidence of  
32 cancer. The presumption within subsection (1)(c) of this section shall  
33 only apply to primary brain cancer, malignant melanoma, leukemia, non-  
34 Hodgkin's lymphoma, bladder cancer, ureter cancer, and kidney cancer.

35 (4) The presumption established in subsection (1)(d) of this  
36 section shall be extended to any fire fighter who has contracted any of  
37 the following infectious diseases: Human immunodeficiency

1 virus/acquired immunodeficiency syndrome, all strains of hepatitis,  
2 meningococcal meningitis, or mycobacterium tuberculosis.

3 (5) Beginning July 1, 2003, this section does not apply to a fire  
4 fighter who develops a heart or lung condition and who is a regular  
5 user of tobacco products or who has a history of tobacco use. The  
6 department, using existing medical research, shall define in rule the  
7 extent of tobacco use that shall exclude a fire fighter from the  
8 provisions of this section."

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12 On page 1, line 1 of the title, after "fighters;" strike the  
13 remainder of the title and insert "amending RCW 51.32.185; and creating  
14 a new section."

EFFECT: Clarifies that a regular user of tobacco products includes someone with a history of tobacco use.

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