

HOUSE BILL REPORT

HB 1490

As Passed House:
February 7, 2019

Title: An act relating to amending the application of the occupational disease presumption for cancer for Hanford site workers.

Brief Description: Amending the application of the occupational disease presumption for cancer for Hanford site workers.

Sponsors: Representatives Ormsby, Sells, Tarleton, Doglio and Pollet; by request of Attorney General.

Brief History:

Committee Activity:

Labor & Workplace Standards: 1/29/19, 1/31/19 [DP].

Floor Activity:

Passed House: 2/7/19, 67-29.

Brief Summary of Bill

- Modifies the presumption of occupational disease for industrial insurance established for cancer to apply to certain Hanford site workers who have cancer that develops or manifests itself and who were not given a qualifying medical examination because an exam was not required.

HOUSE COMMITTEE ON LABOR & WORKPLACE STANDARDS

Majority Report: Do pass. Signed by 6 members: Representatives Sells, Chair; Chapman, Vice Chair; Mosbrucker, Ranking Minority Member; Gregerson, Hoff and Ormsby.

Minority Report: Do not pass. Signed by 1 member: Representative Chandler, Assistant Ranking Minority Member.

Staff: Trudes Tango (786-7384).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Under the state's Industrial Insurance Act, employers must insure through the state fund administered by the Department of Labor and Industries (L&I) or may self-insure, if qualified. Workers who, in the course of employment, are injured or disabled from an occupational disease are entitled to benefits. Depending on the injury or disability, workers are entitled to medical, temporary time-loss, and vocational rehabilitation benefits, as well as benefits for permanent disabilities. Occupational disease means such disease or infection as arises naturally and proximately out of employment.

Through a special agreement with the L&I, the United States Department of Energy (USDOE) operates as a self-insured employer for the purposes of providing coverage for workers of contractors at the Hanford Nuclear Reservation.

For USDOE Hanford site workers, there is a prima facie presumption that certain diseases and conditions are occupational diseases. The presumption may be rebutted by clear and convincing evidence. The prima facie presumption applies to the following diseases and conditions:

- respiratory disease;
- any heart problems, experienced within 72 hours of exposure to fumes, toxic substances, or chemicals at the site;
- certain cancers;
- beryllium sensitization, and acute and chronic beryllium disease; and
- neurological disease.

The presumption applies to the following cancers:

- leukemia;
- certain primary or secondary lung cancer;
- certain primary or secondary bone cancer;
- primary or secondary kidney cancer;
- lymphomas, other than Hodgkin's disease;
- Waldenstrom's macroglobulinemia and mycosis fungoides; and
- primary cancer of the thyroid, breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary bladder, brain (with limitations), colon, ovary, and liver (with limitations).

The presumption established for cancer only applies to any active or former USDOE Hanford site worker who:

- has cancer that develops or manifests itself; and
- was given a qualifying medical examination upon becoming a USDOE Hanford site worker that showed no evidence of cancer.

A USDOE Hanford site worker includes any person, including a contractor or subcontractor, who was engaged in the performance of work, either directly or indirectly, for the United States, regarding projects and contracts at the Hanford Nuclear Site and who worked on the Hanford site at the 200 east, 200 west, 300 area, Environmental Restoration Disposal Facility site, central plateau, or the river corridor locations for at least one eight-hour shift while covered under the state's industrial insurance laws.

Summary of Bill:

The presumption established for cancer is amended to also apply to any active or former USDOE Hanford site worker who has cancer that develops or manifests itself and who was not given a qualifying medical examination because a qualifying medical examination was not required.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) This is a technical amendment from last year's bill to ensure that the benefits will be available to workers even if they did not get a qualifying medical exam. Qualifying medical exams are given to the employee as a condition of employment. The employer has the discretion to require an exam. The employer's choice should not be used to exclude an employee from benefits.

(Opposed) None.

Persons Testifying: Mike Webb, Office of the Attorney General; and Nickolas Bumpaous, United Association Plumbers and Steamfitters Local 598 Government Affairs Office.

Persons Signed In To Testify But Not Testifying: None.