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**Labor & Workplace Standards  
Committee**

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**SSB 5175**

**Brief Description:** Concerning firefighter safety.

**Sponsors:** Senate Committee on Labor & Commerce (originally sponsored by Senators Braun, Keiser, Becker, Fortunato, Palumbo, Wilson, L., Rivers, Kuderer, O'Ban, Van De Wege and Wagoner).

**Brief Summary of Substitute Bill**

- Requires the Department of Labor and Industries to establish best practices to improve firefighter safety and health outcomes.
- Provides for a potential industrial insurance premium discount for implementation of the best practices.
- Authorizes limited funding for equipment purchases to follow the best practices.

**Hearing Date:** 3/19/19

**Staff:** Lily Smith (786-7175).

**Background:**

Under the state's Industrial Insurance Act (Act), a worker who, in the course of employment, is injured or suffers disability from an occupational disease is entitled to certain benefits.

Occupational disease means such disease or infection as arises naturally and proximately out of employment. Employers must obtain industrial insurance either through the State Fund administered by the Department of Labor and Industries (L&I), or, if qualified, may self-insure.

For firefighters who are members of the Law Enforcement Officers' and Fire Fighters' Retirement System (LEOFF) and certain private sector firefighters, there is a presumption that

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certain medical conditions are occupational diseases. Those conditions are: respiratory disease; certain heart problems; specified cancers; and infectious diseases.

The presumption of occupational disease may be rebutted by a preponderance of evidence, including, but not limited to: use of tobacco products; physical fitness and weight; lifestyle; hereditary factors; and exposure from other employment or non-employment activities. In addition, the presumption does not apply to a firefighter who develops a heart or lung condition and who is a regular user of tobacco products or who has a history of tobacco use.

**Summary of Bill:**

The L&I must establish best practices to improve safety and health outcomes for firefighters, including best practices:

- for a proactive health and safety risk management system consisting of a joint employer and employee governance structure to oversee a continuous process of identification, evaluation, monitoring and controlling, and reporting safety and health hazards in the workplace;
- to reduce firefighter risk of exposure to carcinogens; and
- to prevent or reduce the risk of injuries and illness with particular focus on causes of compensable workers' compensation claims.

Employers of firefighters who implement the best practices may be eligible for an industrial insurance premium discount as determined by the L&I. The L&I must consult with firefighters and their employers in establishing the best practices and criteria for a premium discount.

The L&I may provide funding of up to 2 percent of the premiums paid in the prior year to State Fund employers of firefighters who have limited resources to purchase additional equipment and other gear needed to follow best practices. The L&I may require matching funds from employers.

**Appropriation:** None.

**Fiscal Note:** Available.

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