

SENATE BILL REPORT

SB 5627

As of February 20, 2019

Title: An act relating to establishing the healthy energy workers board.

Brief Description: Establishing the healthy energy workers board.

Sponsors: Senators Brown and Keiser.

Brief History:

Committee Activity: Labor & Commerce: 2/14/19.

Brief Summary of Bill

- Establishes the healthy energy workers board to develop recommendations for successfully diagnosing and treating diseases or other health problems experienced by workers, including contractors and subcontractors, who have performed work for the United States at the Hanford site.
- Requires meetings and reports to the Legislature.

SENATE COMMITTEE ON LABOR & COMMERCE

Staff: Susan Jones (786-7404)

Background: 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 L&I, the United States Department of Energy (DOE) operates as a self-insured employer for the purposes of providing coverage for workers of contractors at the Hanford Nuclear Reservation. In addition, there are federal programs that provide compensation to certain DOE workers.

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.

For DOE Hanford site workers, there is a prima facie presumption that certain diseases and conditions are occupational diseases. 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.

This presumption of occupational disease may be rebutted by clear and convincing evidence. This evidence may include the use of tobacco products, physical fitness and weight, lifestyle, hereditary factors, and exposure from other employment or nonemployment activities.

Summary of Bill: The bill as referred to committee not considered.

Summary of Bill (Proposed Substitute): Subject to the availability of appropriated amounts, the healthy energy workers board is established to develop recommendations for successfully diagnosing and treating diseases or other health problems experienced by workers, including contractors and subcontractors, who have performed work for the United States at the Hanford site.

The University of Washington (UW), through the center of excellence for chemically related illness at Harborview Medical Center, and L&I, must provide administrative support to the board.

The board is composed of:

- a representative of the United States DOE Richland operations office;
- a representative of the central Washington building and construction trades council;
- the director of L&I or designee;
- the secretary of health or designee;
- a representative of the Hanford atomic metal trades council;
- a representative of United States DOE office of river protection;
- a training director for construction safety and health at the Volpentest hazardous materials management and emergency response federal training facility in Richland, Washington;
- a representative of the Washington state building and construction trades council; and
- a representative of Harborview Medical Center.

Members are appointed for four year terms. Medical professionals employed by the UW or Harborview Medical Center may be invited by the director of the L&I, in consultation with the UW or Harborview Medical Center, to participate in an advisory capacity. There is no limit to the number of individuals who may participate in board meetings in an advisory capacity.

The first meeting must be October 1, 2019 with subsequent meetings at least two times per year.

The board must focus on:

- research and development of protocols for diagnosing diseases or other health problems that may be the result of exposure to hazardous substances or other dangerous conditions at the Hanford site;
- research and development of patient monitoring or surveillance strategies that will result in the collection of data regarding long-term outcomes for workers who have been treated for diseases or other health problems that may be linked to working at the Hanford site;
- surveying data and information, including data and information from other states and nations, that may be helpful to developing strategies for diagnosing and treating diseases or other health problems that may be linked to working at the Hanford site; and
- discussing and making recommendations regarding public health programs that may be developed at the state level to benefit workers who have worked, or are working, at the Hanford site.

The board shall provide a report to the Legislature by December 1st each year, beginning in 2020, documenting its activities. Any member of the board may provide a minority report.

Appropriation: None.

Fiscal Note: Requested on February 12, 2019.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: We have already had bills with regard to the workers at the Hanford site. We really need to be talking about getting these exposed workers appropriate care. Now if they are exposed they go to see a physician at the site and they may present as though everything is fine and are sent back to work. They are very concerned after they go back to work about the future. A task force can get a baseline for workers in the tank farms where they are potentially going to be exposed and then follow those workers and see what is happening with them. University of Washington has a wonderful medical team so they can follow these workers so that we can get them the appropriate and timely care that they might need.

Current exposures at Hanford are some of the most complex and exotic exposures. Diagnosing and treating the exposures is difficult given the characteristics of the exposure and potential health effects. Without funding the board, we may not be able to produce evidence-based or consensus recommendations which require time and resources.

Persons Testifying: PRO: Senator Sharon Brown, Prime Sponsor; Nickolas Bumpaous, Plumbers & Steamfitters UA 598; Martin Cohen, University of Washington, Senior Lecturer.

Persons Signed In To Testify But Not Testifying: No one.