

# SENATE BILL REPORT

## SB 5627

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As Reported by Senate Committee On:  
Labor & Commerce, February 20, 2019

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

**Brief Description:** Establishing the healthy energy workers board. [**Revised for 1st Substitute:** Creating the healthy energy work group to develop the healthy energy workers board.]

**Sponsors:** Senators Brown and Keiser.

**Brief History:**

**Committee Activity:** Labor & Commerce: 2/14/19, 2/20/19 [DPS].

**Brief Summary of First Substitute Bill**

- Creates the healthy energy work group to develop the healthy energy workers board to address chemical exposure to tank farm vapors.
- Requires meetings and a report to the Legislature.

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### SENATE COMMITTEE ON LABOR & COMMERCE

**Majority Report:** That Substitute Senate Bill No. 5627 be substituted therefor, and the substitute bill do pass.

Signed by Senators Keiser, Chair; Conway, Vice Chair; King, Ranking Member; Saldaña, Walsh and Wellman.

**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.

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*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.*

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.

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 (First Substitute):** The Healthy Energy Work Group is created. The purpose of the work group is to develop the healthy energy workers board to address chemical exposure to tank farm vapors at the Hanford site.

The University of Washington (UW), through the Department of Environmental and Occupational Health Sciences, and L&I, must provide administrative support to the work group. The first meeting must be in person and subsequent meetings may be convened over audio and/or video conferencing. In addition to the initial meeting, the work group must meet no less than four times and no more than six times in 2019.

The board is composed of:

- the director of L&I or designee;
- the state secretary of Health or designee;
- a representative of Harborview Medical Center;
- a representative of the University of Washington Department of Environmental and Occupational Health Sciences;
- a representative of the United States Department of Energy Richland Operations Office;
- 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 central Washington Building Construction Trades Council;
- a representative of the Hanford Atomic Metal Trades Council;
- a representative of the Washington State Building and Construction Trades Council;
- and
- a representative of UA Local 598 Plumbers and Steamfitters.

The work group must provide a report to the Legislature by December 1, 2019, regarding the development of the healthy energy workers board, including recommendations for the membership and any draft legislation.

**EFFECT OF CHANGES MADE BY LABOR & COMMERCE COMMITTEE (First Substitute):**

- Removes workers board.
- Establishes a healthy energy work group to develop the workers board to address chemical exposure to tank farm vapors and report to the Legislature.
- Changes the membership.

**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 on Proposed Substitute:** *The committee recommended a different version of the bill than what was heard.* 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 and Steamfitters UA 598; Martin Cohen, Senior Lecturer, University of Washington.

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