

HOUSE BILL REPORT

HB 1603

As Reported by House Committee On: Labor

Title: An act relating to occupational diseases affecting public employee fire investigators.

Brief Description: Allowing for certain prima facie presumptions for occupational diseases affecting public employee fire investigators.

Sponsors: Representatives Moeller, Van De Wege, Griffey, Riccelli, Fitzgibbon, Pollet and Goodman.

Brief History:

Committee Activity:

Labor: 2/5/15, 2/10/15, 2/12/15 [DP].

Brief Summary of Bill

- Amends the occupational disease presumption statute to include public employee fire investigators.

HOUSE COMMITTEE ON LABOR

Majority Report: Do pass. Signed by 4 members: Representatives Sells, Chair; Gregerson, Vice Chair; Moeller and Ormsby.

Minority Report: Do not pass. Signed by 3 members: Representatives Manweller, Ranking Minority Member; G. Hunt, Assistant Ranking Minority Member; McCabe.

Staff: Trudes Tango (786-7384).

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. To prove an occupational disease, the worker must show that the disease arose "naturally and proximately" out of employment.

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 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 certain medical conditions are occupational diseases. Those conditions are: respiratory disease; certain heart problems; specified cancers; and infectious diseases. With respect to heart problems, the problems must be experienced within 72 hours of exposure to smoke, fumes, or toxic substances; or experienced within 24 hours of strenuous physical exertion due to firefighting activities.

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.

In general, firefighters who are members of LEOFF are those persons actively employed and serving on a full-time, fully compensated basis as a member of a fire department.

Summary of Bill:

The occupational disease presumption statute is amended to include public employee fire investigators.

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) Fire investigators are part of the first responder team. They are exposed to the same toxins as firefighters. They spend more time in those environments than firefighters because there are fewer investigators. The hazards are not eliminated once the fire is extinguished. Vapors and unburned products are dangerous. Investigators spend anywhere from two hours to multiple days in a burned out building. Because fire investigators are not in the LEOFF system, they are not included in the statute.

(With concerns) Local jurisdictions are sensitive to factors that would increase rates.

(Opposed) This is a burden of proof issue. Having a presumption makes it easier to show an occupational illness and then the burden shifts to the employer. There were peer-reviewed studies showing a higher risk of diseases for the groups currently listed in the statute. There

should be a review of evidence-based data on these other groups of workers before expanding the statute to include them.

Persons Testifying: (In support) Representative Moeller, prime sponsor; Sean Nichols; John Gentry, Vancouver Firefighters Local 452; and Michael White, Washington State Council of Fire Fighters.

(With concerns) Candice Bock, Association of Washington Cities.

(Opposed) Kris Tefft, Washington Self-Insurers Association.

Persons Signed In To Testify But Not Testifying: None.