

SHB 1723 - S COMM AMD
By Committee on Labor & Commerce

ADOPTED 01/25/2018

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32
4 RCW to read as follows:

5 (1) The definitions in this section apply throughout this
6 section.

7 (a) "Hanford nuclear site" and "Hanford site" and "site" means
8 the approximately five hundred sixty square miles in southeastern
9 Washington state, excluding leased land, state-owned lands, and lands
10 owned by the Bonneville Power Administration, which is owned by the
11 United States and which is commonly known as the Hanford reservation.

12 (b) "United States department of energy Hanford site workers" and
13 "Hanford site worker" means any person, including a contractor or
14 subcontractor, who was engaged in the performance of work, either
15 directly or indirectly, for the United States, regarding projects and
16 contracts at the Hanford nuclear site and who worked on the site at
17 the two hundred east, two hundred west, three hundred area,
18 environmental restoration disposal facility site, central plateau, or
19 the river corridor locations for at least one eight-hour shift while
20 covered under this title.

21 (2)(a) For United States department of energy Hanford site
22 workers, as defined in this section, who are covered under this
23 title, there exists a prima facie presumption that the diseases and
24 conditions listed in subsection (3) of this section are occupational
25 diseases under RCW 51.08.140.

26 (b) This presumption of occupational disease may be rebutted by
27 clear and convincing evidence. Such evidence may include, but is not
28 limited to, use of tobacco products, physical fitness and weight,
29 lifestyle, hereditary factors, and exposure from other employment or
30 nonemployment activities.

31 (3) The prima facie presumption applies to the following:

- 1 (a) Respiratory disease;
- 2 (b) Any heart problems, experienced within seventy-two hours of
- 3 exposure to fumes, toxic substances, or chemicals at the site;
- 4 (c) Cancer, subject to subsection (4) of this section;
- 5 (d) Beryllium sensitization, and acute and chronic beryllium
- 6 disease; and
- 7 (e) Neurological disease.

8 (4)(a) The presumption established for cancer only applies to any
9 active or former United States department of energy Hanford site
10 worker who has cancer that develops or manifests itself and who was
11 given a qualifying medical examination upon becoming a United States
12 department of energy Hanford site worker that showed no evidence of
13 cancer.

14 (b) The presumption applies to the following cancers:

15 (i) Leukemia;

16 (ii) Primary or secondary lung cancer, including bronchi and
17 trachea, sarcoma of the lung, other than in situ lung cancer that is
18 discovered during or after a postmortem examination, but not
19 including mesothelioma or pleura cancer;

20 (iii) Primary or secondary bone cancer, including the bone form
21 of solitary plasmacytoma, myelodysplastic syndrome, myelofibrosis
22 with myeloid metaplasia, essential thrombocytosis or essential
23 thrombocythemia, primary polycythemia vera (also called polycythemia
24 rubra vera, P. vera, primary polycythemia, proliferative
25 polycythemia, spent-phase polycythemia, or primary erythremia);

26 (iv) Primary or secondary renal (kidney) cancer;

27 (v) Lymphomas, other than Hodgkin's disease;

28 (vi) Waldenstrom's macroglobulinemia and mycosis fungoides; and

29 (vii) Primary cancer of the: (A) Thyroid; (B) male or female
30 breast; (C) esophagus; (D) stomach; (E) pharynx, including all three
31 areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The
32 oropharynx includes base of tongue, soft palate and tonsils (the
33 hypopharynx includes the pyriform sinus); (F) small intestine; (G)
34 pancreas; (H) bile ducts, including ampulla of vater; (I) gall
35 bladder; (J) salivary gland; (K) urinary bladder; (L) brain
36 (malignancies only and not including intracranial endocrine glands
37 and other parts of the central nervous system or borderline
38 astrocytomas); (M) colon, including rectum and appendix; (N) ovary,
39 including fallopian tubes if both organs are involved; and (O) liver,
40 except if cirrhosis or hepatitis B is indicated.

1 (5)(a) The presumption established in this section extends to an
2 applicable United States department of energy Hanford site worker
3 following termination of service for the lifetime of that individual.

4 (b) A worker or the survivor of a worker who has died as a result
5 of one of the conditions or diseases listed in subsection (3) of this
6 section, and whose claim was denied by order of the department, the
7 board of industrial insurance appeals, or a court, can file a new
8 claim for the same exposure and contended condition or disease.

9 (c) This section applies to decisions made after the effective
10 date of this section, without regard to the date of last injurious
11 exposure or claim filing.

12 (6)(a) When a determination involving the presumption established
13 in this section is appealed to the board of industrial insurance
14 appeals and the final decision allows the claim of benefits, the
15 board of industrial insurance appeals shall order that all reasonable
16 costs of the appeal, including attorneys' fees and witness fees, be
17 paid to the worker or his or her beneficiary by the opposing party.

18 (b) When a determination involving the presumption established in
19 this section is appealed to any court and the final decision allows
20 the claim for benefits, the court shall order that all reasonable
21 costs of appeal, including attorneys' fees and witness fees, be paid
22 to the worker or his or her beneficiary by the opposing party.

23 NEW SECTION. **Sec. 2.** A new section is added to chapter 51.32
24 RCW to read as follows:

25 (1) Five years after the effective date of this section, the
26 department must submit a report to the appropriate labor committees
27 of the legislature by December 1, 2023. The report must include the
28 number of industrial insurance claims which included the presumption
29 provided for in section 1(2)(a) of this act.

30 (2) This section expires December 1, 2024."

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31 On page 1, line 3 of the title, after "site;" strike the
32 remainder of the title and insert "adding new sections to chapter
33 51.32 RCW; and providing an expiration date."

EFFECT: Modifies the term "Hanford site worker" to require that the worker worked on the site at certain locations. Requires that after the act is in effect for five years, the department of labor and industries must submit a report to the legislature by December 1, 2023, with the number of claims which included the presumption.

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