
**Labor & Workplace Standards
Committee**

HB 1723

Brief Description: Creating the presumption of occupational disease for certain employees at the United States department of energy Hanford site.

Sponsors: Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio and Pollet.

Brief Summary of Bill

- Creates a presumption for Hanford nuclear site workers that certain enumerated diseases and conditions are occupational diseases, for the purposes of industrial insurance coverage.

Hearing Date: 2/9/17

Staff: Trudes Tango (786-7384).

Background:

Under the state's Industrial Insurance Act (Act), employers must insure through the State Fund administered by the Department of Labor and Industries (Department) 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 disability, workers are entitled to medical, temporary time-loss, and vocational rehabilitation benefits, as well as benefits for permanent disabilities.

To prove an occupational disease, the worker must show that the disease arose "naturally and proximately" out of employment. For certain firefighters, there is a prima facie presumption that the following medical conditions are occupational diseases: respiratory disease; certain heart problems; specified cancers; and infectious diseases.

The presumption of occupational disease for firefighters may be rebutted by a preponderance of

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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 occupational disease cases where the worker's exposure may have occurred with multiple employers, the employer covered under industrial insurance at the time of the last injurious exposure to the substance or hazard is the liable employer.

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

Summary of Bill:

A prima facie presumption of occupational disease is created for Hanford site workers. A Hanford site worker is any person, including a contractor or subcontractor, who was engaged in the performance of work, either directly or indirectly, for the United States, on projects and contracts at the Hanford nuclear site and who worked on the site for at least one eight-hour shift and who is covered under the state's industrial insurance laws.

The prima facie presumption applies to the following diseases and conditions:

- respiratory disease;
- heart problems, experienced within 72 hours of exposure to fumes, toxic substances, or chemicals at the site;
- certain cancers specified in the bill; and
- neurological disease.

Regarding cancer, the presumption only applies to a worker who has cancer that develops or manifests and who was given a qualifying medical examination upon becoming a Hanford site worker that showed no evidence of cancer. The presumption applies to the following cancers:

- leukemia;
- primary or secondary lung cancer, including bronchi and trachea, sarcoma of the lung, other than in situ lung cancer discovered during or after a postmortem examination, but not including mesothelioma or pleura cancer;
- primary or secondary bone cancer (including specific forms listed in the bill);
- primary or secondary renal cancer;
- lymphomas, other than Hodgkin's disease;
- waldenstrom's macroglobulinemia and mycosis fungoides; and
- primary cancer of the:
 - thyroid;
 - male or female breast;
 - esophagus;
 - stomach;
 - pharynx;
 - small intestine;
 - pancreas;
 - bile ducts;

- gall bladder;
- salivary gland;
- urinary bladder;
- brain (with certain limitations);
- colon;
- ovary; and
- liver (with certain limitations).

The presumption extends to the worker following termination of service for the lifetime of that individual.

For claims arising from the presumption, the DOE is the responsible employer and retains all liability. Costs for claims arising from the presumption may not be borne by the state fund.

Appropriation: None.

Fiscal Note: Requested on February 1, 2017.

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