
HOUSE BILL 1723

State of Washington

65th Legislature

2017 Regular Session

By Representatives Halper, Riccelli, Sells, Gregerson, Ormsby, Doglio,
and Pollet

Read first time 01/27/17. Referred to Committee on Labor & Workplace
Standards.

1 AN ACT Relating to the presumption of occupational disease for
2 certain employees at the United States department of energy Hanford
3 site; and adding a new section to chapter 51.32 RCW.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 51.32
6 RCW to read as follows:

7 (1) The definitions in this section apply throughout this
8 section.

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

14 (b) "United States department of energy Hanford site workers" and
15 "Hanford site worker" means any person, including a contractor or
16 subcontractor, who was engaged in the performance of work, either
17 directly or indirectly, for the United States, regarding projects and
18 contracts at the Hanford nuclear site and who worked on the site for
19 at least one eight-hour shift and who is covered under this title.

20 (2)(a) For United States department of energy Hanford site
21 workers, as defined in this section, who are covered under this

1 title, there exists a prima facie presumption that the diseases and
2 conditions listed in subsection (3) of this section are occupational
3 diseases under RCW 51.08.140.

4 (b) For any claims arising from the presumption created under
5 this section, the department of energy is the responsible employer
6 and retains all liability. Costs for claims arising from the
7 presumption created under this section may not be borne by the state
8 fund.

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

10 (a) Respiratory disease;

11 (b) Any heart problems, experienced within seventy-two hours of
12 exposure to fumes, toxic substances, or chemicals at the site;

13 (c) Cancer, subject to subsection (4) of this section; and

14 (d) Neurological disease.

15 (4)(a) The presumption established for cancer only applies to any
16 active or former United States department of energy Hanford site
17 worker who has cancer that develops or manifests itself and who was
18 given a qualifying medical examination upon becoming a United States
19 department of energy Hanford site worker that showed no evidence of
20 cancer.

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

22 (i) Leukemia;

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

27 (iii) Primary or secondary bone cancer, including the bone form
28 of solitary plasmacytoma, myelodysplastic syndrome, myelobibrosis
29 with myeloid metaplasia, essential thrombocytosis or essential
30 thrombocythemia, primary polycythemia vera (also called polycythemia
31 rubra vera, P. vera, primary polycythemia, proliferative
32 polycythemia, spent-phase polycythemia, or primary erythermia);

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

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

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

36 (vii) Primary cancer of the: (A) Thyroid; (B) male or female
37 breast; (C) esophagus; (D) stomach; (E) pharynx, including all three
38 areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The
39 oropharynx includes base of tongue, soft palate and tonsils (the
40 hypopharynx includes the pyriform sinus); (F) small intestine; (G)

1 pancreas; (H) bile ducts, including ampulla of vater; (I) gall
2 bladder; (J) salivary gland; (K) urinary bladder; (L) brain
3 (malignancies only and not including intracranial endocrine glands
4 and other parts of the central nervous system or borderline
5 astrocytomas); (M) colon, including rectum and appendix; (N) ovary,
6 including fallopian tubes if both organs are involved; and (O) liver,
7 except if cirrhosis or hepatitis B is indicated.

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

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

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

--- END ---