

---

**SUBSTITUTE SENATE BILL 6643**

---

**State of Washington 57th Legislature**

**2002 Regular Session**

**By** Senate Committee on Labor, Commerce & Financial Institutions  
(originally sponsored by Senators Keiser, Prentice, Kastama, Winsley,  
Costa, Benton, Fairley, Roach, Zarelli, Kline, Rasmussen, Kohl-Welles  
and Hale)

READ FIRST TIME 02/08/2002.

1 AN ACT Relating to occupational diseases affecting fire fighters;  
2 amending RCW 51.32.185; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds and declares that by  
5 reason of their employment, fire fighters are required to work in the  
6 midst of and are subject to smoke, fumes, infectious diseases, and  
7 toxic substances; that fire fighters are continually exposed to a vast  
8 and expanding field of hazardous substances; that fire fighters are  
9 constantly entering uncontrolled environments to save lives, provide  
10 emergency medical services, and reduce property damage and are  
11 frequently not aware or informed of the potential toxic and  
12 carcinogenic substances, and infectious diseases that they may be  
13 exposed to; that fire fighters, unlike other workers, are often exposed  
14 simultaneously to multiple carcinogens; that fire fighters so exposed  
15 can potentially and unwittingly expose coworkers, families, and members  
16 of the public to infectious diseases; and that exposures to fire  
17 fighters, whether cancer, infectious diseases, and heart or respiratory  
18 disease develop very slowly, usually manifesting themselves years after  
19 exposure. The legislature further finds and declares that all the

1   aforementioned conditions exist and arise out of or in the course of  
2   such employment.

3       **Sec. 2.** RCW 51.32.185 and 1987 c 515 s 2 are each amended to read  
4   as follows:

5       (1) In the case of fire fighters as defined in RCW 41.26.030(4)  
6   (a), (b), and (c) who are covered under Title 51 RCW and fire fighters,  
7   including supervisors, employed on a full-time, fully compensated basis  
8   as an employee of a private sector employer's fire department that  
9   includes over fifty such fire fighters, there shall exist a prima facie  
10   presumption that: (a) Respiratory disease ((is an)); (b) heart  
11   problems that are experienced within seventy-two hours of exposure to  
12   smoke, fumes, or toxic substances; (c) cancer; and (d) infectious  
13   diseases are occupational diseases under RCW 51.08.140. This  
14   presumption of occupational disease may be rebutted by a preponderance  
15   of the evidence controverting the presumption. Controverting evidence  
16   may include, but is not limited to, use of tobacco products, physical  
17   fitness and weight, lifestyle, hereditary factors, and exposure from  
18   other employment or nonemployment activities.

19       (2) The presumptions established in subsection (1) of this section  
20   shall be extended to an applicable member following termination of  
21   service for a period of three calendar months for each year of  
22   requisite service, but may not extend more than sixty months following  
23   the last date of employment.

24       (3) The presumption established in subsection (1)(c) of this  
25   section shall only apply to any active or former fire fighter who has  
26   cancer that develops or manifests itself after the fire fighter has  
27   served at least ten years and who was given a qualifying medical  
28   examination upon becoming a fire fighter that showed no evidence of  
29   cancer. The presumption within subsection (1)(c) of this section shall  
30   only apply to cancers affecting the skin, breasts, central nervous  
31   system, or lymphatic, digestive, hematological, urinary, skeletal,  
32   oral, or reproductive systems.

33       (4) The presumption established in subsection (1)(d) of this  
34   section shall be extended to any fire fighter who has contracted any of  
35   the following infectious diseases: Acquired immunodeficiency syndrome,

- 1 all strains of hepatitis, meningococcal meningitis, or mycobacterium
- 2 tuberculosis.

--- END ---