

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE HOUSE BILL 1723**

65th Legislature  
2018 Regular Session

Passed by the House February 19, 2018  
Yeas 74 Nays 21

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**Speaker of the House of Representatives**

Passed by the Senate January 25, 2018  
Yeas 35 Nays 14

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**President of the Senate**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1723** as passed by House of Representatives and the Senate on the dates hereon set forth.

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**Chief Clerk**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE HOUSE BILL 1723**

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AS AMENDED BY THE SENATE

Passed Legislature - 2018 Regular Session

**State of Washington                      65th Legislature                      2017 Regular Session**

**By** House Labor & Workplace Standards (originally sponsored by Representatives Haler, Riccelli, Sells, Gregerson, Ormsby, Doglio, and Pollet)

READ FIRST TIME 02/17/17.

1            AN ACT Relating to the presumption of occupational disease for  
2 certain employees at the United States department of energy Hanford  
3 site; adding new sections to chapter 51.32 RCW; and providing an  
4 expiration date.

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

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

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

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

15           (b) "United States department of energy Hanford site workers" and  
16 "Hanford site worker" means any person, including a contractor or  
17 subcontractor, who was engaged in the performance of work, either  
18 directly or indirectly, for the United States, regarding projects and  
19 contracts at the Hanford nuclear site and who worked on the site at  
20 the two hundred east, two hundred west, three hundred area,  
21 environmental restoration disposal facility site, central plateau, or

1 the river corridor locations for at least one eight-hour shift while  
2 covered under this title.

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

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

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

14 (a) Respiratory disease;

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

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

18 (d) Beryllium sensitization, and acute and chronic beryllium  
19 disease; and

20 (e) Neurological disease.

21 (4) (a) The presumption established for cancer only applies to any  
22 active or former United States department of energy Hanford site  
23 worker who has cancer that develops or manifests itself and who was  
24 given a qualifying medical examination upon becoming a United States  
25 department of energy Hanford site worker that showed no evidence of  
26 cancer.

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

28 (i) Leukemia;

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

33 (iii) Primary or secondary bone cancer, including the bone form  
34 of solitary plasmacytoma, myelodysplastic syndrome, myelofibrosis  
35 with myeloid metaplasia, essential thrombocytosis or essential  
36 thrombocythemia, primary polycythemia vera (also called polycythemia  
37 rubra vera, P. vera, primary polycythemia, proliferative  
38 polycythemia, spent-phase polycythemia, or primary erythremia);

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

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

1 (vi) Waldenstrom's macroglobulinemia and mycosis fungoides; and  
2 (vii) Primary cancer of the: (A) Thyroid; (B) male or female  
3 breast; (C) esophagus; (D) stomach; (E) pharynx, including all three  
4 areas, oropharynx, nasopharynx, and hypopharynx and the larynx. The  
5 oropharynx includes base of tongue, soft palate and tonsils (the  
6 hypopharynx includes the pyriform sinus); (F) small intestine; (G)  
7 pancreas; (H) bile ducts, including ampulla of vater; (I) gall  
8 bladder; (J) salivary gland; (K) urinary bladder; (L) brain  
9 (malignancies only and not including intracranial endocrine glands  
10 and other parts of the central nervous system or borderline  
11 astrocytomas); (M) colon, including rectum and appendix; (N) ovary,  
12 including fallopian tubes if both organs are involved; and (O) liver,  
13 except if cirrhosis or hepatitis B is indicated.

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

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

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

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

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

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

38 (1) Five years after the effective date of this section, the  
39 department must submit a report to the appropriate labor committees

1 of the legislature by December 1, 2023. The report must include the  
2 number of industrial insurance claims which included the presumption  
3 provided for in section 1(2)(a) of this act.

4 (2) This section expires December 1, 2024.

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