

Brief Overview of the Cal/OSHA Proposed Emergency Regulation to Protect Workers From Wildfire Smoke

Amalia Neidhardt MPH, CIH, CSP

Senior Safety Engineer

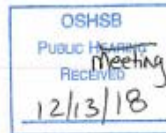
Cal/OSHA

June 10th, 2019

Petition 573

- The California Occupational Safety and Health Standards Board (Board) is the only agency in the State authorized to adopt occupational safety and health standards.
- Any person can address the Board and petition or propose a new or revised occupational safety or health standard.
- Petition 573 was submitted by worker advocate groups to amend Title 8 to protect outdoor workers from unhealthy levels of wildfire smoke through the emergency rulemaking process.

Petition 573 requests to amend Title 8 through the addition of Emergency Standards to protect outdoor workers from wildfire smoke constituents.



December 10, 2018

Executive Officer
Occupational Safety and Health Standards Board
2520 Venture Oaks Way, Suite 350
Sacramento, CA 95833

RE: Petition for Emergency Standard to protect outdoor workers in areas impacted by unhealthy levels of wildfire smoke

This is a petition requesting development of an emergency standard to put in place protections for outdoor workers who are working in areas impacted by wildfire smoke.

The catastrophic wildfires across California in 2018 and other recent years demonstrate the urgent need for protection for workers who must labor outdoors in areas where the air quality meets or exceeds unhealthy levels due to wildfire smoke. Wildfire smoke contains high levels of fine particulate matter (PM2.5). Exposure to fine particulate matter can reduce lung function, worsen heart and lung conditions, and cause coughing, wheezing, and difficulty breathing. An emergency standard needs to be put in place as soon as possible, since wildfires are now occurring during many months of the year. The emergency standard should apply to outdoor occupations such as agriculture, construction, landscaping, maintenance, commercial delivery, and other activities not considered to be "first response". These other activities to be covered by the standard would for example include work of nurses, caregivers and school staff evacuating patients, residents, and students.

The emergency standard should follow the model of Cal/OSHA, Air Resources Board, and public health advisories and be based on requiring protections when Air Quality Index measurements reach unhealthful readings due to wildfire smoke. The standard should require the implementation of feasible engineering controls such as enclosed structures or vehicle cabs with filtered air for rest and meal breaks. Because public health advisories recommend limiting the time and exertion spent in outdoor activities¹, the standard should address, where feasible, administrative controls such as changes in work location and schedules, reduction in work intensity, and additional rest periods. The emergency standard should also address provision of appropriately selected and maintained respiratory protection.

Sincerely,

Handwritten signature of Mitch Steiger in black ink.

Mitch Steiger
California Labor Federation

MS sm
OPEIU 29 AFL CIO

Handwritten signature of Douglas L. Parker in black ink.

Douglas L. Parker
Worksafe

Handwritten signature of Anne Katten in black ink.

Anne Katten
California Rural Legal
Assistance Foundation

Overview of the Emergency Proposal

1. Scope
2. Identification of harmful exposures
3. Communication
4. Training and instruction
5. Control of harmful exposure to employees

Scope

This section applies to workplaces where:

(A) The current Air Quality Index (current AQI) for PM_{2.5} is greater than 150, regardless of the AQI for other pollutants; and

(B) The employer should reasonably anticipate that employees may be exposed to wildfire smoke.

(With some exceptions)

Identification of Harmful Exposure

1. Check the AQI on governmental websites; or
2. Get the AQI from a governmental agency by phone, email, text, etc.; or
3. Monitor air quality directly; or
4. Assume the AQI is greater than 500.

Communication

The employer shall establish and implement a system for communicating wildfire smoke hazards in a form readily understandable by all affected employees.

1. Inform employees of the current AQI for PM2.5 and of protective measures available to employees to reduce their wildfire smoke exposures.
2. Encourage employees to inform the employer of worsening of air quality; and any adverse symptoms that may be the result of wildfire smoke exposure such as asthma attacks, difficulty breathing, and chest pain.

Training and Instruction

The employer will be required to provide effective training and instruction. At a minimum the information contained in Appendix B.

Control of Harmful Exposure to Employees

- Engineering controls
- Administrative controls
- Control by respiratory protective equipment

Emergencies, including rescue and evacuation are exempt from the requirement to implement engineering and administrative controls.

Any Questions?

?