

Intro to the Zoom Platform

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NOTE: Speakers will be speaking slowly because of concurrent interpretation. Please be patient.

Wildfire Smoke Public Hearing

Chapter 296-820 WAC – Wildfire Smoke

WAC 296-820-805 through 296-820-860, and

Chapter 296-307 WAC – Agriculture Safety Standards – Wildfire Smoke

WAC 296-307-098 through WAC 296-307-09860

July 2023



Washington State Department of

Labor & Industries

Division of Occupational Safety and Health

Division of Occupational Safety and Health (DOSH)

Agenda for Today's Meeting

- Background
- Public hearing schedule
- Rulemaking timeline
- Proposed rule overview
- Question & answer on language in proposed rule
- Public hearing comments starting at 10:00 a.m.

Background

- L&I was petitioned September 28, 2020 in response to the historic 2020 wildfires.
- L&I adopted emergency rules on July 16, 2021 and June 1, 2022.
- Prior to the issuance of the emergency rules, there were no regulations to address the hazard of wildfire smoke inhalation.
- January 2021 through June 2021 five stakeholder meetings were held to receive stakeholder feedback on an emergency rule and to gather comments on a permanent rule.
- January through April, 2022 stakeholder meeting were held to receive feedback on another emergency rule for the 2022 wildfire season and to continue to gather comments on a permanent rule.
- In October 2022, three in-person stakeholder meetings were held around the state in addition to one virtual. These meetings were held to discuss the permanent rule.

Public Hearing Schedule

- July 18, 2023 10:00 a.m.
 - Hampton Inn by Hilton, 2010 South Assembly Road, Spokane WA 99224
- July 19, 2023, 10:00 a.m.
 - Red Lion Hotel Columbia Center, 1101 North Columbia Center Blvd, Kennewick WA 99336
- July 20, 2023, 10:00 a.m.
 - Spring Hill Suites by Marriott, 4040 Northwest Avenue, Bellingham WA 98226
- July 25, 2023, 10:00 a.m.
 - Clark College at Columbia Tech Center, 18700 SE Mill Plain Blvd, Vancouver WA 98683
- July 26, 2023 10:00 a.m.
 - Department of Labor & Industries, 12806 Gateway Drive South, Tukwila WA 98168

Public Hearing Schedule

- July 27, 2023, 10:00 a.m.
 - Yakima Valley College, 1405 SE West Nob Hill Blvd, Room 122, Yakima WA 98902
- July 28, 2023, 1:00 p.m.
 - Virtual via Zoom Webinar, see link at: <https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/wildfire-smoke#meetings-and-timeline>
- July 31, 2023 5:30 p.m.
 - Virtual via Zoom Webinar, see link at: <https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/wildfire-smoke#meetings-and-timeline>

Rulemaking Timeline

Wildfire Smoke

- CR-101 Preproposal filed October 20, 2020
- CR 102 Proposal filed May 10, 2023
- Public hearings held July 18 – July 31, 2023
- Comment period ends 5:00 p.m. August 4, 2023
- CR-103 Rule adoption late summer, 2023
- Effective date late summer, 2023

Submit written comments to:

Cindy Ireland, Administrative Regulations Analyst

Division of Occupational Safety and Health

PO Box 44620

Olympia, WA 98504-4620

Cynthia.Ireland@Lni.wa.gov

FAX: (360)902-5619 – comments submitted by fax must be 10 pages or less.

Comments must be received by: 5:00 p.m. on August 4, 2023

DOSH Contact Information

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Link to Wildfire Smoke
rulemaking page:

<https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/wildfire-smoke#background>

PM_{2.5} and the Air Quality Index (AQI)

- PM_{2.5} is the primary pollutant in wildfire smoke. Measures mass of small particles per volume of air (µg/m³).
- The EPA produces the AQI, which incorporates PM_{2.5} along with other contaminants.
- AQI hazard messages are designed for public health. Outdoor workers are considered sensitive groups according to the EPA, WA Dept of Health, and L&I.
- The AQI ends at 500. PM_{2.5} can go beyond the AQI.

PM _{2.5}	AQI Message	AQI
0 µg/m ³	Good	0
12.1 µg/m ³	Moderate	51
35.5 µg/m ³	U.F.S.G.	101
55.5 µg/m ³	Unhealthy	151
150.5 µg/m ³	Very Unhealthy	201
250.5 µg/m ³	Hazardous	301
500.4 µg/m ³	Beyond the AQI	500

Purpose and Scope

WAC 296-820-805 and WAC 296-307-09805

This rule applies to all workplaces except:

- Enclosed buildings where doors and windows are kept closed as much as possible.
- Enclosed vehicles where doors and windows are kept closed as much as possible.
- Firefighters covered by WAC 296-305

Definitions

WAC 296-820-810 and WAC 296-307-09810

Provides definitions of terms relevant to the rule including but not limited to:

- Adverse symptoms requiring medical attention
- Current PM_{2.5}
- Emergency response
- Wildfire smoke
- Others

Identification of harmful exposures

WAC 296-820-815 and WAC 296-307-09815

Requires that employers determine the current $PM_{2.5}$ for worksites covered by the rule.

Identifies acceptable methods of determining $PM_{2.5}$ such as:

- Checking current $PM_{2.5}$ and $PM_{2.5}$ forecasts from listed sources
- Measure current $PM_{2.5}$ using direct read instruments

Employers may use $PM_{2.5}$ data from the nearest regulatory monitor

Employers must check as often as needed to comply with the requirements of the rule.

Hazard communication

WAC 296-820-820 and WAC 296-307-09820

Requires that employers establish a two-way communication system.

Employers must inform employees:

- When the $PM_{2.5}$ exceeds the thresholds in the rule
- Protective measures available to employees at each threshold

Enabling and encouraging employees to inform the employer of:

- Worsening air quality
- Availability issues of exposure controls and respirators
- Adverse symptoms due to wildfire smoke exposure

Hazard communication

WAC 296-820-820 and WAC 296-307-09820

A written wildfire smoke response plan must be included in the employer's written accident prevention plan (APP) before work that exposed the worker to a PM_{2.5} of 20.5 µg/m³ (AQI 69).

- The wildfire smoke response plan must be tailored to the workplace
- The wildfire smoke response plan must include at least the elements in Appendix A

Information and training

WAC 296-820-825 and WAC 296-307-09825

The employer must provide all workers covered by the rule information and training on wildfire smoke. The training must be provided:

- Before work that exposed the worker to a PM_{2.5} of 20.5 µg/m³ (AQI 69).
- At least annually thereafter
- In a manner and language readily understood by the workers

At a minimum, the training must include the information in Appendix A

Supervisors must have additional training to properly implement procedures required in the rule.

Exposure symptom response

WAC 296-820-830 and WAC 296-307-09830

The employer must monitor employees displaying signs and symptoms of wildfire smoke exposure to determine whether medical attention is necessary. Employers must:

- Allow employees to seek medical treatment
- Have provisions made in advance for prompt medical treatment for employees experiencing adverse symptoms of wildfire smoke exposure

Where the current $PM_{2.5}$ $250.5 \mu\text{g}/\text{m}^3$ (AQI 301) or more the employer must ensure workers experiencing adverse symptoms requiring medical attention be moved to a location with sufficient clean air.

Exposure controls

WAC 296-820-835 and WAC 296-307-09835

Where the current $PM_{2.5}$ $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more, the employer is encouraged to implement exposure controls

Where the current $PM_{2.5}$ $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more, the employer must implement effective exposure controls whenever feasible such as:

- Move work indoors. Provide portable HEPA air filters
- Relocate or reschedule work to a place or time with better air quality
- Avoid or reduce work that generates additional dust, fumes, or smoke
- Reduce work intensity and provide additional rest periods

Respiratory protection

WAC 296-820-840 and WAC 296-307-09840

Where the current $PM_{2.5}$ $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more, the employer is encouraged to provide respirators at no cost to employees upon request.

Where the current $PM_{2.5}$ $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more, the employer must provide N95 filtering facepiece respirators to all exposed employees, and encourage respirator use. Employees may choose whether to wear respirators.

Where the current $PM_{2.5}$ $250.5 \mu\text{g}/\text{m}^3$ (AQI 301) or more, the employer must directly distribute N95 filtering facepiece respirators to all exposed employees, and encourage respirator use.

Respiratory protection

WAC 296-820-840 and WAC 296-307-09840

Where the current $PM_{2.5}$ $500.4 \mu\text{g}/\text{m}^3$ (AQI 500) or more, employees must be enrolled in a complete respiratory protection program in accordance with WAC 296-842 Respirators.

- The employer must provide, and require to be worn an N95 filtering facepiece respirator, or other respirator with an assigned protection factor (APF) of 10 or more.

Where the current $PM_{2.5}$ $555 \mu\text{g}/\text{m}^3$ (beyond the AQI) or more, the employer must provide and require to be worn a respirator with an APF of 25 or more equipped with P100 filters.

Respirators must be kept clean, in working order, and replaced as needed.

Measuring PM_{2.5} levels at the worksite

WAC 296-820-845 and WAC 296-307-09845

Employers may choose to measure the current PM_{2.5} using a direct reading particulate monitor instead of relying on publicly available PM_{2.5} data provided they comply with the requirements in this section including:

- The monitor must not underestimate exposures
- The monitor must be designed to measure PM_{2.5}
- The device must be calibrated, maintained, and operated in accordance with manufacturer's instructions to properly identify PM_{2.5} exposures
- The person using the monitor must have appropriate training and experience to properly use the monitor, and interpret the results.

Appendix A: Wildfire smoke training

WAC 296-820-850 and WAC 296-307-09850

This appendix includes information to provide workers as part of the required training, and can be used as a template for the written wildfire smoke response plan.

Appendix B: Selecting PM_{2.5} monitors

WAC 296-820-855 and WAC 296-307-09855

The information in this section provides guidance when selecting a direct-reading particulate monitor, and determining compliance with WAC 296-820-845 Measuring PM_{2.5} levels at the workplace

Appendix C: Calculating AQI for PM_{2.5}

WAC 296-820-860 and WAC 296-307-09860

This section provides supplementary information on:

- How the EPA's AQI is calculated using PM_{2.5} data
- Information on the AQI thresholds, the equivalent PM_{2.5} concentrations and the Washington State Department of Health messaging at each threshold

PROPOSED RULE LANGUAGE Q&A

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Break to transition to public hearing

A chance to stretch your legs
and take a deep breath