



Building Industry Association of Washington
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Washington State Department of Labor and Industries
Department of Occupational Safety and Health
VIA EMAIL Chris Pyke, Chris.pyke@Lni.wa.gov
Cynthia Ireland, Cynthia.Ireland@Lni.wa.gov

October 19, 2022

RE: BIAW DOSH Wildfire Smoke Permanent Rule (Oct 19, 2022) Comments

The Building Industry Association of Washington (BIAW) represents businesses across Washington committed to building attainable and affordable housing for Washington residents.

The Department of Labor & Industries has requested stakeholder comments related to the Wildfire Smoke Permanent Rules that are being proposed by the Department. Please see BIAW's comments below.

- Construction companies often have multiple crews dispersed around a wide geographic area. Often, these are newer developments in remote areas with little or no cell phone service or other reliable means of communication that would allow supervisors/company safety personnel to access web based AQI information or to receive accurate and/or timely communication of AQI information from the company headquarters/office. Since AQI levels can change multiple times during the day, how often are employers required to check/measure AQI levels and report them to workers during the day?
- Since portable air quality monitoring devices are permitted to be used, and may be the only viable alternative to remote area workers, we encourage the Department to compile a list of acceptable monitoring equipment for the purposes of the rule so that thousands of employers won't individually have to research which monitors are acceptable, how to employ them properly, etc. It would be helpful if the Department could compile such a list and post it online so that employers could be confident in purchasing and employing the proper equipment in order to meet the requirements of the rule.
- In earlier presentations regarding the rule, DOSH representatives presented some data showing the number of days certain areas of the state had AQI/PM 2.5 levels above certain thresholds. A question was asked about this data's accuracy, and the response from DOSH is below (taken from the Q&A):



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“One thing that should be pointed out is that this is preliminary data. We have not had a chance to go through and validate it. We just wanted to be transparent with the trends we are currently seeing. Our next steps are going to be to reach out to the Department of Ecology to validate the data that we are looking at.

This is the point here on the top right chart that you indicated. This is actually the Seattle-Beacon Hill monitoring location. In response to your earlier question, per the Department of Ecology's website, it looks like they were listing the maximum to be around 209. We are not sure where this number came from, but we will be looking at that again once we have a chance to validate this data. So again, take these numbers with a grain of salt. They might not be exact, but they do reflect the general trends we are seeing right now.”

Has the Department had a chance to take another look at this data so stakeholders don't need to take the numbers “with a grain of salt”? It's important for stakeholders to know what the potential impacts of the rules will be based upon the historical information on AQI in certain areas of the state. One would also believe that the Department would need this data in order to complete the required Small Business Economic Impact Statement prior to finalizing any rule.

- Finally, The Department has asked for input regarding the threshold for required use of N95 respirators. BIAW strongly urges that the threshold be set at AQI of 301.

Thank you for your consideration of BIAW's comments regarding DOSH's Wildfire Smoke Permanent Rule. We hope to see some of these requests clarified in the final rule. If you have any questions or follow up, please feel free to contact BIAW Government Affairs Director, Jan Himebaugh at janh@biaw.com.

Sincerely,

Jan Himebaugh
Government Affairs Director
Building Industry Association of Washington