

WILDFIRE SMOKE – FAQ

Q Why is this rulemaking being done?

A Wildfires smoke events have been increasing in both duration and intensity over recent years. For the past several summers, DOSH received inquiries about wildfire smoke hazards for outdoor workers. DOSH has put out guidance and information on best practices but recognizes there is a gap under current rules to adequately protect workers from this hazard, and to ensure employers and workers understand what is required. After the unprecedented wildfire smoke events in 2020, the department reviewed the need for rules and also received a petition requesting rulemaking. The department determined that rulemaking was needed to address the hazard. Consistent with the mandate under the WISH Act, the department has looked at the best available evidence and determined that there are feasible measures to address the health hazards wildfire smoke presents for workers. This rulemaking will consider what protections are needed and when.

Q What are the hazards associated with wildfire smoke?

A Wildfire smoke is composed of harmful chemicals and tiny particles suspended in the air that present a significant health hazard for workers exposed to it. These particles can irritate the lungs and cause serious or even fatal health effects, such as reduced lung function, bronchitis, worsening of asthma, and heart failure. Compared with the general public, workers have additional risk factors in that they may spend more time outdoors in the smoke, and have more physical exertion, which increases the amount of smoke that they breathe into their lungs. The department is reviewing information on evidence related to wildfire smoke hazards.

Q Why is the department looking to adopt emergency rules this summer? Why not wait for the permanent rulemaking process to get wrapped up?

A It was determined that a hazard to workers existed and the permanent rules process would not be complete prior to the summer wildfire season. Because of this, emergency rules are needed to address the hazard during the 2021 wildfire

smoke season. As with any emergency rule, the department must establish that the immediate adoption of the rule is necessary to address a health and safety concern (RCW 34.05.350).

Emergency Rulemaking – CR-103E

- Can file for immediate adoption, amendment, or repeal when:
 - Necessary to preserve the public health, safety, or general welfare.
 - State or federal law required immediate adoption of a rule.
 - Is necessary to implement budget-saving provisions of specific legislative acts.
- Is temporary, only lasting 120 days.
- Can add subsequent emergency rules if emergency persists.
- Can be used to cover an immediate emergency until permanent rules are in place.
Anyone may petition the governor to overturn the emergency rule.