

Proposed Wildfire Smoke Rule



In recent years, wildfires in Washington state have become larger, more frequent, and are expected to worsen due to the effects of climate change. Washington may also be impacted by wildfire smoke events occurring outside of the state.

Wildfire smoke can expose workers in construction, agriculture, and other outdoor jobs to health risks from breathing particulate matter in the air. On May 10, 2023, the Department of Labor & Industries (L&I) filed proposed draft language for permanent wildfire smoke rules to protect the health of workers who are exposed to wildfire smoke while on the job.

The proposed rules include year-round requirements that will be in effect whenever it is anticipated that workers will be exposed to wildfire smoke. As the degree of airborne particulate pollution increases, employers must provide increasing protections to keep workers safe and healthy.

Why is L&I addressing the hazards of working in wildfire smoke?

- Working in smoky conditions increases the risk of developing serious health effects. Outdoor workers are at increased risk of developing wildfire smoke-related health effects.
- Severe long-term effects include reduced lung function, aggravated asthma, or heart failure.
- Workers exposed to wildfire smoke are even at an increased risk of early death.
- While employers and employees may not be able to control the amount of smoke generated by wildfires, they can take steps to reduce workers exposure to wildfire smoke until local air quality improves.

Summary of Proposed Requirements

The table below summarizes required worker protections under the proposed rules as wildfire smoke pollution becomes more severe.

PM2.5 ($\mu\text{g}/\text{m}^3$)	Air Quality Index (AQI)	Required Protections
20.5 or more	69 or more	<ul style="list-style-type: none">■ Wildfire smoke response plan■ Wildfire smoke safety training■ Emergency response measures for workers experiencing wildfire smoke symptoms
35.5 or more	101 or more	<ul style="list-style-type: none">■ Respiratory protection required to be provided; use of respirators is voluntary■ Feasible wildfire smoke exposure controls
250.5 or more	301 or more	<ul style="list-style-type: none">■ Respiratory protection required to be distributed to individual workers; use of respirators is voluntary■ If workers experience wildfire smoke symptoms requiring medical attention, relocate them to a space with clean air
500.4 or more	500 or more	<ul style="list-style-type: none">■ Respirators (N95 at a minimum) required to be worn by affected workers■ Full workplace respiratory protection program required
555 or more	Beyond the AQI	<ul style="list-style-type: none">■ N95 is not sufficiently protective at this level; more protective respirators are required



Additional requirements include:

- Employers must also monitor air quality and alert employees when the air is at certain exposure thresholds.
- Employers must encourage and allow employees to report wildfire smoke hazards and to receive medical treatment.
- Employers must notify affected employees whenever they are exposed to wildfire smoke in excess of any of the air quality thresholds listed in the table above.

Where can I find information on the current smoke conditions?

- Reliable statewide air quality data is available online 24 hours a day.
- A reliable information is the Environmental Protection Agency's AirNow Fire and Smoke Map, found at <https://fire.airnow.gov>. AirNow reports air quality data using the EPA's Air Quality Index (abbreviated AQL.) Local government agencies can also provide air quality data during their business hours.
- Another great place to find air quality data is the Washington Department of Ecology's Air Monitoring Network, found at <https://enviwa.ecology.wa.gov/home/map>.

Respiratory Protection

- The best method to protect workers from exposure to wildfire smoke is to relocate workers from areas where the air is smoky to safer work areas until conditions improve.
- In some industries, this may not be feasible. In situations where workers must work outside on smoky days, the proposed wildfire smoke rules include provisions for situations when respirators must be provided and when they must be worn.
- When selecting appropriate respiratory protection, it is important to understand that products such as medical facemasks or KN95 masks do not provide protection from wildfire smoke, and must not be used in situations where a respirator is required. For the purposes of the proposed wildfire smoke rule, an N95 respirator certified by the National Institute for Occupational Safety and Health is the minimum level of respiratory protection allowed when a respirator is needed.

Stakeholder Involvement

Through 5 p.m. on Aug. 4, 2023, the public can submit written comments or testify at a public hearing:

Email: Cynthia.Ireland@Lni.wa.gov

Mail: Cynthia Ireland, Administrative Regulations Analyst
Department of Labor & Industries
Division of Occupational Safety and Health
PO Box 44620
Olympia WA 98504-4620

In-Person Public Hearings:

- **July 18, 2023, 10 a.m.**
Hampton Inn by Hilton
2010 South Assembly Road, Spokane WA 99224
- **July 19, 2023, 10 a.m.**
Red Lion Hotel Columbia Center
1101 N Columbia Center Blvd, Kennewick WA 99336
- **July 20, 2023, 10 a.m.**
Spring Hill Suites by Marriott
4040 Northwest Ave, Bellingham WA 98226
- **July 25, 2023, 10 a.m.**
Clark College at Columbia Tech Center
18700 SE Mill Plain Blvd, Vancouver WA 98683
- **July 26, 2023, 10 a.m.**
Department of Labor & Industries
12806 Gateway Drive South, Tukwila WA 98168
- **July 27, 2023, 10 a.m.**
Yakima Valley College, Meeting Room 122
1405 W Nob Hill Blvd, Yakima WA 98902

Virtual Public Hearing:

July 28, 2023, 2 p.m.

Join electronically:

- <https://lni-wa-gov.zoom.us/j/87690786178?pwd=WNVwTTFzeS9TK0NGVUVNMmJkUmVZZz09>
- Password (if prompted): Wildfire@1

To join by phone (audio only):

- 253-205-0468 or 253-215-8782
- Meeting ID: 876 9078 6178
- Passcode: 4682009778

A pre-hearing overview will occur one hour prior to the start of each public hearing. The hearings will begin at the indicated times, and will continue until all oral comments are received.

For more information, visit:

www.Lni.wa.gov/WildfireSmoke.

Upon request, foreign language support and formats for persons with disabilities are available. Call 1-800-547-8367. TDD users, call 711. L&I is an equal opportunity employer.

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