



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 15, 2025

TIME: 7:23 AM

WSR 25-09-064

**Agency:** Department of Labor & Industries (L&I)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** L&I has conducted rulemaking to update the Air Quality Index (AQI) values referenced in the wildfire smoke rules to reflect changes the Environmental Protection Agency (EPA) made to the AQI which were published in the Federal Register on March 6, 2024 and that became effective on May 6, 2024. This ensures that the regulated community will be able to comply with the rule requirements when using data sources that do not display the hourly PM<sub>2.5</sub> concentrations.

L&I rulemaking on the hazards of wildfire smoke exposure to outdoor workers became effective on January 15, 2024. The wildfire smoke rules require employers to implement protective measures based on the current concentration of PM<sub>2.5</sub> measured in micrograms per cubic meter (µg/m<sup>3</sup>). The primary pollutant in wildfire smoke is harmful fine particles, referred to as PM<sub>2.5</sub>. The AQI is a unitless index created by the EPA to communicate air quality conditions to the public. While the rules are based on hourly average PM<sub>2.5</sub> concentrations, they reference the corresponding AQI for workers and employers who choose to use the AQI to determine the amount of smoke in the air.

**ADOPTED CHANGES:**

- Updated references to the AQI values throughout chapter 296-820 WAC and WAC 296-307-09805 through 296-307-09860 to align with recent EPA updates. This includes adding AQI values to a level previously considered "Beyond the AQI" as the EPA.
- Made housekeeping changes and minor updates to the appendices found in both chapters to reflect EPA revisions including updating the equation for calculating the AQI (non-mandatory).

There are no changes to the substantive rule requirements, including the levels of smoke and particulate matter in the air that require action under the rules.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: WAC 296-820-805, 296-820-810, 296-820-815, 296-820-820, 296-820-825, 296-820-830, 296-820-835, 296-820-840, 296-820-850, 296-820-860, 296-307-09805, 296-307-09810, 296-307-09815, 296-307-09820, 296-307-09825, 296-307-09830, 296-307-09835, 296-307-09840, 296-307-09850, and 296-307-09860.

Suspended:

**Statutory authority for adoption:** RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

**Other authority:** Chapter 49.17 RCW

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 24-21-090 on October 17, 2024 (date).

Describe any changes other than editing from proposed to adopted version:

**WAC 296-307-09815 Identification of harmful exposures.**

- Removed reference to the Washington department of labor and industries PM<sub>2.5</sub> Air Quality Map from subsection (1)(c); the map was removed from the department's website and is no longer a resource.

**WAC 296-820-815 Identification of harmful exposures.**

- Removed reference to the Washington department of labor and industries PM<sub>2.5</sub> Air Quality Map from subsection (1)(c); the map was removed from the department's website and is no longer a resource.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

**Note: If any category is left blank, it will be calculated as zero.  
 No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
 A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	<u>20</u>	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	<u>20</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>20</u>	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date Adopted:** April 15, 2025

**Name:** Joel Sacks

**Title:** Director

**Signature:**

