Intro to the Zoom Platform

- ## Online
  - Controls at the bottom
  - Interpreter Channel or Globe Icon (EN or ES)
  - Q&A feature/tool: technical questions regarding presentation
  - Raise Hand Option: for live questions at the end of the presentation

- ## Phone
  - To raise/lower hand use *9
  - To mute/unmute use *6

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*

Washington State Department of
Labor & Industries
Division of Occupational Safety and Health
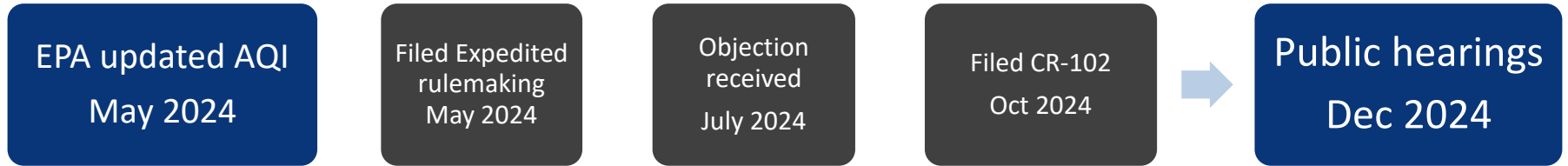
December 2024

Agenda

- Background

- Public hearing schedule

- Rulemaking timeline

- Proposed rule overview

- Question & answer on language in proposed rule

- Public hearing comments starting at 11:00 a.m.

Background

| Petitioned Sep 2020 | Emergency rule Summer 2021 | Emergency rule Summer 2022 | Rule filed Dec 2023 | → | Rule effective Jan 15, 2024 |

- Sep 2020 *L&I was petitioned to do rulemaking by United Farm Workers (UFW)*

- 2021 and 2022 *L&I adopted emergency rules*

- Prior to the 2021 emergency rule, there were no regulations to address the hazards of wildfire smoke inhalation for workers in Washington.

- Permanent rules became effective January 15th, 2024

Background

| EPA updated AQI May 2024 | Filed Expedited rulemaking May 2024 | Objection received July 2024 | Filed CR-102 Oct 2024 | → | Public hearings Dec 2024 |

- EPA updated the AQI May 6, 2024

- L&I filed expedited rulemaking to update AQI references in the rules

- An objection to expedited rulemaking was received, so a CR-102 was filed

- Public hearing Dec 4th, 2024

Wildfire Smoke Rulemaking Timeline

- 2024 Jan 15th: Permanent rule effective

- 2024 May 6th: EPA updated AQI

- 2024 May 21st: Filed CR-105 Expedited Rulemaking to update AQI

- 2024 Jul 18th: Objection to expedited rulemaking received

- 2024 Oct 17th: Filed CR-102

- 2024 Dec 4th: Virtual Public hearing

- 2024 Dec 11th: Comment period ends 5:00 p.m.

- 2025 Feb 4th: CR-103 Rule adoption

- 2025 March 10th: Rule update effective

Submit written comments to:

Cindy Ireland, Administrative Regulations Analyst

- **Mail:** Division of Occupational Safety and Health
  PO Box 44620
  Olympia, WA 98504-4620

- **Email:** *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 December 11, 2024

DOSH Wildfire Smoke Technical Specialist

Chris Pyke
DOSH Technical Specialist
(360) 951-3489
Chris.Pyke@Lni.wa.gov

Wildfire Smoke rulemaking page

- *https://www.lni.wa.gov/safety-health/safety-rules/rulemaking-stakeholder-information/wildfire-smoke#rule-drafts-and-documents*

$PM_{2.5}$

- $PM_{2.5}$ is particulate matter 2.5 μm in diameter or smaller

- The wildfire smoke rule is based on 1-hour average $PM_{2.5}$ referred to as *"Current $PM_{2.5}$"*

- $PM_{2.5}$ is the primary pollutant of concern in wildfire smoke

- Wildfire smoke also contains other contaminants

- Particles in wildfire smoke are often 1 μm or smaller

$PM_{2.5}$	AQI Message	AQI
555 μg/m³		957
500.4 μg/m³		849
250.5 μg/m³		351
	Hazardous	
	Very Unhealthy	
	Unhealthy	
35.5 μg/m³	U.F.S.G.	101
20.5 μg/m³		72
	Moderate	
	Good	

The Air Quality Index (AQI)

- The AQI is a unitless index created by the US EPA

- Based on $PM_{2.5}$ or other contaminants, whichever has highest AQI

- AQI health messaging designed for the public, not occupational health

- Outdoor workers are considered sensitive groups by WA Dept. of Health, Ecology, L&I, and the EPA.

$PM_{2.5}$	AQI Message	AQI
555 µg/m^3		957
500.4 µg/m^3		849
250.5 µg/m^3		351
	Hazardous	
	Very Unhealthy	
	Unhealthy	
35.5 µg/m^3	U.F.S.G.	101
20.5 µg/m^3		72
	Moderate	
	Good	

The Air Quality Index (AQI)

- Use of *NowCast AQI for PM$_{2.5}$* permitted as an approximation of the current PM$_{2.5}$

- The regular AQI is based on 24-hour average PM$_{2.5}$

- NowCast AQI averages over 3–12 hours

PM$_{2.5}$	AQI Message	AQI
555 μg/m^3		957
500.4 μg/m^3		849
250.5 μg/m^3		351
	Hazardous	
	Very Unhealthy	
	Unhealthy	
35.5 μg/m^3	U.F.S.G.	101
20.5 μg/m^3		72
	Moderate	
	Good	

AQI was updated

- The EPA updated the AQI breakpoints May 6th 2024

- L&I rulemaking to update the rules with corrected AQI

- DD 8.20 provided interim instructions

- The rule's requirements are not changing

	Old AQI			Updated AQI	
555 µg/m³					555 µg/m³
	Beyond the AQI				
500.4 µg/m³		500	849		500.4 µg/m³
			500		325.4 µg/m³
250.5 µg/m³	Hazardous	301			
			301	Hazardous	225.5 µg/m³
150.5 µg/m³	Very Unhealthy	201			
			201	Very Unhealthy	125.5 µg/m³
55.5 µg/m³	Unhealthy	151	151	Unhealthy	55.5 µg/m³
35.5 µg/m³	U.F.S.G.	101	101	U.F.S.G.	35.5 µg/m³
12.1 µg/m³	Moderate	51	51	Moderate	9.1 µg/m³
	Good	0	0	Good	

Break to transition to public hearing

A chance to stretch your

legs and take a deep breath