

October 13, 2022

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



**Re: Wildfire Smoke Comments on Rulemaking**

Dear Sir or Madam:

I am writing on behalf of the Plumbing Heating Cooling Contractors Association (PHCC) which is the voice of the plumbing industry working collaboratively with our partners. On behalf of PHCC, please accept the following comments regarding the Department of Labor and Industries' (The Department) Wildfire Smoke permanent rulemaking.

The Department of Labor & Industries has requested stakeholder comments related to the Wildfire Smoke Permanent Rules that are being proposed by the Department. But the Department has not provided stakeholders with any draft proposed rules. While the Department did provide a 20+ slide PowerPoint presentation with information related to Wildfire Smoke risks and potential safeguards, this general information is not sufficient for stakeholders to provide the detailed comments that the Department is seeking. It is impossible to provide substantive comments/feedback when no language is available.

Additionally, the description of a "partial respirator program" provided is not significantly different from a full program. Considering the already very low trigger level in the emergency rule, adopting any lower level seems excessive, and will create significantly greater burden to ensure the proper programs are in place and that employees are annually trained and evaluated. Finally, from a practical perspective, employers will need to meet some portion of the requirements - possibly including a full respiratory protection program – before wildfire season. This may mean employers incur this burden even in years when smoke conditions never actually make it necessary – as would have occurred in 2020.

We look forward to continuing to work with LNI and ask that you incorporate these comments into subsequent drafts of the proposed rule and provide additional time for feedback in the future. Thank you for the opportunity to express our concerns.

Sincerely,

Chester Baldwin  
Attorney at Law  
Plumbing Heating Cooling Contractors (PHCC) Association

PHCC Comments on Rulemaking for  
Wildfire Smoke