



Washington State Tree Fruit Association

105 S. 18th Street, Suite 116 - Yakima, WA 98901 - 509-452-8555

To: Washington State Department of Labor and Industries via: Cynthia.Ireland@lni.wa.gov

Date: October 21, 2022

Re: Wildfire Smoke Rulemaking

I am writing on behalf of the Washington State Tree Fruit Association (WSTFA) regarding the Department of Labor and Industries (LNI) Wildfire Smoke Rule proposed draft language.

WSTFA represents the growers, packers, and marketers of apples, pears, cherries and other tree fruits in Washington State. As producers working outside to grow, harvest and pack fresh fruit, our members will be affected in many ways by the adoption of this rule. Our members are committed to keeping employees safe while meeting critical and time-sensitive operational needs.

We feel LNI has lowered the Air Quality Index (AQI) thresholds and corresponding required actions beyond what is necessary for general workplace safety. At 101, a level the EPA deems “unhealthy for sensitive groups,” LNI’s proposed rule would require employers to make N95 masks available for voluntary use. LNI’s focus is and should be to protect workers’ overall safety and health. The current personal exposure limits were set for healthy adults of working age. Lowering the AQI trigger level to protect sensitive groups is not LNI’s role and should be addressed, where necessary, through reasonable accommodation measures.

We are pleased that the department is no longer proposing to require a fit-test for the AQI levels under 499 for N95 respirator use.

We ask LNI to refer to WSTFA’s previous comments submitted on August 24, 2022, and encourage their incorporation in subsequent drafts of the proposed rule.

Thank you for the opportunity to express our concerns.

Sincerely,

Ranie L. Haas
Director of Regulatory and Industry Affairs
Washington State Tree Fruit Association