

WSR 22-12-094
EMERGENCY RULES
DEPARTMENT OF
LABOR AND INDUSTRIES

[Filed June 1, 2022, 11:05 a.m., effective June 15, 2022]

Effective Date of Rule: June 15, 2022.

Purpose: The department of labor and industries (L&I) is adopting a second set of emergency rules regarding wildfire smoke under chapter 296-62 WAC, General occupational health standards. L&I filed the initial emergency rules on July 16, 2021, WSR 21-15-067. These rules expired on November 13, 2021. L&I recognizes the hazard of wildfire smoke exposure is increasing every year and potentially presents serious health risks to all workers, especially those working outside in industries such as construction and agriculture. L&I has received a petition for rule making regarding wildfire smoke protections after the historic 2020 wildfires, which created unprecedented smoke conditions in the state.

A major component of wildfire smoke is particulate matter with an aerodynamic diameter less than 2.5 micrometers ($PM_{2.5}$); inhalation of $PM_{2.5}$ can cause cardiovascular health effects and increases the risk of death. $PM_{2.5}$ is elevated during wildfire smoke events, causing a risk to workers.

Except as described below, this emergency rule continues the requirements under the previous emergency rules, including:

- Requirements for employers to determine $PM_{2.5}$ levels at their worksites by checking one of the listed web-based sources or directly measuring $PM_{2.5}$ at their worksite.
- Requirements for training both supervisors and line staff who may be exposed to $PM_{2.5}$ levels of $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or above on the hazards of wildfire smoke and the procedures regarding the employer's plan for ensuring workers are protected from wildfire smoke.
- Requirements for monitoring and allowing for medical care for employees who display symptoms of illness related to wildfire smoke.

Changes to this emergency rule include:

- Requirements for hazard communication to notify employees when:
 - At least two consecutive $PM_{2.5}$ readings are $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more
 - The $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more
 - The $PM_{2.5}$ is $250.5 \mu\text{g}/\text{m}^3$ (AQI 301) or more
 - The $PM_{2.5}$ is $555 \mu\text{g}/\text{m}^3$ (beyond the AQI) or more
- Requirements for implementation of engineering and administrative controls whenever $PM_{2.5}$ reaches $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) and such controls are feasible.
- Requirements for supplying respiratory protection for employees use on a voluntary basis whenever $PM_{2.5}$ reaches $35.5 \mu\text{g}/\text{m}^3$ (AQI 101).
- Where the $PM_{2.5}$ is $555 \mu\text{g}/\text{m}^3$ or more, employees must be enrolled in a complete respiratory protection program in accordance with chapter 296-842 WAC. At this level, employees must be provided

one of the following types of respiratory protection: A loose-fitting powered air purifying respirator (PAPR), full-facepiece PAPR, full-facepiece air purifying respirator, or another respirator that is at least as effective.

The emergency rule ensures that workers in Washington are provided protections from the hazard of wildfire smoke inhalation while L&I proceeds with the implementation of the wildfire smoke permanent rule making.

In addition, L&I filed a Preproposal statement of inquiry (CR-101) on October 20, 2021, under WSR 20-21-093, regarding permanent rule making for hazards relating to wildfire smoke events. Some additions made as part of the emergency rule will be considered for permanent rule making. L&I will be seeking comments from affected stakeholders during the permanent rule-making process.

Citation of Rules Affected by this Order: New WAC 296-62-085, 296-62-08510, 296-62-08520, 296-62-08530, 296-62-08540, 296-62-08550, 296-62-08560, 296-62-08570, 296-62-08580, 296-62-08585, and 296-62-08590.

Statutory Authority for Adoption: RCW 49.17.010, 49.17.040, 49.17.050, 49.17.060, and 49.17.240.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Wildfire smoke is composed of harmful chemicals and tiny particles suspended in the air that present a significant health hazard for workers exposed to it. These particles can irritate the lungs and cause serious or even fatal health effects, such as reduced lung function, bronchitis, worsening of asthma, and heart failure. Compared with the general public, workers have additional risk factors in that they may spend more time outdoors in the smoke, and have more physical exertion, which increases the amount of smoke that they breathe into their lungs. Individuals considered sensitive to wildfire smoke exposure, such as those with asthma and those who work outdoors, are part of the workforce.

The United States Environmental Protection Agency's (EPA) air quality index (AQI) is an informational tool for reporting air quality and is based, in part, on particulate matter (PM_{2.5}) measurements. Under the Clean Air Act, the EPA sets and reviews national air quality standards for several air pollutants, including PM_{2.5}. AQI is a level of one to 500 divided into six color-coded categories that correspond to different levels of health concerns (good, moderate, unhealthy for sensitive groups, unhealthy, very unhealthy, and hazardous). The EPA categorizes the AQI level of 101 as "unhealthy for sensitive groups" and corresponds to PM_{2.5} concentrations of 35.5 µg/m³.

California and Oregon are currently the only other states with rules for occupational exposure to wildfire smoke. California's rule requires employers take preventative measures at a PM_{2.5} of 55.5 µg/m³ (AQI 151), and Oregon requires preventative measures at a PM_{2.5} of 35.5 µg/m³ (AQI 101). California's rule requires employers to implement engineering and administrative controls and make respirators available for voluntary use at a PM_{2.5} of 55.5 µg/m³ (AQI 151). Mandatory respi-

rator use is required when the $PM_{2.5}$ is $500.4 \mu\text{g}/\text{m}^3$ (AQI 501) or greater with an assigned protection factor (APF) such that the $PM_{2.5}$ levels inside the respirator are less than $55.5 \mu\text{g}/\text{m}^3$ which would require respirators that are more protective than N95s at $555 \mu\text{g}/\text{m}^3$ (beyond the AQI). When respirators are required, compliance with California's respiratory program rules, including fit testing and medical evaluations, are also required. Oregon's rule requires employers to implement engineering and administrative controls and make respirators available for voluntary use at a $PM_{2.5}$ of $35.5 \mu\text{g}/\text{m}^3$ (AQI 101). Oregon's rule also requires N95 use at $200.9 \mu\text{g}/\text{m}^3$ (AQI 251) without fit-testing or medical evaluations, and when the $PM_{2.5}$ is $500.4 \mu\text{g}/\text{m}^3$ (AQI 501) or greater, a full respiratory protection program is required, including fit testing and medical evaluations.

For the past several summers, L&I's division of occupational safety and health (DOSH) received inquiries about wildfire smoke hazards, especially for outdoor workers. DOSH has put out guidance and information on best practices but recognizes there has been a gap under previous rules to adequately protect workers from this hazard and to ensure employers and workers understand what is required. After the unprecedented wildfire smoke events in 2020, L&I reviewed the need for rules and received a petition requesting rule making. L&I determined that rule making was needed to address the hazard and initiated permanent rule making on October 20, 2020, WSR 20-21-093. L&I held five virtual stakeholder meetings from January - June 2021 to discuss development of a permanent rule and emergency rules. L&I filed the initial emergency rules on July 16, 2021, WSR 21-15-067. These rules expired on November 13, 2021.

Additionally, L&I held two virtual stakeholder meetings from January - April 2022 to discuss the second set of emergency rules and to gather feedback on the draft permanent rule.

Immediate adoption of a rule is necessary for the preservation of worker health and safety and it would be contrary to the public interest to wait until a permanent rule can be adopted. The fire season is imminent and existing regulations are not sufficient to protect workers from the dangers of wildfire smoke. Wildfire smoke can travel hundreds to thousands of miles and wildfires in other states and in Canada can cause hazardous air quality levels in Washington. While L&I provided draft emergency rules for stakeholder input, the emergency process does not allow for the opportunity for notice and comment that are part of the permanent rule-making process. Therefore, L&I is taking emergency action to avert the development of wildfire smoke-related illnesses among Washington's workforce and ensure employers can train employees, plan for their response, and obtain the necessary respirators for employee voluntary use when wildfire events do happen.

Consistent with the mandate under the Washington Industrial Safety and Health Act (WISHA), L&I has looked at the best available evidence and determined that there are feasible measures to address the health hazards wildfire smoke presents for workers. The emergency rule requires employers to implement engineering and administrative controls and make respirators available for voluntary use at a $PM_{2.5}$ concentration of $35.5 \mu\text{g}/\text{m}^3$ (AQI 101 which is unhealthy under the AQI level), but encourages employers to take these actions at a $PM_{2.5}$ concentration [concentration] of 20.5 (AQI 69 which is unhealthy for sensitive groups). Under this approach, enforcement levels are set at the

same as Oregon, which has been a feasible approach. Additionally, at 555 µg/m³ (beyond the AQI), use of more protective respirators is required such as loose-fitting powered air purifying respirators (PAPR), full-facepiece respirators, or tight-fitting PAPRs. The permanent rule process will continue to examine the hazards of PM_{2.5} exposure levels and appropriate protections necessary.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 11, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 11, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 11, Amended 0, Repealed 0.

Date Adopted: June 1, 2022.

Joel Sacks
Director

OTS-3201.5

PART I-3—WILDFIRE SMOKE

NEW SECTION

WAC 296-62-085 Wildfire smoke.

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NEW SECTION

WAC 296-62-08510 Purpose and scope. (1) This standard applies to workplaces where the employer should reasonably anticipate that employees may be exposed to a PM_{2.5} concentration of 20.5 µg/m³ (Air Quality Index 69) or more for wildfire smoke.

(2) The following workplaces and operations are exempt from this section:

(a) Enclosed buildings or structures in which the employer ensures that windows, doors, bays, and other exterior openings are kept

closed, except when it is necessary to briefly open doors to enter and exit.

(b) Enclosed vehicles in which the air is filtered by a properly maintained cabin air filter and the employer ensures that windows, doors, and other openings are kept closed except when it is necessary to briefly open doors to enter or exit.

(c) Employees exposed to a PM_{2.5} concentration of 20.5 µg/m³ (Air Quality Index 69) or more for a total of one hour or less during a 24-hour period.

(d) Work within the scope of chapter 296-305 WAC, Safety standards for firefighters.

Notes:

- Buses, light rail, and other enclosed vehicles used for transit systems where doors are frequently opened to board and deboard passengers are not included under the exemption in WAC 296-62-08510 (2)(b).
- Employers are not responsible for tracking employee exposures outside of working hours.

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NEW SECTION

WAC 296-62-08520 Definitions. Air Quality Index (AQI). A unitless index used by the U.S. Environmental Protection Agency (EPA) to communicate air quality for several pollutants, including PM_{2.5}. References to the AQI used throughout this chapter means "AQI for PM_{2.5}".

Current PM_{2.5}. The concentration of PM_{2.5} for the most current hour available, calculated using an hourly average of PM_{2.5} data.

Note: The NowCast as provided by the Washington state department of ecology, local clean air agency, or U.S. EPA is also acceptable to approximate current PM_{2.5}.

NIOSH. The National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention. NIOSH tests and approves respirators for use in the workplace.

NowCast. The method used by the U.S. Environmental Protection Agency (EPA), and the Washington state department of ecology to approximate the air quality for the most current hour available by using a calculation that involves multiple hours of past data. The NowCast uses longer averages during periods of stable air quality and shorter averages when air quality is changing rapidly, such as during a wildfire. The NowCast is generally updated every hour.

PM_{2.5}. Solid particles and liquid droplets suspended in air, known as particulate matter, with an aerodynamic diameter of 2.5 micrometers or smaller. Measured in micrograms per cubic meter (µg/m³).

Wildfire smoke. Emissions from fires in wildlands or in adjacent developed areas. Wildfire smoke contains a complex mixture of gasses and particulates. Fine particulates such as PM_{2.5} are the primary pollutant in wildfire smoke.

Wildlands. Sparsely populated geographical areas covered primarily by grass, brush, trees, crops, or combination thereof.

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NEW SECTION

WAC 296-62-08530 Identification of harmful exposures. The employer must determine employee exposure to PM_{2.5} for worksites covered by this section before each shift and periodically thereafter, as needed, by any of the following methods:

- (1) Check PM_{2.5} forecasts and the current PM_{2.5} from any of the following:
 - (a) Washington department of ecology website;
 - (b) Air Quality WA mobile app;
 - (c) Washington Smoke Information website;
 - (d) U.S. EPA AirNow website;
 - (e) U.S. EPA AirNow mobile app;
 - (f) U.S. Forest Service AirFire website;
 - (g) Local Clean Air Agency website; or
- (2) Obtain PM_{2.5} forecasts and the current PM_{2.5} directly from the department of ecology, local clean air agency, U.S. EPA, U.S. EPA EnviroFlash.info, or local clean air agency by telephone, email, text, or other effective method; or
- (3) Measure current PM_{2.5} levels at the work location in accordance with Appendix A of this part.

Note: Employers must check the current PM_{2.5} in a manner that they are able to comply with the requirements in WAC 296-62-085. The current PM_{2.5} is updated hourly.

If an index such as the AQI is relied upon, use the following table to find the equivalent PM_{2.5}.

PM _{2.5} in Micrograms per Cubic Meter (µg/m ³)	Air Quality Index for PM _{2.5} (AQI)
20.5 µg/m ³	69
35.5 µg/m ³	101
555 µg/m ³	Beyond the AQI

Note: The employer does not have to determine employee exposure as required by this subsection if the employer assumes the current PM_{2.5} is 35.5 µg/m³ (AQI 101) or more, and uses that assumption to comply with the requirements in WAC 296-62-08540 (1)(b), 296-62-08570(2), and 296-62-08580(2).

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NEW SECTION

WAC 296-62-08540 Hazard communication. For any worksite covered by this section, the employer must establish and implement a system for communicating wildfire smoke hazards in a form readily understandable by all affected employees, including provisions designed to encourage employees to inform the employer of wildfire smoke hazards at the worksite without fear of reprisal.

The system shall include effective procedures for:

- (1) Informing employees:
 - (a) When at least two consecutive current PM_{2.5} readings as identified in WAC 296-62-08530 are 20.5 µg/m³ (AQI 69) or more; and
 - (b) When the current PM_{2.5} as identified in WAC 296-62-08530 is 35.5 µg/m³ (AQI 101) or more; and

- (c) When the current PM_{2.5} as identified in WAC 296-62-08530 is 555 µg/m³ (beyond the AQI) or more; and
- (d) Protective measures available to employees to reduce their wildfire smoke exposures.
- (2) Enabling and encouraging employees to inform the employer of:
- (a) Worsening air quality; and
- (b) Availability issues of appropriate exposure control measures and respiratory protection required by this standard; and
- (c) Any adverse symptoms that may be the result of wildfire smoke exposure such as, but not limited to, asthma attacks, difficulty breathing, and chest pain.
- (3) A wildfire smoke response plan must be included in the written accident prevention program. The wildfire smoke response plan must be tailored to the workplace and include at least the following elements:
- (a) Information on the health effects of wildfire smoke;
- (b) Information on employee rights to obtain medical treatment without fear of reprisal;
- (c) How employees can obtain the current PM_{2.5};
- (d) The requirements of WAC 296-62-085 Wildfire smoke;
- (e) The employer's response plan for wildfire smoke including the employer's methods to protect employees from wildfire smoke;
- (f) The importance, limitations, and benefits of using a properly fitted respirator when exposed to wildfire smoke;
- (g) How to properly put on, use, and maintain the respirators provided by the employer.

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NEW SECTION

WAC 296-62-08550 Information and training. The employer must provide all workers with effective information and training regarding wildfire smoke before work that exposes the worker to a PM_{2.5} concentration of 20.5 µg/m³ (AQI 69) or more, and at least annually thereafter.

- (1) Information and training must be provided in a manner and language readily understood by the workers.
- (2) At a minimum, the training must include the information in Appendix B:
- (a) The health effects of wildfire smoke; and
- (b) The right to obtain medical treatment without fear of reprisal; and
- (c) How employees can obtain the current PM_{2.5}; and
- (d) The requirements of WAC 296-62-085 Wildfire smoke; and
- (e) The employer's response plan for wildfire smoke including methods to protect employees from wildfire smoke; and
- (f) The importance, benefits, and limitations of using a properly fitted respirator when exposed to wildfire smoke; and
- (g) How to properly put on, use, and maintain the respirators provided by the employer.
- (3) Supervisor training. Prior to supervising employees performing work that exposes the worker to PM_{2.5} levels that are 20.5 µg/m³

(AQI 69) or more, supervisors must have training on the information in Appendix B, and the following topics:

(a) The procedures the supervisor must follow to implement the applicable provisions of WAC 296-62-085 wildfire smoke; and

(b) The procedures the supervisor must follow if an employee exhibits adverse symptoms of wildfire smoke exposure, including appropriate emergency response procedures; and

(c) Procedures for moving or transporting employees to an emergency medical service provider, if necessary.

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NEW SECTION

WAC 296-62-08560 Exposure symptom response. (1) The employer must monitor employees displaying adverse symptoms of wildfire smoke exposure to determine whether medical attention is necessary.

(2) Employers must allow employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment, and may not retaliate against affected employees for seeking such treatment.

(3) Employers must also have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure.

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NEW SECTION

WAC 296-62-08570 Exposure controls. (1) Where the current PM_{2.5} is 20.5 µg/m³ (AQI 69) or more, the employer is encouraged to implement exposure controls.

(2) Where the current PM_{2.5} is 35.5 µg/m³ (AQI 101) or more, the employer must implement effective exposure controls whenever feasible.

(3) Such controls include, but are not limited to:

(a) Providing enclosed buildings, structures, or vehicles where the air is adequately filtered;

(b) Providing portable HEPA filters in enclosed areas;

(c) Relocating work to a location with a lower ambient air concentration of PM_{2.5};

(d) Changing work schedules to a time with a lower ambient air concentration of PM_{2.5};

(e) Reducing work intensity;

(f) Providing additional rest periods.

EXCEPTION: In emergencies, exposure controls in WAC 296-62-08570 are not required. Emergencies include rescue, evacuation, utilities, communications, and medical operations; when such operations are directly aiding firefighting; or emergency response; or actively protecting, restoring, or maintaining the safe and reliable operation of critical infrastructure at risk.

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NEW SECTION

WAC 296-62-08580 Respiratory protection. (1) Where the current $PM_{2.5}$ is $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more, the employer is encouraged to provide respirators at no cost to employees upon request. Employees may provide and wear their own respiratory protection as long as voluntary use of these protective devices and equipment does not introduce hazards to the work environment.

(2) Where the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more, the employer must provide respirators at no cost to all exposed employees, and must encourage employees to use respirators.

(a) Employers must provide respirators by either of the following methods:

(i) Distribute directly to each exposed employee; or

(ii) Maintain a sufficient supply for all exposed employees at each work location where exposure occurs. Such respirator supply availability and locations must be made known, and be readily accessible, to all exposed employees in a manner that does not restrict or hinder employee access to obtain and replace respirators when needed.

(b) Employers must use WAC 296-62-08590, Appendix B in lieu of the advisory information in Table 2 of WAC 296-842-11005 for training regarding voluntary use of respirators for wildfire smoke.

(3) Respirators must be NIOSH-approved devices that effectively protect the wearers from inhalation of $PM_{2.5}$, such as N95 filtering facepiece respirators.

(4) Respirators must be cleaned, stored, maintained, and replaced so that they are in good working order, and do not present a health hazard to users. Replace any respirator that is not functioning properly, and do not permit their use.

(5) Where the current $PM_{2.5}$ is $555 \mu\text{g}/\text{m}^3$ or more, employees must be enrolled in a complete respiratory protection program in accordance with chapter 296-842 WAC. The employer must provide and require to be worn one of the following respirators equipped with high efficiency particulate air filters:

(a) Loose-fitting powered air purifying respirator; or

(b) Full-facepiece air purifying respirator; or

(c) Full-facepiece powered air purifying respirator; or

(d) Other respirators that are at least as effective.

Notes:

- For voluntary use of filtering facepiece respirators, such as N95 respirators, some of the requirements of chapter 296-842 WAC, Safety Standards for Respirators, do not apply, such as fit testing and medical evaluations. If elastomeric respirators are used voluntarily, additional requirements from chapter 296-842 WAC, Respirators apply such as medical evaluations and establishing a respiratory protection program.
- For voluntary or required use of loose-fitting powered air purifying respirators, some of the requirements of chapter 296-842 WAC, Safety Standards for Respirators, do not apply, such as fit testing and requiring workers to be clean shaven.
- During emergency response, rescue, evacuation, and medical operations, required use of respirators must be implemented to the extent feasible.

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NEW SECTION

WAC 296-62-08585 Appendix A: Measuring $PM_{2.5}$ levels at the work-site (mandatory if an employer monitors with a direct reading instrument). (1) An employer may use a direct-reading particulate monitor to identify harmful exposures as required by WAC 296-62-08530, if the

employer can demonstrate that it has complied with this appendix and selected a monitor that:

- (a) Does not underestimate employee exposures to wildfire smoke;
or
- (b) May underestimate wildfire smoke exposures, but the employer has obtained information on the possible error of the monitor from the manufacturer or other published literature and has accounted for the error of the monitor when determining exposures to PM_{2.5} to ensure that employee exposure levels are not underestimated.

(2) The monitor's field R-squared (R²) value must be greater than 0.7 when measuring PM_{2.5} as defined by the South Coast Air Quality Management District's air quality sensor performance evaluation center (AQ-SPEC) www.aqmd.gov/aq-spec.

(3) The monitor must be designed and manufactured to measure the concentration of airborne particle sizes ranging from an aerodynamic diameter of 0.3 micrometers or less, up to and including 2.5 micrometers ($\leq 0.3 \mu\text{m}$ to $2.5 \mu\text{m}$). The employer may use a monitor that measures a particle size range beyond these limits, if the employer treats the results as the PM_{2.5} levels.

(4) The employer must ensure that the monitor it uses is calibrated, maintained, and used, including the use of necessary accessories, in accordance with the manufacturer's instructions for accurately measuring PM_{2.5} concentrations.

(5) The person supervising, directing, or evaluating workplace monitoring for PM_{2.5} must have the training or experience necessary to apply this section and to ensure the correct use of the monitor and the interpretation of the results, so that exposures are not underestimated.

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NEW SECTION

WAC 296-62-08590 Appendix B: Protection from wildfire smoke information to be provided to employees (mandatory). (1) The health effects of wildfire smoke.

Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is "particulate matter," the tiny particles suspended in the air.

Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death.

Sensitive groups. People who are at higher risk of experiencing adverse health effects as a result of exposure to wildfire smoke include those with preexisting health conditions; those with increased duration of exposure; and those whose work results in an increased breathing rate, including outdoor workers. Although everyone is impacted by wildfire smoke exposure, sensitive groups are among those most likely to experience health problems from exposure to wildfire smoke. Examples of sensitive groups include:

- People with lung diseases such as asthma or chronic obstructive pulmonary disease (COPD), including bronchitis and emphysema, and those who smoke;

- People with respiratory infections, such as pneumonia, acute bronchitis, bronchiolitis, colds, flu, or those with, or recovering from COVID-19;
- People with existing heart or circulatory problems, such as irregular heart beat, congestive heart failure, coronary artery disease, angina, and those who have had a heart attack or stroke;
- Children under 18 years old, and adults over age 65;
- People who are pregnant;
- People with diabetes;
- People with other medical or health conditions that can be exacerbated by exposure to wildfire smoke as determined by a physician;
- Outdoor workers.

The Washington state department of health classifies¹ outdoor workers as a sensitive group with increased risk, as well as:

- People with health conditions:
 - Lung diseases, such as asthma and COPD;
 - Heart diseases;
 - Respiratory diseases;
 - Diabetes.
- People 18 and younger, or older than 65;
- Pregnant people;
- People of color;
- Tribal and indigenous people;
- People with low income.

(2) The right to obtain medical treatment without fear of reprisal.

Employers must allow employees who show signs of injury or illness due to wildfire smoke exposure to seek medical treatment, and may not punish affected employees for seeking such treatment. Employers must also have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure.

(3) How employees can obtain the current PM_{2.5} in the air.

Various government agencies monitor the air at locations throughout Washington and report the current PM_{2.5} for those places. The Air Quality Index (AQI) uses the air quality data from these regulatory monitors.

Although the government monitoring stations may measure several pollutants, this chapter only uses PM_{2.5}. The easiest way to find the current and forecasted PM_{2.5} is to go to enviwa.ecology.wa.gov and find the nearest sensor on the map, or www.AirNow.gov and enter the zip code of the location where you will be working. The current PM_{2.5} is also available from the U.S. Forest Service at tools.airfire.org. Employees who do not have access to the internet can contact their employer for the current PM_{2.5}. The U.S. EPA website www.enviroflash.info can transmit daily and forecasted air quality by text or email for particular cities or zip codes.

If you choose to use an index such as the AQI, use the following table to find the equivalent AQI for PM_{2.5}.

PM _{2.5} in Micrograms per Cubic Meter (µg/m ³)	Air Quality Index for PM _{2.5} (AQI)
20.5 µg/m ³	69
35.5 µg/m ³	101
555 µg/m ³	Beyond the AQI

(4) The requirements of WAC 296-62-085, wildfire smoke rule.

If employees may be exposed to wildfire smoke, then the employer is required to do all of the following:

- (a) Check the current $PM_{2.5}$ before and periodically during each shift.
- (b) Provide training to employees.
- (c) Implement a two-way communication system.
- (d) Provide engineering and administrative controls when the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more if feasible.
- (e) Provide respirators and encourage their use when the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more.
- (f) Provide more protective respirators such as powered air purifying respirators, and require their use when the current $PM_{2.5}$ is $555 \mu\text{g}/\text{m}^3$ or more.

Employers must alert employees when at least two consecutive current $PM_{2.5}$ readings are $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more, when the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more, and when the current $PM_{2.5}$ is $555 \mu\text{g}/\text{m}^3$ or more, and what protective measures are available to employees.

Employers must encourage employees to inform their employers if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

The employer's communication system is: _____

The employer's methods to protect employees from wildfire smoke.

Employers must take action to protect employees from wildfire smoke when the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more. Examples of protective methods include:

- (a) Locating work in enclosed structures or vehicles where the air is filtered.
- (b) Changing procedures such as moving workers to a place with a lower $PM_{2.5}$.
- (c) Reducing work time in areas with unfiltered air.
- (d) Increasing rest time and frequency, and providing a rest area with filtered air.
- (e) Reducing the physical intensity of the work to help lower the breathing and heart rates.

The employer's control system at this worksite is: _____

(5) The importance, limitations, and benefits of using a properly fitted respirator when exposed to wildfire smoke.

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke, when they are properly selected and worn. Respirator use can be beneficial even when the $PM_{2.5}$ is less than $20.5 \mu\text{g}/\text{m}^3$, to provide additional protection.

When the current $PM_{2.5}$ is $20.5 \mu\text{g}/\text{m}^3$ (AQI 69) or more, your employer is encouraged to make proper respirators available to workers who may choose to use them voluntarily.

When the current $PM_{2.5}$ is $35.5 \mu\text{g}/\text{m}^3$ (AQI 101) or more, your employer must make proper respirators available to workers who may choose to use them voluntarily.

When the current PM_{2.5} is 555 µg/m³ or more (beyond the AQI), respirators that are more protective than N95s are required. Your employer must provide and require you to wear one of the following respirators equipped with high efficiency particulate air filters:

- (a) Loose-fitting powered air purifying respirator; or
- (b) Full-facepiece air purifying respirator; or
- (c) Full-facepiece powered air purifying respirator; or
- (d) Other respirators that are at least as effective.

These respirators are more protective than N95s. You will need to have a fit test, medical evaluation, and must be clean shaven to use these respirators, except for loose-fitting powered air purifying respirators (PAPR), which can be worn without a fit test, and can be used with facial hair.

A respirator needs to be used properly and kept clean.

The following precautions must be taken:

(a) Employers must select respirators certified for protection against the specific air contaminants at the workplace. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will list what the respirator is designed for (particulates, for example).

Surgical masks or items worn over the nose and mouth such as scarves, T-shirts, and bandannas will not provide protection against wildfire smoke. A NIOSH approved N95 filtering facepiece respirator, shown in the image below, is the minimum level of protection for wildfire smoke.

(b) Read and follow the manufacturer's instructions on the respirator's use, maintenance, cleaning and care, along with any warnings regarding the respirator's limitations. The manufacturer's instructions for medical evaluations, fit testing, and shaving should also be followed to ensure the best protection against wildfire smoke.

(c) Do not wear respirators in areas where the air contains contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect you against gases or vapors, and it will not supply oxygen.

(d) You should keep track of your respirator so you do not mistakenly use someone else's respirator.

(e) Particularly if you have a heart or lung problem, or if you have other medical problems and have questions about whether it is safe for you to wear a respirator, you should talk to your doctor.

(6) How to properly put on, use, and maintain the respirators provided by the employer.

To get the most protection from a respirator, there must be a tight seal around the face. A respirator will provide much less protection if facial hair interferes with the seal. Loose-fitting powered air purifying respirators may be worn by people with facial hair since they do not have seals that are affected by facial hair.

The proper way to put on a respirator depends on the type and model of the respirator.

For those who use an N95 or other filtering facepiece respirator that is made of filter material:

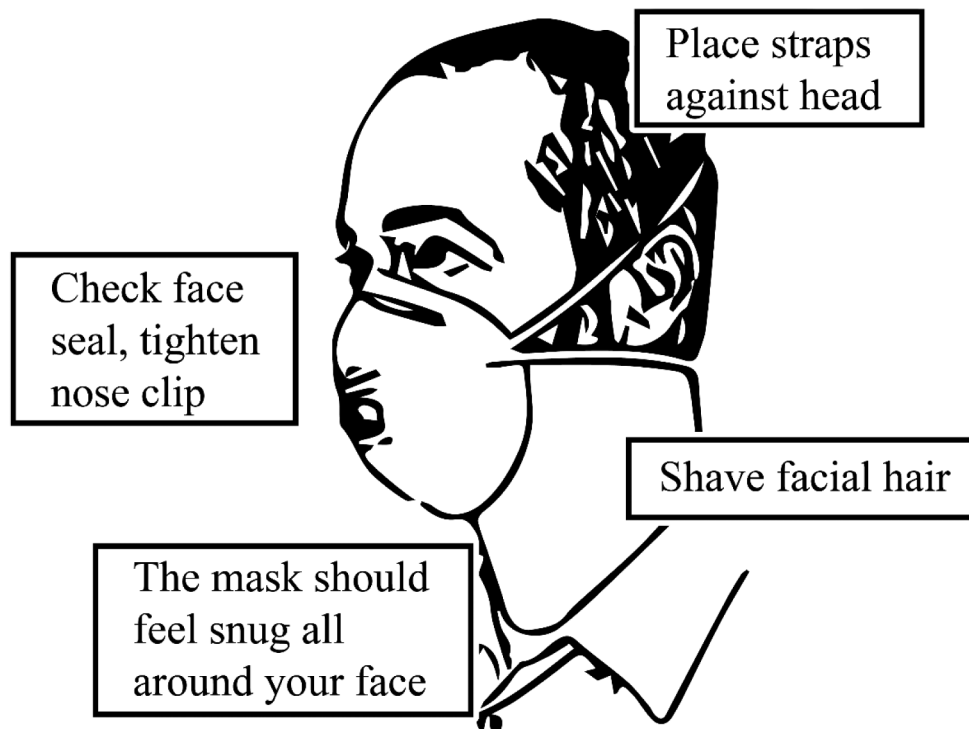
(a) Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.

(b) Pinch the metal part (if there is one) of the respirator over the top of the nose so it fits securely.

(c) Perform a seal check:

(i) Cover the respirator with both hands and exhale. If air leaks where the respirator seals against the face, adjust the respirator and nosepiece and try again. When a proper fit is achieved, the respirator should bulge from the face and not leak around the seal.

(ii) Cover the respirator with both hands and inhale. If air leaks where the respirator seals against the face, adjust the respirator and nosepiece and try again. When a proper fit is achieved, the respirator should collapse slightly and not leak around the seal.



For a respirator that relies on a tight seal to the face, check how well it seals to the face by following the manufacturer's instructions for user seal checks. Adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives.

Respirator filters should be replaced if they get damaged, deformed, dirty, or difficult to breathe through. Filtering facepiece respirators are disposable respirators that cannot be cleaned or disinfected. A best practice is to replace filtering facepiece respirators at the beginning of each shift.

If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, take off the respirator, and get medical help.

¹ https://doh.wa.gov/sites/default/files/legacy/Documents/4300/waqa%20infographic_English.pdf

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NEW SECTION

WAC 296-62-08595 Appendix C: Calculating the air quality index for PM_{2.5} (nonmandatory). The air quality index (AQI) for PM_{2.5} is calculated as follows:

$$IPM_{2.5} = \frac{I_{Hi} - I_{Lo}}{BP_{Hi} - BP_{Lo}} (C_p - BP_{Lo}) + I_{Lo}$$

Where:

- $IPM_{2.5}$ is the air quality index value for PM_{2.5}
- C_p is the concentration of PM_{2.5} in µg/m³ truncated to 1 decimal place
- BP_{Hi} is the concentration breakpoint that is greater than or equal to C_p
- BP_{Lo} is the concentration breakpoint that is less than or equal to C_p
- I_{Hi} is the AQI value corresponding to BP_{Hi}
- I_{Lo} is the AQI value corresponding to BP_{Lo}

PM _{2.5} Breakpoints ¹	AQI equivalent ¹	AQI category ¹	WA DOH Health Messaging ²
0.0-12.0	0-50	Good	It is a great day to be active outside and a good time to make a plan if worse air quality is in the forecast.
12.1-35.4	51-100	Moderate	Some people are especially sensitive to lower levels of particle pollution and should reduce exposure. For example, limit time outside and avoid strenuous outdoor activity. All sensitive groups should watch for symptoms.
35.5-55.4	101-150	Unhealthy for sensitive groups	Sensitive groups should take steps to reduce exposure. Limit time outside, avoid strenuous outdoor activity, and follow tips for cleaner indoor air. Everyone should watch for symptoms as a sign to reduce exposure.
55.5-150.4	151-200	Unhealthy	Everyone should reduce exposure. Limit time outside, avoid strenuous outdoor activity, and follow tips for cleaner indoor air.
150.5-250.4	201-300	Very unhealthy	Everyone should reduce exposure. Stay inside and filter indoor air to keep it cleaner. Go elsewhere for cleaner air, if needed.
250.5-350.4	301-400	Hazardous	Everyone should reduce exposure. Stay inside and filter indoor air to keep it cleaner. Go elsewhere for cleaner air, if needed.
350.5-500.4	401-500	Hazardous	Everyone should reduce exposure. Stay inside and filter indoor air to keep it cleaner. Go elsewhere for cleaner air, if needed.
> 500.4	Beyond the AQI	Hazardous (beyond the AQI)	

¹ U.S. EPA. September 2018. *Technical Assistance Document for the Reporting of Daily Air Quality – The Air Quality Index (AQI)*. EPA 454/B-18-007. Research Triangle Park, North Carolina.

² https://doh.wa.gov/sites/default/files/legacy/Documents/4300//waqa%20infographic_English.pdf

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