

# Electronic Alert

Volume 24, Issue 38

August 5, 2021

---

## Oregon OSHA Issues Temporary Rules for Wildfire Smoke

By Nicole Elgin & Amy Angel

Employers take note! Oregon OSHA issued temporary rules effective August 9, 2021, that apply when employees are exposed to wildfire smoke where the air quality index (AQI) is at or above 101. The rule requires employers to train employees and to implement exposure controls and a communication system.

### Training

By August 16, 2021, employers must provide training to employees who may be exposed to an AQI at or above 101. OSHA anticipates having sample training materials available by August 6, 2021. Training must include:

- Potential health effects of wildfire smoke, including increased risk of health effects to sensitive groups;
- Symptoms of exposure: burning sensations in the eyes; runny nose, sore throat, cough, and difficulty breathing; and fatigue, headache, and chest pain;
- How employees can view current and forecasted AQI level;
- How to operate and interpret the air quality monitoring device provided by the employer;
- The employer's methods to protect workers from wildfire smoke;
- Emergency response procedures;
- The employee's right to report health issues and obtain medical treatment without retaliation;
- Two-way communication system for wildfire smoke hazards; and
- The importance, limitations, and benefits of using filtering facepiece respirators when provided by the employer, and how to wear them properly.

### Communication System

The employer's communication system must notify employees when the ambient air concentration:

- is at or above AQI 101;
- is at or above AQI 201;
- is at or above AQI 500; and
- drops below levels requiring protective measures.

## Exposure Controls

Employers must implement the following exposure controls:

- Use engineering or administrative controls whenever possible to reduce employee exposure to less than AQI 201. OSHA notes that engineering controls include enclosed buildings or vehicles where the air can be adequately filtered and administrative controls include relocating work to another outdoor location with better air quality or changing work schedules.
- If employee exposure exceeds AQI 201, employees must wear NIOSH-approved filtering facepiece respirators.
- If employee exposure exceeds AQI 101, employers must provide the respirators at no cost and make them readily available to employees for voluntary use.
- KN95s previously approved under the FDA's emergency use authorization can be substituted for NIOSH-approved filtering facepiece respirators for exposures below AQI 499. For exposures at AQI 500 and above, employers must provide NIOSH-approved filtering facepiece respirators.

Some workplaces are exempt from the rule, including enclosed buildings where air is filtered by a mechanical ventilation system and enclosed vehicles where air is filtered by a cabin air filter.

*For questions on employer compliance with these new rules, contact Barran Liebman attorneys Amy Angel at [aangel@barran.com](mailto:aangel@barran.com) or Nicole Elgin at [nelgin@barran.com](mailto:nelgin@barran.com).*