

March 17, 2022

Oregon Occupational Safety and Health Division
350 Winter St NE, 3rd Floor
PO Box 14480
Salem, OR 97309-0405

Re: Rules to Address Employee and Labor Housing Occupant Exposure to High Ambient Temperatures *and* Rules to Address Employee Exposure to Wildfire Smoke

Submitted via email to OSHA.rulemaking@dcbs.oregon.gov.

To the Oregon Occupational Safety and Health Division,

The Natural Resources Defense Council (NRDC), which has nearly 20,000 supporters in Oregon, wholeheartedly supports the development of strong, enforceable occupational heat and smoke standards by Oregon OSHA. Oregon workers urgently need these standards to protect their right to a safe and healthy working environment. While the current draft rules have multiple strengths, Oregon OSHA must close key loopholes to ensure workers are fully protected from heat and smoke harms.

The number of extremely hot days in Oregon (maximum temperature above 100°F) are increasing and workers are among the first to suffer the impacts.¹ Heat-related health harms are entirely preventable, yet heat stress is a major occupational hazard in Oregon. From 2013 to 2018, at least 220 workers missed work for heat-related illnesses and injuries.² While detailed data on heat deaths in the state is not readily available to the public, we know that heatstroke deaths at work do occur.³

The number of days with “Unhealthy for Sensitive Groups or Worse” air quality and the concentrations of PM2.5 are additionally increasing in the state,⁴ and wildfire activity is projected to become more frequent and severe.⁵ This will leave workers increasingly exposed to

¹ Rebekah Frankson et al., “Oregon State Climate Summary 2022. NOAA Technical Report NESDIS 150-OR”, NOAA/NESDIS, 2022, <https://statesummaries.ncics.org/chapter/or/>.

² Data from U.S. Bureau of Labor Statistics, “IIF Databases,” <https://www.bls.gov/iif/data.htm> (accessed March 10, 2022). As noted in the Agency Background Document for this NOIRA, however, BLS estimates of heat-related illnesses, injuries, and deaths are extremely conservative.

³ Jamie Goldberg, “Oregon reports second workplace death from June heat wave”, OregonLive, Jul. 25, 2021, <https://www.oregonlive.com/business/2021/07/oregon-reports-second-workplace-death-from-june-heat-wave.html>.

⁴ Oregon Department of Environmental Quality, “Wildfire Smoke Trends and the Air Quality Index”, July 2021, <https://www.oregon.gov/deq/wildfires/Documents/WildfireSmokeTrendsReport.pdf>.

⁵ Rebekah Frankson (n 1)

unhealthy wildfire smoke. Although heat and smoke are already health and safety hazards for Oregon's workers, climate change is making it evermore urgent for Oregon OSHA to act.⁶

We need strong science- and health- based standards that put the safety and wellbeing of workers first. As Oregon OSHA continues to develop these rules, we urge you to close the current loopholes and incorporate the following essential elements to protect as many workers as possible.

- **Eliminate light work exemption.** The current draft rules exempt “light work” from key protections. Provisions such as water, shade, and preventative rest breaks should be available to all workers, not just those in high-heat or high-exertion industries and occupations.
- **Require detailed measures for determining work/rest cycles.** The proposed Heat Rules in Section 5(e)(A) would allow employers to adjust work and rest schedules according to worker-worn PPE, worker clothing, humidity and the intensity of work. The section does not indicate how employers should calculate the effects of these factors and does not include sun exposure. Section 5(e)(B) and Section 5(e)(C) provide clear detailed measures for determining work/rest cycles. Section 5(e)(A) should be removed as it is not sufficiently protective.
- **Require mechanical, indoor cooling for labor housing.** Nighttime cooling is necessary for agricultural workers to recover from the day's heat. It is critical for workers to have protections in labor housing provided by employers. This includes mechanical indoor cooling that is accessible to all housing occupants, and provides cooling to 78°F.

We recommend including the following changes to the wildfire smoke standard:

- **AQI triggers should be consistent with AQI risk categories.** Mask use greatly reduces the immediate and long-term effects of wildfire smoke exposure.⁷ Mask use should be mandatory from the “Very Unhealthy” level (AQI 201) and fit-tested masks should be required from the “Hazardous” (AQI 301) level.
- **Require written smoke illness prevention and medical emergency plans.** Written workplace safety programs are one of the most effective ways to improve safety and health in a workplace. A written smoke illness prevention plan would provide detailed guidelines on employee training and response procedures to emergencies (e.g., asthma attacks) that may arise.

NRDC appreciates Oregon OSHA's leadership on occupational heat and wildfire smoke exposure and for all the work your agency has done to date. We urge you to promulgate the heat and wildfire smoke standards as soon as possible to protect workers before the heat and

⁶ Juanita Constible et al., “On the Front Lines: Climate Change Threatens the Health of America's Workers,” NRDC, 2020, <https://www.nrdc.org/sites/default/files/front-lines-climate-change-threatens-workers-report.pdf>.

⁷ U.S. Environmental Protection Agency, “Protect Your Lungs from Wildfire Smoke or Ash”, https://www.epa.gov/sites/default/files/2018-11/documents/respiratory_protection-no-niosh-5081.pdf (accessed March 11, 2022).

wildfire season. We look forward to future engagement in this commonsense effort to protect Oregon workers.

Sincerely,

Teniopé Adewumi-Gunn, PhD
Climate Change & Worker Health Science Fellow
NRDC

Juanita Constible, MSc
Senior Climate & Health Advocate
NRDC