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## Oregon OSHA Adopts Rules for Extreme Heat & Wildfire Smoke

*By Natalie Pattison & Becky Zuschlag*

Just in time for summer, Oregon's Occupational Safety and Health Administration (Oregon OSHA) adopted permanent rules regarding employer obligations when workers may be exposed to high heat and wildfire smoke at work. The new rules largely track the temporary rules Oregon OSHA implemented last year regarding wildfire smoke and excessive heat in the workplace. On May 10, 2022, Oregon OSHA announced permanent versions of these rules. The extreme heat rule takes effect June 15, 2022, and the wildfire smoke rule takes effect July 1, 2022.

Here's what employers need to know:

### **Protection from Wildfire Smoke**

The wildfire smoke rule applies to employers whose employees are or will be exposed to wildfire smoke where the Air Quality Index ("AQI") exceeds 100. Certain workplaces are exempt, such as indoor workspaces with mechanical ventilation (or enclosed vehicles with a cabin air filter system) where doors, windows, or bays are kept closed other than to enter and exit. Employees working at home are exempt from most (but not all) provisions of the rule.

**Training & Information:** Employers covered by the rule must provide annual training and information to employees who may be exposed to wildfire smoke and an AQI at or above 101. The training must at least cover the symptoms of wildfire smoke exposure, potential health effects of exposure to wildfire smoke, how to use the two-way communication system, and the importance of using proper filtering facepiece respirators. Employers should maintain records for one year documenting the employees trained, the trainer's name, and date of the training.

Employers must also develop and implement a two-way communication system for supervisors and employees to communicate wildfire smoke hazards before exposure occurs.

**Exposure Assessment & Controls:** The rule provides various methods for employers to assess current and forecasted AQI values, and requires employers to monitor employee exposure to wildfire smoke at the start of each shift and as needed throughout the workday.

The rule requires employers to implement exposure controls to reduce employee exposure to less than AQI 101 (e.g., changing schedules or temporarily relocating workers to areas with better air quality when work permits). Employers must also provide NIOSH-approved filtering facepiece respirators at no cost to employees. When AQI is 101 or below, employees may voluntarily use the filtering facepiece respirators. However, If AQI reaches 251 and above, employers must ensure employees are using the NIOSH-approved filtering facepiece respirators. If the AQI reaches 500 or higher, employers must develop and implement a complete Respiratory Protection Program, including proper fit-testing.

### **Bottom Line for Employers:**

- Acquire NIOSH-approved filtering facepiece respirators;
- Develop, implement, and document annual trainings for employees;

- Develop a process for assessing and monitoring employee exposure at the beginning of each shift;
- Develop and implement a two-way communication system between supervisors and employees;
- Develop and implement a respiratory protection program in line with Respiratory Protection Standard if AQI exceeds 500.

### **Heat-Illness Prevention Rule**

The heat rule applies to any workplace where extreme heat caused by weather can expose workers to heat-related illnesses. This includes indoor and outdoor workspaces where the heat index is 80 degrees Fahrenheit or above. The rules do not apply to indoor spaces with mechanical ventilation that keeps the indoor heat index below 80 degrees.

Employers must train *all* employees on heat-related illness prevention annually. And don't forget employees working from home – employers must provide them with heat-illness prevention training too! Employers must maintain records of the training for one year, including the name of each employee who received the training, the name of the person who conducted the training, and the date of the training.

**When the heat index is 80 degrees Fahrenheit or above**, employers must provide cool drinking water that is immediately and readily available to exposed employees, as well as access to sufficient shade. If providing an area of shade is not feasible, an employer must implement cooling measures of equivalent protection. Employers must also implement a heat illness prevention plan, acclimatization plan, and an emergency medical plan that complies with the rule.

**When the heat index is 90 degrees Fahrenheit or above**, in addition to following the rules for 80 degree and above temperatures, employers must also:

- Ensure an effective means of communication exists between workers and supervisors;
- Designate one or more employees to call for emergency services, when and if necessary;
- Provide equipment for designated employees to call emergency services; and
- Implement a heat illness prevention break schedule to protect workers exposed to excessive heat.

### **Bottom line for employers:**

- Develop, implement, and document annual training for employees on heat illness prevention;
- Make a plan for acquiring sufficient amounts of cool or cold drinking water;
- Ensure sufficient shade, or an equally protective alternative, is available at worksites where employees may be exposed to excessive heat;
- Identify who is responsible for contacting emergency services at each worksite, and have equipment available for those individuals to make that call if necessary;
- Establish an effective means of communication between supervisors and employees; and
- Develop and be prepared to implement a heat illness prevention break schedule.

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Before heading off to fun summer plans, employers should ensure they are ready to comply with these rules and reach out to counsel with any questions.

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