

Integrating Frontline Worker Perspectives and Science- Advocating for Worker Protections from Heat and Smoke

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Oregon Climate Action Plan (EO 20-04)

- **March 2020:** Gov. Brown directed OR OSHA to protect workers against extreme heat and wildfire smoke due to climate change in Exec. Order 20-04.

“WHEREAS, climate change and ocean acidification caused by greenhouse gas (GHG) emissions are having significant detrimental effects on public health and on Oregon’s economic vitality, natural resources, and environment”

Timeline for Rulemaking



March 2021: Heat & Smoke worker protection group organized; OSHA began rulemaking and established a Rulemaking Advisory Committee

July – August 2021: OR OSHA adopts emergency rules for heat, smoke, agricultural labor housing

Sept. 2021: Federal OSHA & Biden Admin. announce initiative to protect workers from hazards of extreme heat

Feb. 1 - March 18: 2022 public comment period

May 2022: Final heat and smoke rules published; lawsuit filed in
June 2022 upon effective date




Step 1: Gathering the Data....



Public Health Impacts from Climate Change

- Some places in Oregon will experience **double the number of hot days** by the year 2040.
- People working on the frontlines--including in smoke and extreme heat--are at a disproportionate risk of illness and death.
- At the peak of the September 2020 wildfire events, one in 10 people checking into an ER or urgent care clinic reported asthma-like symptoms significantly above expected levels.

Source: Oregon Health Authority's 2020 Climate and Health in Oregon Report



Climate Change is Already Impacting Workers

- Recent US estimates approximate that 5-10 million workers are exposed to outdoor heat exposures beyond safe levels each year. (approx. double Oregon's state population).
- Construction workers also have 13 times higher heat-related fatality compared to workers in other industries.
- Agricultural workers, fishers, forestry workers account for 20% of heat-related deaths in the United States.
- There were at least 254 complaints submitted to OSHA after the Summer heat waves between June 24-28 2020.



Step 2: Speaking to the Healthcare and Scientific Community...

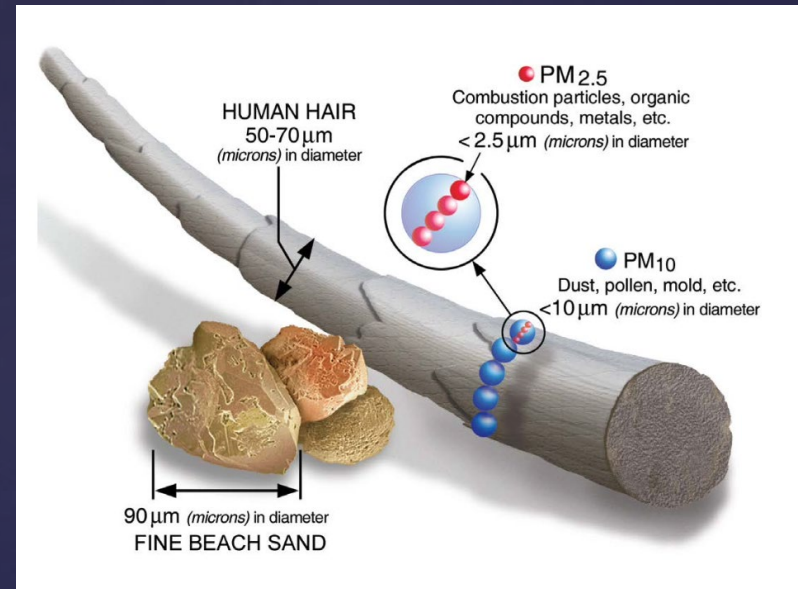
Health Impacts of Heat and Wildfire Smoke Exposure

Heat:

- Dehydration
- Fatigue
- Muscle cramps
- dizziness

Smoke:

- Coughing, wheezing, chest tightness
- Breathing difficulty
- Premature births
- Premature death and increased hospital visits





Step 3: Speaking with the Most Impacted Workers

- Multiple listening sessions public hearings, and public comment periods hosted by OR OSHA for workers; translator provided
- Organizing of their members by our partners PCUN, NWJP, Climate Jobs (Jobs with Justice)



Step 4: Working with OSHA

- RAC meetings for a year
- Countless meetings with OSHA
- Countless drafts and redlines of draft rules



**Now for the Final
Rules.....**

Heat Illness Prevention

OSHA rules effective: June 15, 2022:

- Applies whenever an employee performs work activities, whether indoor or outdoor , where the heat index (apparent temperature) equals or exceeds 80 degrees Fahrenheit.

Heat Illness Prevention

Full Exemptions:

- Less than 15 minutes in an hour.
- Heat generated by work process.
- Emergency operations.
- Buildings with systems that keep heat index below 80 degrees.

Heat Illness Prevention

Partial Exemptions:

- Employers with “Rest” or “light” work when heat index is less than 90 degrees.
- Support activities for wildland firefighters.
- Employees who work from home.

Heat Illness Prevention

Rule requirements:

- Shade when heat index is above 80
- Access to water.
- High heat practices – communication, identify exposure, designee for emergency services, measurement tools.

Heat Illness Prevention

Rest break schedule:

- When heat index is greater than 90.
- Employer developed schedule.
- NIOSH work rest schedule or simplified schedule that dictates frequency and interval.

Heat Illness Prevention

Rule requirements:

- Emergency medical plan.
- Acclimatization plan can be employer-developed or use NIOSH plan.

Heat Illness Prevention

Rule requirements:

- Written plan
- Supervisor and employee training
- Training documentation
- OSHA offers 5 of the 7 required training elements in online course:

<https://osha.oregon.gov/Pages/topics/heat-stress.aspx>

Labor Housing - Heat

Rule requirements:

- Cooling areas.
- Minimizing Heat in Housing Units.
- Temperature Awareness.
- Employee and Occupant Information.
- Access to Emergency Services.

Wildfire Smoke Protection

Rules effective July 1, 2022:

- Applies where employees are or will be exposed to wildfire smoke where the ambient air concentration for fine particulate matter (PM_{2.5}) is at or above 35.5 $\mu\text{g}/\text{m}^3$ (Air Quality Index value of 101 for PM_{2.5}).

Wildfire Smoke Protection

AQI value	Wildfire Smoke standards' key requirements for exposure level
101 - 250	<ol style="list-style-type: none">1. Assess and monitor air quality at each work location where employees are exposed2. Provide and document employee training3. Implement two-way communication system4. Implement engineering and administrative controls5. Provide NIOSH-approved filtering facepiece respirators for voluntary use
251 - 500	<ol style="list-style-type: none">1-4. For AQI 101 – 250 above; and7. Provide NIOSH-approved filtering facepiece respirators for mandatory use by implementing a Wildfire Smoke Respiratory Protection Program in accordance with Appendix A, in the Protection from Wildfire Smoke standards
501 and above	<ol style="list-style-type: none">1-4. For AQI 101 – 250 above; and7. Provide NIOSH-approved respirators for mandatory use by implementing a Respiratory Protection Program in accordance with 29 CFR 1910.134 or OAR 437-004-1041

Wildfire Smoke Protection

Oregon OSHA provides training on 5 of the 10 required elements in both English and Spanish:

<https://osha.oregon.gov/Pages/topics/wildfires.aspx>

Enforcement of Heat and Smoke Rules

Summer of 2022:

- 262 heat, 15 smoke complaints
- 59 open inspections as of Oct. 6, 2022
- 21 citations issued for heat rule violations
- Warehouses, restaurants and construction sites getting most of the complaints

Questions?

THANK YOU!