**§5141.1. Protection from Wildfire Smoke**

1. Scope . . .
2. Definitions

**(1)** Current Air Quality Index (Current AQI). The method used by the U.S. Environmental Protection Agency (U.S. EPA) to report air quality on a real-time basis. Current AQI is also referred to as the “NowCast,” and represents data collected over time periods of varying length in order to reflect present conditions as accurately as possible.

The current AQI is divided into six categories as shown in the table below, adapted from Table 2 of Title 40 Code of Federal Regulations, Part 58, Appendix G.

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| Air Quality Index (AQI) Category for PM2.5 | Levels of Health Concern |
| 0 to 50 | Good |
| 51 to 100 | Moderate |
| 101 to 150 | Unhealthy for Sensitive Groups |
| 151 to 200 | Unhealthy |
| 201 to 300 | Very Unhealthy |
| **~~301 to 500~~ 301 and above** | Hazardous |

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| *The change in the table above is necessary to ensure that section 5141.1 remains consistent with current law (Code of Federal Regulations [CFR] Title 40 Part 58) and methods used by the U.S. EPA to report air quality.* |

**(2)** 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.

**(3)** PM2.5. Solid particles and liquid droplets suspended in air, known as particulate matter, with an aerodynamic diameter of 2.5 micrometers or smaller.

**(4)** Wildfire Smoke. Emissions from fires in “wildlands,” as defined in Title 8, section 3402, or in adjacent developed areas.

1. Identification of harmful exposures . . .

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EXCEPTION: Subsection (c) does not apply if:

1. The employer assumes the current AQI for PM2.5 is greater than **300 (for agricultural employers) or 500 (for all other employers) ~~500~~** and complies with subsection (f) using that assumption; or

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| *The change in exception 1 to subsection (c) above will implement Labor Code section 6721 and 40 CFR Part 58.* |

1. Communication . . . .
2. Training and instruction . . . .
3. Control of harmful exposures to employees
4. Engineering Controls . . . .
5. Administrative Controls . . . .
6. Control by Respiratory Protective Equipment.
7. Where the current AQI for PM2.5 is equal to or greater than 151, but does not exceed **300 (for agricultural employers) or 500 (for all other employers) ~~500~~**, the employer shall provide a sufficient number of respirators to all employees for voluntary use in accordance with section 5144 and encourage employees to use respirators. Respirators shall be NIOSH-approved devices that effectively protect the wearers from inhalation of PM2.5, such as N95 filtering facepiece respirators. Respirators shall be cleaned or replaced as appropriate, stored, and maintained, so that they do not present a health hazard to users. Employers shall use Appendix B to this section in lieu of Appendix D to section 5144 for training regarding voluntary use of respirators.

NOTE: For those employees whose only use of respirators involves the voluntary use of filtering facepieces, such as N95 respirators, fit testing and medical evaluations are not required by section 5144.

(B) Where the current AQI for PM2.5 exceeds **300 (for agricultural employers) or 500 (for all other employers) ~~500~~**, respirator use is required. Respirators shall be used in accordance with section 5144**, except that a written respiratory protection program (5144(c)) and fit testing (5144(f)) are not required unless the AQI for PM2.5 exceeds 500**. The employer shall provide respirators with an assigned protection factor, as listed in section 5144, such that the PM2.5 levels inside the respirator correspond to an AQI less than 151.

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| *The changes in subsections (f)(3)(A) and (B) above will implement Labor Code section 6721 and 40 CFR Part 58. However, a written respiratory protection program and fit testing are the only section 5144 requirements that will be excluded when the AQI for PM2.5 does not exceed 500. Medical evaluations will be required because medical experts have advised that not conducting medical evaluations of a person’s ability to use a respirator could be extremely harmful to certain employees.* |

1. Emergencies . . . .

**Appendix A to Section 5141.1. Protection from Wildfire Smoke Measuring PM2.5 Levels at the Worksite (Mandatory If an Employer Monitors with a Direct Reading Instrument)**

1. . . . .
2. . . . .
3. . . . .
4. The employer shall use the following table to convert the PM2.5 concentration to the AQI for PM2.5.

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| PM2.5 in Micrograms per Cubic Meter (μg/m3) | Air Quality Index (AQI) Categories for PM2.5 |
| 0 to **~~12.0~~ 9.0** | 0 to 50 |
| **~~12.1~~ 9.1** to 35.4 | 51 to 100 |
| 35.5 to 55.4 | 101 to 150 |
| 55.5 to **~~150.4~~ 125.4** | 151 to 200 |
| **~~150.5 to 250.4~~ 125.5 to 225.4** | 201 to 300 |
| **~~250.5 to 500.4~~ 225.5 and greater** | **~~301 to 500~~ 301 and above** |

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| *The change in the table above is necessary to ensure that section 5141.1 remains consistent with current law (40 CFR Part 58) and methods used by the U.S. EPA to report air quality.* |

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