

§5141.1. Protection from Wildfire Smoke.

(a) Scope.

- (1) This section applies to workplaces where:
 - (A) The current Air Quality Index (current AQI) for PM_{2.5} is greater than 150, regardless of the AQI for other pollutants; and
 - (B) The employer should reasonably anticipate that employees may be exposed to wildfire smoke.
- (2) The following workplaces and operations are exempt from this section:
 - (A) Enclosed buildings or structures in which the air is filtered by a mechanical ventilation system and the employer ensures that windows, doors, bays, or other openings are kept closed to minimize contamination by outdoor or unfiltered air.
 - (B) Enclosed vehicles in which the air is filtered by a cabin air filter and the employer ensures that windows, doors, or other openings are kept closed to minimize contamination by outdoor or unfiltered air.
 - (C) The employer demonstrates that the concentration of PM_{2.5} in the air does not exceed a concentration that corresponds to a current AQI of 150 by measuring PM_{2.5} levels at the worksite in accordance with Appendix A.
 - (D) Employees exposed to a current AQI for PM_{2.5} exceeding 150 for a total of one hour or less during a shift.
 - (E) Firefighters engaged in wildland firefighting.
- (3) For workplaces covered by this section, an employer that is in compliance with this section will be considered compliant with sections 5141 and 5155 for the limited purpose of PM_{2.5} from wildfire smoke corresponding to a current AQI above 150.

(b) Definitions.

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 “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 40 CFR Appendix G to Part 58.

Air Quality Index (AQI) Categories for PM_{2.5}	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	Hazardous

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.

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

Wildfire Smoke. Emissions from fires in “wildlands,” as defined in title 8, section 3402, or in adjacent developed areas.

(c) Identification of harmful exposures. The employer shall determine employee exposure to PM2.5 before each shift and periodically thereafter, as needed, by any of the following methods:

- (1) Check AQI forecasts and the current AQI for PM2.5 from any of the following: U.S. EPA AirNow website, U.S. Forest Service Wildland Air Quality Response Program website, California Air Resources Board website, local air pollution control district website, or local air quality management district website. The employer shall use the monitoring station that is closest to the worksite.
- (2) Measure PM2.5 levels at the worksite and convert the PM2.5 levels to the corresponding AQI in accordance with Appendix A.
- (3) Obtain the current AQI for PM2.5 directly from the U.S. EPA, California Air Resources Board, local air pollution control district, or local air quality management district by telephone, email, text, or other effective method.

EXCEPTION: Subsection (c) does not apply where an employer assumes the current AQI for PM 2.5 is greater than 500 and uses that assumption to comply with subsection (f)(4)(B).

(d) Communication. As required by section 3203, the employer shall establish and implement a system for communicating wildfire smoke hazards in a form readily understandable by all affected employees, including provisions designed to encourage employees to inform the employer of wildfire smoke hazards at the worksite without fear of reprisal. The system shall include effective procedures for:

- (1) Informing employees of:
 - (A) The current AQI for PM2.5 as identified in subsection (c); and
 - (B) Protective measures available to employees to reduce their wildfire smoke exposures.
- (2) Encouraging employees to inform the employer of:
 - (A) Worsening of air quality; and
 - (B) Any adverse symptoms that may be the result of wildfire smoke exposure such as asthma attacks, difficulty breathing, and chest pain.

(e) Training and Instruction. The employer shall provide employees with effective training and instruction on the information contained in Appendix B.

(f) Control of harmful exposures to employees.

- (1) In emergencies, including rescue and evacuation, subsections (f)(2) and (f)(3) do not apply, and employers shall comply with subsection (f)(4). Emergencies include utilities, communications, and medical operations, when such operations are directly aiding firefighting or emergency response.

- (2) Engineering Controls. The employer shall reduce employee exposure to PM2.5 to less than a current AQI of 151 by engineering controls whenever feasible, for instance by providing enclosed buildings, structures, or vehicles where the air is filtered. If engineering controls are not sufficient to reduce exposure to PM2.5 to below a current AQI of 151, then the employer shall reduce employee exposures as much as feasible.
- (3) Administrative Controls. Whenever engineering controls are not feasible or do not reduce employee exposures to a PM2.5 level to a current AQI of 150 or less, the employer shall implement administrative controls, if practicable, such as relocating work to a location where the current AQI for PM 2.5 is lower, changing work schedules, reducing work intensity, or providing additional rest periods.
- (4) Control by Respiratory Protective Equipment.
- (A) Where the current AQI for PM2.5 exceeds 150 and is less than 501, the employer shall provide 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, stored, maintained, and replaced 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 voluntary use of filtering facepieces, such as N95 respirators, section 5144 does not require fit testing or medical evaluations.
- (B) Where the current AQI for PM2.5 is 501 or greater, respirator use is required in accordance with section 5144. The employer shall provide respirators with an assigned protection factor, as listed in section 5144, such that PM2.5 levels inside a respirator are at a level corresponding to a current AQI of 150 or less.

**Appendix A to Section 5141.1 Protection from Wildfire Smoke
Measuring PM2.5 Levels at the Worksite (Mandatory)**

(a) An employer may use a direct-reading particulate monitor to determine PM2.5 levels for section 5141.1, if the employer can demonstrate that it has complied with this appendix and selected a monitor that:

(1) does not underestimate employee exposures to wildfire smoke; or

(2) may underestimate wildfire smoke exposures, but the employer has obtained information on the possible error of the monitor from the manufacturer or other published literature and has accounted for the error of the monitor when determining exposures to PM2.5 to ensure that employee exposure levels are not underestimated.

(b) The monitor shall be designed and manufactured to measure the concentration of airborne particle sizes ranging from an aerodynamic diameter of 0.1 micrometers up to and including 2.5 micrometers. The employer may use a monitor that measures a particle size range beyond these limits, if the employer treats the results as the PM2.5 levels.

(c) The employer shall ensure that the monitor it uses is calibrated, maintained, and used, including the use of necessary accessories, in accordance with the manufacturer's instructions for accurately measuring PM2.5 concentrations.

(d) The employer shall use the following table to convert the PM2.5 concentration to the AQI for PM2.5

Air Quality Index (AQI) Categories for PM2.5	PM2.5 in micrograms per cubic meter ($\mu\text{g}/\text{m}^3$)
0 to 50	0 to 12.0
51 to 100	12.1 to 35.4
101 to 150	35.5 to 55.4
151 to 200	55.5 to 150.4
201 to 300	150.5 to 250.4
301 to 500	250.5 to 500.4

(e) The person supervising, directing, or evaluating workplace monitoring for PM2.5 shall have the training or experience necessary to apply this section, use the monitor correctly, and correctly interpret the monitoring results.

**Appendix B to Section 5141.1 Protection from Wildfire Smoke
Information to Be Provided to Employees (Mandatory)**

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- (1) The health effects of wildfire smoke.
 - (2) The right to obtain medical treatment without fear of reprisal.
 - (3) How employees can obtain the current AQI for PM2.5.
 - (4) The requirements in Cal/OSHA’s regulation about wildfire smoke.
 - (5) The employer’s communication system.
 - (6) The employer’s methods to protect employees from wildfire smoke.
 - (7) The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke.
 - (8) How to properly put on, use, and maintain the respirators provided by the employer.
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- (1) The health effects of wildfire smoke.

Although there are many hazardous chemicals in wildfire smoke, the main harmful pollutant for people who are not very close to the fire is “particulate matter,” the tiny particles suspended in the air. Particulate matter can irritate the lungs and cause persistent coughing, phlegm, wheezing, or difficulty breathing. Particulate matter can also cause more serious problems, such as reduced lung function, bronchitis, worsening of asthma, heart failure, and early death.

People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects.

The smallest—and usually the most harmful—particulate matter is called PM2.5 because it has a diameter of 2.5 micrometers or smaller.

- (2) The right to obtain medical treatment without fear of reprisal.

Employers must have effective provisions made in advance for prompt medical treatment of employees in the event of serious injury or illness caused by wildfire smoke exposure.

- (3) How to obtain the current Air Quality Index for PM 2.5.

Various government agencies monitor the air at locations throughout California and report the current air quality index (AQI) for those places. The AQI is a measurement of how polluted the air is. An AQI over 100 is unhealthy for sensitive people and an AQI over 150 is unhealthy for everyone.

Although there are AQIs for several pollutants, Cal/OSHA’s regulation about wildfire smoke only uses the AQI for PM2.5.

The easiest way to find the current and forecasted AQI for PM2.5 is to go to www.AirNow.gov and enter the zip code of the place where you will be working. The current AQI is also available from the

U.S. Forest Service at <https://tools.airfire.org/> or a local air district, which can be located at www.arb.ca.gov/capcoa/dismap.htm. Employees who do not have access to the internet can contact their employer for the current AQI. The EPA website www.enviroflash.info can transmit daily and forecasted AQIs by text or email for particular cities or zip codes.

(4) The requirements in Cal/OSHA’s regulation about wildfire smoke.

If employees may be exposed to wildfire smoke, and the current AQI for PM2.5 at the worksite is 150 or more, Cal/OSHA requires employers to take several actions:

1. Find out what the current AQI is at the location.
2. Provide training to employees.
3. Lower employee exposures.
4. Provide respirators and encourage their use.

(5) The employer’s communication system.

Employers must establish a two-way communication system to alert employees when the air quality is harmful and what protective measures are available to employees.

Employers must also have a system that encourages employees to inform their employers if they notice the air quality is getting worse, or if they are suffering from any symptoms due to the air quality, without fear of reprisal.

The employer’s communication system is: _____

(6) The employer’s methods to protect employees from wildfire smoke.

Each employer must take action to protect employees from PM2.5 in wildfire smoke. Examples of protective methods include locating work in enclosed structures or vehicles where the air is filtered; changes in procedures such as moving workers to a place with a lower AQI, reducing work time in areas with unfiltered air, increasing rest time and frequency, providing a rest area with filtered air, and reducing the physical intensity of the work to help lower the breathing rate and heart rate.

The employer’s control system at this worksite is: _____

(7) The importance, limitations, and benefits of using a respirator when exposed to wildfire smoke.

When the current AQI for PM2.5 is over 150, employers must provide their workers with proper respirators for voluntary use. If the AQI is over 500, respirator use is mandatory.

Respirators can be an effective way to protect employee health by reducing exposure to wildfire smoke when they are properly selected and worn. Respirator use can be beneficial even when the AQI for PM2.5 is less than 150, to provide additional comfort and protection.

A respirator should be used properly and kept clean.

The following precautions must be taken:

1. Choose respirators certified for use to protect against the contaminant of concern. NIOSH, the National Institute for Occupational Safety and Health of the U.S. Centers for Disease Control and Prevention, certifies respirators. A label or statement of certification should appear on the respirator or respirator packaging. It will list what the respirator is designed for (particulates, for example). Surgical masks or items worn over the nose and mouth such as scarves, T-shirts, and bandannas will not provide protection against smoke. An N95 filtering facepiece respirator, shown in the image below, is the minimum level of protection for wildfire smoke.
2. Read and follow all instructions provided by the manufacturer on use, maintenance, cleaning and care, and warnings regarding the respirators limitations.
3. Do not wear a respirator into atmospheres containing contaminants for which the respirator is not designed. A respirator designed to filter particles will not protect employees against gases or vapors, and it will not supply oxygen.
4. Employees should keep track of their respirator so that they do not mistakenly use someone else's respirator.
5. Employees who have a heart or lung problem should ask their doctor before using a respirator.

(8) How to properly put on, use, and maintain the respirators provided by the employer.

To get the most protection from a respirator, there must be a tight seal around the face. A respirator will provide much less protection if facial hair interferes with the seal. Loose-fitting powered air purifying respirators may be worn by people with facial hair since they do not have seals that are affected by facial hair.

The proper way to put on a respirator can depend on the type and model of the respirator.

For those who use an N95 or other “filtering facepiece respirator,” a mask that is made of filter material:

1. Place the mask over the nose and under the chin, with one strap placed below the ears and one strap above.
2. Pinch the metal part (if there is one) of the respirator over the top of the nose so it fits securely.



Regardless of the type of respirator, check how well it seals to the face by following the manufacturer's instructions for user seal checks. Adjust the respirator if air leaks between the seal and the face. The more air leaks under the seal, the less protection the user receives.

Replace the respirator filter if it gets damaged, soiled, or difficult to breathe through.

If you have symptoms such as difficulty breathing, dizziness, or nausea, go to an area with cleaner air, take off the respirator, and get medical help.