

**AMENDMENT: FINDING OF EMERGENCY
GOVERNMENT CODE SECTION 11346.1
OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD
PROPOSED EMERGENCY STANDARD,
TITLE 8, CALIFORNIA CODE OF REGULATIONS
GENERAL INDUSTRY SAFETY ORDERS
CHAPTER 4, SUBCHAPTER 7, NEW SECTION 5141.1**

1. Emergency rulemaking is required in this matter to address the immediate potential threat to employees from wildfire smoke exposure. The nature of the threat has been characterized by the occupational health and medical community as both acute and chronic adverse health effects which could manifest as permanent incapacitation or death. Regular rulemaking, which requires a fiscal analysis and approval from the Department of Finance, cannot be completed in time to address the risks to workers presented by the current fire season.
2. 5141.1(b) – Table which lists hazardous AQI as 301-500 was sourced from the U.S. EPA Air Now website. “Values above 500 are considered Beyond the AQI.” *Source: United States Environment Protection Agency (U.S. EPA); Website AirNow.gov: Air Quality Index (AQI) Basics.* <https://www.airnow.gov/index.cfm?action=aqibasics.aqi>
3. 5141.1(b) - The National Institute for Occupational Safety and Health (NIOSH) is a division of the federal Centers for Disease Control and Prevention (CDC) and is the recognized national expert on workplace safety and health research. NIOSH is the world’s preeminent occupational safety and health research organization who through the scientific method, develops the data that is often used to established occupational safety and health standards by the Federal Occupational Safety and Health Administration and other public entities charged with this responsibility.
4. 5141.1(c)(1) and (2) – Encourages compliance by listing reputable resources for employers to easily find AQI forecasts for current AQI for PM2.5, while allowing employers to also identify other effective methods that may be more suitable for their work environment.
5. 5141.1(d)(1) and (2) – Identifies minimum items to be communicated to employees for compliance with the communication requirement of 5141.1, and guidelines for when employees should report to employers conditions that may indicate 5141.1 triggering events exist.
6. 5141.1, Appendix A – The table in Appendix A was established using formulas outlined in Title 40, part 58, appendix G of the Code of Federal Regulations, for converting PM2.5 readings for AQI.
7. 5141.1(f)(4)(A) - The NOTE: for subsection (f)(4)(A) provides clarity that only some of the requirements in section 5144 apply for voluntary respirator use, while others such as fit testing and medical evaluations are not required for voluntary use. Subsections 5144(c)(2)(A) and 5144(c)(2)(B) explain clearly which requirements of section 5144 apply and which do not apply for voluntary use of respirators. We did not want to repeat that explanation in 5141.1. The note is somewhat similar to the language currently in section 5144(c) “...*In addition, certain program elements may be required for voluntary use to prevent potential hazards associated with the use of the respirator.*”^{*}
^{*}underline added for emphasis.