



April 26, 2019

Eric Berg, Deputy Chief of Research and Standards
Amalia Neidhardt, Senior Safety Engineer
Division of Occupational Safety and Health
Department of Industrial Relations

Dear Division of Occupational Safety and Health,

Thank you for the opportunity to submit comments on the draft Wildfire Smoke Exposure Standard. The Central Coast Alliance United for a Sustainable Economy (CAUSE) is a nonprofit community organization working in Ventura and Santa Barbara Counties to advance social, economic, and environmental justice. We alongside our local partners distributed over 15,000 N95 respirator masks primarily to farmworkers during the Thomas Fire in December of 2017 and worked to educate the public about the dangers of exposure to wildfire smoke among agricultural workers. We write to offer our firsthand experience with the needs, challenges, and opportunities in protecting outdoor workers from wildfire smoke exposure.

We applaud the attention to issues including the need for adequate worker training on the importance of safety precautions and effective use of safety equipment, as well as the need to monitor constantly changing wind conditions and air quality throughout the day. We recommend the addition of the following changes:

- 1) We believe the threshold of 151 on the Air Quality Index is too low. This is intended as Unhealthy for the general public, while 101 is considered Unhealthy for Sensitive Groups. Many agricultural workers have preexisting respiratory conditions due to their exposure to pesticides and dust at work. Furthermore, advisories for the general public to take safety precautions while walking to the store are significantly different from workers performing strenuous manual labor outdoors, often up to ten hours per day. Outdoor workers are a group that is uniquely sensitive to air quality and the threshold for their protection should reflect that at 101 on the AQI Index. Due to the constant fluctuation of air quality throughout the day during wildfires, employers should be advised to take safety precautions if they expect AQI may rise above 101 *at any point* during the day in subsection (f)(3)(A). Many outdoor workplaces such as agricultural fields and construction sites do not have owners physically present or nearby. Employers should provide necessary safety measures at the beginning of the work period, even if conditions are clear, if they can reasonably expect they may worsen later.
- 2) Stores often run out of N95 masks during wildfire emergencies and employers may have difficulty purchasing them quickly. The Division should consider a requirement that outdoor employers in California such as farms proactively maintain a stockpile of this safety equipment in case of a fire in their area.

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- 5) Agriculture companies often initiate a surge in work in the immediate outbreak of a fire due to concerns that crops could be damaged by ash and smoke, while air quality conditions are most dangerous. While we do not support requiring employees to take uncompensated time off work, we believe that workers should have the right to refuse work if they choose without retaliation during a state of emergency or when the AQI is above 101.
- 6) In section (d), where employers must communicate in a form readily understandable by all employees, it should be emphasized that many agricultural workers primarily speak indigenous languages from Southern Mexico, and many have limited literacy. Training should be available in an employee's primary language and should not be limited to providing written materials. The Division should consider directing the creation of specialized training materials for workforces that face barriers to safety training.
- 7) In subsection (e)(1), training should include both the *acute and chronic* health effects of wildfire smoke. Without this knowledge, many workers may choose not to wear protective gear if they are not experiencing short-term effects such as difficulty breathing, exposing themselves to long-term health effects such as cancer risk.
- 8) In section (e)(7), training should include the difference between N95 respirator masks and other facial protection. Farmworkers often wear bandanas due to their regular exposure to dust and pesticides and may believe this also protects them from fine particulate matter without explicit training otherwise.
- 9) In subsection (e)(8), training should include the need to regularly change masks at least daily, and employers should be required in subsection (f)(3)(A) to provide new masks at least daily. Particularly with highly strenuous physical labor, masks become sweaty and uncomfortable and workers often remove them as a result. They must be replaced regularly to provide effective protection.
- 10) Worker protection agencies are often poorly equipped to respond quickly during emergency scenarios and may even close their offices during a regional wildfire. Agencies like Cal/OSHA may need to develop implementation protocols for wildfire smoke protection rules that are more flexible or quick to respond during a disaster. This could involve a dedicated phone line for more informal rapid reporting or a field team that can be deployed to a particular area during a state of emergency.

Thank you for your consideration and the opportunity for impacted communities to comment.

With appreciation,



Maricela Morales, M.A.

Executive Director

Central Coast Alliance United for a Sustainable Economy (CAUSE)