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Electronic Submission  
Eric Berg  
Deputy Chief of Health  
[eberg@dir.ca.gov](mailto:eberg@dir.ca.gov)

**RE: Comment on Cal/OSHA's Draft Regulatory Text: Protect from Wildfire Smoke**

Dear Deputy Chief Berg:

On behalf of the Mendocino County Office of Education, we submit the following comments on the California Occupational Safety and Health Administration's (Cal/OSHA) *Draft Regulatory Text on §51414.1 Protection from Wildfire Smoke*. While we appreciate the effort to ensure employee health and safety during wildfire events, we strongly urge you to consider the possible unintended impacts of these regulations on public school students.

The California Constitution identifies schools as community emergency centers during natural or manmade disasters. Yet despite the fact that schools are, in most cases, the safest place for children during a hazardous smoke event, some of the requirements of the draft regulations may require schools to close in an untimely manner. The following is a summary of specific concerns with the proposed regulations as currently drafted:

**Respiratory Protective Equipment**

K-12 schools have been advised by public health officers and air quality experts that N95 respirators are not recommended for children because the masks are not designed for children, can give a false sense of security, and in some cases cause deeper inhalation of bad air. Adults are advised to receive a health assessment prior to respirator use and to be properly fit-tested in order to be effective. If AQI exceeds 150 and masks are handed out to adult employees, what is the expectation for protecting children?

**MERV 13 Filters**

The requirement to upgrade from MERV 11 to MERV 13 HVAC filters is a challenge for schools because existing HVAC systems do not have the capacity for MERV 13 filters, and upgrading the HVAC systems could have a significant impact on school districts budgets. If this requirement is included in the final version of the regulations, we recommend that the requirement to be phased in over multiple years, with state funding allocated for that purpose, to allow employers to be in full compliance.

### Indoor Air Monitoring

The proposed regulations include an exemption for employers who demonstrate that the concentration of indoor PM2.5 does not exceed an AIQ of 150, but the school community is not aware of an accurate instrument for monitoring air quality in this manner. If this tool exists the regulations should identify it, and specify its placement, and any calibration or maintenance requirements. Schools frequently consist of multiple buildings with independent ventilation systems. How will this situation be addressed?

### Outdoor Air Monitoring

We understand that not all regions of California are covered equally by monitors that measure PM2.5 – how will this issue be addressed in the proposed regulations? Locally we have observed dramatically different air quality from one micro-climate zone to the next. Air quality can also be very dynamic during the course of the day. Would the regulations require that school be closed while in-session and students released? That could expose students to worse air quality by forcing them to make their way home in mid-day.

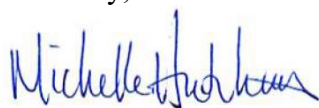
### Training Requirement

Is there a specified timeframe or schedule in which training must take place? Will it be required on an ongoing basis? Schools would benefit from more guidance in this area.

Summary: The draft regulations are a commendable effort to ensure employee health and safety during wildfire events. However, enacting them immediately in their current form, the proposed *Draft Regulatory Text on §51414.1 Protection from Wildfire Smoke*, pose significant challenges for schools, given the current state of the art of air quality measurement and the costs of upgrading facilities to meet the requirements. This could have the unintended consequence of closing school for long periods of time, leaving vulnerable student populations without access to cleaner air, adult supervision, free/reduced lunch, and more.

I urge you to consider phasing these regulations in over several years, with a more inclusive stakeholder process and adequate time for comments and developing workable options for the variety of schools and air basins in the state. Also given the serious financial challenges schools face, a phased in approach for facilities upgrades should be allowed, and funded by the state, so that schools can be in compliance while still serving their students.

Sincerely,



Michelle Hutchins,  
Mendocino County Superintendent of Schools

cc: Dr. Steven D. Herrington, Sonoma County Office of Education