Mixteco/Indígena Community Organizing Project
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Eric Berg, Deputy Chief of Research and Standards
Amalia Neidhardt, Senior Safety Engineer
Division of Occupational Safety and Health
Department of Industrial Relations

Via email

Dear Eric and Amalia,

On behalf of Mixteco/Indigena Community Organizing Project, I write to provide the following comments to create a strong emergency standard to help protect outdoor workers from exposure to wildfire smoke.

MICOP is a non-profit organization with the mission to aid, organize, and empower the indigenous community immigrant in Ventura County, Ventura county is a home of almost 36,000 farm workers which approximately 17,000 are indigenous farm workers, when the Thomas wildfire and Woolsey happened in 2017 and 2018 most of the our indigenous workers were affected with respiratory issues, headache and others, many of this workers decided to continue working and putting in risk their health because they do not know about their rights or the lack of language access, since a lot of our indegenous farm workers only speak their native laguage that is Mixteco or other Mexican indigenous languages.

We also support the Division's usage of the Air Quality Index (AQI) for PM2.5 as the measurement to trigger this standard's applicability. We feel strongly that the AQI is the best measurement to use as the basis for application of this standard. We also appreciate the language requiring employers to check AQI before worker shifts and periodically since AQI can quickly rise above the threshold at any point during the day. It will be important for employers to understand their obligation in reviewing the AQI not only before workers start a shift but also throughout the day. Generally, the sections outlined in the standard set an important framework for a standard to include at minimum a requirement that employers identify harmful exposures, develop a communication plan, provide training, and control harmful exposures to employees.

We understand a great amount of work has gone into the analysis and drafting of this discussion draft. However, a main concern is the scope. We feel strongly that the threshold should be **AQI for PM2.5 of 101 or greater.**

A trigger at this level, rather than the higher AQI of 150, is needed because the AQI is based on protecting the general public who spend little time outdoors, not workers who are performing strenuous outdoor work for 8 or more hours a day, and therefore have greater exposures. In addition, some workers are sensitive to wildfire smoke because they have asthma or other health conditions.

By changing the threshold to an AQI for PM2.5 of 101 or greater, other sections within the discussion draft will be greatly enhanced and better protect workers from the hazards related to exposure to wildfire smoke. This is particularly important when the AQI exceeds 101, workers must be trained by their employer on how to properly wear respirators. Training must be in a language and literacy level workers understand and can access. Training must also inform workers that it is their employer's responsibility to pay for respirators and replace when they become soiled, clogged or at the end of the 8-hour work shift, whichever comes first.

While changing the threshold to AQI for PM2.5 of 101 or greater is a main concern, we also support the other concerns outlined in the letter submitted by Work safe, California Rural Legal Assistance Foundation, State Building and Construction Trades Council and the California Labor Federations in response to this discussion draft.

Thank you for all the work and analysis in preparing a discussion draft of the emergency standard to protect outdoor workers from exposure to wildfire smoke. We look forward to working with the agency and other stakeholders throughout this important process.

Sincerely,

Juvenal Solano
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