

April 23, 2019

To: Eric Berg, Deputy Chief of Health

Re: Comment on Cal/OSHA's Draft Regulatory Text: Protection from Wildfire Smoke

Dear Deputy Chief Berg:

This letter is to support the comments made by Dr. Steve Herrington, Sonoma County Superintendent of Schools, on the California Occupational Safety and Health Administration's (Cal/OSHA's) Draft Regulatory Text on §5141.1 Protection from Wildfire Smoke. As the County Superintendent of Schools in Napa, we experienced the same problems that are referenced below when the wildfires of 2017 erupted in Napa County, and we had issues of air quality and whether or not to close the schools for two weeks afterwards. We ask that you reconsider the unintended impacts these regulations will have on children in California public schools in wildfire-affected areas.

We very much applaud your efforts to ensure student and employee safety during a hazardous smoke event. Some of the requirements in the draft regulations, however, may cause schools to close even when they are the safest place for children in a hazardous smoke event. Especially for our most vulnerable children, school HVAC systems provide access to cleaner air than most students have access to at home, and in addition provide adult supervision, an environment of learning, a feeling of normalcy, as well as free/reduced lunch, and often free breakfast and healthy snacks.

Here are some of the problems we see:

- Filters: Our largest local school district, which is 87% of the student population in Napa County, told us that they upgraded from MERV 7 to MERV 8 filters after the 2017 fires. It would be an enormous challenge to upgrade from MERV 8 to MERV 13 filters because their air filtration systems do not have the capacity for MERV 13. In order to upgrade to that level of filter, they would need to completely overhaul their air filtration system, which would require time and most importantly, money. If this regulation remains, will funding be provided to school districts to upgrade their systems? I urge you to reconsider this requirement until funding from the state can be identified.

- **Indoor Air Monitoring:** The regulations outline an exemption for employers who demonstrate that the concentration of indoor PM2.5 does not exceed an AQ of 150. My office is not aware of an accurate tool for monitoring indoor air quality in this manner. If such a tool exists, the regulations should identify it and how it should be properly used (correct placement within the building, calibration, etc.). Inaccurate indoor monitors could either lead to a false sense of security or false alarms of poor air quality.
- **Outdoor Air Monitoring:** Not all areas are well-covered by government monitors that measure PM2.5. For instance, Mendocino County has no PM2.5 monitor through airnow.gov. How will issues like this be addressed in the regulations?
- **Training:** What will be the time frame in which this training must occur? Employers need to know when they must offer this training and whether it will be required on an ongoing basis.
- **Respiratory Protective Equipment:** Like SCOE, NCOE has been advised by our local public health officers and air quality experts that N95 respirators are not recommended for children because the masks are not designed for children, they can give a false sense of security, and in some cases cause deeper inhalation of bad air. Even for adults, we have been advised that masks need to be properly fit-tested in order to be effective. If masks are handed out to all employees when the outdoor AQI exceeds 150, what will be the expectation for protecting children?

In 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 presents challenges given the current state of air quality measurement and the enormous cost 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, a learning environment, free/reduced lunch, and more. I urge you to consider phasing these regulations in over several years, with a timeline and budget for facilities upgrades, so that schools can be in compliance while still serving their students.

Sincerely,



Barbara Nemko, Ph.D.

Napa County Superintendent of Schools