



Santa Clara County Office of Education

Mary Ann Dewan, Ph.D.
County Superintendent of Schools

April 30, 2019

Dear Deputy Chief Berg,

The Santa Clara County Office of Education (SCCOE) is a supporter of the need to have appropriate measures to protect the health and safety of outdoor and school workers from the harmful effects of exposure to wildfire smoke. We also would like to recognize the efforts and energy your agency is dedicating to help protect the health and well-being of our employees and students from the impact from wildfire smoke. However, prior to finalizing new processes, our office carefully weighs the practicalities, impact and costs of implementation on our programs and students that we serve. We have questions and concerns regarding the impacts of implementation that will be asked of Local Education Agencies in order to comply with the new requirements of the mitigation protocols. Consequently, we are requesting that Cal-OSHA consider these questions, concerns and assess the scope of the new rule. Below are some of our specific comments and concerns in regards to proposed regulation section 5141.1: Protection from Wildfire Smoke.

As the Santa Clara County Superintendent of Schools and on behalf of the 31 school districts in Santa Clara County, we ask that you consider the potential impact Section 5141.1 will have on our public schools. Last fall, in the period following the Camp Fire, the peak of the air quality issues in the South Bay was in the unhealthy range 201-300. We experienced air quality issues from 11/10/19 – 11/20/19 according to the historical data on airnow.gov. We assessed these new regulations with the lens of that experience, keeping our students, staff and community safe and programs operational.

Respiratory Protective Equipment

N95 respirators are intended for use by adults only. If N95 respirators are required for employees at AQI 150 or above, a solution for the children would also have to be addressed. N95 respirators are not intended for use by children. Once applicable respirators are identified for children, acquiring the appropriate quantity would need to be addressed.

AQI >150 Control Mitigation Requirements

Besides communication and training, some of the control requirements of this proposal may be difficult or impactful to education programs in implementation. This will require work places, enclosed buildings or vehicles that have adequate filter systems to be exempt and requirements for making accommodations if they are not. It would be challenging for locations such as warehouses, school bus bays, and any outdoor programs or workers that are partially exposed or exposed beyond one hour to >150 (such as environmental and athletics programs, school security, grounds workers, volunteers, maintenance) to comply. These services are critical to the operations of schools and transportation of students to and from schools.

Reimbursable ADA

If the smoke travels from a declared disaster county (thus being reimbursable by CDE) to a county that is not part of the declared disaster (not reimbursable) yet is above Cal-OSHAs thresholds, would the lost ADA be reimbursable?

FUTURE CONSIDERATIONS

Adjusted DSA Requirements for Future Schools

Is there a nexus between this regulation and DSA for schools? Will HEPA filters be a future DSA requirement and future maintenance expense?

Communications for Action with AQI Exceeding Thresholds

Who has jurisdiction for determining when schools would close? What is the role of the county health officer, Cal-OSHA, and Superintendents?

Training

Would a final training program be driven through the district-level resources or would Cal-OSHA provide final training guidelines as it relates to frequency, specific audience, and time of school year (i.e. Spring in anticipation of fire season)?

Filter Standards

Would this be considered a mandate (quasi reimbursable) to install HEPA filters in our schools based on the thought that if staff stays home per OSHAs proposed regulations, kids stay home?

I appreciate the focus on safety and ask for you to consider the points raised.

Sincerely,



Mary Ann Dewan, Ph.D.
County Superintendent