

April 22, 2019

Electronic submission

Eric Berg
Deputy Chief of Health
eberg@dir.ca.gov

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

Dear Deputy Chief Berg:

I write on behalf of the Sonoma County Office of Education (SCOE) to submit the following comments on the California Occupational Safety and Health Administration's (Cal/OSHA's) *Draft Regulatory Text on §5141.1 Protection from Wildfire Smoke*. We ask that you consider the possible unintended impacts of these regulations on California public schools.

Wildfire smoke is now an unfortunate reality for employees and employers in California, and your efforts to ensure employee safety during a hazardous smoke event are important and commendable. However, some of the requirements in the draft regulations may cause schools to close even when they may be the safest place for children in a hazardous smoke event. Especially for our most vulnerable children, schools may provide access to *cleaner* air than they may have access to at home, adult supervision and free/reduced lunch.

MERV 13 Filters: Some local school districts have told us that they are challenged to upgrade from MERV 11 to MERV 13 filters because their air filtration system does 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 money. If this regulation remains, will funding be provided to employers to upgrade their systems? I urge you to consider rolling out this requirement over several years to enable employers to be in full compliance.

Indoor Air Monitoring: The regulations outline an exemption for employers who demonstrate that the concentration of indoor PM2.5 does not exceed an AQI 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: SCOE has 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, 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?

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 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 timeline for facilities upgrades, so that schools can be in compliance while still serving their students.

Sincerely,



Steven D. Herrington, Ph.D.
Sonoma County Superintendent of Schools