



California Professional Association of Specialty Contractors

September 30, 2019

Mr. Eric Berg
Deputy Chief of Health
Division of Occupational Safety and Health

RE: Draft Regulatory text issued August 13, 2019 on wildfire smoke

Dear Eric,

CALPASC is a non profit trade association of specialty contractors and suppliers operating in California.

CALPASC has the following comments on the proposal:

1. While the petitioner and the Cal/OSHA Standards Board have made appropriate moves to protect California workers from wildfire smoke, the Division has performed very poorly doing its part. The result is a regulation that is too complex, is confusing and contradictory, and is hard to implement. The Division has also done a very poor job of its duties in helping to implement a regulation. Information available to interested parties is hard to find on the Division website.
2. The Division needs to listen to stakeholders much more, and not let this situation get worse. Please respect the comments and requests of those who need to take this regulation and implement it to the employee level.
3. It is very unclear by the comments that have been made, whether substantive changes can be made to version 2.0. If we can, that changes these comments. We reserve the right to adjust these comments if substantive changes can be made.
4. For version 2.0, the regulation that will succeed the emergency regulation, we have the following comments that should be strongly considered. Employers are having a hard time implementing and training on the confusion of the emergency regulation. To make multiple changes on version 2.0 just a year later, for a version that will still be confusing; will confound the situation for employers. Most of the proposed changes would result in very little clarity or understanding. The original is just too confusing and contradictory.
 - a. I am aware some stakeholders are providing proposed other changes that are very important for their industry. These industries need to be responded to very carefully and thoroughly. Extremely important is to resolve the dangerous issues for utility personnel. Those issues have been clearly presented by those stakeholders. We can't leave them in the dangerous position that the Division put those workers in, by failing to address it in at least version 2.0.
 - b. For construction employers, only three changes should be made to the proposed version.
 - i. First, the proposed amendment to Appendix B at (g)(1)(5), changing "doctor" to "health care provider" is a good change.
 - ii. Second, the proposed amendment to the last sentence of Appendix B makes a bad situation worse. We really need to



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remove the phrase "go to an area with cleaner air". Adding the "if possible" phrase only compounds the situation.

- iii. Third, having a clear trigger for the scope of the regulation being in effect would be very beneficial.
- 5. For version 3.0, the down the road permanent regulation, we have the following comments that should strongly be considered.
 - a. We need to start over with this version.
 - b. We should spend the time and effort to make seamless the transition from voluntary respirator use under 5144 under all other circumstances, to wildfire protection.
 - c. This includes upgrading current Appendix D of 5144. It is outdated and not as informative as it needs to be. It can then be one Appendix used in voluntary or wildfire protection use.

Sincerely,

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