

September 30 2019

Eric Berg, Deputy Chief  
Amalia Neidhart, Senior Safety Engineer  
Division of Occupational Safety and Health  
Department of Industrial Relations



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Sent via EMAIL: [EBerg@dir.ca.gov](mailto:EBerg@dir.ca.gov) and [ANeidhardt@dir.ca.gov](mailto:ANeidhardt@dir.ca.gov)

Re: Comments to Proposed Revisions to Emergency Regulation

Dear Deputy Chief Eric Berg and Senior Safety Engineer Amalia Neidhart,

On behalf of the California Immigrant Policy Center, I extend our appreciation to the Division for affording us the opportunity to provide comments to the Proposed Revisions to the Emergency Regulation. We are also grateful to the Division staff for their thorough and expeditious effort in drafting the temporary emergency standard. While the temporary standard is not perfect, we appreciate the fact that (1) it is based on the Air Quality Index (AQI); (2) it clarifies employers' obligations, and (3) it provides basic protections for workers who are exposed to fine particulate matter (PM2.5) in wildfire smoke.

CIPC was founded to respond to the 1996 passage of federal immigration and welfare laws that profoundly affected immigrants. Today, CIPC advances inclusive policies that build a prosperous future for all Californians, using policy analysis, advocacy and capacity building. CIPC's commitment to protecting all Californians from climate-related disaster stretches back over a decade. In 2008, CIPC co-sponsored and helped pass AB 2327 (Caballero) which ensures that all Californians are able to seek shelter and other emergency services during a disaster, regardless of immigration status. With climate-related disasters expected to occur with greater frequency and ferocity in our state, CIPC continues to advocate to ensure the safety and well-being of all Californians during emergencies.

The Draft Language dated August 13, 2019 includes two sets of proposed changes: (1) minor changes that would be made to the emergency regulation as part of the adoption of a permanent rule, and (2) substantive changes that would be considered for later rulemaking with no specific deadline.

We certainly appreciate the substantive proposed changes. However, we are deeply disappointed that these changes are only considered for later rulemaking with no specific deadline. Delaying these changes indefinitely will leave workers vulnerable if their only protection lies in a temporary emergency standard or a temporary emergency standard with minor changes adopted as the permanent standard.

We believe that the key substantive changes that have been outlined by Worksafe and other allies, must be made now rather than later in order to ensure that workers' health is prioritized and protected and that employers understand their duties.

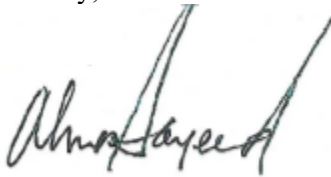
These urgent and necessary changes include:

- Lowering the trigger for application of this standard to AQI for PM2.5 of 101 or greater;
- Eliminating the tiered protections for AQI for PM2.5 of greater than 100 and less than 151;

- Requiring employers to identify harmful exposures before the shift starts so that they are prepared to provide appropriate protection and training;
- Requiring employers to have clearer communication to employees such that workers understand the plan for evacuation and have prompt access medical treatment, as detailed in Appendix B;
- Requiring that administrative controls include relocating work not essential to emergency response, requirements for hourly recovery periods, and where feasible, enclosed rest areas with effective filtration;
- Completing in-person training before an employee begins other work tasks where PM2.5 air levels are higher than 101 due to wildfire smoke;
- Requiring pre-shift meetings for review each day modeled on the outdoor heat illness prevention regulation; and
- Lowering the threshold for respiratory control that triggers fit test and medical evaluation from PM 2.5 of 501 to PM 2.5 of 301.

Thank you for consideration of these comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Almas Sayeed". The signature is fluid and cursive, with a prominent vertical stroke at the beginning.

Almas Sayeed  
Deputy Director, Programs | Counsel  
California Immigrant Policy Center