In The Matter Of:

DEPARTMENT OF INDUSTRIAL RELATIONS
WILDFIRE SMOKE PROTECTION

PUBLIC HEARING
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CLARK REPORTING & VIDEO CONFERENCING
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510.486.0700
Cal/OSHA Advisory Meeting

Protection of Workers from Wildfire Smoke

Wednesday, May 8, 2019
10:00 a.m. - 3:00 p.m.

Elihu Harris State Building
1515 Clay Street, Second Floor, Room 1
Oakland, California
ERIC BERG: Welcome, everybody. If we can get started in a couple of seconds. Thank you, everybody. Welcome. Okay. We have the handouts on that table over there. And also if everyone could please sign in so we can contact you for future meetings -- is it working now?

Okay. So if everyone could please sign in.

And also for Spanish speakers, we have translation service in the back.

(Spanish dialogue.)

ERIC BERG: I think that's it. Okay. Thank you again, everybody. My name is Eric Berg. I'm the deputy chief of Cal/OSHA Research and Standards. And we are here today to discuss protecting workers from wildfire smoke. And I want to introduce people who are with me.

Chris Kirkham, principal safety engineer of research and standards.

Corey Friedman, attorney with Cal/OSHA.

Amalia Neidhardt, senior safety engineer with
Cal/OSHA.

And from DIR, we have Pamela Allen and Kumani Armstrong, Department of Industrial Relations as well.

And then Cora Gherga as assistant chief of Cal/OSHA.

Mike Mavieri, principal engineer with Occupational Safety and Health Standards Board.

Christina Shup, executive officer, Occupational Safety and Health Standards Board.

Maryrose Chan, senior safety engineer with the Occupational Safety and Health Standards Board.

And we also have Valerie Royo. She is taking notes for us.

Okay. So we posted our draft. We also have a copy of the proposal we are working on. And then we received a lot of comments -- written comments so far. And we weren't able to update it on the website because we got so many comments, we want to go through them first before we do an update.

So we are still going to discuss the original draft, even though we are aware of some things that may need clarifying, but we would like your help today to help us clarify those as best as possible.

Since we have limited time today, please keep
your comments under five minutes. And if you're unable to get in everything you want, please feel free to send us written comments by this Friday.

And when it is your turn to speak, basically we are going to go through each subsection, and then we will ask people to line up and provide any comments. Please provide your name and organization you represent each time you speak because we have a court reporter here taking -- transcribing the meeting. And I think that's it.

Let's go into background, why we are here. We are here today to discuss protecting workers from wildfire smoke. And thanks to Petition 573 from Worksafe, CRLA, and California Labor Federation, I proposed we do this emergency regulation that was submitted back in December.

And the March -- I believe it was the March standards board meeting, they voted for Cal/OSHA and its board staff to work on emergency regulation to protect workers from wildfire smoke.

So, I mean, we put up that draft, got your comments, and now we want to get all your oral comments as well.

So I will pass it over to Chris. I think Chris is going to talk about the emergency rule-making
process.

CHRIS KIRKHAM: Yes. So posted on our website and as a handout in the back, we have a flowchart that looks like this. I want to just kind of point out to you where we were in the process.

So this is an emergency rule-making flowchart. So today, we are at a point in the process that precedes this whole flowchart. Today is one of the few days you have to provide us with crucial input, so this is an informal phase of the rule-making process.

There will be another Occupational Safety and Health Standards Board meeting on May 16th that is here in Oakland. That will be another opportunity to provide your input. That will be to the standards board.

And then July 18th, the standards board will vote on this proposed rule-making, and that will be in San Diego.

So three opportunities for input; today, May 16th, and July 18th.

Now, then, that gets us into the emergency rule-making process, and that's summarized here in the flowchart. It's very different from normal, nonemergency rule-making. The deadlines are much shorter. Some of the paperwork doesn't come into play here, and it's summarized pretty well on this page.
So you can see on the bottom that if we have an emergency rule that goes into effect, it can be in effect for up to about a year with two possible readoptions in that year.

Anything else?

ERIC BERG: No.

COREY FRIEDMAN: So one thing to keep in mind with this very quick process is that if you have any comments that you don't get a chance to make at this meeting, if you think about something later, we really need that input as soon as possible. So we are asking for any written comments on this draft to be submitted to us by 5:00 p.m. this Friday. So we really encourage you to do so, if you would like to have your comments considered in a revised draft.

So we are going to go through this regulation starting with the scope. I would like to address a few issues that have been raised in comments so that you realize what is noted about this draft. And then we will take comments on all of part A.

So part A/B notes that one of the requirements for when this regulation is effective, this is a realistic possibility that employees may be exposed to wildfire smoke. "Realistic possibility" is a phrase that is taken from an appeals board -- Occupational
Safety and Health Appeals Board decision. It is a little bit esoteric perhaps, and so it's been raised that possibly that should be reasonableness based standard.

Another issue is under A2. As you can see, A and B refer to enclosed building or structures, enclosed vehicles. There were a lot of questions about what "effectively limited" means, as far as making sure that employee exposure to outdoor unfiltered air is effectively limited.

And the intention of those sections was basically to refer to enclosed buildings or vehicles that are actually closed. So closed windows, closed doors, no open bays, that sort of thing. So we are looking at the potential revision of that language.

I also did want to note that although there is reference in the definitions section later on to types of filtration, the scope section does not discuss any particular type of filtration. So the exemptions from the section apply to any enclosed building, structures or vehicles that meet these requirements regardless of what kind of filtration system they may use.

Finally, 2E refers to emergency response personnel performing lifesaving emergency rescue and evacuation. And we do welcome comments from anyone
about whether there are specific collusive people with
specific activities for which the exemption from all or
part of this regulation is appropriate because of the
need to act quickly in an emergency and how people would
see that defined and see those people in activities
described in the regulation.

Thank you very much. And like we said
earlier, we are taking comments. Please limit them to
five minutes each.

Would anyone like to speak on subsection A?
If you could line up by the podium, that would be great.

And just another reminder. We do have a court
reporter here -- pardon?

And if you could please -- when you begin your
comment -- state your name, and if you represent an
organization, what organization that would be so that we
can keep an accurate record. And please speak a little
slower than normal, if you can, so that our court
reporter here can take everything down.

Thank you.

PODIUM SPEAKER: Okay. I'm Dr. Bob Bernstein.
I'm a county health officer in Tuolumne County,
California.

But most relevant to this particular meeting
in addition to the experience during smoke exposures in
our county, I was the Centers for Disease Control investigator in charge of a four-year followup for loggers that were judged to be the most intensively exposed to highly irrespirable particulate matter during the eruptions in Mount St. Helens and advised President Carter and others on the hazards likely to occur, and published a four-year study in that regard.

My concern is that the elimination or discounting of the fire workers/fire persons responsible for responding to fires, as well as emergency workers, to me appears inappropriate in the absence of evidence for long-term results, resulting from a lack of use of N95 or higher efficiency respiratory protection.

In the case of the loggers exposed to Mount St. Helens, they were exposed continuously during their work for more than four years, and the study was able to produce evidence using episodic and not continuous, unfortunately, protection with N95 respirators. They were able to do their work, very difficult work, as loggers on Mount St. Helens, but they were also protected from the hazards of what was not just a highly respirable particulate matter, but also a mineral dust containing free silica, which could have resulted in a chronic respiratory hazard.

So with evidence in mind that acute hazards
are clear, respiratory, cardiovascular, exacerbations of asthma, exacerbations of other existing chronic lung and cardiovascular conditions, that's clear.

But in the absence of evidence of long-term effect, I think it's premature to exclude those folks from this rule-making, and I would urge you to make contact with -- if you haven't already done so, which I imagine you have -- both the occupational respiratory studies group in NIOSH in Morgantown, West "by God" Virginia where I work, and in California here with the CDPH.

Thank you very much.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is Elizabeth Treanor. I work with the Phylmar Regulatory Roundtable. It's a group of companies that are committed to improving workplace safety and health. We have a time limit of five minutes, so I'm going to try to get through this, but Ms. Friedman also asked that we speak slowly, so that's going to be a challenge. So thank you very much for holding this meeting on this extremely important issue.

Our first comment is that the board meeting made a finding of emergency for outdoor workplaces. The petition was for outdoor workplaces, and we recommended
the emergency regulation focused on outdoor workplaces
and deal with indoor when you begin the permanent
rule-making because we believe that would be more
appropriate to do there.

Also, because duration of exposure is
essential in determining what the dose is that people
are exposed to, we recommend that DOSH include another
exception for employees that are exposed to AQI greater
than 150 for more than one hour for PM2.5. So we
recommend that.

In addition, we recommend that there be a
revision to the A2E. Some PR member companies will
follow me and discuss their activity. There are
individuals who are engaged in emergency addressing
downed power lines, addressing downed communications
facilities, and it is very important that those workers
be able to move in quickly and address that.

So there is the restoration of power, water
systems and communications systems, but there is also
the actual removing of the imminent hazard to the local
community.

So we request that that language be revised to
say "emergency response personnel performing emergency
operations," and that would cover utility employees and
communications employees that are actively involved in
controlling high hazards.

Thank you very much.

COREY FRIEDMAN: Thank you.

And it seems like a good time to note if anyone has any specific language that they would like us to consider as the last commenter had, please feel free to send it if you have changes to the draft that you would like to be included. Specific language is always great. Thanks.

(Speaker change.)

PODIUM SPEAKER: Good morning. Rob Moutrie for the Cal Chamber of Commerce and the coalition who are sitting out there.

I will also try to keep it clear, as my habits from court. The reporters will just look at me with a mean face if I go too fast. I will try to be compliant.

So as to the scope provision. The employer community concern really is just predictability and feasibility. Looking at the present draft, our concern is that we can't predict well when it would be in effect, and thus when it will trigger the following section. So our thoughts are aimed at addressing that.

First, as to section A1A, which refers to a smoke advisory, presently a smoke advisory is not limited by the location of the advisory or the location
of the issuing agency, so we would urge that the
location of the advisory be tied to either in proximity
the work site or including the work site and potentially
to advisory agencies, which are either federal or
California. We assume that's just an oversight. We are
clearly not concerned about fires in Massachusetts.

To the second factor, the realistic
possibility, which you've acknowledged awareness of,
it's our perception that that is because it was
important, not really as workable here, and I'm sure
others will comment on that. Our thought would be that
should be removed and the PR is really well-written in
individual line edits which have submitted in their
letter to deal with this as well, and we support those
which you have; or if not removed an "and" should be
added between sections should be A1A and A1B such that
we have a warning and a potential for smoke, which
narrates it down a little bit.

Next we want to flag -- here we are. Yes.

Next, though it is not included here, we have
some concern that the way this regulation is presently
drafted seems to imagine that an employer and/or
employee is consistently on their phone or on some other
online source checking into AQI, which is truly one of
the advantages of AQI. It's available online.
But we have concerns about the feasibility of that being a triggering mechanism. You have employees off site. The employer is not constantly checking. It seems like there would be necessarily some time for the employer to notice that. So our thought is there should be some discovery period here to allow employers to catch online information, and to take steps to comply with the effects of the regulation. Our initial thought is twelve hours or one shift, something to that effect.

We echo Ms. Treanor’s prior comments and the PR letter’s comments about this being vested to outdoor only. Indoor creates a host of issues. I’m sure we will get to them later, but MERV routines aren’t in place in many buildings.

And outdoors workers are also the most exposed, and it’s where AB1124, which is, of course, in the background for all of us, I’m sure, is aiming. So we think outdoor is the proper place for us to focus exclusively and PR’s edits on that point address that very succinctly, and I think that they are helpful.

And related to outdoor, one of the points I will add is though we are using AQI here, AQI is really best suited to outdoor as well.

PEL is time weighted. AQI is not time weighted the same way. An outdoor worker is in a
consistent environmental time. AQI also makes the most sense in that environment, as opposed to mixed workers walking in and out or something to that effect.

        And with that, I will stop for the next.

Thank you.

        COREY FRIEDMAN: Thank you.

And just to say again, in case I wasn't clear earlier, the exception for closed buildings or structures or closed vehicles, it does not require a MERV filter or another kind of filter. So basically, it's people are inside with all the windows and doors shut and no other big opening under this draft with the intention that they would be accepted.

        (Speaker change.)

        PODIUM SPEAKER: Good morning. I'm Roxanne Fynboh. I'm representing California Industrial Hygiene Council or CIHC. We, the council, represents industrial hygienists in the state of California.

        Our comments have been -- we have done a strikeout and underline format that incorporates our comments that we will be submitting. I'm going to try to summarize some of them here.

        We consider this to be a sort of emergency action plan type regulation that applies to outdoor workers. And to clarify that, we propose that the title
be changed so that it reads, "5141.1. Emergency procedures for protecting outdoor workers from wildfire smoke."

Under scope and application, we propose changing No. 1 to "This section applies to outdoor workplaces."

And -- no. "This section applies to outdoor workplaces," and then we strike the AQI reference, and I will be explaining that a little more later.

And the conditions that the scope -- that the regulation will apply to includes those conditions where wildfire smoke advisory has been issued by a local, regional, state or federal government agency, and there is a realistic possibility -- or alternate word for realistic -- that outdoor employees may be exposed to wildfire smoke.

We also propose to strike in consideration of the AQI as being the citing of, in fact, a PEL. And again I will have comments be about that later. We propose to strike C under No. 2.

And also propose to eliminate section -- section 3, which again we will cover in another section when I make my comments later.

(Speaker change.)

PODUM SPEAKER: Hi. I'm Scott Bourdon. I'm
with the Cal State University System Wide Risk Management Office. And I did submit some comments earlier, so this is just a brief summary of my comments. One is regarding the use of the AQI, and the challenges of having inconsistencies between the PEL, PM2.5 and AQI when they were developed for different purposes. And, you know, one being more applicable to workers and one being -- the AQI being more applicable to the community.

So speaking on behalf of our systemwide risk management, we are -- we prefer the PEL process be pursued.

Also, regarding the AQI, there are different baseline AQIs as our understanding for different locations in the state, so if there could be a baseline number, maybe a percentage, a baseline consideration for this language, that might be helpful.

Also, regarding the exemption for the employer to demonstrate the concentration below PM2.5, AQI of 150.

First of all, the language is a little vague. If there could be some clarification on the sampling method used, or as determined by a CIH or CSP, something along those lines, that would be helpful. And also regarding that, for the employer to make that call,
then, you know, your local agency has a different number. I just think that's problematic for employers. It's going to be -- I mean, just -- I think it's going to be a challenge to kind of explain that to your local community -- I mean, your employees if you're making that exemption. So a general comment on that.

And also regarding 2C, I believe it is, under identification of harmful exposures. That first sentence there, "When exposed to an AQI greater than 150," if you can just add "during wildfire event" just so it's clear. I mean, I know in other places you've made that clarification, but if you could just clarify that there in that section.

Those are all my comments.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is Michael Miller with California Association of Wine Grape Growers. Our growers provide the grapes that make California's finest wines in the world.

We take workplace safety very seriously. We have experienced wildfires in wine country in 2017. We had a devastation in wine country. Our vineyards actually served as a firebreak for those fires and stopped them from being even worse than they were, so this is a very important issue for us as growers.
Our concern with the scope is that it is very broad-based, and looking at a measure of air quality index based on potentially the regional air quality management district, but the reality is that it is different in several locations in the district.

So you may have a district put up an advisory saying here is the level of AQI in one part of the district. It may be very different than another part of the district based on wind patterns and everything else.

So we need something that is very specific to the workplace. What is the air quality index at the workplace? I'm not quite sure how we can measure that or how you want to approach that, but if you look at the broad level, this can be very, very hard to determine if you have a vineyard at one location where the air is perfectly fine because the wind is blowing at a certain way, and another location where it is more difficult, but you have the same AQI report from the regional district. So we would like to look at that also.

And B, where it says "exposed to wildfire smoke." I think you want to say something about dangerous level of wildfire smoke or something that makes it clear, because the reality is that in the last year, last summer alone, most of California was exposed to wildfire smoke at some level or another.
Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is Karen Tynan, and I'm an attorney in California, and I represent a number of agriculture businesses, producers, and have been in the workplace safety arena for about ten years.

I would like to specifically speak from my experience as a Sonoma County resident in 2017, so I was there when the fires happened. And one consideration that I would like to put forward is that when these incidents are happening, they are very dynamic and there is a lack of information. And, in fact, in Sonoma County, the cell towers burned down in the early hours of Monday morning, and we had no cell coverage, no ability to check the news from Monday morning at about 2 a.m. until Wednesday evening. So just like the olden days, we were relying on AM radio, which was focused on evacuation orders and law enforcement.

And so the idea that people are going to be able to use their phone and check a website, I assert is not realistic and is, in fact, not feasible because of the dynamics in these situations -- and I used that Sonoma County example -- we also did not have cable. There were utility cutoffs up through Thursday in
Sonoma County, so you're talking about a period of three to four days where there is a lack of information, and the AM radio emergency broadcast are focused more on personal safety and law enforcement. So that comment is directed towards A1A.

And further to that, I will support the Cal Chambers' suggestion that the "or" would need to be changed to an "and" because of the difficulty in obtaining information from public sources during the very dynamic times that these fires happened.

Thank you.

(Speaker change.)

PODIUM SPEAKER: How are you doing? My name is Brian Miller. I'm with Rudolph & Sletten and I also represent CEA.

I will just clarify as the draft stands now, it appears that A2C does allow for the employer to do local monitoring at the workplace; the challenge being as some of our projects are several miles from the local reading station that the AQI is pulled on the website, and so the conditions vary.

Some of the jobs would like to opt to do that local monitoring. Other sections allude to before the shift starts and periodically throughout the day and/or as conditions change through the day; wind, heat and
whatnot. So I just want to clarify right now it does
stand that you can do your own monitoring.

ERIC BERG: Yes. That is the intent, that you
can do your own monitoring.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. I'm
Brian Heramb, Certified Industrial Hygienist
representing San Diego Gas and Electric, and thanks for
the opportunity to make some comments.

In particular, I wanted to share just some
experiences from a gas and electric utility related to
2C.

If the AQI of 150 for PM2.5 is used, there are
some practical issues related to establishing that for
any level of any duration of exposure. One of them is
that often we have people in complexes where there may
be smoke where they're transiting from one building to
the next, and they're indoors for essentially all day,
but they may be going back and forth from laboratories
to offices or other things.

So Elizabeth Treanor suggested that there be a
time of one hour, for instance, that would be a
reasonable period of time that would allow people to
transfer from building to building, but not be adversely
affected doing their normal work in an enclosed building.

This one hour would also allow some things to happen in other areas where there is active either response or restoration to wildfire. For instance, we have a lot of equipment being delivered by trucking companies.

In 2007, we have 3,000 poles that had to be delivered to work sites that have been burned out, and quite a number of those poles came from Canada. So we have on-site deliveries being made where so the people that may be driving trucks or making deliveries are going to be getting in and out of vehicles, maybe just for a brief period of time. So again, practical time limit might be something that would be applicable and an hour is one that we consider may be useful.

Related to 2C, the emergency response exemption. I also wanted to share a few things about the activities that gas and electric utilities participate in. There are really at least two significant phases that we were involved. The first one is actual response. And this can occur during -- after firing burns because at that point, we are actually having our own systems, the gas and the electric systems are threatened. And any of the customers can actually
be affected by damaged equipped, whether we have leaking
pipelines or we have downed wires that are still
energized.

So some of the responders, responding teams
that we have, their purpose is really to identify
trouble and immediately respond to protect people, so
it's a life protection activity. And sometimes it takes
the form of actually doing switching or de-energizing
wires or other electric equipment.

Sometimes it is a matter of not even being
able to do that, but it's trying to keep people out of
areas where there are downed wires, for instance, that
are energized, to enable people to evacuate safely
through different corridors.

And when areas are so badly damaged by fire,
that buildings are actually destroyed, then it is
possible to have gas actually leaking from the gas
services to those buildings, and gas crews have to get
in and actually shut off the gas either to an entire
complex or by home, home by home or business by
business, at their meter service.

So during the action -- and also if we have
any damaged pipelines that require some real aggressive
types of work where we actually have to excavate and
squeeze pipelines or do some other types of shutoff,
then our employees are actually engaged in work as the
electric crews are. It is very quick action, very
organized teamwork. And it's very focused so that
attention to certain types of none -- or things that are
not specifically related to the emergency response can
sometimes get overlooked or its of lower importance than
the immediate protection of people related to the
emergency.

COREY FRIEDMAN: Could you tell us what
protections for PM2.5, if anything, could be used under
those circumstances? And I ask that question of anyone
who is an employee or has employees that might work
under similar condition.

PODIUM SPEAKER: Certainly, providing the
safety pieces, that's something that can be done ahead
of time. And typically for any of our wildfire
response, we try to inform our employees and provide
them.

I think typically the issue is when employees
are actually doing the work, then it doesn't interfere
with communication or is it just an extra step that they
have to take to get -- to actually put on the
respirator, to take it out of the truck, or do they
remember to actually get it onto their trucks before
they reported to areas.
If we are doing gas leak response, often we will have airline respirators that can be used for that. But it's typically in the immediate response and the designation and identification of the hazard and the entire -- the steps have to be taken very quickly to assess areas where there is a hazard to the public or any other first responders because we are typically trying to work in coordination with the incident commanders, and we are taking radio communication from that. And our crews are working either individually as a single employee or in two, three, four person crews. So they are often the eyes and ears of, let's say, an incident command structure for certain areas as well.

COREY FRIEDMAN: Thank you.

PODIUM SPEAKER: Thanks.

(Speaker change.)

PODIUM SPEAKER: Good morning. Nicole Marquez, senior staff attorney with Worksafe.

Just want to focus in on the scope and we applaud the division's efforts in this first draft, and we are in agreement and support of the use of AQI as the measurement to have a threshold for this particular standard. We feel that the "or" is an important part in that there might be a situation where the AQI for PM2.5 is greater than the threshold, and no advisory has been
issued, but that there is a realistic possibility of smoke exposure. So that gives flexibility and will protect more workers.

We also strongly encourage that the division considered changing the thresholds from 150 to 101, which is in our opinion a more protective way to address the situation where you have workers who are possibly part of this incident group or you have kind of certain health conditions, especially landscapers, folks that are doing agricultural work.

And so we believe that the AQI for PM2.5 should be greater than 101.

We also feel that the ease in which folks can kind of obtain this information is reasonable, and my colleagues from Cause will talk a little bit more about that, so thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning, and thank you for the opportunity to comment on the safety standard.

My name is Lucia Marquez, a policy advocate with the Central Coast Alliance United for a Sustainable Economy for Cause in the Central Coast working in the Ventura and Santa Barbara County.

During the Thomas Fire in 2017, we saw many farm workers in our region working outdoors without
protections from wildfire smoke. So we along with
partners distributed over 15,000 masks, as well as
providing education of what exposure to wildfire smoke
and the impact it has on individuals' health.

And so we believe that the threshold of 150 on
AQI is not enough. The standard is considered unhealthy
for the general public, but many of our workers are
already living with preexisting respiratory conditions
due to exposure to pesticides or dust in their work
places. And so your day-to-day person is being advised
to take safety precautions walking around outdoors, but
outdoor workers are performing manual labor outdoors
often up to ten hours a day.

And so during the wildfires in our region, I
was outdoors when the AQI was unhealthy above 150,
distributing masks. And just standing outdoors, the air
quality was immensely bad. So just imagine doing that
manual labor for ten hours. That is my belief it should
be lowered to 101.

And so, yeah. Like I mentioned, outdoor
workers we believe are considered the sensitive group,
and that is why that threshold should are lowered, as
well as the accuracy of AQI readings is really reliable
in terms of monitoring the PM2.5 release from wildfire
smoke, but in terms of forecasting future conditions and
the difficulty of knowing how it would change throughout the day, our thoughts is that, you know, doing that local monitoring for the local air districts, and when we see that there is likelihood for harmful air conditions, you know, taking the precaution to let outdoor workers -- that they should take the necessary precautions to be safe because we know that the pattern is changing, if the air quality is expected to get worse throughout the day, we should just be prepared to know that.

So in order to ensure protections for all outdoor workers, the easiest solution for employers is to provide the necessary safety measures like respirators at the beginning of the workday, even if conditions are clear at that time, because it allows them to reasonably expect that conditions may worsen later that day.

And so just to speak about the accessibility and the reliability of AQI. We have heard comments about people thinking that it doesn't apply to workers, but, you know, AQI is -- workers are part of the community, and when you're outdoors during wildfires, the air quality is clearly really bad, and you don't necessarily have to reference an AQI to know that. AQI is a tool that allows us to come with that standard, but
it's just like you could check it throughout the day and morning on your phone and it's something that employers can do at the start of the day and just monitoring and just being able to be prepared.

And if employers have the safety precautions and have respirators available for workers, there isn't necessarily a need to know do I have need to have these masks ready if they already have them available.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is Nancy Zuniga and I'm here with IDEPSCA, The Institute of Popular Education of Southern California.

We are workers centered in Los Angeles. We offer four worker centers and work mostly with day laborers and domestic workers.

We work doing wildfire relief support for day laborers and domestic workers after the Woolsey Fires, mostly in the Malibu and Calabasas areas, and we talked to over 500 workers about how they were impacted by these fires. And so our comments specifically are supporting Worksafe. And Cause was mentioning about the AQI. I just really want to hone in on the sensitive groups. So the majority -- a big majority of day laborers and domestic workers are aging. They're the people that clean our homes and do construction, that do
the landscaping that also were the first and second
responders during these fires, which is something that a
lot of the common public doesn't know, but we know from
experience from talking to these workers that they were
actually doing this work.

And by that, I mean, in many instances,
workers shared that they were actually protecting homes,
by acting as first responders, from fires actually
continuing and spreading into other homes. And so they
were in many ways acting as first responders, and so we
really think that given that some of those sensitive
groups are elders and folks with heart or lung disease,
thinking about who day laborers are. Like I said, many
are aging. Many are over 60. Many have existing
chronic diseases such as diabetes, such as high blood
pressure.

We do actually have stories and testimonies of
workers that did end up in the ER after they were
working outdoors doing this type of work. So day
laborers and domestic workers, even though they're not
typically thought of as doing a lot of the clean up, a
lot of the emergency response, they actually were doing
this.

And so if we really want to have a (inaudible)
that protects workers, we have to also think about the
most vulnerable workers that are out there, and we really consider that day labors and domestic workers are those workers that are most vulnerable, and within those most vulnerable, those that are part of the sensitive groups.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. Erin Guerrero on behalf of the California Attractions and Parks Association.

Just briefly, our concerns with the scope, we take the health and safety of our employees very seriously, and there is a lack of clarity specifically with regard to employees that move in between both indoor and outdoor areas.

Take any kind of theme park or attraction, you will see an employee frequently spend sometime outdoors, sometime indoors. Think about the characters that do this frequently. So we see that there is a lack of clarity sadly which employees this would apply to. And not to repeat what the others have said, there is also a lack of clarity exactly when this would kick in.

So for purposes of us being able to comply, and we want to comply, we just request that you consider some clarifications specifically regarding when it takes
place and exactly which employees it affects.

    Thank you.

    (Speaker change.)

    PODIUM SPEAKER: Good morning. Bruce Wick, CALPASC Specialty Contractor Association. I align my comments first with Elizabeth Treanor and Rob Moutrie.

    Secondly, I do want to talk about a couple of things. One is I think it is really important that communication on -- it is important that you all communicate the process to us of an emergency regulation.

    We are in construction. If I'm going to -- I need to communicate with my member safety coordinator so they are prepared ahead of time when the reg is coming down, the very fast emergency reg process, because they have to train crews that are all over the place and get them up to speed with whatever the reg entails, so it is really important that you communicate when these things will happen, and so we can be prepared to move based on the finality of the reg, et cetera.

    And I have a question about the timeline. So I would like you to restate the timeline so we can understand it more clearly, but also there is AB-1124 in the legislature that has urgency measure. It is already in the Senate. That is an emergency reg. If that
passes, what does that do to this proposal and this process, which sort of gets me back to we always have this problem of trying to balance in a regulation, getting it right and getting it out there.

And I was there when Mitch Steiger introduced the petition, and I've heard no one on the employer's side say, no, we don't need a regulation.

Let's protect our outdoor workers. And, for instance, the concepts in AB-1124 make a lot of sense to move fast. But, I mean, this is as big as an advisory committee gets. We are going to spend almost an hour talking about the scope, and we are still broadly -- have disparity between the stakeholders. And I think we would be better off trying to have a more focused reg.

Let's get workers protected by the start of the fire season. We could do that, and then take a little more time to figure out what's the right -- what's the full-time reg, you know, kind of like we did with outdoor heat back in the day. Passed an emergency reg, and we amended several times on an ongoing process to make it work out for all people.

To try and do an emergency reg of this scope and magnitude in one four-hour meeting is kind of -- is really hard. And let's get the workers protected with this fire season providing respirators. And again, with
construction, as many other industries, our workers
don't like to eliminate their facial hair. So doing a
voluntary opportunity, you know, in providing N95 dust
masks, we can get those to thousands, thousands of
workers if we have an emergency in the middle of June,
but I'm afraid we are going to not provide that, if
things get delayed or we try and do something too big
too fast.

Thank you.

COREY FRIEDMAN: So just to give a little
information about timing. For those who cannot see me,
I'm Corey Friedman. I'm an attorney with Cal/OSHA.

About timing, the plan is for the proposed
emergency rule-making package to go to the standards
board at the July meeting. We should all know if you
want to make comments on it, it is probably preferable
to do so before that meeting. There is going to be
another standards board meeting in May, and I believe
June as well. Yes, June as well.

So you will have an opportunity either at
those meetings to comments, if you would like, because
at the July meeting, the standards board will vote. And
if they approve something, there will not be further
changes in the regulation before it takes effect before
it goes to administrative law. And if it is approved,
it would take affect.

And after the standards board will vote, that
that very short procedure on your emergency rule-making
page, that takes place after the standards board's vote.

So at that point, there won't be an
opportunity to change the emergency regulation.

However, the emergency regulation is only in effect for
a limited period of time.

So there will be an opportunity to work on the
permanent regulation. Whether that will look like this
or something very different, but the emergency
regulation has an expiration date. It can be extended
for up to about a year, and that's it.

So there will be a permanent regulation and
that will go through a usual rule-making process. For
those of you who may not (inaudible), there will be more
opportunities for public comment, more opportunities for
potential revision (inaudible) --

THE INTERPRETER: I'm sorry, can you speak up
louder?

COREY FRIEDMAN: So I'm not sure how much of
that you caught, the court reporter and the interpreter,
but I was saying that once the emergency regulation is
in place, assuming that it is, there will be the
permanent regulation process, and there will be more
opportunities for public comment, that is the longer more detailed process. There is more opportunity for revision.

So there will be a chance at that point to talk about changing this, adding to it, subtracting to it, however it turns out. And presumably during that process, if this emergency reg or something like that is enacted, there will also be some experience with this implementation.

And just to respond to one point by the last commenter. This is not going to take effect until after the standards board votes and it is approved by administrative law and takes effect, but there is certainly nothing stopping any employers from taking action now.

And we are acting quickly because wildfire season is upon us very soon. But, of course, there are already regulations in place that govern respiratory hazards. They are not specific to PM2.5, but they do state that employers must protect workers from respiratory dangers. So nothing is preventing anyone from providing respirators or taking any other actions.

PODIUM SPEAKER: All right. Thank you.

My name is James Mackenzie with Southern California Edison, and I’m the principal manager of
safety programs and compliance.

And first, I do want to align my support with the comments from Ms. Treanor from Phylmar Regulatory Round Table. I do agree with the language provided. I also did submit a letter on April 26 that I know you have receipt of as well. It has some specific language. And I wanted to draw attention to four specific points with these comments here.

The first being in A2E, I agree with the comments that a couple of organizations have had around widening or providing clarification around emergency responders to those that providing important utility services.

And the languages that I provided in my letter simply the same such as those providing utility services. And what that does is allow our workers who often accompany those first responders to go in and make sure that downed lines are de-energized, removed from the area. Mr. Heramb from San Diego Gas and Electric mentioned the gas implications as well.

And you had asked a good question earlier around what are we doing today. We do have a longstanding history of providing N95 dust masks to our workers that are in their areas for voluntary use. And that's something that, as I've benchmarked with my
utility peers over the years, that I believe is longstanding of all of the companies in California at least that we go through many -- unfortunately, because of the amount of wildfires, we go through many of those masks, and the employees are wearing them.

The second point is with regard to further clarification on the outdoor versus indoor. I do support the notion that this is an emergency declared for outdoor workers and agree with allowing some level of exception for those that are maybe traversing between buildings. One hour does seem to be a good time frame for that.

A third comment is in response to a couple of comments around A2C, where we do support the provisions allowing the employer to demonstrate that the concentrations do not exceed the AQI of 150. There are tools available to do that.

And a question that raises is how we would do that, and we have data that shows that. So the burden is on the employer to support that in those situations. We have several situations of coastal wildfires where the closest -- the closest monitoring equipment is indicating a higher AQI, but with offshore -- I was confused, offshore or onshore. Fresh air is coming in. So where they are working, it's not a problem at that
time.

So if we have the ability to monitor that, it does allow workers -- one of the challenges that I shared previously is when you have workers working in high voltage situations where you have to wear arc-rated clothing, there are challenges related to some of those respirators and the arc-rated environment, the N95 masks. So it allows the retaining voluntary use of allowing the employer to demonstrate whether or not a hazard is there is helpful.

The final comment I have is there was a comment earlier, and I know I've heard it as well around the exception for -- this is in A2A, around when the indoor work environment is mechanically ventilated, I think there is some confusion reading the current draft where because of the comments later in the document around the MERV and the HEPA filters, so by simply saying filtered by any mechanical ventilation system, I think it helps clarify that. That's all I have to say.

Thank you.

(Speaker change.)

PODIUM SPEAKER: My name is Jay Weir, and I am a senior manager of environmental health and safety with AT&T.

We have requirements under the Department of
Homeland Security to be there during the first issue of a fire. For example, the Camp Fire started Thursday night. We were there Friday morning. We needed to be out there to remove and make sure that things were safe for people to come in, including firefighters. We also had the responsibility to make sure the communications were up.

You heard earlier about communications, taking time to get it up. We were trying our best to make sure that cell sites that had been destroyed were put back together as quickly as we possibly could by bringing in equipment.

We do have a robust program in our company. We do provide N95 masks. That's all part of our program. All of our technicians before they leave are trained. None of them leave alone. I'm usually on site when these things are happening. And they do leave in at least in pairs or in groups so they can take care of each other in the situation that they're in.

We are in there when the fire is still going, so they are provided a mask and they could use them. It's on a voluntary use, but most of our people will use their mask.

That's why I would like to see just one little part here, and that's the A2E, to add utility services
including communications, electric, gas and water. Make it clear.

We are first in line to be out there. Every one of our people, before they go in, they're required to carry a letter from the Department of Homeland Security that says you're allowed to go into the fire zone.

The other people that we are talking about are not allowed in the fire zone itself, not until after the fire is totally out, but utilities are required to go into the fire zone to make things safe for those people who are putting the fire out.

Thanks for your time.

(Speaker change.)

PODIUM SPEAKER: Hello. My name Abad Leyva. I'm from the Street Level Health Project and the Oakland Workers Collective, and we work with day laborers and recent migrants and refugees.

And as somebody else mentioned before, day laborers are first and second response when fire happens, and even after fire happens as well. And this population is being obviously neglected. They have health issues. Sometimes they're unaware of it or ignored. So we believe that is important to reduce AQI from 150 to 101. It is important to base all of these
protections on the most vulnerable ones in our population because if we don't do that, then we are not doing our job. And we believe it is important to start right there.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. I'm Ann Katon from California Rural Legal Assistance Foundation, and I support the comments of Worksafe and Cause and the day laborers.

And, in particular, we think -- we really appreciate all the work that Cal/OSHA has done on working on this standard, and it's a great foundation. We do think also that the AQI should -- the threshold should be reduced to 101 to protect the sensitive workers. Workers who are doing very hard physical labor outdoors, if they have any health sensitivities, they're going to be particularly vulnerable.

Also, I think it is important to realize you can check the air levels of -- you don't have to check them right out in the field. You can check them where there is cell or internet service in an area, you know, even if it is more spotty because of an emergency. And combined with that, in these kind of situations, it's very important for employers to have a way to
communicate with workers who are out in the field, you
know, even if the cell service is spotty. That's
already required for emergency medical and heat stress
standards, so people should have a system for that in
place.

And AQI is the appropriate -- AQI for PM2.5 --
standard to be using because it is readily available.
We cannot wait for development of a PEL, and the AQI has
been scientifically reviewed very well.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is
Mitch Steiger. I'm with the California Labor
Federation.

I first just want to thank you both Cal/OSHA
and the standards board for all of their work on the
standard. I know that it is a very abbreviated
timeline, much quickly than we are used to doing things,
and we very much appreciate it overall. Thanks.

The language here looks really great and we
are really impressed at how quickly this came together
and what a great starting point we are at.

Specifically with respect to this section, we
think it makes sense to kind of think about the general
hazard that we are looking at here. This one is a
little bit unique in that there is no regulation. There is no regulatory language that is going to match this perfectly. It is not a very cooperative hazard. It happens very suddenly. It moves all over the place. It is very hard to measure. It is very hard to track.

And when we look at things like the AQI and take it apart and really get into the weeds of the fact it wasn't designed for this, we would urge that those getting into that level of detail about this think about where we are in current language; that right now, what we have is standard that says that if the employer believes exposure is harmful, then they're supposed to do something.

And so it essentially asks employers to be physicians, be scientists, be all of these things that they're too busy to do, and we have no idea what their conclusion is going to be, but the result is likely going to be that workers are not exposed to this hazard, and we know this because that's exactly what happened last year.

We saw story after story of workers outdoors with nothing who were forced to breathe this air regardless of whether they were pregnant, regardless of whether they have asthma, and see people walking from their cars into a store with masks on.
And they're like, well, wait, they're outside for 30 seconds, and they have masks. I'm outside for eight hours. What is this doing to me? And that's also a really important thing to consider, that this hazard goes a lot deeper than just sore throats and just irritated respiratory systems; that this permanently reduces your lung function, and this causes a lot of permanent damage. If you have some sort of underlying heart disease, if you have some sort of underlying respiratory disease, this can mean a hospital visit. This can mean death. And so we really need to do something. We need to do it quickly. It needs to be in place for this year's fire season.

And with that in mind, we would echo the comments of previous commenters who said that the AQI should be lowered from 150 to 100 or 101.

I just checked, and it looks like about 8 percent of the population has asthma, which in California, that's more than a million workers. And so if we were to leave the AQI at 150, we are asking over a million workers to breathe the air that the scientific community seems to agree is very harmful for them to be breathing.

And when you consider that with the rest of the regulation on what it is that we are asking
employers, it seems pretty fair to make sure that those workers, given that so many of them do have asthma or are pregnant or do have some underlying condition, that they're protected by this standard.

And we would also just generally state that -- just keep in mind that this is an emergency regulation, that we are going to get to come back and do permanent regs after this, that we will be able to take the time that we need to get into things like exactly how we define it or exactly what we do, but that moving forward with what we've got is very much going to leave a lot of workers at risk of serious harm, and we would just urge everyone involved to keep that mind; that if there is something we don't get exactly right, we should do the absolute best we can for whatever goes to the standards board in a few months.

But overall we just need something in place so that we don't go back to that world of workers out there breathing the harmful air with nothing regardless of what's going on, regardless of what the exposure to their own lungs may be, to their own baby may be, and just to keep that in mind as we move forward.

Thanks.

(Speaker change.)

PODIUM SPEAKER: Good morning. Kevin Bland
with Ogletree Deakins representing the Western Steel Council, California Framing Contractors Association and the California Framers Contractors. Did I say that twice? Residential Contractors Association is the third one. Sorry about that.

I think it is important -- there is one point I want to comment on that came up earlier, Ms. Friedman talking about current regulations. One, we have an emergency regulation law for an emergency situation and we need this in that context because currently, it would be impossible for an employer in the classical wildfire to be able to comply with what the current standard is that morning, that day, with what the respiratory standards say. It is just an impossibility.

And so that is why this is important. It is important for employers to have something they can comply with, something that is going to be protective of their employees moving forward, and something that is reasonable. And we have seen this, been through this rodeo a bunch of times, so the last 20 years of doing this.

So with that, I want to give a little bit of a history lesson the issue of realistic possibility. I look around the room and I think I may be the only one still around that was there during the drafting of
AB-2774, working with agency and with the legislature.
Mitch may have been there. Oh, Beth was there, okay.
So there was a few.

But realistic possibility was something that
was tied to a standard dealing with the issuance of a
serious violation. It wasn't in this context.

And what has happened to that term in front of
the standards -- in front of the appeals board as time
has gone on, for lack of a term, it's been kind of
bastardized. The whole intent and idea of the term
"realistic possibility" was not supposed to be the mere
possibility or just a possibility. It was supposed to
be a lesser standard that the current, which was
substantial possibility, but more than just a mere
possibility.

So I understand that we were considering here
reasonable. That would be a higher standard, I think,
or one that may have at least more guidance. And I
think it's very important that it's tied to something.

In AB-2774 that passed in 2011, January 1,
became effective, that was tied to an actual hazard.
And that was in exchange for language that was there
where you had to presume a hazard exists, which combined
with substantial probability -- I probably lost half of
the room on that.
But my point being is realistic possibility in this context doesn't work for employers. It doesn't work for enforcement. It's not -- it needs to be tied. I know we used the word, and my point would be to take that out completely, realistic possibility, and so that an employer knows.

Right now, we are also dealing with the issue of the scope of this, with the AQI, index. And I hear arguments to lower it. Right now, we are talking about an emergency situation. We are talking about something that has to happen on a dime. And when we lower this, it is going to make it even harder to comply with.

I join in the (inaudible) Cal Chamber, and join in Beth Treanor's comments earlier. And I think it's very important if we get the scope right, I think everything else can flow. There's going to be a few other comments I want to make about other sections, but right now, if we don't tighten up the scope and make it something that employers can comply with reasonably, the division can enforce reasonably, we are not going to protect the employees in which we are trying to protect today.

I think if we can accomplish that in here, then we will accomplish something great for the state of California for the employers and the employees to make
it safe.

But right now the way this stands, I think it's too difficult to understand how to comply with it when you can be in compliance with it with the words "realistic possibility" still in the regulation. So I appreciate that. Thank you. Hope that everybody could hear me all right. Thank you.

(Speaker change.)


The Farm Bureau, you may or may not know is the largest organization probably of agricultural employers in California. And I would like to start off by associating myself with the remarks offered by Mr. Moutrie, Ms. Treanor, Mr. Wick, Ms. Bland, and some of the others who have preceded me.

Mr. Wick, in particular, his comments I thought were interesting in that he talked about the fact that -- at least I understood he talked about the fact that it's going to be the responsibility of people like us, in particular, me in particular, to try to explain to, in my case, agriculture employers what the agency expects them to do as a result of this regulation
and when they expect them to do it, which leads you back
to questions about scope.

    And the scope, I think, is going to be more
than a little bit problematic. Kevin expounded in some
length about the realistic possibility problem. That
was meant to be a compliment -- expounded at some great
explanatory length about the problem with realistic
possibility and why that presents a problem.

    Another thing that concerns me is I'm looking
at A1A, wildfire smoke advisory has been issued by -- as
I read this, it is any one of local, regional, state or
federal government agency.

    So my concern about that would be if you're an
agricultural employer and you're working in a rural
area, but a rural area in most of California is going to
be closely abutted by urban areas and are going to be
subsumed in regional air pollution control and air
quality management districts, does that mean that if an
employer checks with a local agency that deals with air
quality issues -- that a regional agency that deals with
air quality issues and finds no applicable alert, and
then stops and does not go on to check with state or
federal agencies, that he may or may not be aware may
have issues or warning.

    If they had, as this reads, that employer
would be required to begin to do the things that are
required by the regulation.

My suggestion, for what it's worth, would be
to allow an employer to be able to consult with the
local or regional air quality management agency that
covers the area -- geographic area where they are
working at a minimum, with the understanding that these
regions are very large, and the distribution of smoke
and dangerous air quality is going to be significantly
influenced by issues like geography and weather.

To give you an example of this, the last few
days, I've been checking in on the air quality reports
with the San Diego air pollution control district. Air
quality in San Diego at six locations. Most of the days
I've looked, most of those locations have had good air
quality.

For some reason, the air seems to be pretty
bad in Otay Mesa, and the fact that an employer at
San Diego County is going to be looking -- and, of
course, that's going to change and they're going to be
times when the air quality is not going to be good at
five and not so good at one.

That ag employee in San Diego County is going
to be looking at these air quality reports from the
pollution control district and trying to figure out, do
I look at that? And I tried to figure out whether I'm covered by that in terms of airline miles, in terms of the direction the wind happens to be blowing today. And if I were that employer, I might be a little confused about and concerned about whether or not I know that this triggers on for me.

Without taking too much of your time, because I know that there is a limit of what we have to talk about here, I would also like to associate with myself in particular with Bruce's comment about 5144 and the implementation of 5144 in an instance when you have air quality issues.

In months when there is a lot of agricultural work going on, our industry will employ 470- to 500,000 people. At various times in the year, we reckon there are about a million people that do agricultural work at various times. A lot of people don't work a full year. It would be logistically impossible to prophylactically fit test and medically evaluate a half a million to a million farm workers on the possibility that a wildfire might occur close enough that it would have an impact on the location where your operation operates.

Once the fire begins, it's going to be logistically impossible to be able to medically evaluate and fit test 25, 100, 150, 200, 300 workers that are
working on your location at that given time probably not before the fire -- the threat from smoke and other air pollutants has passed. So that possibility is going to be very difficult, and that was one of the reasons why I was encouraged when I heard the discussions about this regulation that we would allow provision of respirators at air quality levels in excess of 150 with PM2.5 without -- under voluntary respirator rules.

But I would say that there is an equal possibility of being able to do this when the air quality reaches 300.

As a practical matter when that happens, if you're going to require the implementation of 5144 at that point, you're effectively going to require an air filter employer to cease operation on that day because the -- it is going to be as logistically impossible to either prophylactically fit test and medically evaluate workers or to do it when the fire hits, so that's all I have for now.

Thank you very much.

(Speaker change.)

PODIUM SPEAKER: Good morning. Gail Blanchard-Saiger with California Hospital Association.

So I'm here probably on a pretty narrow issue. As many of you know, California healthcare workers are
often on the front lines of response when there is a wildfire. And we have a lot of concern both for our patient safety and our employee safety.

An evacuation is rarely undertaken unless it is absolutely necessary, so when I saw section A2E, emergency response personnel performing lifesaving emergency rescue and evacuation as exempt, I thought that our healthcare workers that would be engaged in that activity would fall under that section.

But in looking at some of the other materials, there is a suggestion that that exception would not apply to healthcare workers evacuating patients. And I guess I'm just a little confused by that, and I'm hoping that there is some clarification that will be realistic to the situation.

I don't know if any of you saw the accounts of the Camp Fire and the healthcare workers evacuating the patients at the Feather River Hospital when the fire was coming over the hill. Very scary. Very scary for our patients, for our employees. I would say most of them had masks on, most of the healthcare workers.

I don't -- I'm still trying to evaluate and understand what our disaster preparedness plans are that take into account these issues, but we are on the front line, and evacuating the patient is the same as a
firefighter fighting the fire or a police officer trying
to get folks out of their homes, that type of thing.

So hopefully I will have more information by
the Friday comment period, but I really think that's a
consideration, in particular, with our disaster
preparedness plans. Again I'm thinking of a number of
healthcare workers came to the hospital location when
they realized the fire was so close. I don't know if
they could get in and get a mask. There is just a lot
of considerations.

And obviously that is very different from the
experience that our Sacramento hospitals had. Obviously
those are indoor workplaces that weren't necessarily
that type of evacuation activity.

Sacramento, UC Davis and Shriners were
accepting patients from Feather River Hospital, but
obviously people weren't working outside in the way they
were having to work outside in Feather River. So again
I plan to have more information to you on Friday, but I
think this is a real significant concern for us.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. My name is
Walter Brooks and I'm representing the Napa Valley Grape
Growers.
The workers' health and safety is of paramount concern to us, the quality of our product depends on the quality and health of our workforce. So we are excited to see you guys take on the challenge of working on this.

As most of you know in that valley, we directly experienced the effects of the Tubbs Fire, the Nuns Fire, and the Atlas Peach Fire. And what we realized and maybe possibly the new normal in our environment, our harvest season is going to coincide with fire season and so these incidents may occur more frequently and we need a methodology to deal with this.

I want to speak specifically to A2C, and that's the local monitoring. And I'm a grower in Napa Valley and I experienced this and I'm close to the valley floor and we were inundated and everybody was in N95 masks for the work we were doing outdoors.

But when I took my fruit to the top of Howell Mountain, there was absolutely no smoke at all out there, and there was no need to do that. But if you were to look at what the AQI index said, you'd say that was a dangerous area.

So I like the idea of 2C, where you can do local monitoring. But I'm concerned, you know, some of that local monitoring, the equipment can be tens of
thousands of dollars. There are portable ones that run in the hundred of dollars.

We do have weather stations at a lot of our vineyards, so the idea of putting an air quality index monitor at your vineyard that would allow you to determine whether it was healthy for your workers to be there is an interesting idea. This may be something that is more part of your permanent regulation than this interim regulation, but trying to understand what we would need to document, what devices, and what equipment you consider to be qualified, and that you would believe those results would be extremely important to be able to actually implement that.

And for those who are familiar with Napa Valley, we do everything from valley floor up into 2,000, 3,000 foot elevation. So you would expect during a fire that you might have very different conditions at the different sites where you would be harvesting and doing work. And so getting some more clarification around that would be really interesting.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good morning. Jeremy Smith on behalf of the State Building and Construction Trades Council California.
I would like to first thank the staff here, the interpreters, everybody in the room for being here today and turning around this language so quickly. There definitely is a realistic possibility this summer that workers are going to be exposed to something that is going to hurt them. So thank you for your hard work on this.

I would like to associate my comments or myself with the comments from Mr. Steiger from Labor Federation and Worksafe. We would agree that the AQI is too high now, and the standard needs to be moved back down to 101, because if we don't do something like that and don't do this standard, what we are asking is for workers to bear the brunt of having to go to work and getting injured just for wanting to show up to work and do what they do every day.

So this standard goes a long way towards protecting those workers. There are some places that could be changed. We did have written comments to outline those issues.

And finally I would like to finish with -- I only have three pages here -- on the idea of realistic possibility for Kevin.

I was in the room when 2774 was negotiated with Glen and Kevin and a myriad of other people. And
the reason we changed then to realistic possibilities is because the appeals board at the time was rolling over Cal/OSHA attorneys and worker representatives and overturning decisions where there was serious harm being done to workers.

We needed a different terminology than we had then, and realistic possibility, I think, was right then and it is right in this language in the regulation as well, because it helps ensure that workers aren't going to be in danger because some employers think it's just too hard to provide N95 masks or too hard to take care of them.

Some of those -- many of the employers in the room are not those employers. Many of the employers and the associations in the room are good employers and want to help workers. Unfortunately, we have to regulate and legislate for the bad employers in this state, and there are many, many bad employers in the state that think it's okay for workers to be outside when you can clearly see with your eyes -- not relying on AQI, not relying on anything else -- clearly see with your eyes that people shouldn't be out there working, and they're still out there working. So it is for those employers that we are here today.

Thank you again for your hard work. Thank
you.

ERIC BERG: All right. Thank you very much everybody for your comments on subsection A. We will move on to subsection B. B and C we can combine.

(Off the record.)

ERIC BERG: Okay. So we will take comments on subsection B, definitions, and subsection C, identification of harmful exposure.

PODIUM SPEAKER: Thank you. My name Elizabeth Treanor. I'm with the Phylmar Regulatory Roundtable, Occupational Safety and Health Forum.

I also want to take a moment to express gratitude to the staff for their hard work and quick turnaround on this challenging issue.

Regarding definitions, since we believe that the finding that the Board made was for outdoor employees only, we believe that the definitions for high efficiency, particulate air, MERV, and effective filtration and PM2.5 should be deleted in entirety because they relate to indoor environments as opposed to outdoor.

Secondly, we recommend that the definition of wildfire smoke be revised to exclude the word "planned or," the reason being is that wildfire events that are planned are done so under the auspices of fire control
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authorities, who have already done an evaluation of the area prior to instituting it, and therefore that plan should be deleted.

Regarding C, identification of harmful exposures, we support the comment made earlier by someone who said that in that provision, it should be clear that whenever an employee may reasonably expect during wildfire events to be exposed to AQI greater than 150, that will clarify again that it is during wildfire events.

One of the issues that we addressed in our written comments was related to mobile crews. Some of our members, one in particular, mentioned that he had 70 crews out covering a 200,000 acre area. And it says here before the shift starts and periodically thereafter to monitor the AQI, what our recommendation is is that we ask the employees to, because if the employees have to switch from one location to another at a different time, they are the ones that are going to be in the best position to identify what the AQI is in the area that they are at the moment, to have someone back in headquarters or whatever who is trying to organize an emergency response, because this is an emergency, to have to track all these -- according to members -- is impossible. And I understand that a few of them will be
giving you specific examples.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Hello. My name is John Balmes. I wear multiple hats. I'm a professor of medicine, pulmonary and critical occupational and environmental medicine at UCSF, professor of environmental health sciences -- sorry if I'm going too fast. Professor of environmental health sciences at the School of Public Health at U.C. Berkeley, and I'm physician member of the California Resources Board.

I have been studying wildland firefighters and wildfire smoke exposure in communities for a long time, and gave 32 media interviews during the -- or following the Camp Fire in November. So I have some strong opinions. I mostly came here to listen. But I just wanted to clarify something about the AQI.

I agree with the speakers who have said that the -- that people with preexisting heart and lung disease are at greater risk, more susceptible than the general population. And so would support those individuals getting respiratory protection.

I also support anybody who feels uncomfortable to wear an N95 mask, but I have problems with a requirement that everybody should wear a mask at 101 --
AQM of 101. I support the 150 for everyone, and 101 for susceptible subgroups.

I don't know if that could be written into the rule in a way that people can follow, but that was my main point here.

And I also would echo what one of the speakers said earlier. PEL and AQI are two different beasts, and they shouldn't be mixed.

Thank you.

(Speaker change.)


I would like to just say that a lot of our comments with meant to help in -- since this is an emergency rule-making, help to make this very simple and get it through as quickly as possible, and also so that it can be implemented quickly by employers, and that it be very clear.

And so we have comments for changes to (inaudible) quite a bit, but also with the realization that certain issues need to be taken up by an advisory committee.

In light of that, for section C, first of all, we propose that that section be called "emergency procedures" in line with our view that this is somewhat
an emergency action plan, and that employees are covered when they are exposed in accordance within the scope -- again, referring back section A.

And that at that point, it becomes almost a work practice standard in which we support training, provision of training and a provision of respirators, N95 respirators.

We would like to take out the references to the AQI, because we believe that that is something that should be considered by an advisory committee, and that it has many complexities to it. We believe that no data is -- or that bad data is better than no data, and that poor decisions can be made if you have poor data and that this regulation in many ways pushes the employer towards the option of having to do some monitoring.

So, for example, if you're trying to show that the controls implemented are effective in reducing the AQI, you necessarily have to go to exposure monitoring, which I think that we need more guidance in terms of how to do that exposure monitoring, and then of how to interpret the data.

So while we support the basics of this, that will provide protection from employees by providing some training and then providing respirators, we would like to leave the determination of the hazardous
concentration in setting what I was calling sort of a
permissible exposure limit to an advisory committee that
could consider all the good science and get the input
also from also all the stakeholders.

Thank you.

(Speaker change.)

PODIUM SPEAKER: So I’m Dr. Bob Bernstein,
County Health Officer for Tuolumne County.

I want up to dibble on the remarks I made
earlier and the marks just a few moments ago by
Dr. Balmes.

Missing from the document is the definition of
a sensitive group, a member of the sensitive group. And
without that, comments that a number of people have made
about the need to or the desirability of lowering the
advisory to the 101 from 150 is difficult.

So especially for groups that are employed,
whether it's an agricultural worker, a prisoner who is
going to do wildfire work, or an emergency response
worker, or whatever employed individuals, at the time of
employment, there should be prescreening and a
evaluation and fit testing, if there is any anticipation
that that individual is going to be working in an
environment where AQI will exceed 101, and that person
may be a member of a sensitive group.
So two things. Please find a way to include the proper definition of a sensitive group, member of sensitive group. And then adjust the requirement N95 fit testing and preemployment medical evaluation to employees who may be employed and sensitive to particulate matters exposure in the 2.5 range.

(Speaker change.)

PODIUM SPEAKER: Bruce Wick, CALPASC.

On item C -- this is good, right? Identification of harmful exposures. Again, we've talked about for entities in construction, you can have 50 crews over a hundred mile radius, and how do you monitor every site, as it changes, throughout the workday? I mean, there is just no way we can feasibly do something like that. And this is where the balancing of this reg will matter, I think.

So, for instance, construction, if the rules regarding -- compliant with 5144, where we don't have to do the fit testing and require shaving off your facial hair, but can hand employees masks, right now, I can't do that as a voluntary basis as the employer to the employee without doing those two things.

If we can do this because, as we talked about, wildfires are temporary emergencies, right? And we will get much more compliance if we look at it, in my
opinion, that way. And I believe a lot of construction employers will then send out their crews and their superintendents on that day and say wherever you are in this general area, we will provide N95 dusk masks, rather than having to ID what's happening on any specific job site of your 25 or 50 crews.

Many employers, we would get much more compliance readily that way if we are balanced that that's the requirement, providing respirators to employees.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Jay Weir with AT&T.

I just wanted to add to what Elizabeth Treanor mentioned about mobile crews.

I will admit to being a person with 70 crews and over 200,000 acres. It is difficult to try to put the AQI for each specific crew and to track it on a regular basis.

Every morning, we leap, we send the groups out. But before we do, we have -- what we have is a specific IIPP for that work, for that firework. We call that the HASP, health and safety plan, which they're covered on prior to leaving the work location on a daily basis. We have the N95 respirators available. They're
on the crew trucks. The supervision, including myself, I carry a box of N95 respirators to replenish those that the crews are using.

But to try to track the AQI on -- for each crew on a regular basis is impossible. I mean, literally impossible. And to try to do that -- again, we do a daily send out for the guys and take care of them that way.

Thanks.

(Speaker change.)


I just want to echo the previous comments about deleting the definitions for effective filtration of PM2.5 and MERV.

And just to give you some context, I represent a lot of building facility managers that manage public buildings, and this definition of MERV 13 sent panic to a lot of them as far as the (inaudible).

So just deleting would help a lot, eliminate that confusion, if you clarify that (inaudible).

Thank you.

(Speaker change.)

PODIUM SPEAKER: Hi. Tiffany Eng with the
California Environmental Justice Alliance or CEJA.

We like to comment on section B of the guidelines. And again, we really appreciate these conversations and comments that have been shared today, especially those that have advocated for greater protection for farm workers who, as we all know, endure some of the hardships of working conditions on a daily basis.

We wanted to align our comments with those mentioned by Cause, which is also part of the CEJA Alliance. Also with Worksafe, the building trades and CalFed.

We really want to emphasize the prior recommendations, number one, that the AQI is the appropriate monitoring system to use for this emergency protocol. We know that it can give fast and updated measurements in air quality and really emphasize its use in these situations.

Number two, that the overall AQI for -- PM 2.5 should be lowered to 101, sorry -- sorry, not 150.

During the last couple of fires in our state, we have witnessed how quickly an AQI of 150 can increase to 300 during a wildfire. We also know that keeping high AQI target of 150 would not be sufficient to safeguard the health and safety of outdoor workers.
We at CEJA urge the adoption of stronger standards to protect workers who frankly are some of the people in our state who we rely on to provide the food and agricultural products that we all need to survive and to have a strong economy in our state. And as previous comments are mentioned, you know, quality products rely on healthy and strong workforce.

We also want to recognize that an overwhelming majority of these workers are low-income latinas, workers, majority immigrants, and are general people of color. And that by not providing strong protections for these workers, we believe that this is a big environmental injustice.

So thank you so much for your time, and we look forward to seeing your final recommendations.

(Speaker change.)

PODIUM SPEAKER: Hello. Rob Moutrie for the California Chamber of Commerce and Coalition. And please tell me if I speak too quickly or I'm bumping into the mic really loud.

First, I would like to echo the comments of Elizabeth Treanor regarding deleting two provisions under the definitions specifically related to indoor references. We believe that this should be focused on outdoor (inaudible) those provisions become obsolete.
Secondly, we like to echo the provisions, the statements by Beth that the potential for employers to have their employees tracked while traveling just eliminates a lot of the feasibility issues here. So we like to see that enshrined. You heard multiple people come up and testify about the feasibility issues, communication and travel, so we would like to act on the importance of monitoring of the employees while moving.

Next also to the context, this is something that I think is getting lost a little. The context here is really a balancing of we protection. Employers want to protect their employees and making sure it is written clearly and feasibly and predictably so that we can make sure that happens. And that’s particularly important as to what Bruce Wick mentioned, that the entire importance of these is because we are in emergency situation, these must come out. Quick fit testing and quick medical evals just aren't feasible in that way.

As to the comment made by an esteemed doctor, who I did not catch your name, so my apologies to you in advanced -- to a doctor that perhaps we should prophylactically provide fit testing and medical evaluations to any employee who might be in a wild fire zone.

The problem with that, you know, from the
employer perspective is that includes the whole state. How are we to know months in advance where there might be a wildfire in California. That's just not a feasible way to approach, which is what brings us -- and I haven't been here as long as Kevin, but to the central point of these, which is to allow masks to be distributed in a feasible way and avoid those things that would get in the way like medical evaluations and fit testing.

Sorry. That's the end of my comments. I will keep this later for lunch.

(Speaker change.)

PODIUM SPEAKER: Hello. My name is David Woodard. I'm with the East Bay Municipal Utility District.

I want to speak about C, and I want to echo some of the comments we heard from other speakers and utility agencies. Being a water supplier, we have stuff we do every day just to keep water flowing. There are leaks. There are pipes that need to be fixed. There's inspections and things that need to be done to our system, and the ability to track all of those crews during the day and update their AQIs on the (inaudible) employer is difficult at best either in a room maybe similar to this with people sitting there doing nothing
but to track where they're going through the day and updating that.

So what we have done in the past, before there was a rule, like a lot of employers here, we certainly here like to take care of our employees. We made N95s available before anyone told us we had to do it. We tried to pull the employees in who are not critical kind of things, but if there's a leak running down Clay Street and water is going everywhere, we have to go fix it. And then they fix that and they move to the next one, and then they move to the next one.

And I may have 20, 30, 40 crews out there during the day moving around fixing things, and to track those AQI as they move would be very difficult at best.

Thanks.

(Speaker change.)

PODIUM SPEAKER: So Dr. Bob Bernstein, Tuolumne County health officer.

I just want to follow up on the comment on feasibility of providing preemployment fit testing and medical evaluations and require that every employee in the state of California undergo that. That was not the suggestion that I was making.

I just learned from my homeowners insurance policy that because I live in a high-risk area, my
insurance coverage was going to go up to $15,000 a year. So I'm sure that there are designated areas regarded as high risk. And what I was talking about where potentially high-risk employee categories, such as fire workers, wildfire workers, such as prisoners who are going to fight wildfires, such as emergency workers and so forth, if they're going to be employed in an area that is at high risk for wildfire, there should be pre-employment assessment and medical evaluation for fit testing of N95 respirators, to find out if they are a member of a sensitive group.

(Speaker change.)

PODIUM SPEAKER: I was looking for my pen. I found it.


I will be brief. I just want to put a fine point, because I want to make sure everyone is clear of the understanding of without this regulation, what the respiratory requirement is for employees if you're going to voluntarily provide a respirator in the state of California.

What that means is that if you do voluntarily provide an N95 respirator to an employee as an employer,
there must not be an exposure, and you must provide them with a form called Appendix D that explains all the information about that respirator.

But the key term there is, there is no exposure, but they want to wear one anyway, right? And so it really throws the baby out with the bath water when we start saying, well, we can hand these out. That's the purpose of this emergency reg, is because once there is an exposure and it is required, there is medical evaluations, fit testing, a whole host of things of 5144 that are required that are impossible to do in a short notice.

And back to, I think, Robert's point, was that if we go down that road, we are going to have to test every single person, keep those for 30 years, it could be invasive for the employees, and it's not going to happen. Let's just be real.

And so I want to make sure there is a clear understanding that that's the purpose of this, and why the employers are behind the supportive of, hey, this is an emergency. We want to protect our employees, but we can't be handcuffed with what the 5144 reg requires today. Tomorrow, we want to protect them and be able to do that in a way that's feasible and effective and protective without having to go through all the hoops of
5144 even in a voluntary requirement, because even that means there is no exposure if they're wearing it.

    Thank you.

    (Speaker change.)

    PODIUM SPEAKER: Yes. My name is Robert Armstrong. I'm with Pacific Gas & Electric.

    And I want to take a moment to reiterate what's been set forth by some of the people before me, including Ms. Treanor's comments regarding identification of harmful exposures.

    PG&E has a service territory of over approximately 70,000 square miles. And when we have one of these fire events, we are very, very good at mobilizing our forces to focus on that particular area.

    But that being said, we still have -- we still have an enormous number of crews that are still doing business as usual across the rest of our service territory. So just from a logistics standpoint, it would be nearly impossible, as echoed by the young gentleman from AT&T, for us to monitor every location if our very transitory workforces are jumping from one job location to the next.

    In addition to just being cumbersome, I think it really puts the employee in the best possible position to get the best possible data if they are in
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some way charged with some of the responsibilities
themselves.

Thank you.

COREY FRIEDMAN: I would just ask to clarify
one thing about this rule-making process, which is that
after this emergency regulation rule-making is complete,
assuming that the emergency reg is put in place, we are
going to launch immediately into permanent rule-making.
We only have a maximum of about a year to get some
regulation in place.

And the reason I wanted to bring this up is
there was a lot of talk about having a slower advisory
process, and there may indeed be room for that,
something that would take longer than a year. But that
would be in addition to a rule-making that wants to take
place within about a year after the time of the
emergency rule takes effect. Thanks. And I think we
are breaking for lunch.

(Lunch recess.)

ERIC BERG: One two three.

AMALIA NEIDHARDT: We are going to continue.

We are going to carry on.

The next item that we are seeking input is
subsection D, communication. Either comments on
subsection D1 or D2, informing employees or encouraging
employees. Anyone interested?

    Thank you.

PODIUM SPEAKER: So I'm still Bob Bernstein, county health officer in Tuolumne County, California.

    We use the EPA's visual methodology for citizens and workers to be able to make an estimate of what the AQI was. In other words, you observe site and the distance from that site to where you are, and the visibility of that site in the EPA methodology enables you to determine whether or not you're in an AQI hazardous for the general population or hazardous for sensitive populations.

    Is it possible to incorporate that because several people -- I've forgotten the name, the big guy. Several people have made the appropriate comment that we are not wearing personal air breathing zone methodologies. And in the areas where people work or are planning to work or required to work, there isn't necessarily a stationary device, but the ability to use this EPA methodology might serve to at least enable those people with a sensitive medical history to determine whether or not they want to continue to volunteer in that setting, whether they want to help out.

AMALIA NEIDHARDT: So for clarification,
Dr. Bernstein, so you're saying to use them together with the AQI, the visibility that you're talking about?

PODIUM SPEAKER: As an alternative or supplement to the AQI. If, for example, you're not able to find an AQI reading for the area that you're in or planning to work in.

AMALIA NEIDHARDT: Got it. Thank you.

(Speaker change.)

PODIUM SPEAKER: Good afternoon. Division staff. My name is Elizabeth Treanor. I'm with the Regulatory Roundtable, and I did have one comment on D, communication.

We are concerned about where it says "informing employees," because in this situation, particularly where you have mobile crews, you want two-way communication. So we would recommend instead of using the word "informing," that you use "communicating with employees about" so that they can give us employers information, and the employers can give them information, and it's more of a two-way way for them to address what the current events and how best to protect themselves.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Bruce Wick with CALPASC.
Again, talking about construction, multiple job sites, multiple crews out and about. This section, as it's written, seems to be, hey, somebody is right on site, and you're exchanging information back and forth, when for most contractors, how they would typically like to do this is start of the work shift, you know something is going on, and the employees have the N95 dusk mask or we will have done this training, this communication, on a consistent basis, so employees can give us that information.

But as it's been talked about, sometimes communication is not available in the way you would like it to be. Superintendents will need to be roaming. We would rather have them focused on making sure everybody is using, you know, whatever they need to be using and we have the availability for the N95 mask.

So I think we need to consider employers having options of having done much of this communication ahead of time. And, you know, then communication can be done afterwards as necessary, but not in the middle of this temporary emergency that's going on.

(Speaker change.)

PODIUM SPEAKER: Good afternoon. Michael Miller with the California Association of Wine Grape Growers. And I apologize for speaking too quickly
earlier. I will try to slow down.

Relative to communications, I think a hopefully simple resolvable concern, the way that it is currently written, it is very, very subjective at how to be interpreted relative to compliance. Words like establish and implement the system, it use PM2.5 levels instead AQI. I'm not sure what you refer there. And it's got things like encouraging employees to inform the employer of, then it lists the three conditions.

If those were simply in a form that was handed to the employee, where he said, hey, please read this form all relative to the situations, and you simply require an open-communication dialogue between the employer and the employee in the various workplaces, that might be a more succinct way of getting that communication issue.

But the way this is written right now, it is very subjective at how to be interpreted relative to and requires a tech to comply.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Nicole Marquez. Senior staff attorney with Worksafe.

I want to talk about communication and we support lowering the threshold to 101 AQI, or greater.
We also believe that in the employer's communication plan, we understand that this wildfire event is temporary, but the health effects could be lifelong. So we would have the employers inform workers about the corresponding levels of health concern and any health effects that this exposure might have.

We also support employers encouraging workers to report any adverse symptoms, and also to encourage them to seek first aid. We also support required increased supervision during a wildfire event, and that this means of communication needs to be something that is not a mechanism for harassment or any way of retaliating against workers when they do seek first aid, especially given a climate with a lot of the workers who are low wage, immigrant workers, working in landscaping, construction, day laborers, the climate now is very much anti-immigrant, so we would really want to make sure that the increased supervision during this type of event is in a way that is supportive and helping to prevent any health events.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Lucia Marquez from Cause.

In section D, the employer must communicate in a form readily understandable by all employees. It
should be emphasized that many agricultural workers primarily speak indigenous languages from Southern Mexico, and many have limited literacy, so we would think that training should be available in the employee's primary language and should not be limited to written materials.

And the division should also consider directing the creation of specialized training materials for workforces that (inaudible) barriers to safety training.

COREY FRIEDMAN: Okay. The next subsection is subsection E on training. If anyone has any comments on that, I will note there is a reference to an appendix, unfortunately, because we have been trying to work quickly, we have not had an opportunity to make that appendix available yet. We fully intend to do so.

But the intention was to provide information to make training easier and simpler for employers and employees to have some documents that would get everything in one place in a way that would facilitate training. So when that is available, it will be made public.


Regarding training, we invite the division to
sort of step back and recognize that there is a contextual meaning to training.

Since 1991, when training has been required under the Injury and Illness Prevention Program, compliance officer shows up, show me your curricula, show me your sign-in sheet, show me your rosters, and so it has that meaning and connotation for the regulating community.

And when we have got a situation -- this is an emergency, so we have people that are trying to restore power, gas, water, communication systems. For them to stand down and make sure they have their curriculum signed -- employees in for a roster, what we would recommend is that you change the word to "instruction" so that the employees have to be instructed in all of those measures to take to protect their health, what the hazards are working with wildfire smoke, working in wildfire smoke, so that it would be clear that on the job briefings and tailgate meetings and those type of training -- those types of instructions are going to be provided rather than what we have come to believe or understand "train" means.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Roxanne Fynboh. California
Industrial Hygiene Council.

To reiterate what has already been said is that this needs to be done quickly and on an emergency basis and should be simple and informed that the employer can implement to be able to respond quickly.

And we suggest that the Cal/OSHA develop appendix A, and in appendix A essentially outline the training program, so it has all the contents that the employer needs to cover so that essentially, section -- this training section would reference appendix A and require the employer to provide outdoor employee with training in a form readily understandable by all effective employees when the emergency situation is first identified, and that the training cover the information in appendix A, training be documented is a requirement of the regulation anyway, and that the employer develop the training in advance using that appendix and allowing them to expedite training when the emergency situation is first identified.

(Speaker change.)

PODIUM SPEAKER: Good afternoon. Brian Little with California Farm Bureau Federation.

Looking at the training section E, E8, perhaps something that needs to be pointed out. E indicates that an employee should be properly trained on how to
properly put on, use, and maintain respirators provided by the employer.

I think it is important to keep in mind that the respirators that are going to be used in this circumstance are going to be filtering face piece respirators which are intended to be disposable.

I don't think it necessarily would be a good idea for the training we provide to employees to discourage them from disposing of respirators when they need to be disposed of, and with filter and face piece respirators, their lifespan is typically relatively short.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Lucia Marquez with Cause.

In subsection E1, training should include both acute and chronic health effects from wildfire smoke. Without this knowledge, many workers may choose not to wear protective gear if they are not experiencing short-term effects such as difficulty breathing and exposure to themselves -- you know, exposing themselves to long-term health effects such as cancer risk.

In section E7 training should include the difference between N95 respirator masks and other facial protection. Farm workers often wear bandannas due to
regular exposure to dust and pesticides, and believe that this might also protect them from fine particulates without explicit training otherwise.

And then in subsection E8, training should include the need for regularly change of mask at least daily. Particularly, employers should be required -- jumping ahead to F, section 3A, to provide new masks daily.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Hello. My name is Nancy Zuniga from IDEPSCA, Institute of Popular Education of Southern California. We work with day laborers and domestic workers.

And just to really reiterate, we actually did training in the past couple of months with 200 workers, where we did 15 to 30 minutes in-person trainings showing workers how to properly use N95 masks. And so just to really emphasize the importance of training and having the elements that Cause mentioned right now in terms of accessibility, making sure that it is accessible regardless of literacy levels.

The hands-on piece is really important, and really making sure that workers understand how to put it on/off, and how often it needs to get changed. That was
really important for sharing with workers.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Hello. James Mackenzie with Southern California Edison.

And I also wanted to request the changing of the term "training" to "instruction." There's a lot of logistical concerns with training, as mentioned by Ms. Treanor from Phylmar, in definition and going back to what we typically interpreted as a classroom-type setting where you have PowerPoint presentation and rosters and things of that nature.

For this content, I actually -- the logistics is one piece. I actually think it's more effective to be when you are in the field ready to do the work, you have the dust mask in your hand and someone's talking through it. Here is how you put it, here's how you take it off, and it's real-time as opposed to something maybe I had nine months ago and now I have to open it up and remember what I learned in that classroom, because for large employers, that's probably what formal training would refer to, is something that you get on an annual cadence. That's really the only way to logistically handle that.

So by referring to it as instruction, we can
retain the same content, have it be arguably more effective at the time of the incident.

I would also submit that No. 9, bullet 9, there, creates redundancy with the emergency action planning regulations, and so I would offer to remove that -- creates some redundancy with the emergency action planning regulations, so we are pulling in from other regulatory sections that already have expectations for us as an employer there, so it arguably muddies the waters.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Ann Katon from California Rural Legal Assistance Foundation, and I support the comments of Worksafe and the other advocacy organizations.

And I just want to add that it's important for the training to include disclosure, that it's the employer's responsibility to provide the respirators and also in addition to being replaced at the end of the work shift, that they should be replaced any time that they become spoilt or clogged.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Good afternoon. Rob Moutrie
for the Cal Chamber of Commerce again attempting to go sufficiently slow.

So I think I'm going to bring together a couple of things, and thank all of you for your discussion of appendix A, and having kind of a model employers can rely on because much of our concern is ambiguity in what we need to do. So we look toward to seeing that, and hopefully we will have enough time to comment on that and deal with it because it sounds like it will address many of our concerns and many of the concerns about specific provisions that some groups have raised being included.

I'd also like to echo the comments of a number of prior speakers related to flexibility. As a group that represents a broad base of employers -- I'm sorry, the gentleman just before me, I forgot your name. My apologies. James.

But we want to make sure that the employers have the flexibility to use training (inaudible), and appendix A may solve that depending on the way you see it, but I want to emphasize that to you, given the breadth of off our membership.

And last, a specific point as to E-4, which reads presently, employers shall provide training in how employees can check the AQI at their location.
We would seek some clarification there because it's not clear. If we all worked in an office every day, it would be easy. We could direct the workers to utilize their personal PCs and check AQI. But how the worker is to on a minute to minute or per shift basis to check the AQI, and if they're required to see a live feed or if they can ask their shift leader who checks at the beginning of the shift.

Just clarifying how they're supposed to check on that would help us to anticipate what that requires and prepare for it.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Raj Puri. Occupational medicine physician at Stanford University.

I just want to echo some of the points of my colleague, Dr. John Balmes and also Dr. Bernstein, who I just heard.

I wanted to emphasize some clarity regarding the definition of sensitive groups to include preexisting asthma, elderly greater than 65, pregnant women, et cetera, and other groups.

Also training, what exactly -- to provide some clarity regarding what effective training actually means.
Suggesting possibly an online training module, that could be very helpful.

And also E3, the right to obtain medical treatment to clarify. What exactly does that mean? Is it to the primary care physician or to the on-site occupational medicine physician or both?

ERIC BERG: Okay. The next subsection we would like comments on is subsection F, control of harmful exposures to employees. This includes administrative controls, if they are feasible, and then providing respiratories for volunteer use, if the AQI is less than 300, and then for mandatory use if it's above 300. That is subsection F. So we invite people to comment on that now.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Elizabeth Treanor. Still with the Phylmar Regulatory Roundtable unless I got an e-mail before I stood up telling you I was no longer with them.

With regard to F, it's long been recognized by the standards board and the division that respiratory protective equipment is permissible in emergency circumstances, and that's in 8 CCR 5141(c)(3), it provides for that use.
Feasibility in a regulatory context is really not applicable in an emergency context. One of the things that you mentioned here is that feasible engineering controls will be used. And feasibility is a two-part test; one, is it capable of being achieved, and two, is it without someone going out of business.

So employers, and particularly PRR employers, would have the economic means to develop enclosed structures for their workers. But we suggest that in times of emergency, there is better use that can be put to building those enclosed structures, which by the time they're completed, the workers may no longer be there.

So we would encourage you to have employers take a look at each situation and identify whether or not engineering or administrative controls would be appropriate. And if they're not appropriate in that context, then they would use the respiratory protection.

And when we understand the hierarchy of controls, and in most cases we support it. If you can eliminate the hazard with engineering control, that is always the preference. But this is an emergency situation, and it is not going to be realistic.

If you're dealing with a fire, a wildfire event, an engineering control, at least what my members have told me and hopefully they will add something to
it. Engineering controls are almost always not really practical in that situation. What they need to do is address the problem of restoring water, power, gas, communication systems, and move on.

And those crews tend to keep moving because they're trying to build a structure around them. They could afford to do it and it's capable of being done, but it is not the best use of resources.

Thank you.

(Speaker change.)


We would like to reiterate Elizabeth's comments. We would like to simply refer to section 5141 under control of exposure to employees, and then we would like to reiterate that respirators are allowed to be used in emergencies, and that the hierarchy of controls should always be considered, but just to reiterate that that is an allowable option.

And then at this point, I would like to just summarize some of my comments. We are saying that we would like to have people protected regardless of the AQI, by looking at whether or not a wildfire smoke advisory has been issued, and there is a possibility of outdoor employees being exposed to wildfire smoke.
That would, in itself, trigger certain protective measures, which would include the training component, which hopefully would be outlined in the appendix and be ready to go, and then also would include the provision of N95 respiratory protection.

Thank you.

(Speaker change.)

PODIUM SPEAKER: Michael Miller again.

California Association of Wine Grape Growers.

We are very concerned about worker safety. We want our workers to be safe and healthy when they're working with us. And always, we are concerned that the way that subdivision F3 is written, especially combined with subdivision E and subdivision C, 2C creates a problem where you're requiring the employer to encourage employees to use respirators.

So remember, there is no medical evaluation here, so what you are creating is a situation where the worker has been told that there are adverse symptoms likely resulting from wildfire smoke exposure, such as asthma attacks, difficulties breathing and chest pain.

They've also been trained or received some guidance on the importance, limitations and benefits of using a respirator when exposed to wildfire smoke. And now the employer is encouraging them to wear the
respirator.

But what happens if that person has a medical condition where the respirator creates problems for them? The employers say, hey, this is really important you have to wear it. They have been trained on it. They have been given all this information saying you have to -- not that you have to wear it, but the employee worker may very well feel, oh, I really have to wear this, even though they don't know for sure. And it also works the other way around too. What if the employer didn't adequately encourage the worker to wear it, and the worker says, oh, I didn't know I have to wear it. I just thought I was fine to go out there without it. So it's ambiguous and creates problems for how the employer communicates with the worker on the whole voluntary use of the mask.

So I would simply suggest that on page 3 -- F3A, strike the words "and encourage employees to use respirators."

I think with everything else that you're doing as far as training them and giving them information, they're getting that encouragement anyway. But to require it specifically at that point I think creates potential problems and substantial risk for the worker.

Thank you.
(Speaker change.)

PODIUM SPEAKER: Hi. My name is Deborah Gold, and I used to work for Cal/OSHA.

And I really wanted to commend the Cal/OSHA's staff work on this proposal. I think you've done an excellent job in a short period of time. Of course, there are differences, 101 versus 150; that I support, but I just think you've done a really excellent job in constructing this.

I want to address specifically the issue of mandatory respirator use when the AQI is 300 or 301, and why I think that makes sense. So section 5144 requires for full respirator use, not voluntary use. And I'm not going to use the word "mask" because it is a respirator. It requires a program. It requires an administrator. It requires program review. It requires procedures for use. It requires training. And then for each user, it requires medical evaluation and fit testing.

And specifically, I want to address this issue of fit testing. So the assigned protection factor for the N95 respirator is 10. That is that every user who uses a respirator and is in a full respiratory protection program should get a reduction of tenfold from outside respirators to inside respirators.

So when we apply that at the level of 300,
which is 250 point -- I don't know where these decimals come in this AQI thing -- it implies a level of accuracy that I think might be overstated, but it should then -- when you have an assigned protection factor and you're at that 301 level, you should be at 25, which is within that moderate health -- of a moderate risk to health range.

And even when you're at 500, you're down to 50, and you're within the unhealthy for sensitive groups. And I'm talking micrograms per cubic meter. That's when you've got 10.

But when you don't have fit testing, and so -- oh, God. I'm going to get into math. Okay. But when you are looking at this assigned protection factor of 10, what you are looking at is the 95th or 5 percent, whichever way you want to turn your numbers around -- into a 5 percent of people. Only less than 5 percent of people should get that 10, okay.

But when you don't fit test, that comparable number in a number of studies sponsored by NIOSH and other researchers is that at least 5 percent of people may not even get 3. If we then apply that 3, that simulated workplace protection factor of 3 to the numbers of micrograms per cubic meters in this chart, if we are at 500, we have only lowered people's exposure to
the unhealthy level -- or not even to that level; to the very unhealthy level.

So for that reason, I commend you for setting that level of required use at 300 because I think you should be aiming at 101, but for whatever reason, you at least have to get people down to unhealthy for sensitive groups, and that requires triggering in your fit testing, because all that fit testing does, it doesn't improve the performance of any respirator. It doesn't make a respirator a better filter. What it improves is the relationship between the user and the respirator so that the user is getting the full protection available from that respirator.

And if you're not requiring fit testing, you're not getting a protection factor of 10. And when you're up at 300, you need that protection factor.

So I really commend you for making that decision. I realize it was a politically difficult decision for you to make given the levels that some of the PM2.5 has reached, so thank you very much.

(Speaker change.)


And I want to address section -- subsection F3B, and I think this reflects comments that have been
made by other presenters as well as other utilities. It's our belief that establishing mandatory respirator use at any AQI -- much less an AQI of 300 -- is impractical and infeasible and should not be implemented as a part of this emergency rule-making.

It may be useful under a permanent rule-making after there is much more study done. I will illustrate several reasons.

First of all, it's impractical. It takes from the standpoint of medical evaluation even if just medical questionnaires are used for the employees, they have to be reviewed by a qualified medical professional or a PHLCP proficient or other licensed healthcare professional.

In addition, fit testing typically takes at least ten minutes per person.

So as mentioned, we have hundreds or thousands of workers that may be affected by this. So it will effectively stretch the limits of any possible resources that we have, whether we are contracting or trying to do in-house or having the employees, you know, fit tested by some other vendors.

So fit testing and medical evaluation are extremely difficult to do even on an annual basis. We dedicate large amounts of resources for people who are
engaged in that or that have exposures already.

Second, it is also impractical from the standpoint of facial hair. If you expect that compliance with the respirator standard is going to be required, most of the workers that we have in the field have facial hair or many of them do, I will say.

If you take a snapshot of the Giants or the Oakland A's baseball teams, that's what most of our workers look like, so it's not just five o'clock shadow. It's beards, goatees, whatever. And it is a lifestyle choice that many of them made. For instance, recently, we did a special training for first-class welders. All seven students have full facial hair, okay.

So it means that we would be requiring employees to shave in occupations that they normally don't. For line crews, for electrical workers that typically don't have a requirement for respirators, that would be an unusual requirement and would be very difficult to enforce, especially under short term.

Another reason, and I think this is one from a professional standpoint that we have to take less seriously, is that the AQI, as we mentioned before, being used as an emergency trigger for requiring different types of protections is useful. But when you come to establishing a standard that's as complete with
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requirements as respiratory protection is, it really needs to be based on an occupational exposure limit that has been studied with a complete risk assessment as the permissible exposure limits have been.

So, in fact, if we look at the difference, for instance, it will illustrate how dramatic the occupational exposure limit is for particulate versus what the AQI is. Currently, the closest PEL is particulates not otherwise regulated, the respirable dust fractions, and that's currently set at 5 milligrams per cubic meter. The highest AQI of 500 is an incredible level of .5 milligrams per cubic meter, ten times lower than the current PEL for respirable dust. There is a difference because PM2.5 is different than the side aerodynamic diameters that are used in the respirable PEL, which includes everything less than 10 micrograms or 10 micrometers, but it does illustrate for you that the AQI is so much lower than the PEL that it's clear that a risk assessment needs to be performed to establish really what is a hazardous level that employees can be exposed to and for what duration.

Are we establishing it also an acute exposure or is it for chronic exposure or over working lifetime?

So those two reasons in practicality and lack of an established reliable occupational exposure limit
for workers, it's difficult to see establishing an emergency standard that relies on respirators and AQI.

The third one I want to bring up, especially for electrical workers. It was mentioned in passing. Currently the standard that was recently implemented for electrical protection from electric arcs. It prohibits the use of any type of protective gear unless it is arc-rated at the level that the worker may be exposed to. And during these operations in wildfires where we have energized equipment, there may be situations where employees are exposed in a well-above two calories per square centimeter, the effective arc-flash boundary. And there are no respirators that I'm aware of that are arc-rated.

So it may be possible to have some tested and determine if, in fact, they are actually providing protection from arc flash, but currently, the rubber or other materials haven't been tested to determine if they could ignite or if they could melt, drip, and stick to the skin and cause further injury.

So for these three types of reasons; practicality, lack of established risk assessment for occupational exposure, and a conflict with requirements for the arc rating, our recommendation is to withhold mandatory respirator use until a current rule-making can
address and resolve any conflict.

    Thank you.

    (Speaker change.)

PODIUM SPEAKER: Hi. Ann Katon from California Rural Legal Assistance Foundation.

    And I just wanted to second Deborah Gold's comments that when the air levels are hazardous for PM2.5 and fit testing should be required, the time spent is well worth the protection needed for workers.

    Also I really support the way you've drafted this where you have to have the respirators available for workers, not just provide them upon request for voluntary use, is very important especially for low-income workers like agricultural workers who wouldn't ask if -- you know, wouldn't make the request. They wouldn't feel comfortable for it.

    And for that same reason, I think you should keep in the language that says that workers should be encouraged to wear the respirator because you're also providing training about reporting symptoms, so that should counteract if a worker is having difficulty wearing a respirator. Thank you.

    (Speaker change.)

Two main points in this section. The first is echoing the comments made by Ms. Treanor related to the hierarchy of controls. What we do as a company submit wholeheartedly to the hierarchy of the controls for the vast majority of situations.

In this situation, though, when you look at the word "feasible" in there, it can create some potential outrageous outliers. And I use an example of we probably do have the resources to put a HEPA filter tent over the power line while we are working on the repairs, but I think we would all agree that that's probably a little bit outrageous to do that and it wouldn't make sense to do.

In many situations, the employees are doing inspections where they're moving from site to site to site, so those administrative or engineering controls to the point made earlier when -- by the time they're constructed or put in place, we've moved on to the next section.

So I believe in line with the (inaudible) this is a situation where looking at -- in the letter I submitted, use the word "practicable" instead of "feasible" where we should look at it. I think it makes sense for us to look at what we can do from an engineering standpoint, what we can do from an
administrative standpoint, and from there go to the personal protective equipment. But to call it feasible, to ensure that it's feasible creates challenges like I mentioned.

The other point, I did want to concur with Mr. Heramb's comments related to mandatory requirements. We have concerns with that. And some of them lie in that we don't know what we don't know yet. I think there have been many comments on both sides around how the AQI and using it for this function is new.

And so I would submit that going to what we are doing, which is what I call the mandatory provision of voluntary respirator use, that is a big step level increase for the state and probably a fantastic step for the emergency regulation, and gives us an opportunity to understand how we apply the AQIs, and how we do this work with these provisions in mind when we go into permanent rule-making. Otherwise we can end up tying hands on the mandatory provisions, and based on that understanding what implications could lie behind the scenes on that, some of which are concerns around -- I'm not personally aware of an N95 mask that passed an arc-rating test, so that puts us in a quandary of do we have to choose which section to violate, essentially, and I don't think any one of us want to be put in that
type of position.

Thank you.

(Speaker change.)

PODIUM SPEAKER: My name is Abad Leyva. I'm from the Street Level Health Project and the Oakland Workers Collective.

We are doing this because we try to save lives, and saving lives is always practical. Fit testing, which should be mostly required. Have respirators available for workers at all times mostly required as well. And training must be done in the language that the worker speaks as well.

Thank you.

(Speaker change.)

PODIUM SPEAKER: I'm Bill Taylor with PASMA, and I just wanted to echo the concerns about the arc-rating of the N95s. I think during these emergency operations for the electrical workers, they should be exempt from that because that arc flash is a concern.

But another major concern about F3A, because you're tying the providing respirators to the AQI, I think it's not going to be at least as effective as a federal standard. I have a concern about that it might be a problem down the line.

(Speaker change.)
PODIUM SPEAKER: Good afternoon. Kevin Bland again.

I want to bring us back to where we started a little bit. Remember this is an emergency regulation for an emergency situation. And now that kind of drifts into a nonemergency situation where we are talking about this hierarchy of controls, what we could do in a standard hazard analysis environment. If we have a project that we are going to do in six months from now, we are going to look at the engineering controls. Okay. Can we do something there feasible? No. Can we do something administratively? No. Okay. We have to use the respirator as a last resort in those normal common instances.

In this case, we don't have that kind of time in these situations. So the idea -- my understanding of this -- is before, there wasn't a way or a provision for us to handle the emergency feasibly as an employer in California for our employees in California.

We have that opportunity now, but if we make it so complicated or resort back to the nonemergency rules, we are taking a step backwards because we're not going to be able to comply with it. And we are not going to be able to accomplish that.

So I urge people to take a step back, think
about what we are trying to accomplish here in emergency, give us an opportunity as employers to provide protection, albeit in some cases and maybe not all cases, is it going to be perfect? But it's going to be a hell of a lot better than what we have today and are able to do today under the current regulations, and that have been in place for 20, 30 years.

So in this emergency environment, I urge us to take a little bit of a step backwards, look at the big picture, try to get an emergency reg that we can implement in this season that's feasible for the employers to comply with, feasible for the employees to use and benefit from. And then when it comes time for the other rule-making, it gives an opportunity to look more at these levels and look more at some of these things in an environment in which we have had some times to see how does this work, how did this work during this fire season on what we did?

So I just want to urge us to take that step back especially on the hierarchy of controls here in section F, because if you really do this the right way, that's a six-month project to go through the engineering controls, administration analysis, and all that. We may only have six minutes. We may only have six hours, so I think we have to take a step back of that.
Secondly, I think it is important for those of you that don’t know, I may be a talking head here on the employer’s side right now, but I had to work for a living before I was an attorney. I was an ironworker out in the field. I grew up on a farm. So I understand what it is like to work with my hands and work outside, and so I’m not taking this just from one side. I understand it. But when I was in the field, I wanted something that, one, I knew was safe for me to use, two, made sense to me, and, three, I wouldn’t have to shave my beard for. So the last part was a joke about the beard, but it is an important thing because a lot of us that have beards, Mitch, a lot of you agree with me that beards are important.

And in this context, literally, you have to have everybody in the state of California who is an employee clean-shaven when we get to the 300s because we have to be prepared for that, and that is not fair. That’s not fair for the employees, that’s not fair to me.

So anyway, thank you very much.

(Speaker change.)


I will try to be brief here. Much of this has
been well-covered, so I will skip to the points that I think we can add to.

The chamber is very concerned about the hierarchy of being in place for exactly the feasibility reason, as Kevin pointed out, time and feasibility is hard to calculate.

So one example that hasn't been brought forward yet that I do want to emphasize is unlike an issue which we are aware of and have time to calculate, wildfires shift quickly. We have changing weather conditions and we have changing severities. And so the feasibility calculation doesn't just need to be done quickly. It also has shifting variables making it that much more difficult to say which one is more feasible in a situation. For that reason, you know, broadly, using respirators is at least predictable on the employer's side, you know, as opposed to the other variables that are hard to calculate. At least then we know where we are going, regardless of where they are set in these variables.

For tier one, something that isn't mentioned in this section, the 150 to 300 category. You know, we are absolutely understanding and agreeable with handing out the (inaudible) and handing out the training form with it, as you mentioned appendix A, we think those
could come together. And mentioning appendix A here might be something we can do to make that clear.

The second tier, we share the concerns of how is the timeline for this to react? It's something we will try to get you in comments by Friday if we can is that has not been discussed is the quickness at which the AQI could rise with a severe fire. So what the feasible for employers to do to get employees ready if we went to 150, and we knew 300 is coming and it is going to be here in a couple of days or some time period, but the speed of that rise doesn't seem to have been considered right now, but we will try to look at that and get back to you by Friday.

As to the select groups issue which has come up a couple of times, and since it is probably featured in this section of the regs, we will just briefly deal with it here.

Collecting health information about employees to determine if they meet whatever select categories may be, I think we heard asthma and pregnancy and age. Of course, age is not as hard to determine, but asthma or other medical conditions that might create issues that require employers to correct that information or ask employees about it. That's just a minefield that we are hesitant to step into.
We all know that that can be a big concern generally and there are a lot of other rules about that. So especially in the emergency regs setting, we are very concerned about writing in employers requesting health information or dealing with individuals, you know, private health conditions as part of our practice.

And that's especially true where here, we are already looking at a regulation written around a standard that we haven't used before in this way. We have been talking about AQI versus other standards that have been used in a regulatory context, but we are already putting in emergency reg whereas you mentioned, we are going to be looking at this and revising and considering is it the right way. We already have one new big variable coming in, the use of AQI and how we monitor and communicate. Writing in an additional selected health group variable seems like from our perspective a lot to do on an emergency basis.

And that's all I have. Thank you.

(Speaker change.)

PODIUM SPEAKER: Good afternoon. Brian Little with California Farm Bureau Federation.

I think that a lot of you in this room probably live in Sacramento, and you probably remember those handful of days during the Camp Fire when the air
quality was 400, and the scale only goes to 500, and there was a lot of conversation going on in those couple of weeks when all that was happening.

The Sacramento Metro Fire Department set out to divide some of the stock of N95 respirators they had accumulated the community for the use of the community. That went on for three our four days, maybe a week, I can't remember exactly how long, before the County Department of Public Health told Sacramento Metro Fire to knock it off.

And as far as I could tell from the news coverage, the reason they did that was because they were concerned that provision of respirators on those circumstances may have given people a false sense that they were getting more protection than they actually were getting.

That struck me at the time, and it still does, as an exercise in allowing the perfect to be the enemy of the good. Some protection has to be better than no protection. I think the simple part of this emergency regulation you're doing here is permitting the use of filtering face piece respirators in appropriate circumstances -- in appropriate emergency circumstances on an emergency basis.

There is an awful lot of additional
complication in this draft regulation that puts you in a position where you may be allowing the perfect to be the enemy of the good.

So I would urge you to consider what really needs to be in this, and perhaps what doesn't need to be in this at least on an emergency basis, and reserve the resolution of a lot of these issues that have been discussed here today for the permanent regulation that we will all be participating in trying to write. That's all.

Thank you.

AMALIA NEIDHARDT: Okay. So now we are going to open the floor to hear about any comments on feasibility, cost, or any issues related to alternatives. Anything else that we didn't address already? Other issues? Are we all done? You can come to the podium, please.


I didn't bring this up before, but since I represent practicing industrial hygienists, I want to bring up a conundrum that we have, and that is that we don't routinely measure exposure to PM2.5. As someone else brought up, we measure exposures to PM10. So we have that data. But if I had to guess, I would say
there were a lot of farm workers and a lot of other workers right now that are being exposed to PM2.5 levels that are in excess of the levels that correspond to the AQIs.

So that presents a bit of a conundrum for us in terms of evaluating exposures even during an emergency, what part of that is a small exposure, what is always there, which may be, like I said, quite a bit higher than what is presented during a smoke situation.

There are also people that work with fire. By that, I mean some winery workers, vineyard workers that have to burn old vines. They were in the rice fields. They do different things where they are all exposed probably to a level in excess of what we are talking about now. So that's just a conundrum that we have. And the good news is it in some way clarifies some of those issues with some additional guidance.

AMALIA NEIDHARDT: Well, okay. That's all the comments we have. Thank you very much.

(Proceedings concluded at 2:10 p.m.)


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WILDFIRE SMOKE PROTECTION

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