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Legal & Regulatory Updates, Protection from Wildfire Smoke, and Heat Illness Prevention

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Presenters

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Agenda

- ▶ Legal and Regulatory Updates
- ▶ CDC Updates
- ▶ Protection from Wildfire Smoke
 - ▶ Best Practices
 - ▶ California Code of Regulations 5141.1 Protection from Wildfire Smoke Standard
- ▶ Heat Illness Prevention
 - ▶ Best Practices
 - ▶ California Code of Regulations 3395 Heat Illness Prevention Standard
- ▶ New CA Proposed Regulation – AB2243
- ▶ Questions/Answers & Open Discussion

New Mexico Updates

- ▶ Effective February 17, 2022 - NM ends face mask mandate in most indoor spaces
- ▶ Remains in effect for congregate settings, including hospitals, long-term care facilities, and detention facilities
- ▶ Decision on masking in schools left up to governing school bodies



California Updates

- ▶ February 28, 2022, Executive Order issued and effective immediately employees are no longer required to wear masks in indoor work settings. ETS updated.
- ▶ Remainder of the second ETS adoption is still in place.
- ▶ New Expiration date of the second ETS adoption is Friday May 5, 2022 but may be re-adopted for a third time. **Standards board voting on April 21, 2022, regarding final extension of the Covid ETS.**
- ▶ Effective March 1, 2022 –**Non-Occupational**
 - ▶ CA ends face mask mandate in most indoor spaces
 - ▶ No longer required for unvaccinated individuals, but strongly recommended for all individuals in most indoor settings
 - ▶ Masks are still required for everyone in high transmission settings like public transit, emergency shelters, health care settings, correctional facilities, and homeless shelters
- ▶ Effective March 12, 2022 - CA ends face mask mandate in schools and childcare facilities
 - ▶ Masks no longer required but are strongly recommended

CDC Updates

- ▶ CDC guidance is fluid, and it is important that you regularly check and visit the site for updates and changes in procedures and practices.
 - ▶ <https://www.cdc.gov/>
- ▶ Recent updates:
 - ▶ Test to Treat Initiative - provides quick access to free treatment for COVID-19
 - ▶ <https://aspr.hhs.gov/TestToTreat>
- ▶ New Quarantine and Isolation Calculator
 - ▶ <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/symptoms.html>
- ▶ COVID-19 Vaccine Boosters
 - ▶ <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/booster-shot.html>



OSHA and Protection from Wildfire Smoke

- ▶ California has a Cal OSHA regulatory standard to protect employees from wildfire smoke (8 CCR 5141.1)
- ▶ Fed OSHA uses the “General Duty” Clause to protect employees from wildfire smoke
- ▶ Employers must mitigate employee exposure to wildfire smoke when working outdoors

Health Effects of Wildfire Smoke

- ▶ Particulate matter can irritate the lungs and cause serious or even fatal health effects, such as:
 - ▶ Reduced lung function
 - ▶ Bronchitis
 - ▶ Worsening of asthma
 - ▶ Heart failure
- ▶ People over 65 and people who already have heart and lung problems are the most likely to suffer from serious health effects
- ▶ The smallest and most harmful Particulate Matter (PM) is called PM_{2.5} because each particle has a diameter of 2.5 micrometers or smaller
- ▶ The very small size allows the particles to become trapped deep in the lungs and can even enter the bloodstream.

Cal OSHA Standard –Protection from Wildfire Smoke

▶ Critical Elements of Title 8 CCR 5141.1

- ▶ Applies to employees who work outdoors when
 - The current AQI for PM2.5 is 151 or greater, regardless of the AQI for other pollutants
 - The employer should reasonably anticipate that employees may be exposed to wildfire smoke
- ▶ Address how employers will identify harmful levels of wildfire smoke
- ▶ Training on wildfire smoke hazards
- ▶ Communication with employees current Air Quality Index (AQI) for PM2.5
- ▶ Training and Instruction on how to wear respirators

OSHA General Duty Clause

- ▶ Each employer shall furnish to each of his employees, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.
- ▶ Wildfire Smoke is a recognized hazard for employees who work outdoors

Best Practices - Administrative Controls

Transferring employees between locations when the AQI is not as hazardous

Limiting the length of employee shifts

Rotating employees between working outdoors and inside

Offering less strenuous work activities

Increase the number of rest breaks offered

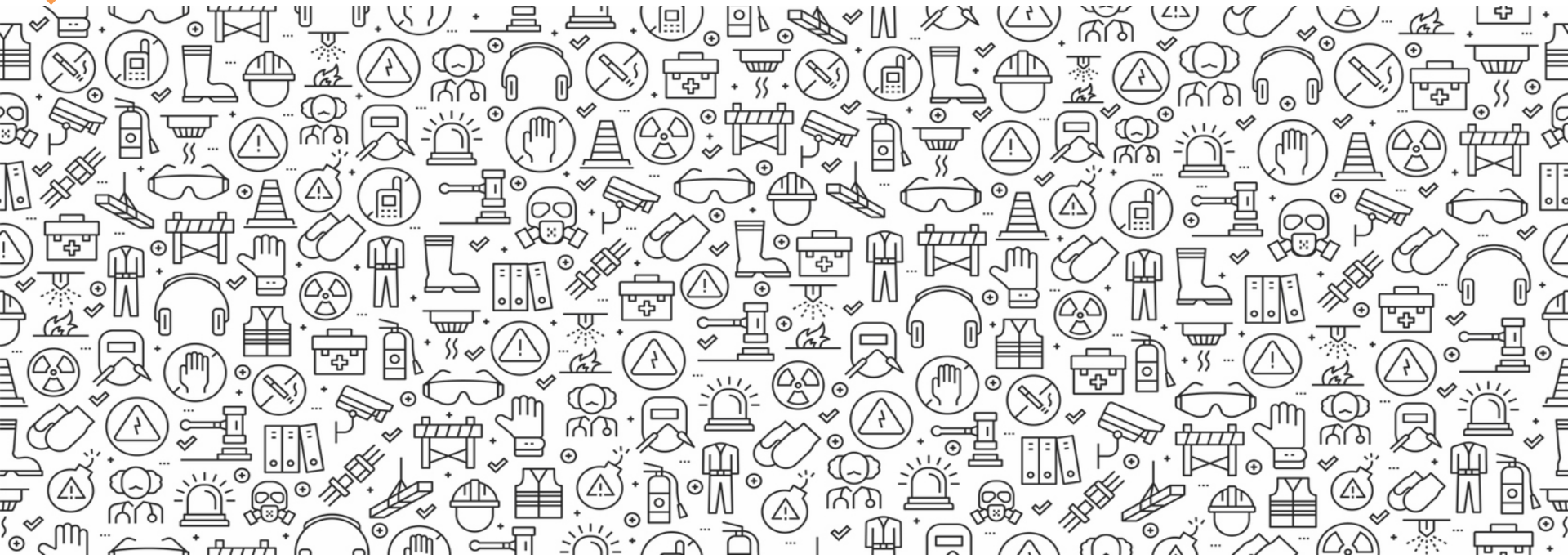
Best Practices – Air Quality Index Monitoring

- ▶ When the Air Quality Index (AQI) PM2.5 is 151 or greater reasonable expectation that employees may experience outdoor wildfire smoke
- ▶ When the exposure for a period of 1 hour or less per shift, implement the following practices:
 - ▶ Prior to each workday and shift, check the AQI forecast via the [United States, Environmental Protection Agency AirNow](#) (U.S. EPA AirNow)
 - ▶ Communicate AQI and its associated Levels of Health Concern to employees in a pre-shift huddle

Air Quality Index (AQI)	
AQI Categories for PM2.5	Levels of Health Concern
0-50	Good
51-100	Moderate
101-150	Unhealthy for Sensitive Groups
151-200	Unhealthy
201-300	Very Unhealthy
301-500	Hazardous

Best Practices – Property Protection

- ▶ Hot Embers can travel 5-10 miles
 - ▶ Clear leaves, dry vegetation from roofs, gutters and porches
 - ▶ Eliminate "ladder" fuels
 - Grass and vegetation
 - Tree limbs
 - Overhanging branches
 - ▶ Defensible space of 30-50 feet around facilities
 - ▶ Clear or trim vegetation around playground equipment, storage sheds, etc.
 - ▶ Check facilities for open vents, other openings
 - Protect vents with 1/8" mesh screens
 - ▶ Wildfire hazards should be part of Safe School Plan, EAP if in wildfire area



OSHA Regulations

▲ Fed OSHA

▶ General Duty Clause

▲ California OSHA

▶ Standard 3395

California Code of Regulations Standard 3395 Heat Illness Prevention Standard

- ▶ California employers with any outdoor places of employment must comply with the Heat Illness Prevention standard
- ▶ 2nd most frequently cited Title 8 Standard in 2021
- ▶ California employers are required to take these four steps to prevent heat illness
 1. Training
 2. Water
 3. Shade
 4. Planning

Heat Illness Prevention

▶ Exposure to heat can cause illness and death

▶ Heat Illnesses include:

- ▶ Heat rash
- ▶ Heat cramps
- ▶ Heat syncope (fainting)
- ▶ Heat exhaustion
- ▶ Heat stroke

▶ Risk Factors

- ▶ High temperature and humidity
- ▶ Heavy physical labor
- ▶ Not being acclimated
- ▶ Low liquid intake



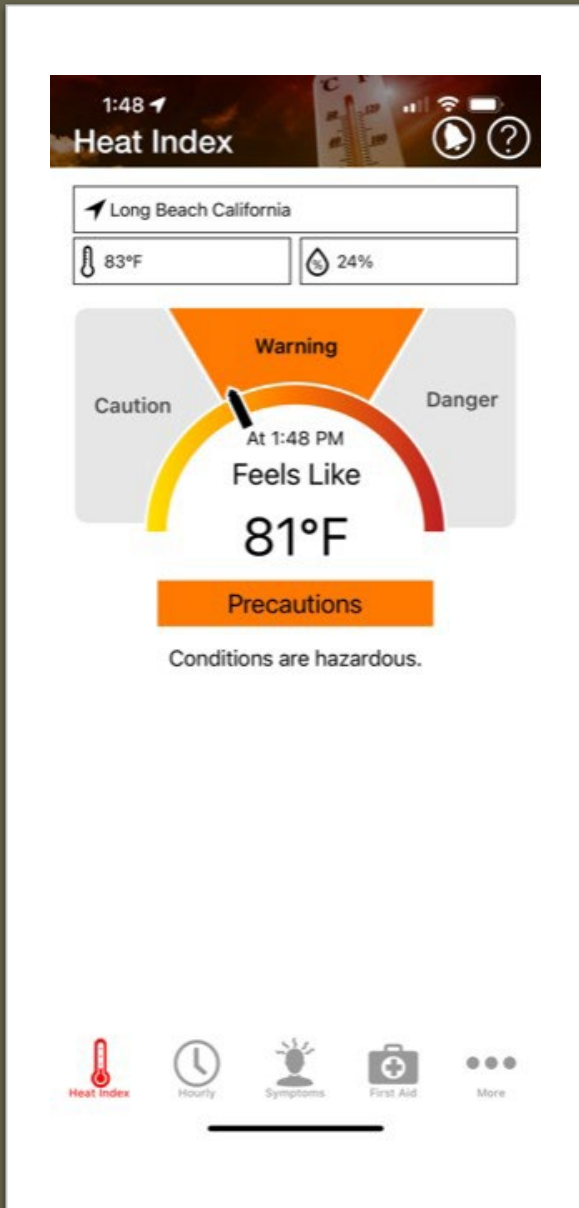
Best Practices to Minimize Heat Illness Potential

- ▶ Water
- ▶ Shade
- ▶ Communication
- ▶ Emergency Procedures
- ▶ Training
- ▶ Administrative Controls



Best Practices – Weather Monitoring

- ▶ Example of OSHA Heat Safety Index – <https://www.osha.gov/heat/heat-app>



New California Proposed Regulation – AB2243

- ▶ Proposed revision to the Heat Illness Prevention & Wildfire Smoke Standards
 - ▶ “Ultra-high heat” – 105 degrees Fahrenheit
 - Require additional preventative cool-down rest breaks
 - Ensure that drinking water is cool and accessible
 - Require additional cooling features at shade structures or shaded areas during ultra-high heat, such as misters
 - Require increased employee monitoring for heat-related illness in extreme heat



Questions?

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