

APPEL Lisa * DCBS

From: Margery Winter <elsamae21@me.com>
Sent: Friday, February 4, 2022 1:44 PM
To: RULEMAKING Osha * DCBS
Subject: Proposed rules re: unhealthy wildfire smoke and extreme heat

As two people in the "sensitive groups," we both require a breathing apparatus while sleeping. We support any increase in protecting people from airborne pollution. We lived two houses away from a busy urban freeway, and within 6 months began experiencing severe airborne allergies.

Although since COVID-19 arrived, air pollution has been less of a problem, but permanent standards should increase, not loosen, for prescribed burning near towns and cities. In the past, the prescribed burning settled constantly in our narrow valley, greatly elevating the AQI in winter, fall and spring, adding to the pollution from trash burning and wood burning for residential heat.

Also, in Sacramento where I used to live, a young man died from working on a roof when it was over 100 degrees. There should be rules for contractors to prevent such deaths, since heat rises and asphalt roofs tend to make it even hotter. So we support regulations on revised work and rest schedules.

Thank you for your consideration.

Margery and Tom Winter
634 Iowa St.
Ashland, OR 97520
541-488-0750

EXHIBIT

APPEL Lisa * DCBS

From: Clare Rappleyea <clarerappleyea@outlook.com>
Sent: Tuesday, February 15, 2022 9:31 AM
To: RULEMAKING Osha * DCBS
Subject: Exposure to High Ambient Temperatures

To whom it may concern,

I am writing in support of the proposed OSHA rules aimed at protecting workers from extreme heat conditions. Last year's heat wave was shocking, but studies indicate that extreme weather will happen more frequently as our climate continues to change. The rules need to change to help protect our hardworking community members and I am proud that Oregon OSHA has taken such a strong step forward. The rules will save lives of essential workers.

Thank you,
Clare Rappleyea
423 S Settlemeir Avenue
Woodburn, Oregon

From: OREGON OSHA <customercare@gotowebinar.com>
Sent: Tuesday, February 15, 2022 9:03 AM
To: clarerappleyea@outlook.com <clarerappleyea@outlook.com>
Subject: Rules to Address Employee and Labor Housing Occupant Exposure to High Ambient Temperatures Confirmation



**Department of Consumer
and Business Services**

Thank you for registering for "Rules to Address Employee and Labor Housing Occupant Exposure to High Ambient Temperatures".

This is a public hearing to receive oral testimony on the proposed adoption of rules to prevent heat illness (OAR 437-002-0156; OAR 437-004-1131) and the proposed

amendment of the labor housing rule (OAR 437-004-1120) to address heat. The comment period is open through March 18, 2022. Both verbal and written comments are welcomed. Please submit written comments to: OSHA.rulemaking@dcbs.oregon.gov or to: Oregon OSHA, PO Box 14480, Salem, OR 97309-0405. Thank you for your time and interest in the public comment process.

Please send your questions, comments and feedback to: osha.gotopro@oregon.gov

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APPEL Lisa * DCBS

From: Alan Journet <alanjournet@gmail.com>
Sent: Friday, February 18, 2022 7:19 PM
To: RULEMAKING Osha * DCBS
Cc: BUNCH Theodore * DCBS
Subject: "Heat/Smoke Rulemaking Comment"
Attachments: OSHA rules.pdf

Please find attached comments submitted regarding the developing OSHA rules regarding safety for agriculture and forestry workers as heat waves increase in frequency and severity.

Respectfully submitted

Alan Journet
Co-facilitator
Southern Oregon Climate Action Now (SOCAN)
<https://socan.eco>

541-301-4107
7113 Griffin Lane
Jacksonville, OR 97530-9342

alanjournet@gmail.com or
alan@socan.eco

Southern Oregon Climate Action Now

SOCAN

Confronting Climate Change

<https://socan.eco>

Alan R.P. Journet Ph.D.

Cofacilitator,

Southern Oregon Climate Action Now

7113 Griffin Lane

Jacksonville OR 97530-9342

alan@socan.eco

541-301-4107

February 16th 2022

To Whom It May Concern:

I write as co-facilitator of Southern Oregon Climate Action Now on behalf of the over 1600 rural Southern Oregonians who are SOCAN. Our mission is to promote awareness and understanding of the science of global warming and its climate change consequences and motivate individual and collective action to address the resulting climate crisis. We must do this also withing the framework of ensuring that social justice concerns are addressed.

While it is absolutely necessary for us to mitigate the greenhouse gas emissions that are causing global warming and the climate crisis, we must also adapt to the warming and its consequences that are inevitable. It has often been argued, as Mahatma Gandhi admonished, that the measure of a society is how it treats its most vulnerable members. It becomes clear who the most vulnerable are when society is confronted by a crisis. In the case of global warming and the heat waves and wildfires it is causing, it is obvious that the most vulnerable are the farm workers, forest workers and construction workers who must work outside in order to provide income for their families. These workers have no option but to work, and in doing so, they are at the mercy of their employers. It is incumbent upon society, through the establishment of reasonable laws, to protect the vulnerable from the irresponsible and unscrupulous employers who refuse to grant them reasonable protections.

To protect workers from heat, we have to understand what causes us to overheat. There is a common misconception that heat exposure results only from ambient temperatures. This overlooks the cause of heating. The driving force behind the heating is incoming solar radiation in the visible wavelength range. This reaches the surface of the earth, whether our concrete or our bodies, and transforms into heat. That heat both warms the concrete and warms our bodies. It also radiates away. The temperature of the sidewalk, on a hot sunny day, can reach such proportions that we can fry an egg on it, even when the air is nowhere near as hot. It is this outwardly radiating heat that causes the so-called 'heat-island effect' wherein cities become much hotter than the surrounding natural countryside; the urban concrete absorbs and radiates much more heat than moist vegetation. Fortunately, like the vegetation, we are composed of a large percentage of water which has properties that prevent us from reaching the temperature of the sidewalk. We also can sweat, which results in cooling – so long as we are supplied with adequate water. It is critical to appreciate, therefore, that a person in the sun and thus exposed to the incoming visible range of radiation, will suffer far greater warming on a sunny day than a person in the shade. I understand that the rules include an adjustment for this difference, but my guess is that this adjustment is either insufficient or barely adequate to allow for the heating difference. The precautionary principle argues for a much greater allowance for those compelled to work in the sun if we are genuinely to care for our vulnerable friends.

Having made the case for increased consideration on the direct heating effect of sun exposure, I would like to offer some other suggestions.

It is critical that OSHA adopt rules that rely on best available current science. Specifically, protection should be initiated at 80°F with high heat procedures initiated at 90°F. Access to shade and alternative cooling measures should be accorded workers with adequate access to safe drinking water and paid cool-down breaks.

The exemption for 'light work' to be included in the rules is unconscionable; simply being out in the heat or smoke comprises hazard enough.

The requirement for mask-wearing under smokey condition should be consistent with the established health standard where an Air Quality Index of 201 triggers conditions designated as "unhealthy for everyone." Similarly, fit-tested masks should be available and required at an AQI of 301 when "hazardous" conditions are initiated.

On behalf of our many friends who work in our fields, forests and building sites, we urge the establishment of rules for their protection that are adequate to the task.

Respectfully submitted

A handwritten signature in cursive script that reads "Alan R.P. Journet". The signature is written in dark ink and is positioned above the typed name.

Alan R.P. Journet Ph.D.

Co-facilitator

Southern Oregon Climate Action Now

APPEL Lisa * DCBS

From: HILGEMANN Amy K * DCBS on behalf of DCBS DIRECTOR DCBS * DCBS
Sent: Tuesday, February 22, 2022 11:25 AM
To: RULEMAKING Osha * DCBS
Subject: FW: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Good morning,

At the advice of Renee Stapleton, the following email is being forwarded to OSHA for tracking.

Respectfully,
Amy

Amy Hilgemann
Executive Assistant to Andrew Stolfi, DCBS Director / Insurance Commissioner & Mary Moller, DCBS Deputy Director
Oregon Department of Consumer and Business Services Please note email change: Amy.K.Hilgemann@dcbs.oregon.gov
503-947-7872
Pronouns: she/her/hers

-----Original Message-----

From: POWELL Samantha L * DCBS On Behalf Of DCBS Info DCBS * DCBS
Sent: Tuesday, February 22, 2022 8:09 AM
To: DCBS DIRECTOR DCBS * DCBS <DCBS.DIRECTOR@dcbs.oregon.gov>
Subject: FW: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

-----Original Message-----

From: Rick Kriege <RKRIEGE@QWESTOFFICE.NET>
Sent: Monday, February 21, 2022 11:08 AM
To: DCBS Info DCBS * DCBS <DCBS.Info@dcbs.oregon.gov>
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Director Stolfi,

I oppose Oregon-OSHA's proposed rules for employee heat and wildfire smoke exposure.

Both rule proposals fail to incorporate industry-suggested measures heard over the past year. The rules ignore the very different workplaces across Oregon, and would wrongly expose employers to stiff penalties for their solutions and common-sense practices.

I urge that heat rules be voluntary and at temperatures over 100 degrees. And, I urge that wildfire-smoke rule measures be voluntary and a AQI rating over 300. Employers should be allowed to define their own plans.

Because my company wants to ensure the safety and health of all workers, I recommend changing this proposal to address my suggested practical outdoor work and business incentives for safe workplaces.

Sincerely,

Rick Kriege
4144 NW Stahancyk Ln
Prineville, OR 97754
RKRIEGE@QWESTOFFICE.NET

APPEL Lisa * DCBS

From: Ken Rosenberg <rosenbergkd@yahoo.com>
Sent: Sunday, February 20, 2022 11:36 PM
To: RULEMAKING Osha * DCBS
Cc: BUNCH Theodore * DCBS
Subject: Heat/Smoke Rulemaking Comment

To Oregon OSHA,

Please take care of our workers on the frontlines of climate change by adopting strong heat and smoke rules that are based in the best available science and public health expertise, and prioritize input from affected workers.

Since OSHA began its rulemaking process last year, Oregon has unwantedly become the poster child for climate change. Oregon experienced three triple digit heat domes last summer, including in June 2021, when temperatures reached more than 116 degrees Fahrenheit in some areas.

The risk of these climate hazards is severe. Exposure to wildfire smoke and excessive heat have serious, lasting health impacts, including increased risk of respiratory and cardiovascular disease, kidney failure, heat stroke, or even death. Oregon workers on the frontlines of the climate crisis—particularly those who work outside or in non-temperature controlled indoor environments—bear the brunt of these impacts.

The disproportionate harm that excessive heat and smoke have on essential Oregon workers is unconscionable, unacceptable— and entirely preventable. I urge you to strengthen protections for Oregon workers from extreme heat and wildfire smoke, and in doing so, specifically urge you to:

Maintain protections from extreme heat that rely on “heat index” as a measure, and are triggered at 80 degrees F, with high heat procedures triggered at 90 degrees F.

Eliminate exemptions for “light work.”

Strengthen the AQI triggers for smoke so that they are consistent with the AQI risk categories; this means: mandatory mask use at AQI 201 – the beginning of “unhealthy for everyone” and fit-tested masks required at AQI 301 – the beginning of the “hazardous” category.

Maintain requirements that employers must: provide access to shade and water, regular work/rest breaks, heat illness prevention plans and training, and interactive training for supervisors and employees, and observe workers for signs of heat illness or create a mandatory buddy system.

Eliminate the option for employers to decide whether longer work breaks are allowed.

Strengthen requirements to ensure employers have an Emergency Medical Plan in place, so that workers are taken care of when they experience a wildfire smoke-related medical emergency.

Without a plan in place, workers will be unnecessarily at risk of not receiving medical care when they have a wildfire smoke-related medical emergency.

It is critical that OSHA adopt strong rules without delay, before the next heat and wildfire season puts more Oregon worker lives at risk from extreme climate impacts. I also urge OSHA to help ensure these standards are effective in protecting workers, by prioritizing strong enforcement of the rules.

Thank you for your consideration.

Kenneth D. Rosenberg, MD, MPH
Epidemiologist and Chief Science Officer (retired)
Oregon Public Health Division
Portland, OR 97212

APPEL Lisa * DCBS

From: Kelly Klempel <user@votervoice.net>
Sent: Monday, February 21, 2022 11:07 AM
To: RULEMAKING Osha * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Interim Administrator Savage,

I oppose Oregon-OSHA's proposed rules for employee heat and wildfire smoke exposure.

Both rule proposals fail to incorporate industry-suggested measures heard over the past year. The rules ignore the very different workplaces across Oregon, and would wrongly expose employers to stiff penalties for their solutions and common-sense practices.

I urge that heat rules be voluntary and at temperatures over 100 degrees. And, I urge that wildfire-smoke rule measures be voluntary and a AQI rating over 300. Employers should be allowed to define their own plans.

Because my company wants to ensure the safety and health of all workers, I recommend changing this proposal to address my suggested practical outdoor work and business incentives for safe workplaces.

Sincerely,

Kelly Klempel
93 Village Dr
Creswell, OR 97426
kgolfid@msn.com

APPEL Lisa * DCBS

From: Jack LeRoy <user@votervoice.net>
Sent: Monday, February 21, 2022 11:07 AM
To: RULEMAKING Osha * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Interim Administrator Savage,

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Because my company wants to ensure the safety and health of all workers, I recommend changing this proposal to address my suggested practical outdoor work and business incentives for safe workplaces.

Sincerely,

Jack LeRoy
4953 Glen Echo Way
Central Point, OR 97502
jackleroy1@aol.com

APPEL Lisa * DCBS

From: Dana Kjos <danak@rfpco.com>
Sent: Monday, February 21, 2022 11:08 AM
To: RULEMAKING Osha * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Interim Administrator Savage,

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Sincerely,

Dana Kjos
236 Trillium Ln
Tenmile, OR 97481
danak@rfpco.com

APPEL Lisa * DCBS

From: Tiffany Lord <tiffmlord@gmail.com>
Sent: Monday, February 21, 2022 11:08 AM
To: RULEMAKING Osha * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Interim Administrator Savage,

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Sincerely,

Tiffany Lord
1144 Wallace Rd NW
Salem, OR 97304
tiffmlord@gmail.com

APPEL Lisa * DCBS

From: Brennan Garrelts <user@votervoice.net>
Sent: Monday, February 21, 2022 11:08 AM
To: RULEMAKING Osha * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

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Because my company wants to ensure the safety and health of all workers, I recommend changing this proposal to address my suggested practical outdoor work and business incentives for safe workplaces.

Sincerely,

Brennan Garrelts
2370 NW Canterbury Dr
Roseburg, OR 97471
btg_32@yahoo.com

APPEL Lisa * DCBS

From: Chris Silbernagel, G <chris@crispcolors.com>
Sent: Monday, February 21, 2022 11:08 AM
To: DCBS Info DCBS * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Dear Director Stolfi,

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Sincerely,

Chris Silbernagel
PO Box 951
La Grande, OR 97850
chris@crispcolors.com

APPEL Lisa * DCBS

From: Bruce Standley <bruce@brucestandleyconstruction.com>
Sent: Monday, February 21, 2022 11:08 AM
To: DCBS Info DCBS * DCBS
Subject: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

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Because my company wants to ensure the safety and health of all workers, I recommend changing this proposal to address my suggested practical outdoor work and business incentives for safe workplaces.

Sincerely,

Bruce Standley
PO BOX 720
WINCHESTER, OR 97495
bruce@brucestandleyconstruction.com

APPEL Lisa * DCBS

From: Jackson Curtin <curtin2@pdx.edu>
Sent: Tuesday, February 22, 2022 1:15 PM
To: RULEMAKING Osha * DCBS
Cc: BUNCH Theodore * DCBS
Subject: Rulemaking Comment

I have worked many summers as a lifeguard for Portland Parks & Recreation and remember co-workers suffering from heat exhaustion. I can only imagine the increased risks with wildfire smoke added into the mix. Workers subjected to excessive heat and wildfire smoke need adequate protection. I believe that workers should be provided with adequate protection from the OSHA excessive heat and wildfire smoke regulations as heat and smoke become issues of greater concern.

I am particularly concerned about the partial exemption for "light" work. This proposed rule is not effective for workers, because the term "light" is too vague and subjectable to interpretation. The lack of examples provided in the appendix do not provide a comprehensive understanding of "light" work. This rule does not effectively protect the worker. In order to increase worker protection the partial exemption for "light" work should be removed.

I am also concerned about the emergency medical plan. The proposed rule is not effective for the protection of workers, because without a comprehensive plan in place, workers will be subject to unnecessary risks in the event of a smoke-related medical emergency. In order to increase worker protection, a requirement needs to be added that employers have a written emergency medical plan for smoke-related medical emergencies. Rules also need to identify required aspects of a sufficient emergency medical plan.

I am also concerned about the AQI triggers for mandatory mask use. The proposed rule is not effective for workers, because the triggers for mandatory mask use are not in line with the AQI scale and the scientific research and recognized health risks. The threshold for mandatory mask use at AQI 250 is not backed by scientific research. Mask use has been shown to reduce the immediate and long-term effects of wildfire smoke exposure. In order for this rule to provide adequate protection for workers, mandatory mask use should begin at the "Very Unhealthy" level (AQI 201). Another change to ensure adequate worker protection is to have mandatory use of fitted masks at the beginning of the "Hazardous" level (AQI 301).

The OSHA should make the changes demanded above, because the OSHA should be creating rules that are prioritizing worker health and safety over employer profit and convenience. The research-based science is available and there is no reason why the OSHA rules should not be based on said research. The increased frequency and projected growth of extreme temperatures and wildfire smoke threaten workers' immediate and long-term health. In accordance with the Governor's executive order, these rules need to be especially conscious and attentive to the vulnerable workers such as low-wage and BIPOC workers.

Thank you so much for taking the time to read my letter and for the opportunity to comment on these proposed rules.

Jackson Curtin
Portland, OR
97219

