

APPEL Lisa \* DCBS

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**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 increased, not loosened, 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

**APPEL Lisa \* DCBS**

**From:** Clare Rappleeya <clarerappleeya@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 Rappleeya  
423 S Settlemeir Avenue  
Woodburn, Oregon

---

**From:** OREGON OSHA <customercare@gotowebinar.com>  
**Sent:** Tuesday, February 15, 2022 9:03 AM  
**To:** clarerappleeya@outlook.com <clarerappleeya@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

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**APPEL Lisa \* DCBS**

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**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](mailto:alanjournet@gmail.com) or  
[alan@socan.eco](mailto: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](mailto:alan@socan.eco)

541-301-4107

February 16<sup>th</sup> 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 within 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.

**APPEL Lisa \* DCBS**

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**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.

APPEL Lisa \* DCBS

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**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 unwantingly 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.

**APPEL Lisa \* DCBS**

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**From:** Kelly Klempel <user@voterveice.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**

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**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,

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,

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

**APPEL Lisa \* DCBS**

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**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,

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,

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

**APPEL Lisa \* DCBS**

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**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,

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,

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

**APPEL Lisa \* DCBS**

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**From:** Brennan Garrelts <user@voterveice.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!

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,

Brennan Garrelts  
2370 NW Canterbury Dr  
Roseburg, OR 97471  
btg\_32@yahoo.com

**APPEL Lisa \* DCBS**

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**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,

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,

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

**APPEL Lisa \* DCBS**

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**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!

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,

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

**APPEL Lisa \* DCBS**

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**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

APPEL Lisa \* DCBS

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**From:** Rick Rabin <rick.rabin@masscosh.org>  
**Sent:** Tuesday, February 22, 2022 4:27 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** heat and smoke regulations

To Oregon Occupational and Health Safety Administration,

As someone who lived through the past summers' deadly extreme heat and wildfire events, I have seen firsthand the threat that these climate hazards pose to our community members. I urge you to 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.

I urge you to strengthen protections for Oregon workers from extreme heat and wildfire smoke, and in doing so, specifically urge you to:

1. **Base the regulations on sound science:** This means adopting science-based temperature thresholds that rely on "heat index" as a measure, and smoke thresholds that follow Air Quality Index health risk levels. Specifically, I urge you to:
  - a. **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. I also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade.
  - b. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt "light work" from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.
  - c. **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.
  
2. **Protect ALL workers:** OSHA must follow its mandate to protect vulnerable worker communities by ensuring that all affected workers—regardless of workload—are protected.
  - a. **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.
  - b. **Eliminate** the option for employers to decide whether longer work breaks are allowed. Employers are not health and safety experts, and are driven to prioritize their bottom line by maximizing work time and profits by minimizing breaks for workers.
  - c. **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.

**I hope that you will pass these regulations immediately so they can be in effect this summer..** I also urge OSHA to help ensure these standards are effective in protecting workers, by prioritizing strong enforcement of the rules.

Thank you very much,



APPEL Lisa \* DCBS

**From:** Damon Di Cicco <robotsinatra@gmail.com>  
**Sent:** Tuesday, February 22, 2022 3:19 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat and smoke rules

To whom it may concern,

I moved to Oregon in the summer of 2021 in the midst of a record heatwave. I was fortunate in that my job allowed me to work from home and I was able to minimize my exposure to the dangerous heat of late June and early July. Many others are not so fortunate, especially agricultural and construction workers, who have no choice but to work outdoors. Unfortunately, the realities of global climate change are such that we are almost certainly going to experience heat and fires that are as bad or worse than those of recent years in the years to come. In light of all this, I'm writing to express my support for strong, science-based rules to protect those vulnerable workers from heat and smoke. I urge you to maintain protections triggered at 80 degrees, high heat procedures at 90 degrees, and requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade. These protections should be made available to all workers who must work outdoors or in indoor spaces without air conditioning. I also support mandatory mask use rules, triggered by Air Quality Index benchmarks to ensure that workers are protected from smoke and other air pollution.

I know some employers are eager to see more relaxed rules implemented, but I urge you to ensure that OSHA rules around heat and smoke put the lives of people over profits.

Sincerely,

Damon T. Di Cicco, PhD

**APPEL Lisa \* DCBS**

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**From:** Fiona Yau-Luu <fyauluu@ufcw555.org>  
**Sent:** Wednesday, February 23, 2022 10:56 AM  
**To:** RULEMAKING Osha \* DCBS  
**Cc:** BUNCH Theodore \* DCBS  
**Subject:** Heat/Smoke Rulemaking Comment  
**Attachments:** OSHA Heat\_Smoke UFCW555 Testimony.pdf

Hello,

Please find the attached public comment on behalf of United Food and Commercial Workers Local 555.

Thanks,

--  
Fiona Yau-Luu  
POLITICAL LIAISON  
UNITED FOOD AND COMMERCIAL WORKERS LOCAL 555  
(206)618-7397

*she/her/hers*





## Heat/Smoke Rulemaking Comment

To: Oregon Occupational and Health Safety Administration  
From: United Food and Commercial Workers Local 555  
Date: February 22nd, 2022

We thank you for the opportunity to testify today on the set of proposed rules. United Food and Commercial Workers Local 555 is the largest private sector labor union in Oregon, representing workers from a number of industries, including grocery, retail, food processing, manufacturing, and healthcare. We are a diverse group of workers who take pride in acting as a strong collective voice for working people. Over the last 2 years, our members have worked through a global respiratory pandemic, hazardous air quality due to wildfire smoke, ice storms, and an unprecedented heat dome causing temperatures to reach more than 116 degrees Fahrenheit.

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. Extreme heat killed at least three workers last year. During that same heat dome, there were over 100 deaths in Oregon due to heat illness, hundreds more emergency room visits, and 254 complaints submitted to Oregon OSHA between June 24 and 28th alone—just for excessive heat exposure.

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

1. **FOLLOW THE SCIENCE:** OSHA must adopt rules that are based in sound science and public health expertise. This means adopting science-based temperature thresholds that rely on “heat index” as a measure, and smoke thresholds that follow Air Quality Index health risk levels. Specifically, I urge you to:
  - a. **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. I also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade.
  - b. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt “light work” from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

UNITED FOOD & COMMERCIAL WORKERS LOCAL 555

7095 SW Sandburg Street • PO Box 23555 Tigard, Oregon 97281-3555 • Office: 503-684-2822 • Fax: 503-620-3816 • ufcw555.org



**APPEL Lisa \* DCBS**

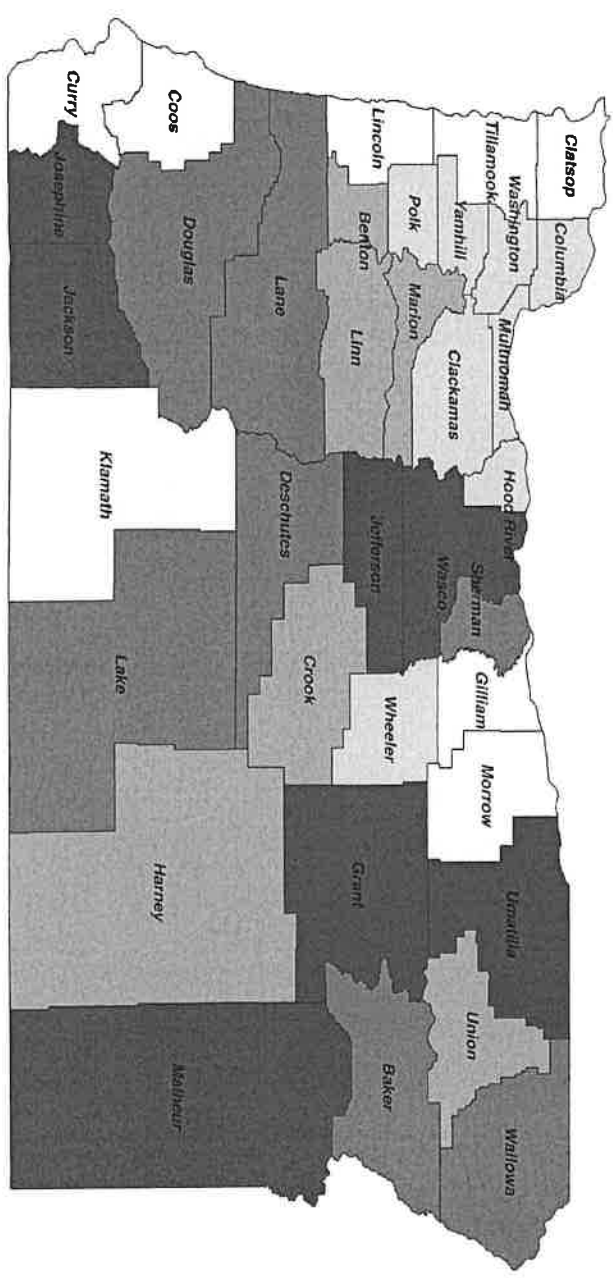
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**From:** Edward Rosen <eddiemojorosen@gmail.com>  
**Sent:** Wednesday, February 23, 2022 6:22 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat Rulemaking Comment  
**Attachments:** 100 Degree Days Oregon 2021.docx.pdf

Attached is a document of a map and data table showing the 100 degree days in Oregon in 2021. I will refer to it during my comments.

--  
*Eddie Rosen*  
Cell: 203-470-1138  
[LinkedIn profile](#)

Total # of 100 Degree Days Oregon 2021



0 - 4
4 - 7
7 - 11
11 - 18
18 - 48

APPEL Lisa \* DCBS

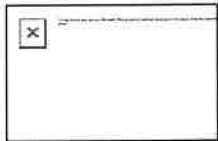
**From:** Natalie Lerner <natalie@causaoregon.org>  
**Sent:** Thursday, February 24, 2022 10:31 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat & Smoke Rule Comment  
**Attachments:** Causa OSHA Heat & Smoke Testimony.pdf

Good morning,

Please find attached Causa's comment on OSHA's proposed heat & smoke rules. Thank you!

Best,  
Natalie

--



**Natalie Lerner**  
Oregon Ready Coalition Manager, Causa Oregon  
she/they  
Office: (503) 660-8638 | Cell: (503) 896-1370  
[natalie@causaoregon.org](mailto:natalie@causaoregon.org)  
[www.causaoregon.org](http://www.causaoregon.org)  
700 Marion St Ne. Salem, OR 97301



Latino immigrants and their families are the heart of Causa.



February 24, 2022

To Oregon Occupational and Health Safety Administration,

My name is Jenny Pool Radway and I am the Executive Director of Causa. Causa works to improve the lives of Latinx immigrants and their families in Oregon through advocacy, coalition building, leadership development, and civic engagement.

At Causa, we support and organize alongside a number of workers who are directly impacted by dangerous heat and smoke conditions, particularly farmworkers across the state. We hear from our communities about how challenging it is for them to work in extreme heat and smoke, but without clear rules in place to protect them, these essential workers are too often exploited by their employers, leading to dangerous conditions and negative health outcomes.

Unfortunately, due to the climate crisis, dangerous heat and smoke conditions are only increasing in our state, and workers are suffering from greater levels of exposure. We were shocked and distressed last year to learn of the death of Sebastian Francisco Perez, a migrant farmworker who died alone at a farm in St. Paul. We know that immigrant communities, particularly Latinx migrant workers, often bear the brunt of perilous outdoor working conditions, and our communities deserve better.

Therefore, Causa urges you to strengthen protections for Oregon workers from extreme heat and wildfire smoke, and in doing so, specifically urge you to:

1. **FOLLOW THE SCIENCE:** OSHA must adopt rules that are based in sound science and public health expertise. This means adopting science-based temperature thresholds that rely on "heat index" as a measure, and smoke thresholds that follow Air Quality Index health risk levels. Specifically, we urge you to:
  - a. **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. We also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade.
  - b. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt "light work" from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.
  - c. **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.

**APPEL Lisa \* DCBS**

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**From:** David Wheeler <cadlwheels@yahoo.com>  
**Sent:** Thursday, February 24, 2022 4:20 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** SMOKE AND HEAT RULES FOR FARM WORKERS

Dear OSHA,

We Americans enjoy a cornucopia of healthy fruits and vegetables in our diets, and I am proud that Oregon is a major food producing state. I am also glad that OSHA is reviewing heat and smoke rules for agricultural workers. Our farms and orchards would not operate without this largely immigrant work force, whose dignity and safety are often invisible to consumers.

-- The "light work" exemption in the proposed rules must not be allowed to stand. Anyone who has ever been involved with harvesting, sorting, packing, etc. knows that there is no such thing as light work in this industry.

-- Worker housing must have mechanical cooling to restrict temperatures to 78 degrees or less.

-- AQI mandatory mask requirements must kick in at AQI 201 ("Very Unhealthy") and mandatory fitted masks at AQI 301 ("Hazardous"). Producers may threaten higher food costs, but today's Americans spend a smaller portion of our income on food than any people in any history. I for one will not save pennies on the dollar for produce steamed in the sweat of immigrant workers.

Sincerely,

Dr. David L. Wheeler  
Adjunct Professor of Theology and Ethics, Eastern University  
Former Senior Pastor, First Baptist Church of Portland



# EXHIBIT

0-20

**APPEL Lisa \* DCBS**

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**From:** Geoff Stewart <geoff.stewart@teamsterslocal206.org>  
**Sent:** Friday, February 25, 2022 5:57 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat and Smoke

Dear Rule Making Committee Members,

My name is Geoff Stewart. I am the Principal Officer of Teamsters Local 206. We represent workers all across the state in many different industries including production and warehouse.

Our warehouse members work under strict production standards and work until all orders are completed to ensure that stores get the product needed regardless of the weather conditions. Temperatures in these larges warehouses closely mimic the outside and they do not have filter systems that help keep smoke at bay.

I am asking you to please make considerations to add protections for these essential workers during times of heat and smoke.

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Thanks,

Geoff Stewart  
Secretary Treasurer  
Teamsters Union Local No. 206  
1860 NE 162nd Ave.  
Portland OR 97230  
503-251-2344

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## APPEL Lisa \* DCBS

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**From:** Amanda Sager <amanda@jwjpgdx.org>  
**Sent:** Thursday, February 24, 2022 5:53 PM  
**To:** RULEMAKING Osha \* DCBS  
**Cc:** Laurie King  
**Subject:** Heat & Smoke Worker Protection

To Oregon Occupational and Health Safety Administration,

I am one of the thousands of southern Oregonians who've lived through the last seven years of extreme heat and wildfire seasons. Hazardous and unsafe working conditions are not new for the workers in these rural counties, and I am thankful for Oregon OSHA's diligence in creating these proposed rules. However, now we have the opportunity to ensure employers aren't exploiting key loopholes and making Oregon OSHA rules the strongest in the nation.

My background is live entertainment. I've been a stagehand for over fifteen years and spent the last seven working at the Oregon Shakespeare Festival. In 2019, we had to cancel the outdoor summer shows due to dangerous smoke conditions. Everyday we waited for our employer to make a decision to cancel the show, so then the stagehands could go outside to pack up trucks to move the set, props, costumes etc. to an indoor venue down the road. This was the company's way of being able to provide entertainment despite the smoky conditions. It's a great idea on the surface, but it happened at the risk of the workers' health. I'd like to note we're a unionized workforce at progressive non-profit arts organization, so imagine what it's like for workers without those privileges.

Fast forward a year – everyone in live entertainment is laid off because of Covid19, and then September 8, 2020 happened. My home and property survived the Alameda fire, but so many were left searching for housing, employment, and food security. Smoke from the larger Obenchain and Archie Creek fires poured in, all while the southern coast and northern California continued to burn for weeks. We had no escape, we had nowhere else to go. This forced myself, neighbors, and friends to take jobs that put us in hazardous heat and smoke environments.

Extreme heat and wildfires aren't new to this part of the state, but these events are rapidly becoming the norm. Oregon workers –particularly those who work outside or in non-temperature controlled indoor environments– bear the brunt of these impacts. This includes people working in agriculture, forestry, construction, public safety, parks, warehouses, transportation/delivery and entertainment. I urge you to strengthen protections for Oregon workers from extreme heat and wildfire smoke, and in doing so, specifically urge you to:

1. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt "light work" from key protections. "Light work" is difficult to define and it will be difficult for employers to determine when workers fit into that exemption as many workers may do different kinds of tasks involving different kinds of movement and stress levels throughout the day. This exemption is not based in health/safety research and science.
2. **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.
  - a. Option A in the work/rest schedule should be eliminated. OSHA should support the NIOSH standards that are based on sound science and public health research. Employers do not have the knowledge base to make these determinations.
  - b.

**APPEL Lisa \* DCBS**

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**From:** Sophie Peters <sophie@oraficio.org>  
**Sent:** Friday, February 25, 2022 11:00 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Re: AFL-CIO Extreme Heat Rules Public Comment  
**Attachments:** AFL-CIO OSHA 2\_25 Public Comments (1).pdf

Hi Lisa,

Thank you very much. Do you mind swapping the original doc with this new doc I just included?

All the best,  
Sophie

On Fri, Feb 25, 2022 at 8:48 AM RULEMAKING Osha \* DCBS <[OSHA.rulemaking@dcbs.oregon.gov](mailto:OSHA.rulemaking@dcbs.oregon.gov)> wrote:

Thank you for your comments. They will be reviewed and added to the rulemaking record.

Lisa Appel

Policy Analyst/Rules Coordinator

Standards & Technical Resources, Oregon OSHA

Ph: (503) 947-7449

[Lisa.Appel@dcbs.oregon.gov](mailto:Lisa.Appel@dcbs.oregon.gov)

[osha.oregon.gov](http://osha.oregon.gov)

**From:** Sophie Peters <sophie@oraficio.org>  
**Sent:** Thursday, February 24, 2022 9:24 PM  
**To:** RULEMAKING Osha \* DCBS <[OSHA.rulemaking@dcbs.oregon.gov](mailto:OSHA.rulemaking@dcbs.oregon.gov)>  
**Subject:** AFL-CIO Extreme Heat Rules Public Comment

Hello OSHA,

I'm writing on behalf of the AFL-CIO. Attached is our public comment.

Thank you very much,

Sophie Peters

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## A STRONG VOICE FOR OREGON'S WORKERS

TO: Interim Oregon OSHA Administrator Louis Savage  
FR: Sophie Peters, OR AFL-CIO  
RE: Oregon OSHA Extreme Heat Rulemaking Public Comment

February 25, 2022

To Oregon Occupational and Health Safety Administration,

On behalf of the 300,000 members of the Oregon AFL-CIO, I am writing regarding high heat exposure - a grave concern that impacts Oregon workers each summer and has become a fact of life for too many in our state. From lack of access to shade and rest to an unsafe intensity of work created by these conditions, high heat presents a danger that we must take steps to protect against.

As temperatures continue to rise due to climate change, we need heat rules that will protect workers. Since OSHA began its rulemaking process last year, Oregon has unwisely become the poster child for climate change, making international headlines for our deadly and devastating climate-fueled heat waves and wildfires. Our state experienced at least three triple digit heat domes last summer, including in June 2021, when temperatures reached more than 116 degrees Fahrenheit in some areas. The harm that can occur from these weather events is entirely preventable, so we must create stricter employer guidelines in order to keep workers safe.

Since the beginning of this rulemaking process, we have advocated on behalf of workers and we thank Oregon OSHA for their continued dedication to listening to workers and creating rules that keep people throughout hot conditions. We hope that OSHA will swiftly put new rules into place, however due to the severity of climate change, we ask that protections are strengthened even further.

First, we encourage Oregon OSHA to adopt rules that are based in sound science and public health expertise. This means adopting science-based temperature thresholds that rely on "heat index" as a measure. We ask that protections from extreme heat rely on "heat index" as a measure, and are triggered at 80 degrees F, with high heat procedures triggered at 90 degrees F. We also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade. This is critical to worker health and safety.

Furthermore, we ask Oregon OSHA to eliminate exemptions for certain categories of work. The current draft of the heat rules exempt "light work" from key protections. This exemption is not based in health and safety research and science. The category of "light" is vague and open to interpretation, it fails to recognize that the intensity of work can vary over the course of a shift, and it does not take into consideration the significant impact of sun exposure. All workers should be provided access to shade and water.

**APPEL Lisa \* DCBS**

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**From:** Nick Cates <user@votervoice.net>  
**Sent:** Monday, February 28, 2022 9:05 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.

As both a forestry business owner and worker for over 30 years these rules are burdensome and unnecessary. They are a solution in search of a problem. Enough is enough stop the overreach.

Sincerely,

Nick Cates  
17395 Maple Grove Rd  
Monmouth, OR 97361  
cates\_tree\_removal@yahoo.com

APPEL Lisa \* DCBS

**From:** Maggie Malley <mcmalley@willamette.edu>  
**Sent:** Sunday, February 27, 2022 11:44 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat/Smoke Rulemaking Concerns

To The Oregon Occupational and Health Safety Administration,

I am writing this letter to show my strong support of the drafted rules, in regards to heat and smoke protection, with a few suggestions on how to strengthen them. As someone who lived through the past summers' deadly extreme heat and wildfire events, I personally have witnessed firsthand the threat that these climate hazards pose to our community members. I encourage that we put the care and protectiof our workers on the frontlines of climate change first. by adopting strong heat and smoke rules that are based on the best available science and public health expertise, and prioritize input from affected workers.

Since Oregon OSHA began its rulemaking process last year, Oregon has unwantedly become the leading example for climate change, making international headlines for our deadly and devastating climate-fueled heat waves and wildfires. Our state experienced at least 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. Extreme heat killed at least three workers, Sebastian Fransisco Perez, a migrant farmworker who died alone at a farm in St. Paul. During that same heat dome, there were over 100 deaths in Oregon due to heat illness, hundreds more emergency room visits, and 254 complaints submitted to Oregon OSHA between June 24 and 28th alone— just for excessive heat exposure.

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:

1. **THANK YOU FOR PROPOSING STRONG RULES.** The health-first provisions are justified.
2. **FOLLOW THE SCIENCE:** OSHA must adopt rules that are based in sound science and public health expertise. This means adopting science-based temperature thresholds that rely on “heat index” as a measure, and smoke thresholds that follow Air Quality Index health risk levels. *Specifically, regarding heat, I urge you to:*
  - a. **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. I also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade.
  - b. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt “light work” from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

*Regarding smoke, I urge you to:*

- c. **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.

APPEL Lisa \* DCBS

**From:** Mathias Quackenbush <mathiasquackenbush@gmail.com>  
**Sent:** Sunday, February 27, 2022 8:12 PM  
**To:** RULEMAKING Osha \* DCBS  
**Cc:** BUNCH Theodore \* DCBS  
**Subject:** PLEASE- strengthen draft rules on workplace heat and smoke safety!

Dear Mr. Bunch and Oregon OSHA,

I am writing to express my emphatic support of the draft rules for workplace heat and smoke safety, with a few suggestions on how to strengthen them. As a social worker who does housing case management work in the field, an Oregon with a respiratory illness, and somebody who relies on food and services produced by agricultural and other workers and who lived through the past summers' deadly extreme heat and wildfire events, I cannot ignore the threat that these climate hazards pose to our community members. I urge you to take care of our workers on the frontlines of climate change by adopting strong heat and smoke rules that are based on the best available science and public health expertise, and prioritize input from affected workers.

Since Oregon OSHA began its rulemaking process last year, Oregon has unwantedly become the poster child for climate change, making international headlines for our deadly and devastating climate-fueled heat waves and wildfires. Our state experienced at least 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. Extreme heat killed at least three workers, Sebastian Francisco Perez, a migrant farmworker who died alone at a farm in St. Paul. During that same heat dome, there were over 100 deaths in Oregon due to heat illness, hundreds more emergency room visits, and 254 complaints submitted to Oregon OSHA between June 24 and 28th alone—just for excessive heat exposure.

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:

1. **THANK YOU FOR PROPOSING STRONG RULES.** The health-first provisions are justified.
2. **FOLLOW THE SCIENCE:** OSHA must adopt rules that are based in sound science and public health expertise. This means adopting science-based temperature thresholds that rely on "heat index" as a measure, and smoke thresholds that follow Air Quality Index health risk levels. *Specifically, regarding heat, I urge you to:*
  - a. **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. I also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade.
  - b. **Eliminate** exemptions for certain categories of work: The current draft heat smoke rules exempt "light work" from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

*Regarding smoke, I urge you to:*

**APPEL Lisa \* DCBS**

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**From:** Connie Yost <cyost@uuma.org>  
**Sent:** Sunday, February 27, 2022 10:00 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Public comment on heat-smoke rules  
**Attachments:** OSHA testimony on heat-smoke permanent rules for FL-JwJ.pdf

Dear OSHA,

Please find our public comment on the proposed heat-smoke rules attached.

Thank you,

Rev. Connie Yost, Member  
Faith Labor Committee  
Portland Jobs with Justice  
503-385-2135



Faith Labor Committee

February 27, 2022

Dear Oregon Occupational Safety and Health Administration,

We, the undersigned, are members of the Oregon interfaith community and the Faith Labor Committee of Portland Jobs with Justice. We thank you for proposing strong rules to protect Oregon workers from excessive heat and wildfire smoke. We write in strong support of the draft permanent rules, with a few suggestions on how to strengthen them.

More and more workers are experiencing the effects of the climate crisis on the job. They cannot go indoors to escape hazardous smoke or to cooling stations to escape extreme heat. Many suffer through heat and smoke for hours – sometimes days at a time. More often than not, they are low-income earners, immigrants, and people of color.

We especially are concerned about farm, nursery, and forestry workers who work in the harsh elements all day, but also warehouse workers, public parks employees, and many more. They all need the protection of good state rules regarding heat and smoke at work.

Oregon OSHA plays a significant role in protecting and caring for those most severely impacted by climate change, especially when they are people who provide essential services. This is a moral imperative.

So, we call on Oregon OSHA to modify the proposed rules as follows:

Heat Rules: 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. We also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade, 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. Employers are not health and safety experts, and are driven to prioritize their bottom line by maximizing work time and profits by minimizing breaks for workers.

Smoke Rules: Eliminate the exemption for “light work” from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

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.

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,

Eldon Mauldin  
Barbara Schulze  
Cindy Kuhn  
Elizabeth Mapapalangi  
Behanu Gebre  
Zewdi Gebreseiwit  
Cathy I Smith  
Tom Smith  
Antonio Mapapalangi

Ricardo Gil  
Gabriela Ordonez  
Gregorio Ray Madrid-Hommes  
Stephen Donnelly Kerlin  
Marilee Hankins  
Cora Wrede  
Jane Evans Johnson  
Norma Brown  
N. Johnny

Santiago Bihinno  
Zaida Schmich  
Laura Peraza  
Diumeka  
Michael Schmici  
Virginia O. Harrow  
Linda Kumrath  
Molly E. O'Harrow  
Ruth M Julkowski

*Portland residents at-large*

Brian Curtis, *former VISTA  
volunteer*  
Oscar Ortiz, *De La Salle North  
Catholic High School*  
Matt Cato, *Just Catholics*

Kai Neuenschwander, *Albina  
Cooperative Garden*  
Michael Grady, M.D.  
Margaret Ainsworth  
Dianna M. Shaffer  
Alan Peroutka

Michael Corbett  
Regina L. Hannon  
Shara Alexander  
Cynthia Griffin  
John Ghormley

**APPEL Lisa \* DCBS**

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**From:** Connie Yost <fwm-nw@fwm.org>  
**Sent:** Sunday, February 27, 2022 10:03 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Public comment on heat-smoke rules  
**Attachments:** OSHA heat-smoke testimony for FWM-NW.pdf

Dear OSHA,

Please find public comment from Farm Worker Ministry Northwest on the proposed permanent rules for heat-smoke, attached.

Thank you,

¡Sí Se Puede!

Rev. Connie Yost, President  
Farm Worker Ministry Northwest  
P.O. Box 86185  
Portland, OR 97286-0185  
503-385-2135  
[www.fwm-nw.org](http://www.fwm-nw.org)



**Farm Worker Ministry Northwest**

**EXHIBIT** 0-27

February 27, 2022

Dear Oregon Occupational Safety and Health Administration,

My name is The Rev. Connie Yost and I am President of Farm Worker Ministry Northwest. I represent the interfaith community in Oregon which supports farm workers in their struggle for dignity, justice and equity.

We thank you for proposing strong rules to protect Oregon workers from excessive heat and wildfire smoke. We write in strong support of the draft permanent rules, with a few suggestions on how to strengthen them.

Oregon OSHA plays a significant role in protecting and caring for those most severely impacted by climate change, especially when they are people who provide essential services. We believe it is our moral imperative to uphold farm workers' inherent worth and dignity by ensuring that these essential workers who feed us are treated with the utmost protections for their safety, health and economic well-being.

So, we call on Oregon OSHA to modify the proposed rules as follows:

Heat Rules: 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. We also urge you to maintain requirements to provide workers access to shade or alternative cooling measures and an adequate supply of cool drinking water, and additional paid preventative cool-down breaks in the shade, 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. Employers are not health and safety experts, and are driven to prioritize their bottom line by maximizing work time and profits by minimizing breaks for workers.

Smoke Rules: Eliminate the exemption for "light work" from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

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.

**APPEL Lisa \* DCBS**

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**From:** Kim Davis <k.mdavis@yahoo.com>  
**Sent:** Saturday, February 26, 2022 2:22 PM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** Heat/Smoke Rulemaking Comment

Thank you for the proposed strong rules and the opportunity to submit comments to strengthen them.

OSHA must adopt rules that are based in sound science and public health expertise. You must use temperature thresholds that rely on "heat index" as a measure, and smoke thresholds that follow Air Quality Index health risk levels. 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., and maintain requirements to provide workers access to shade or alternative cooling measures and adequate supplies of cool drinking water, as well as additional paid preventative cool-down breaks in the shade. Please eliminate exemptions for certain categories of work: The current draft heat smoke rules exempt "light work" from key protections. This exemption is not based in health/safety research and science. All workers should be provided access to shade and water.

OSHA must strengthen the AQI triggers for smoke so that they are consistent with the AQI risk categories, by requiring 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.

OSHA must follow its mandate to protect vulnerable worker communities by ensuring that all affected workers—regardless of workload—are protected. OSHA must maintain requirements that employers 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 and/or create a mandatory buddy system. Also, eliminate the option for employers to decide whether longer work breaks are allowed. Employers are not health and safety experts. They are motivated to prioritize their profits.

OSHA must 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 at risk of not receiving medical care in such an 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.

Kim Davis  
97306

**APPEL Lisa \* DCBS**

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**From:** POWELL Samantha L \* DCBS on behalf of DCBS Info DCBS \* DCBS  
**Sent:** Monday, February 28, 2022 9:15 AM  
**To:** RULEMAKING Osha \* DCBS  
**Subject:** FW: OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!  
**Attachments:** OR-OSHA proposed rules for employee exposure to heat and wildfire smoke are BAD for Oregon!

Good morning,

Both of these emails came through the general DCBS info email box.

Thanks,

Samantha Powell  
Succession Planning and Operations Coordinator Department of Consumer and Business Services  
Cell: 971-276-5292  
Desk: 503-947-7873

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

**From:** Daniel Robertson <danielrobertson46@gmail.com>  
**Sent:** Monday, February 28, 2022 9:05 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. It has been my experience over the last 50 years in the woods that reasonable people self regulate in hot weather by starting work at daylight and working short days if necessary. I believe in the woods this is unnecessary over regulation of common sense policies.

Sincerely,

Daniel Robertson  
62535 CATCHING SLOUGH RD  
COOS BAY, OR 97420  
danielrobertson46@gmail.com

APPEL Lisa \* DCBS

**From:** SNYDER Robert E <Robert.E.SNYDER@odot.oregon.gov>  
**Sent:** Monday, February 28, 2022 12:11 PM  
**To:** RULEMAKING Osha \* DCBS; BOZICEVIC Tom \* DCBS  
**Cc:** LYNDE McGregor \* Mac; MOORE Lucinda M \* Luci; RAMSDELL Amy J; JOYCE Amy B; COOLEY Steven B; KIM David; ROLDAN Josiah; GENGLER Randy C  
**Subject:** Wildfire Smoke Rule Response  
**Attachments:** Wildfire Smoke Rule Response.docx

Tom,

Please find our response to the Wildfire Smoke proposed rule.

Thank you,

Robert

***Note: We are working hard to provide you with the most current and accurate communication related to the COVID-19 pandemic. Please be aware that we are constantly receiving updated information and that guidelines may change in the future based on the most up-to-date data.***

**Robert Snyder, CSP**  
Safety Manager  
ODOT-Office of Employee Safety  
4040 Fairview Industrial Dr. SE, MS3  
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Office of Employee Safety

*"Partners in Health & Safety Excellence"*

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# Oregon

Kate Brown, Governor

**Department of Transportation**  
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February 28, 2022

Department of Consumer and Business Services  
Oregon Occupational Safety & Health Division  
PO Box 14480  
Salem, OR 97309-0405  
Attn: Tom Bozicevic ([Tom.Bozicevic@dcbs.oregon.gov](mailto:Tom.Bozicevic@dcbs.oregon.gov))  
[OSHA.rulemaking@dcbs.oregon.gov](mailto:OSHA.rulemaking@dcbs.oregon.gov)

Re: Proposed OAR 437-002-1080

The Oregon Department of Transportation (ODOT) has reviewed proposed rules OAR 437-002-0156 and -1080 Heat Illness Prevention and Wildfire Smoke respectively.

Because the requirements in OAR 437-002-1080 Wildfire Smoke would require our supervisors to plan for where wildfire smoke would be present and budget for appropriate personal protective equipment along with understanding the complexity of the air quality index including assigned precaution levels, we recommend that OAR 437-002-1080(4) Information and Training be changed to reflect the same training requirements as found in OAR 437-002-0156 (9) Supervisor and employee training.

OAR 437-002-1080 Wildfire Smoke

(4) Information and training. Develop and implement wildfire smoke training for employees who may be exposed to an ambient air concentration for PM<sub>2.5</sub> at or above 35.5 µg/m<sup>3</sup> (AQI 101). The training must be provided annually before employees are exposed in a language and vocabulary readily understood, and in a manner that facilitates employee feedback. The training must include at least the following information:

OAR 437-002-0156 Heat Illness

(9) Supervisor and employee training. Provide heat illness prevention training to all employees, including new employees, supervisory and non-supervisory employees in a language and vocabulary readily understood, and in a manner that facilitates employee feedback. Such training must be provided annually before employees begin work that should reasonably be anticipated to expose them to the risk of heat illness, and include at least the following:

Respectfully,

Robert E. Snyder, CSP  
Safety Manager  
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503-779-3103