

August 18, 2021

Workplace Advisory Memo 8.18.21

Training and Respirator Requirements under the Temporary Wildfire Smoke Rule ([OARs 437-002-1080 and 437-004-9790](#))

A. The rule does not apply to intermittent or short duration exposures, although the limitation on the scope was not included in the adopted rule

During Oregon OSHA's recent adoption of temporary emergency rules to protect workers from wildfire smoke, a drafting error omitted a planned exemption to exclude *"intermittent worker exposures of less than 15 minutes in an hour, or short-duration exposure of less than two hours in a single 24 hour period."* The rule's [Certificate and Order for Filing and Statement of Needs and Justification](#) reflects this exemption, as did the agency's published summary of the rule.

B. Use of filtering facepiece respirators under the wildfire smoke rule does not trigger the "voluntary use" provisions of the Respiratory Protection Standard

Because the wildfire smoke rule provides specific guidance regarding voluntary use of filtering facepiece respirators, employers do not need to share Appendix D of CFR 1910.134 with employees engaged in the voluntary use of such respirators under the wildfire smoke rule.

C. Required use of filtering facepiece respirators under the wildfire smoke rule for exposures below AQI 500 does not trigger the Respiratory Protection Standard

Employers in such situations need only comply with the Wildfire Smoke Respiratory Protection Program, which does not include certain traditional elements of a respirator program including Appendix D, medical evaluation, fit testing, or shaving facial hair.

D. The training obligations under the rule must be fulfilled before exposure covered by the rule occurs

The training requirement took effect August 16, 2021, which means that employers must ensure that employees are trained as described by the rule *before* exposure in excess of that described in (A) above. If such exposure has not occurred, there is not yet any violation of the training requirement.

E. KN95's distributed by the state of Oregon are acceptable for exposures below an AQI of 500

The rule allows the use of KN95s that were previously on the FDA's Emergency Use Authorization (EUA) for exposures below an AQI of 500. A [list](#) is available of the KN95s that can be used based on the most recent list maintained by the FDA before they revoked all EUAs. In addition, if a KN95 respirator has been distributed by the State of Oregon that is not on the EUA list, Oregon OSHA will consider it an acceptable substitute for those on the list.