



# Real-Time Risk



Photo by Mike McMillan, USFS  
Bootleg Fire

TIMELY NEWS AND TIPS TO HELP REDUCE RISK

September 2021

## OREGON OSHA EMERGENCY TEMPORARY RULE, WILDFIRE SMOKE POLICY

**By CIS Risk Management Consultant Tom BeLusko, AU, CIC**

Over the last two years, the volume and complexity of Oregon's wildfires has led to unprecedented smoke and haze. This may lead to health issues for all of us, but especially for Oregon's most vulnerable. Last month, the Northwest Interagency Coordination Center (NWCC), the focal point for interagency wildland fire management and resource coordination in Oregon and Washington, released a graphic showing that there were nearly 60 times as many acres burned in 2021 (year to date) as there were the same time last year with double the number of fires.

The threat of worsening air quality prompted Oregon OSHA, directed by Governor Brown, to increase protections for workers. On Aug. 9, 2021, a new temporary rule was adopted to address exposure controls, training requirements, hazard communication and other measures to protect Oregon's public and private workforce from the unprecedented risk of unplanned wildfire smoke. This temporary rule will remain in place for 180 days as Oregon OSHA prepares to adopt a permanent rule in the fall.

∴ *"The wildfire  
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Pictured above: Cottonwood Creek, Joseph Canyon Fire. Photo courtesy of U.S. Dept. of Interior.

The wildfire smoke rule applies to employers whose employees are, or may be, exposed to wildfire smoke where the ambient air concentration for fine particulate matter (also known as PM2.5) is at or above an Air Quality Index (AQI) of 101. Smoke is made up of water vapor, carbon monoxide, chemicals and small amounts of ash and other particulates. The higher the concentration of smoke particulates, the higher the AQI and thus potentially more threatening to worker safety. Determining AQI in any one specific location can easily be determined by using a resource such as [www.airnow.gov](http://www.airnow.gov).

Beginning Aug. 16, 2021, if AQI is determined to be at or above 101, Oregon OSHA wildfire smoke protection rule requirements take effect. Public employers are obligated to train employees on the hazards of wildfire smoke exposures. The employer training must be administered in a manner and language that is understood by workers and include the following 10 elements:

1. Description of potential symptoms of wildfire smoke exposure.
2. Explanation of potential health effects of wildfire smoke.
3. The definition of sensitive groups, or those whose medical conditions could be aggravated by exposure to wildfire smoke.
4. Conveyance of information regarding employee rights to report hazards and medical effects resulting from of wildfire smoke exposure, if necessary.
5. How employees may access the Air Quality Index (AQI) and measurements of fine particulate matter (PM2.5).
6. Education of the importance, limitations, and benefits of using a respirator and how to properly don and doff such protective equipment.

## PROPERTY INSURANCE

Wildfires in the West are having a significant impact on property insurance underwriting and rates. According to Reuters, estimated insured property losses from wildland fire exposure from 2020 are in the \$7 billion to \$13 billion range<sup>1</sup>. Given CIS' own recent wildfire losses and the number of insured properties in areas with higher risks of wildfire, CIS experienced a relatively hefty increase in the CIS property reinsurance rate for 2021.

CIS Property/Casualty Director Scott Moss warns that property renewals will continue to be impacted so CIS is partnering with members to scrutinize high-risk structures to try to maintain reasonable reinsurance rates. CIS members may see CIS Risk Management Consultants working in the field with members, assessing wildland fire risk, analyzing building defensible zones, discussing the [CIS Emergency Recovery \(planning\) Kit](#) and addressing Continuity of Operations (COOP) Plans.

CIS will stand with you to make sure appropriate strategies are in place to protect your organization, as well as the entire CIS risk pool. To stop the recent trends, it is important that we all work together to guarantee the resilience of your operations and the financial stability of CIS.

<sup>1</sup>Mathew Lavietes, 12/15/20 "Western U.S. Wildfires Cost Insurers up to \$13 billion in 2020" Reuters

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Pictured above: Calf Ridge, Jack Fire. Photo courtesy of U.S. Dept. of Interior.

7. Requirements to follow when an employee becomes ill from exposure to wildfire smoke.
8. Training on how to effectively operate employer provided air quality monitoring mechanisms or technology.
9. Instruction on specific employer methods and tools to protect employees from wildfire smoke.
10. Training on employer communication systems. Employers must be able to share wildfire smoke hazards, including AQI levels. Also, employers must make certain workers can report changes in air quality and changes in health symptoms that may be due to wildfire smoke exposure.

Some workplaces and operations are exempt from Oregon OSHA's new rule but even these aspects of employer obligations should be addressed and documented in an employer's wildfire smoke hazard communication system. The exemptions include:

1. Enclosed buildings and structures where the air is filtered by a mechanical ventilation system and the employer ensures that exterior windows and doors are kept closed except when necessary to open them.
2. Enclosed vehicles where the air is filtered by a cabin air filter and that the employer ensures that those windows, doors, and other openings are kept closed except for ingress or egress from the vehicle. It is important to note that buses and other transit systems where the doors are routinely opened are not included in this exemption.
3. Specific operations related to wildland firefighting.
4. Specific emergency operations or firefighting operations.

## ADDITIONAL WILDFIRE SMOKE RESOURCES

Monitor air quality in your area:

- [AirNow Fire and Smoke Map](#)
- [State of Oregon Air Quality](#)
- [OregonAIR Mobile App](#)

## Oregon OSHA Resources

- [Employer and Employee Training: Wildfire Smoke Online Course](#)
- [Wildfire Smoke and Your Health FAQ](#)

## SAIF Resources

- [Webinar: Prepare for Wildfire Smoke](#) (recorded from 08/17/21)
- [SAIF Wildfires Resources Webpage](#) (trainings in English and Spanish)

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*Pictured above: Skyline Ridge Complex Fire. Photo courtesy of U.S. Dept. of Interior.*

Oregon OSHA's website has an [online training course](#) designed to address the initial training requirements found in the wildfire smoke emergency protection rule. This tool may also be used as an initial hazard identifier to further support employee hazard communication.

Although the Oregon OSHA rule is only temporary, the expectation should be that the fundamentals of the rule will be adopted on a permanent basis. It is important to not only protect employees from the ever-growing wildfire smoke hazard, but to also abide by Oregon OSHA regulation. If you need additional assistance, your CIS Risk Management Consultant is only a phone call or email away. The team at CIS is willing to partner with member agencies to provide information, support, and training that will keep you and your employees safe.

If you need assistance, please contact your CIS Risk Management Consultant.

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