

# House Bill 2588

Sponsored by Representative ALONSO LEON (Presession filed.)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires employers to monitor daily outdoor air quality and determine whether employees who perform outdoor work activities will be at risk of exposure to unhealthy air quality due to certain concentration levels of particulate matter in air. Directs employers to take certain actions to mitigate risk of unhealthy exposure.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to employee protections against exposure to unhealthy outdoor air quality; and declaring  
3 an emergency.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1. Section 2 of this 2021 Act is added to and made a part of ORS chapter 654.**

6 **SECTION 2. (1) As used in this section:**

7 (a) "Air quality index" means a tool by which the United States Environmental Pro-  
8 tection Agency reports the daily air quality for each state including the concentration levels  
9 of certain pollutants in the air that may expose certain groups of people to health risks.

10 (b) "Level-2 evacuation warning" means a notice issued by an emergency notification  
11 system that warns residents in a particular geographical area of a significant risk of wildfire  
12 danger and advises residents either to voluntarily relocate to a shelter outside of the affected  
13 area or to be set to immediately evacuate.

14 (c) "Particulate matter 2.5" means fine particles or droplets in the air that measure 2.5  
15 microns or less in width.

16 (2)(a) If an employer reasonably anticipates that any of the employer's employees who  
17 perform outdoor work activities at the employer's work site will be exposed to unhealthy air  
18 quality due to the concentration levels of particulate matter 2.5 in the air, the employer shall  
19 monitor the daily outdoor air quality and determine whether the air quality is deemed un-  
20 healthy so as to pose a health risk to those employees. The employer shall make the deter-  
21 mination before the start of the employees' work shift.

22 (b) An employer may reasonably anticipate that its employees are at risk of exposure to  
23 unhealthy air quality when:

24 (A) According to the air quality index, the concentration levels of particulate matter 2.5  
25 in the air measure 151 or greater; or

26 (B) The geographical area in which the employer's work site is located is subject to a  
27 level-2 evacuation warning.

28 (3)(a) An employer shall monitor the outdoor air quality to determine whether the con-  
29 centration levels of particulate matter 2.5 in the air measure 151 or greater by reviewing  
30 daily air quality index forecasts made available on federal, state and local agency websites

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted.  
New sections are in **boldfaced** type.

1 and taking into consideration air quality forecasts issued by local and regional media  
2 sources.

3 (b) If an employer determines that the concentration levels of particulate matter 2.5 in  
4 the air measure 151 or greater, or if the area in which the employer's work site is located  
5 is subject to a level-2 evacuation warning, the air quality shall be deemed unhealthy so as  
6 to pose a health risk to employees who perform outdoor work activities. To reduce the risk  
7 of exposure to unhealthy air quality, the employer shall:

8 (A) Suspend outdoor work activities until the level-2 evacuation warning has been lifted;

9 (B) Suspend outdoor work activities until the air quality index indicates that the con-  
10 centration levels of particle matter 2.5 in the air measure less than 151; or

11 (C) Provide employees with specialized equipment, including respirators or other filtering  
12 face masks, designed to protect employees from inhaling particulate matter 2.5 while per-  
13 forming outdoor work activities.

14 SECTION 3. This 2021 Act being necessary for the immediate preservation of the public  
15 peace, health and safety, an emergency is declared to exist, and this 2021 Act takes effect  
16 on its passage.

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