House Bill 2813
Sponsored by Representatives DEXTER, PHAM; Representatives HELM, MCLAIN, NOSSE, WILDE, Senators DEMBROW, FREDERICK, STEINER HAYWARD (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 of employees who engage in outdoor work activities to take certain actions to mitigate employee’s risk of exposure to unhealthy air quality from wildfire smoke.

Requires employers to determine concentration levels of particulate matter in air. Creates exemption for employers who require employees to wear certified respirators while performing outdoor work activities, regardless of concentration levels of particulate matter in air.

A BILL FOR AN ACT
Relating to protections against exposure to unhealthy air quality from wildfire smoke.

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

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

SECTION 2. (1) As used in this section:
(a) “Air quality index” means a tool by which the United States Environmental Protection Agency reports the daily air quality for each state, including the concentration levels of certain pollutants in the air that may pose a health risk to certain groups of people.
(b) “Certified respirator” means a respirator that has been tested and approved by the National Institute for Occupational Safety and Health (NIOSH) of the United States Centers for Disease Control and Prevention to protect against specific air contaminants in the workplace.
(c) “Particulate matter 2.5” means fine particles or droplets in the air that measure two and one-half micrometers or less in width.

(2) Employers of employees who engage in outdoor work activities shall take the following steps to mitigate the employees' risk of exposure to unhealthy air quality from wildfire smoke:
(a) Whenever the concentration levels of particulate matter 2.5 in the air are within the air quality index categories of 151 or greater, provide certified respirators to employees to use on a voluntary basis while performing outdoor work activities.
(b) Whenever the concentration levels for particulate matter 2.5 in the air exceed the air quality index category of 500, require employees to use employer-provided certified respirators while performing outdoor work activities.
(c) Keep conspicuously posted a notice, in English and in each of the five most widely used non-English languages in this state, as determined and periodically updated by the employer, that:
(A) Describes the health risks associated with exposure to wildfire smoke that contains hazardous concentration levels of particulate matter 2.5;
(B) Communicates the protective measures available to employees to reduce exposure to

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.

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unhealthy air quality from wildfire smoke; and
(C) States that any employee who experiences illness or adverse symptoms that may be
the result of exposure to wildfire smoke, including difficulty breathing, asthma attacks and
chest pain, has a right to seek medical treatment without fear of reprisal by the employer.
(d) Train employees on how to properly wear, use, clean and maintain the certified
respirators provided to employees by the employer.
(e) To the extent practicable:
(A) Relocate outdoor work activities to a place of employment where the concentration
levels of particulate matter 2.5 are within an air quality index category that is less than 151;
or
(B) Modify employee work schedules to limit the amount of time that an employee is at
risk of exposure to unhealthy air quality while performing outdoor work activities.
(3)(a) For the purposes of subsection (2)(a) and (b) of this section, employers shall de-
termine the concentration levels of particulate matter 2.5 in the air, before each work shift
and periodically during each shift, as follows:
(A) If an employer employs 20 or more employees, the employer shall calculate the levels
of particulate matter 2.5 using a monitor that is designed and manufactured to measure the
concentration of airborne particle sizes that measure up to and including two and one-half
micrometers in width.
(B) If an employer employs fewer than 20 employees, the employer shall review the daily
and forecasted air quality index made available on the websites of federal, state and local
government agencies that monitor air quality.
(b) This subsection does not apply to an employer who, as a precautionary measure, re-
quires employees to wear employer-provided certified respirators while performing outdoor
work activities regardless of whether the concentration levels of particulate matter 2.5 in the
air exceed the air quality index category of 500.

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