

# House Bill 2813

Sponsored by Representatives DEXTER, PHAM; Representatives HELM, MCLAIN, NOSSE, WILDE, Senators DEMBROW, FREDERICK, STEINER HAYWARD (Pre-session 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

1  
2 Relating to protections against exposure to unhealthy air quality from wildfire smoke.

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

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

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

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

9 (b) "Certified respirator" means a respirator that has been tested and approved by the  
10 National Institute for Occupational Safety and Health (NIOSH) of the United States Centers  
11 for Disease Control and Prevention to protect against specific air contaminants in the  
12 workplace.

13 (c) "Particulate matter 2.5" means fine particles or droplets in the air that measure two  
14 and one-half micrometers or less in width.

15 (2) Employers of employees who engage in outdoor work activities shall take the follow-  
16 ing steps to mitigate the employees' risk of exposure to unhealthy air quality from wildfire  
17 smoke:

18 (a) Whenever the concentration levels of particulate matter 2.5 in the air are within the  
19 air quality index categories of 151 or greater, provide certified respirators to employees to  
20 use on a voluntary basis while performing outdoor work activities.

21 (b) Whenever the concentration levels for particulate matter 2.5 in the air exceed the air  
22 quality index category of 500, require employees to use employer-provided certified  
23 respirators while performing outdoor work activities.

24 (c) Keep conspicuously posted a notice, in English and in each of the five most widely  
25 used non-English languages in this state, as determined and periodically updated by the em-  
26 ployer, that:

27 (A) Describes the health risks associated with exposure to wildfire smoke that contains  
28 hazardous concentration levels of particulate matter 2.5;

29 (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.

1 **unhealthy air quality from wildfire smoke; and**

2 **(C) States that any employee who experiences illness or adverse symptoms that may be**  
3 **the result of exposure to wildfire smoke, including difficulty breathing, asthma attacks and**  
4 **chest pain, has a right to seek medical treatment without fear of reprisal by the employer.**

5 **(d) Train employees on how to properly wear, use, clean and maintain the certified**  
6 **respirators provided to employees by the employer.**

7 **(e) To the extent practicable:**

8 **(A) Relocate outdoor work activities to a place of employment where the concentration**  
9 **levels of particulate matter 2.5 are within an air quality index category that is less than 151;**  
10 **or**

11 **(B) Modify employee work schedules to limit the amount of time that an employee is at**  
12 **risk of exposure to unhealthy air quality while performing outdoor work activities.**

13 **(3)(a) For the purposes of subsection (2)(a) and (b) of this section, employers shall de-**  
14 **termine the concentration levels of particulate matter 2.5 in the air, before each work shift**  
15 **and periodically during each shift, as follows:**

16 **(A) If an employer employs 20 or more employees, the employer shall calculate the levels**  
17 **of particulate matter 2.5 using a monitor that is designed and manufactured to measure the**  
18 **concentration of airborne particle sizes that measure up to and including two and one-half**  
19 **micrometers in width.**

20 **(B) If an employer employs fewer than 20 employees, the employer shall review the daily**  
21 **and forecasted air quality index made available on the websites of federal, state and local**  
22 **government agencies that monitor air quality.**

23 **(b) This subsection does not apply to an employer who, as a precautionary measure, re-**  
24 **quires employees to wear employer-provided certified respirators while performing outdoor**  
25 **work activities regardless of whether the concentration levels of particulate matter 2.5 in the**  
26 **air exceed the air quality index category of 500.**

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