



**To: Members of the House Committee on Business and Labor**  
**From: State Representative Maxine Dexter, M.D., House District 33**

**Date: March 16, 2021**

**Subject: HB 2813**

Chair Holvey, Vice-Chairs Bonham and Grayber, and members of the committee,

For the record, my name is Dr. Maxine Dexter, State Representative for House District 33, encompassing NW Portland and NE Washington County on the indigenous lands of the Cowlitz, Clackamas, and Grand Ronde. I am grateful for this opportunity today to request your full support for HB 2813, our outdoor workers respiratory protection bill.

Last September, the severity of wildfire smoke across our state was worse than many had ever experienced, and for a time, led us to have the worst air quality in the world. Despite this fact, many Oregon outdoor workers did not have the ability to stay home or stay safe. N95 masks and other respirators were in short supply due to the COVID-19 pandemic, and few of these workers had access to personal protective gear to continue their work more safely. So, they went to work, largely unprotected.

This put their health at significant risk. It is well documented that a high burden of particulate matter in the air we breathe, and exposure to wildfire smoke specifically, can cause exacerbations of asthma and lung disease, strokes<sup>1</sup>, heart attacks<sup>2</sup>, a long-term decline in lung function<sup>3</sup>, and changes in the lung immune response leading to increased vulnerability to viral infections like influenza even months later<sup>4</sup>. We also know that heavy exertion in poor air quality results in an increased inhalation of deadly particulate matter and even worse health impacts.

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<sup>1</sup> Wettstein et al. Cardiovascular and Cerebrovascular Emergency Department Visits Associated With Wildfire Smoke Exposure in California in 2015. JAMA April 2018

<sup>2</sup> Jones et al. "Out of Hospital Cardiac Arrests and Wildfire-Related Particulate Matter During 2015-2017 California Wildfires." JAMA 2020

<sup>3</sup> Orr A et al. Sustained Effects on Lung Function in Community Members Following Exposure to Hazardous PM2.5 Levels from Wildfire Smoke. Toxics. 2020;8(3):53

<sup>4</sup> Landguth et al. "The delayed effect of wildfire season particulate matter on subsequent influenza season in a mountain west region of the USA." Environment International. Vol 139. June 2020.

This is not a newly-recognized problem. In 2018, after the Rogue Valley wildfires, Senators Jeff Merkeley and Ron Wyden introduced a series of bills that included The Farmworker Smoke Protection Act to require employers to provide N95 masks or other certified respiratory protection, along with training and education, to farmworkers exposed to hazardous air conditions. Unfortunately, this federal statute has not been passed.

Some states, however, have acted: in 2019 California's OSHA adopted emergency rules requiring employers to track AQI forecasts and to provide their workers with personal protection gear at an air quality index of 151 or higher<sup>5</sup>. These rules are the basis for the bill before you today. HB 2813 will ensure *employers provide* their outdoor workers with certified respirators when the DEQ records an air quality index (AQI) 151 or higher and would *require* employees to wear these respirators when the AQI is 500 or higher. Additionally, employers will be required to post notices regarding their increased health risks and the recommendation/requirement to wear a respirator in the five most commonly spoken languages in their region.

I will also note we have submitted a -1 amendment which will remove the mandate for employers to individually monitor air quality and instead will require them to track the information by referring to DEQ's posted air quality indices. Additionally, it will exempt our public safety and first-responder workers from these requirements.

Finally, I will acknowledge that OSHA is currently developing standards that mimic California's rules. Despite this, we believe it's important to underline the importance of implementing these minimum protections, by statutorily setting this expectation.

Our outdoor workers deserve protection from toxic fumes and the significant health risks associated with these exposures. Please give your strong support to HB 2813.

Sincerely,



Representative Maxine Dexter, M.D.  
House District 33 (NW Portland and NE Washington County)

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<sup>5</sup> [Section 5141.1](#)

<https://www.dir.ca.gov/dosh/doshreg/Protection-from-Wildfire-Smoke/Wildfire-smoke-emergency-standard.html>