



January 9, 2025

California Wildfire Smoke

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We hope everyone affected by the current wildfires in the greater Los Angeles area are staying safe. In light of the current air conditions, we wanted to remind employers of the need to protect workers from the wildfire smoke. California Code of Regulations, title 8, section 5141.1 applies to workplaces where the current Air Quality Index (current AQI) for PM2.5 is 151 or greater, regardless of the AQI for other pollutants, and where employers should reasonably anticipate that employees may be exposed to wildfire smoke. Presently, there are areas within Los Angeles and surrounding counties where the current AQI ranges between 151, which is considered unhealthy, to more than 301, which is considered hazardous.

Which employers are exempt from complying? Employers with workplaces and operations in any of the following conditions are exempt from complying with section 5141.1:

- Enclosed buildings or structures in which the air is filtered by a mechanical ventilation system and the employer ensures that windows, doors, bays, and other openings are kept closed, except when it is necessary to open doors to enter or exit.
- Enclosed vehicles in which the air is filtered by a cabin air filter and the employer ensures that windows, doors, and other openings are kept closed, except when it is necessary to open doors to enter or exit the vehicle.
- The employer demonstrates that the concentration of PM2.5 in the air does not exceed a concentration that corresponds to a current AQI of 151 or greater by measuring PM2.5 levels at the worksite in accordance with the statute.
- Employees exposed to a current AQI for PM2.5 of 151 or greater for a total of one hour or less during a shift.
- Firefighters engaged in wildland firefighting.

What are employers required to do?

- **Identification of harmful exposures.** Employers must determine employee exposure to PM2.5 for applicable worksites at the start of each shift and periodically thereafter, as needed to protect the health of employees using methods identified in this section.
- **Communication.** It is important that employers establish and implement a system for communicating wildfire smoke hazards in a language and manner readily understandable by employees, including provisions designed to encourage employees to inform the employer of wildfire smoke hazards at the worksite without fear of reprisal.
- **Training and instruction.** Employers must provide employees with effective training and instruction in a language and manner readily understandable by employees for worksites covered by the regulation.
- **Control of harmful exposures to employees.** With certain exceptions, employers must reduce workers' exposure to wildfire smoke by providing an enclosed location with filtered air to a level less than a current AQI of 151. If that's not feasible, employers may relocate individuals to another outdoor location where the current AQI for PM2.5 is lower, change work schedules, reduce work intensity, or provide more rest periods or with respiratory protective equipment if employers cannot reduce workers' exposure to PM2.5 to a current AQI of less than 151.

This information provides an overview of the regulation and necessary steps to take. If you have any questions about the specifics, please do not hesitate to contact us. Lastly and in terms of best practices, please do not forget to provide owners on your projects affected by wildfire smoke contractual notice of potential delays or impacts resulting from air quality issues.

