

As Washington's Summer Approaches, Employers Face New Rules to Protect Workers From Outdoor Heat Exposure and Wildfire Smoke

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Karen F. Tynan

Sacramento

Author



Kathryn P. Fletcher

Seattle

Author



Emma A. Healey

Seattle

Author

With summer weather and wildfire season approaching, Washington employers will have new seasonal workplace safety rules to take into account. On June 1, 2022, the Washington State Department of Labor & Industries (L&I) adopted emergency rules that add to already existing protections for outdoor workers from the summer conditions of heat exposure and wildfire smoke. Both emergency rules take effect on June 15, 2022.

Outdoor Heat Exposure

Under the [existing rule](#), employers with outdoor workers are required to maintain outdoor heat-exposure prevention plans, provide annual heat-exposure training to employees and supervisors to prevent illness, and increase the amount of drinking water available to workers and opportunities to drink it. The existing rule is effective annually between May 1 and September 30.

Under the [emergency amendments](#) to the existing rule, Washington employers are required to take extra precautions, starting June 15, 2022, which include:

- ▶ ensuring a “sufficient quantity of suitably cool drinking water is “readily accessible to employees at all times”;
- ▶ providing access to shade or comparable opportunities to “reduce body temperature,” if at least equally effective to shade (which could include air-conditioned spaces or vehicles);
- ▶ educating workers about the importance of preventative cool-down periods to protect against overheating and paying employees during those preventative periods;
- ▶ when the temperature is 89 degrees Fahrenheit or higher:
 - ▶ mandating paid cool-down rest periods of ten minutes every two hours;
 - ▶ implementing a system by which employees can communicate with their supervisor when necessary (e.g., cell phones in areas with reliable service); and
 - ▶ closely observing employees for signs of heat-related illness; and
- ▶ training employees about the requirements under the emergency rule.

This list is not exhaustive; the existing rule requires additional measures, such as ensuring sufficient hydration levels, prioritizing acclimatization (which is further defined in the emergency amendments as a period of seven to fourteen days), and providing specific employee and supervisor training, including identifying signs of heat-related illness and determining whether medical attention is needed. Employers may want to review and understand their obligations under the heat-exposure rule before the June 15 effective date.

Wildfire Smoke

Washington joins [California](#) and [Oregon](#) in requiring employers to take specific preventative measures to ensure worker safety when workers will be exposed to wildfire smoke. Under L&I's [emergency rule](#), Washington employers are required to monitor the [Air Quality Index \(AQI\)](#) and take specific action when workers are exposed to AQI levels of 69 or higher. Additional requirements are imposed when the AQI measures from 101 and 500, and higher than 500.

For example, Washington employers must monitor worksite AQI, establish hazard communication systems with employees, maintain wildfire smoke response plans tailored to their specific workplaces within their written accident prevention programs, provide specific information and implement training programs for employees and supervisors, and monitor employees for symptoms of exposure and ensure prompt medical treatment when necessary. Washington employers may also be required to provide respiratory protection to employees free of charge when certain AQI levels are observed.

Ogletree Deakins' [Seattle office](#) and will continue to monitor and report on developments with respect to the new law and will post updates to the firm's [Washington](#) and [Workplace Safety and Health](#) blogs as additional information becomes available. Important information for employers is also available via the firm's [webinar](#) and [podcast](#) programs.