

SB260 Conceptual Changes

Based on feedback from NV OSHA, stakeholder meeting on 3/19, and Reno Chamber on 3/25

Section 1:

- Subsection 1.
 - (A) Change “Establish and implement a program that meets the requirements of this section to mitigate the exposure of employees to poor air quality and to monitor employees for signs of health effects caused by exposure to poor air quality; and” to “**Establish and implement a program that meets the requirements of this section to mitigate the exposure of outdoor workers to poor air quality due to wildfire smoke** and to monitor employees for signs of health effects caused by exposure **to hazardous contaminants in wildfire smoke**; and”
 - (c) “This program shall be included in the workplace safety program.”
- Subsection 2.
 - Change “The employer shall monitor air quality to determine PM2.5 levels before and periodically during each employee’s shift” to “The employer shall monitor air quality to determine **PM2.5 AQI** levels before and **as conditions change throughout** each employee’s shift”
 - (b) “**The primary source for** determining the Environmental Protection Agency Air Quality Index value ~~from at least one of the following sources, as appropriate,~~ for the location of the work being conducted by employees **is** AirNow.”
 - (c) If for any reason AirNow becomes unavailable, the following sources may be used as secondary AQI level references within their respective areas of geographic monitoring.
 - (1) The United States Forest Service.
 - (2) The Interagency Wildland Fire Air Quality Response Program.
 - (3) The Air Quality Management Division of Northern Nevada Public Health.
 - (4) The Clark County Department of Air Quality Management.
 - (5) The Ambient Air Quality Monitoring Program of the Division.
 - (6) The Bureau of Air Quality Planning of the Division.
- Subsection 3.
 - Change “Except as otherwise provided in subsection 4, if, during any shift, an employee is being exposed to air quality where PM2.5 levels exceed an air quality index of 150, the employer shall do one or more of the following:” to “**Except as otherwise provided in subsection 4, if, during any shift, an employee is being exposed to air quality where PM2.5 AQI levels exceed an air quality index of 150, the employer shall do one or more of the following:**”
 - (a) change “the use of a device” to “the use of **at least one** device”
 - Move (a) to the last position on the list of controls, so administrative/engineering controls are listed first, then PPE at the end.
 - (h) Enclosing a work environment to allow filtration of air.
 - (i) If using HVAC - setting airflow on recirculation and using higher MERV rating filters designated for higher capture of PM2.5

- (j) Verify ducting/windows are appropriately sealed to prevent outside airflow.
 - (k) Keep windows and doors closed unless absolutely critical for operations.
- Subsection 4.
 - Change “If, during any shift, an employee is being exposed to air quality where PM2.5 levels exceed an air quality index of 200 and none of the activities described in subsection 3 are feasible to reduce the employee’s exposure to the air, the employer shall not require the employee to continue to work.” to “If, during any shift, an employee is being exposed to air quality where **PM2.5 AQI levels exceed an air quality index of 200, steps must be taken to effectively mitigate the hazard or employees will not be required to continue working.**”
 - (a) Employers would not be required to pay employees for any time off due to a work stoppage at AQI level 201 or higher.
- Subsection 5
 - (a) change “Informs an employee, in a manner that is understandable to the employee, when the employee is being exposed to air quality where PM2.5 levels exceed an air quality index of 150 during the employee’s workday and of the protective controls that are available to the employee to reduce exposure to the air quality.” to “**Informs an employee, in a manner that is understandable to the employee, when the employee is being exposed to air quality where **PM2.5 AQI levels exceed an air quality index of 150 during the employee’s workday and of the protective controls that are available to the employee to reduce exposure to the air quality.****”
 - (b) Change “Allows any employee to inform the employer when the employee is being exposed to air quality where PM2.5 levels exceed an air quality index of 150 in the employee’s workplace and if the employee is experiencing any symptom related to such exposure, including, without limitation, asthmatic attacks, difficulty breathing or chest pain.” to “**Allows any employee to inform the employer when the employee is being exposed to air quality where **PM2.5 AQI levels exceed an air quality index of 150 in the employee’s workplace and if the employee is experiencing any symptom related to such exposure, including, without limitation, asthmatic attacks, difficulty breathing or chest pain.****”
- REMOVE Subsection 6.
 - Remove this subsection about retaliation. Retaliation protections are already in NRS 618.445
- Subsection 7.
 - (A) change “guide” to “guidance”
- Subsection 8. *Exemptions*
 - (c) The term 'employer' does not include a mine operator defined in NRS 512.007
 - (D) employs CDL truck drivers
- Subsection 9.
 - Add the following definitions as defined by the [US EPA](#):
 - “Wildfire smoke” means a mixture of gaseous pollutants (e.g., carbon monoxide), hazardous air pollutants (HAPs) (e.g., polycyclic aromatic hydrocarbons [PAHs]), water vapor, and particle pollution. Particle

pollution represents a main component of wildfire smoke and the principal public health threat.

- “MERV rating” means Minimum Efficiency Reporting Values, or MERVs, which report a filter's ability to capture larger particles between 0.3 and 10 microns (μm).
- “AQI” means Air Quality Index
- *Add the following definitions as defined by the U.S. Department of Labor, Bureau of Labor Statistics ([ORS 2024](#)):*
 - “Outdoor workers” means workers who occasionally, frequently, or constantly perform their critical tasks outdoors.
 - “Outdoors” is considered present when two conditions exist, (1) a worker performs typical job duties outdoors or a worker moves between different work sites during the workday and (2) a worker is unprotected and exposed to the elements.
 - “Personal protective equipment (PPE)” means gear used or worn to minimize exposure to serious workplace injuries and illnesses.
 - “Critical tasks” means” means activities workers must perform to carry out their critical job function(s).
 - “Occasionally” means from 2 percent up to 1/3 of the workday
 - “Frequently” means from 1/3 up to 2/3 of the workday
 - “Constantly” means from 2/3 or more of the workday
 - “Hazardous contaminants” means exposure that negatively affects the respiratory system, eyes, skin, or other living tissue via inhalation, ingestion, or contact.