

# CALIFORNIA INDUSTRIAL HYGIENE COUNCIL

*Advancing public policy to improve the health and safety  
of workers and the community.*

June 18, 2021

Senator Richard Pan, Chair  
California Senate Committee on Health  
State Capitol, Room 2191  
Sacramento, CA 95814

**RE: COMMENTS AND REQUEST FOR AMENDMENT TO AB 73 (RIVAS) HEALTH  
EMERGENCIES: EMPLOYMENT SAFETY: AGRICULTURAL WORKERS:  
WILDFIRE SMOKE**

Dear Senator Pan and Senate Committee on Health:

On behalf of the California Industrial Hygiene Council (CIHC), thank you for furthering this bill. We are providing comments on several provisions, and requesting an amendment to AB 73 related to requirements for preparation for Health Emergencies. We are in a position to support the bill if it is amended, and appreciate your consideration.

In the current version of AB 73, CIHC thanks the authors for removing the requirement for the Division of Occupational Safety and Health from the role of stockpiling and distributing N95 filtering facepiece respirators and placing this obligation where it is already mandated with the California Department of Public Health and the Office of Emergency Services.

CIHC also thanks the authors for the clarification in proposed changes to Section 131021 of the Health and Safety Code (HSC) by adding subsection (i) “Nothing in this section alters an employer’s duty to provide respirators as required by Section 5141.1 of Title 8 of the California Code of Regulations”.

The definitions in HSC Section 131021(b) include the following definition:

“(6) “Personal protective equipment” or “PPE” means protective equipment for eyes, face, head, and extremities, protective clothing, respiratory devices, and protective shields and barriers, including, but not limited to, N95 and other filtering facepiece respirators, elastomeric air-purifying respirators with appropriate particulate filters or cartridges, powered air purifying respirators, disinfecting and sterilizing devices and supplies, medical gowns and apparel, face masks, surgical masks, face shields, gloves, shoe coverings, and the equipment identified by or otherwise necessary to comply with **Section 5199** of Title 8 of the California Code of Regulations.” (Emphasis added)

CIHC recommends that this definition be changed to include a broader reference to Title 8 CCR regulations that would require PPE for worker protection during emergency situations. For example, wildfire smoke protection and infectious disease protection in work environments that are not covered by 8 CCR 5199 come to mind. *In addition, the language in Section 131021 needs to be generally amended to be consistent with the addition of “pandemic, wildfire smoke event” to HSC 131021(a).*

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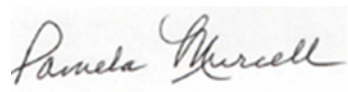
The current version of AB 73 is proposing changes to the membership of the Personal Protective Equipment Advisory Committee; reference HSC 131021(f). The expertise of an occupational health and safety professional, such as a Certified Industrial Hygienist, would benefit the PPE Advisory Committee's work. While changes to the makeup of the PPE Committee are being considered, CIHC recommends that a representative from this professional community be added to the PPE Advisory Committee.

Certified Industrial Hygienists (CIHs) are recognized and title protected in the Business and Professions Code as "a person who has met the education, experience, and examination requirements of an industrial hygiene certification organization." Industrial hygiene is "the science and art devoted to the anticipation, recognition, evaluation and control of environmental factors or stress which may cause sickness, impaired health and well-being, or significant discomfort and inefficiency among workers or among the citizens of a community." (Business and Professions Code 20700). Due to their education, training, and experience related to risk assessment of exposure to chemical, biological, and physical hazards, CIHs provide unique and valuable insight on public health matters involving these hazards.

CIHC, founded in 1990, represents the occupational and environmental health profession in California and is affiliated with the national American Industrial Hygiene Association (AIHA), an 8,000-member organization. The CIHC is formally comprised of occupational and environmental health and safety professionals who are members of the five California AIHA local sections represented by the CIHC Board of Directors. The CIHC's mission is to provide sound scientific and technological input to the regulatory and legislative process, and establish a legislative presence in the state Capitol through professional representation.

CIHC would be pleased to participate in any discussions related to these recommendations. Thank you for your consideration. Please let us know if there are any questions concerning the above-stated points. On behalf of CIHC, I may be reached by telephone at (530) 622-7196 or email at [kwa-sacramento@att.net](mailto:kwa-sacramento@att.net).

Best Regards,  
CALIFORNIA INDUSTRIAL HYGIENE COUNCIL



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