



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**NOTICE OF PUBLIC WORKSHOP TO SOLICIT COMMENTS ON PROPOSED
PERMANENT REGULATIONS AMENDING NAC CHAPTER 618
March 3, 2026 at 1:00 p.m.**

(THIS IS NOT A NOTICE OF INTENT TO ACT ON A REGULATION)

The Division of Industrial Relations of the Department of Business and Industry, State of Nevada (“Division”) will hold a workshop seeking public comment on proposed permanent regulations amending Chapter 618, inclusive, of the Nevada Administrative Code (“NAC”) to implement the provisions of SB260, on Tuesday, March 3, 2026 at 1:00 p.m. The purpose of the public workshop is to receive comments from all interested parties regarding the contents of the proposed regulations being developed by the Division. This meeting will be held in person, via Microsoft Teams, and by phone. Microsoft Teams allows for video and teleconferencing.

Microsoft Teams Access

Join the meeting now:

<https://teams.microsoft.com/meet/23536434606097?p=DcR3gCfTQrZkXtsYxC>

Meeting ID: 235 364 346 060 97

Meeting password: PB7aV6Lr

Join By Phone

+1 775-321-6111

Phone Conference ID: 726 348 799#

Physical Location

Division of Industrial Relations
Workers’ Compensation Section, Executive Conference Room
2300 W. Sahara Avenue, Suite 300, Las Vegas, NV 89102

A copy of the notice and supporting materials may be downloaded from the Division of Industrial Relations website: <https://dir.nv.gov/Meetings/Meetings/>.

Before the Public Workshop, persons may submit written comments to Amber Williams, Esq., Division Counsel for the Division of Industrial Relations, 2300 W. Sahara Ave., #300, Las Vegas, Nevada 89102 or by email to amwilliams@dir.nv.gov.

After the comments have been reviewed and considered, the Division will give notice of intent to act on the regulation and conduct one or more public hearings to solicit written and/or oral comments, data, and views on the proposed regulation.

Persons with disabilities who require special accommodations or assistance at the workshop must notify Samantha O'Brien at the Division of Industrial Relations, by mail to 2300 W. Sahara Avenue #300, Las Vegas, Nevada 89102, or by email to samantha.obrien@dir.nv.gov, or by calling (702) 486-9070 by 5:00 p.m., three (3) working days before the Public Workshop.

This notice has been posted on: the Nevada State Legislature's Notice website at <http://leg.state.nv.us/App/Notice/A/>; Nevada's Public Notice website at <https://notice.nv.gov>; and the DIR's website at <http://dir.nv.gov/Meetings/Meetings>, as set forth in NRS Chapters 233B and 241.

A copy of the notice and the proposed permanent regulations to be adopted and/or amended is on file with the Division and has also been posted at the following locations: Division of Industrial Relations, 2300 W. Sahara Ave., Suite 300, Las Vegas, Nevada 89102 and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

**HEARING AGENDA
DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

Notice:

- (1) Items on the Agenda may be taken out of order.
- (2) The Division may combine two or more Agenda items for consideration.
- (3) The Division may remove an item on the Agenda at any time.

I. Call to Order.

II. Public Comment. The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Division that is not specifically included on the agenda as an action item. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.

III. Discussion of Proposed Permanent Regulations regarding NAC 618, inclusive. Proposal of revisions to/amendments of regulations that pertain to Chapter 618, inclusive, of the Nevada Administrative Code arising from the passage of Senate Bill 260.

IV. Public Comment. The opportunity for general public comment is reserved for any matter within the jurisdiction of the Division that is not specifically included on the agenda as an action item. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.

V. Adjournment.



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**Small Business Impact Statement
Proposed Draft Regulations Amending NAC 618
LCB File No. TBD**

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background

Senate Bill No. 260, chapter 499, Statutes of Nevada 2025 requires the Division of Industrial Relations (DIR) to adopt regulations to impose certain duties on employers of employees who could be exposed to poor outdoor air quality attributable to wildfire smoke. These proposed permanent regulations amend Chapter 618, inclusive, of the Nevada Administrative Code (NAC) to effectuate this requirement.

The Occupational Safety and Health Administration (OSHA) of the DIR has determined that the proposed amendments may have a direct adverse effect on small businesses. The potential adverse effects include the time and cost for non-exempt employers to perform and prepare a one-time job hazard analysis to assess working conditions that may cause occupational exposure to wildfire smoke; the time and expense for developing, implementing, and training for the management of wildfire smoke exposure in their written safety program as required by NRS 618.383; the cost of sensors, training for sensors, respirators, and respirator medical fitness testing; potential loss of revenue/projects due to closures; potential increased labor expenses related to implementation of requirements and monitoring; and challenges arising from the current lack of timely and precise sources of data for dangerous AQI caused from wildfire smoke to determine whether unsafe conditions exist.

The proposed amendments may also have a benefit to small businesses by reducing occupational exposure to poor air quality attributable to wildfire smoke. This could result in less occupational illnesses, less days away from work due to occupational illnesses, lower health care costs for employers, and lower workers' compensation rates.

2. A description of the way comments were solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the DIR considered the purpose and scope of the proposed regulations as set forth above in Answer 1 above. Additionally, prior to conducting a small business impact survey, the DIR received input on the proposed changes with key industry stakeholders through informal stakeholder meetings that occurred from July through October 2025.

On January 6, 2026, the DIR sent a Small Business Impact Statement Questionnaire to interested parties via an email blast, which includes 4,218 recipients and to date, 1,116 of the recipients opened it (27.3%). Additionally, on January 6, 2026, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 57 recipients. This list includes chambers of commerce and trade associations. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose. The deadline to return the questionnaire was January 23, 2026. As of this date, the DIR received fifteen (15) responses, only twelve (12) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

- (1) Toni Warden, on behalf of Garden Shop Nursery Landscape ("GSNL") - GSNL indicated the regulation would have an adverse economic effect on its business due to the cost of development of policy and training, as well as the cost of sensors, training for operation of sensors and documentation which they estimate would be roughly \$4,000. GSNL does not anticipate any beneficial economic effect on its business. GSNL anticipates an indirect adverse effect on its business because the regulation will reduce productivity of crews and construction. GSNL does not anticipate any indirect beneficial effect on its business.
- (2) Steve Bennett, on behalf of Silver State Barricade and Sign ("SSBS") - SSBS indicated the regulation would have an adverse economic effect on its business because they will need to buy masks and it may result in lost work projects based on the 150 AQI requirement. SSBS does not anticipate any beneficial economic effect on its business. SSBS anticipates an indirect adverse effect on its business because they must have a stock of N95 masks and there is potential loss of income if they have to cancel jobs. SSBS does not anticipate any indirect beneficial effect on its business.
- (3) Michael Holland, on behalf of McClone Construction Company ("MCC") - MCC does not believe the regulation would have an adverse economic effect on themselves or their employees because their primary objective is to provide a safe and healthy work environment for their employees. MCC does not anticipate any beneficial economic effect on its business. MCC does not anticipate any indirect adverse effects because they have implemented a similar program/policy in California without impact. MCC indicates the regulation will provide an indirect beneficial effect in that the regulation will further emphasize that MCC values the health and safety of their employees.
- (4) George Allen, on behalf of Saddle West Hotel, Casino & RV Resort ("Saddle West") - Saddle West indicated the regulation would not have an adverse or

beneficial economic effect on its business. Saddle West does not anticipate the regulation will have any indirect adverse or beneficial effect on its business.

- (5) Nicholas Boyles, on behalf of Simmerson Construction - Simmerson Construction indicated the regulation would have an adverse economic effect in an estimated \$20,000 annual indirect cost as they anticipate this regulation to cost companies approximately 5 hours of work for two people a week for companies year-round, given that there is always a threat of wildfire smoke. Simmerson Construction does not anticipate any beneficial economic effect on its business because regulations such as not subjecting employees to unsafe PEL levels already exist and thus this law is redundant. Companies already must protect employees from all harmful threats of chemical engulfment, so this regulation is not necessary and creates undue hardship especially on a small business that does not have the administrative capacity to manage. Simmerson Construction anticipates there will be an indirect adverse effect on its business as there will be an administrative burden of managing this program, especially on a small business without the capacity to do so. Simmerson Construction does not anticipate any indirect beneficial economic effect on its business.
- (6) Dan Trampe, on behalf of Carson Pump, LLC (“Carson Pump”) - Carson Pump indicated the regulation would have an adverse economic effect on its business because their work is year-round outdoor work and if work is suspended due to the air quality then it would come at a significant cost of \$9,000 per day (\$3,000/day per crew times 3 crews). Carson Pump indicated that for lost work of one week would estimate a loss for the business of \$45,000 per week and for lost work of one month would estimate a loss for the business of \$180,000. Carson Pump does not anticipate any beneficial economic effect on the business. Further, Carson Pump anticipates an indirect adverse effect in that they would have to lay off employees. Carson Pump does not anticipate any indirect beneficial economic effect on its business.
- (7) Jake Kelsey, on half of D&L Roofing, LLC (“D&L Roofing”) - D&L Roofing indicated the regulation would have an adverse economic effect on its business because it would impose training time, respirator medical fitness testing, respirator purchases, particulate matter testing devices and annual calibration and replacement will impose an estimated \$6,000 to \$10,000 a year cost. D&L Roofing does not anticipate any beneficial economic effects. D&L Roofing anticipates the regulation will have an indirect adverse economic effect because customer costs will ultimately increase due to customer completion timelines needed to be extended which will negatively affect satisfaction and expectations. D&L Roofing does not anticipate any indirect beneficial effects on its business.
- (8) Gerald Myers, on behalf of KC Insulation, Inc. (“KC Insulation”) - KC Insulation indicated the regulation would have an adverse economic effect on its business because their work is such that they provide N95 masks every day on every project and already provide training on proper use of N95 masks and the rationale for using them, however, the administrative and monitoring requirements of these changes will add 30 minutes to 1 hour of labor every work day on each project for no overall increase in the health protection of its employees. Further, KC Insulation indicated the financial impact would be \$28,000 to \$140,000 annually depending on how many projects they are working on simultaneously and these additional costs would

be passed on to their customers. KC Insulation does not anticipate any beneficial economic effect. KC Insulation does not believe it would have any indirect adverse effect or indirect beneficial effect on its business.

- (9) Joseph Davis, on behalf of Moapa Valley Water District (“MVWD”) - MVWD indicated the regulation would have an adverse economic effect on its business because it estimates an annual fiscal impact of \$15,000 in policy development and implementation, employee training and lost wages, inventory materials and storage, productivity loss and administrative costs, in addition to other fiscal impacts in anticipation of \$50,000 to \$80,000 for air quality monitoring in their area. MVWD does not anticipate that the regulations would have any beneficial economic effect on its business. MVWD indicated the regulations would have an indirect adverse economic effect on its business because when PM2.5 level exceed action thresholds, outdoor work must be delayed, modified, or stopped which is likely to slow routine maintenance, emergency repairs and inspections and could affect system reliability and create increased overtime and after hour work for its employees. MVWD also anticipates it will provide an indirect beneficial benefit in that the intent of the regulations is to maintain a strong safety culture that prioritizes employee health, although they believe these protections can be maintained without the additional fiscal impacts associated with the proposed requirements in the regulations.
- (10) Thomas Krompetz, on behalf of Performance Pipe Reno - Performance Pipe Reno indicated the regulation would not have an adverse or beneficial economic effect on its business.
- (11) Davis Ford, on behalf of F&F Industries, Inc, dba Ponderosa Roofing & Steel Works (“Ponderosa Roofing”) - Ponderosa Roofing indicated the regulation would have an adverse effect on its business as they expect it will cause an undue burden on their business because this will only require more manpower and more complication for a regulation that, if passed, should be maintained by the State that passes it and not by the businesses. Ponderosa Roofing does not anticipate any beneficial economic effects on its business. Ponderosa Roofing anticipates that the regulation will have an indirect adverse economic effect as they relate to field operations and possibly to the extent that its business could be forced to stop field operations for extended periods. Ponderosa Roofing does not anticipate any indirect beneficial effects on its business.
- (12) Katie Gallagher, on behalf of Gallagher Electric LLC (“Gallagher Electric”) - Gallagher Electric indicated the regulation would have an adverse economic effect on its business because as a small business it is difficult to estimate compliance costs and the proposed requirements for monitoring, training, PPE, and documentation would create an ongoing administrative and operational burden for their company. Gallagher Electric does not anticipate that the regulations would have any beneficial economic effect on its business as the proposed regulations would create additional compliance requirements without generating increased revenue or cost savings. Gallagher Electric indicated the regulation would have an indirect adverse economic effect on its business as the regulation may increase administrative burden and limit scheduling flexibility for outdoor work which could potentially cause delays or lost work opportunities for their small business. Gallagher Electric does not anticipate any indirect beneficial effects on its business

as it rather adds administrative and operational requirements without improving business efficiency or competitiveness.

- (13) Virginia Valentine, on behalf of Nevada Resort Association - Nevada Resort Association declined to answer the specific questions of the questionnaire and opted instead to provide a letter outlining their appreciation for the opportunity to work collaboratively on the proposed regulation and requested additional clarification. Nevada Resort Association indicated that the current lack of timely and precise sources of data for dangerous AQI caused from wildfire smoke creates significant challenges for employers in determining when unsafe conditions exist. Nevada Resort Association further indicated that their members would continue to practice the highest levels of safety protocols to protect employees and comply with regulations. Nevada Resort Association sought clarification as to whether the employer has discretion to determine which tasks are required to complete as part of the written safety plan even if the AQI reaches 500 or more due to wildfire smoke. Nevada Resort Association would like confirmation if the method discussed during the stakeholder meetings regarding the concept that an employer could utilize an employee survey or other means to determine an appropriate N-95 masks to employee ratio for voluntary use when the AQI reached 150 due to wildfire smoke is acceptable.
- (14) Tara Springer, on behalf of Goodfellow Corporation - Tara Springer indicated that the corporation had 150 or more employees and was therefore not a small business as defined in NRS 233B.0382.
- (15) Mary Snyder, on behalf of Snyder Livestock Company, Inc (“Snyder Livestock”) - Mary Snyder indicated that the organization had 150 or more employees and was therefore not a small business as defined in NRS 233B.0382.

Any persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.
Division of Industrial Relations – Division Counsel
2300 W. Sahara Avenue, Ste. 300
Las Vegas, Nevada 89102
Email: amwilliams@dir.nv.gov

Based on the results of the survey, the DIR determined that the proposed permanent regulations may have a small direct effect on small businesses, either adverse or beneficial, and may also have a small indirect effect on small businesses, either adverse or beneficial.

3. The total number of small businesses likely to be affected by the proposed regulation.

ANSWER: The total number of small businesses likely to be affected by the proposed regulation is difficult to determine. SB 260 applies to employers with more than 10 employees who have workers exposed to outdoor wildfire smoke, excluding any employers who are an operator of a mine or employ commercial truck drivers. According to the [Quarterly Census of Employment and Wages](#) (QCEW), there were approximately 22,797 businesses in Nevada with 10 to 249 employees in Quarter 3 of 2025. There were 241 mining establishments in Quarter 4 of 2024 according to the [QCEW](#). The number of

businesses that employ commercial truck drivers is unknown. Based on this information, there are roughly 22,000 employers in Nevada that may be affected.

4. A list of the chambers of commerce and trade associations notified of the proposed regulation pursuant to NRS 233B.0608(2)(b).

ANSWER: The SCATS email blast and the email sent to the Administrator's list of business stakeholders identified in Answer No. 2, included the following members of chambers of commerce and trade associations: 3C-House, Abney Government Relations, Argentum Partners, Associated Builders & Contractors Nevada, Builders Association of Northern Nevada, Building and Construction Trades Council of Northern Nevada, Caesars, Culinary Union Local 226, Faith in Action Nevada, Faith Organizing Alliance, Ferrari Reeder Public Affairs, Graves Company, Henderson Chamber of Commerce, League of Conservation Voters, Make It Work Nevada, Native Voters Alliance Nevada, Nevada Chapter AGC, Nevada Contractors Association, Nevada Department of Agriculture, Nevada Department of Conservation and Natural Resources, Nevada Farm Bureau Federation, Nevada Franchised Auto Dealers Association, Nevada State AFL-CIO, Nevada Trucking Association, NV Division of Environmental Protection, Retail Association of Nevada, Sierra Club, Southern Nevada Building Trades Unions, Teamsters Local 533, The Ferraro Group, The Griffin Company, Tom Clark Solutions, UA Local 525 Plumbers, Pipefitters, and Service Technicians, University of Nevada, Reno, and Vegas Chamber of Commerce, among others.

5. The manner in which the analysis required by NRS 233B.0608(2)(c) was conducted.

ANSWER: See Answer 2 above.

6. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

(a) Direct and indirect adverse effects

(b) Direct and indirect beneficial effects.

ANSWER: Based on the DIR's review as set forth above in Answers 1 and 2, the DIR determined that this regulation may have a direct adverse effect on small businesses. The responses to the Questionnaire indicated possible direct adverse effect on small businesses, including the time and cost for non-exempt employers to perform and prepare a one-time job hazard analysis to assess working conditions that may cause occupational exposure to wildfire smoke; the time and expense for developing, implementing, and training for the management of wildfire smoke exposure in their written safety program as required by NRS 618.383; the cost of sensors, training for sensors, respirators, and respirator medical fitness testing; potential loss of revenue/projects due to closures; potential increased labor expenses related to implementation of requirements and monitoring; and challenges arising from the current lack of timely and precise sources of data for dangerous AQI caused from wildfire smoke to determine whether unsafe conditions exist.

The DIR believes that there will be direct beneficial effects on small businesses as the result of these regulations due to reduced employee illnesses and lost time from occupational exposure to wildfire smoke, as well as improved employee situational awareness of their job conditions. The regulations could also result in lower health care costs for employers, and lower workers' compensation rates.

- 7. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

ANSWER: The DIR held stakeholder meetings to solicit comments and feedback from the industry regarding the drafting of, and edits to, a proposed wildfire smoke regulation. Through these several meetings, the DIR considered the comments from stakeholders and amended the language of the proposed regulations accordingly to reduce any perceived burdens on small businesses while still protecting worker safety.

- 8. The estimated cost to the agency for enforcement of the proposed regulation.**

ANSWER: The proposed regulations present no significant foreseeable or anticipated cost for enforcement of this regulation.

- 9. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

ANSWER: The proposed regulations do not provide for a new fee or increase an existing fee payable to the DIR.

- 10. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

ANSWER: The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, and do not include any provisions that are more stringent than existing federal, state, or local standards.

- 11. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

ANSWER: The DIR complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. This proposed regulation seeks to impose duties on employers of employees who could be exposed to poor outdoor air quality attributable to wildfire smoke. The DIR made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restrict the formation, operation, or expansion of a small business. The DIR determined that these regulations may have some direct and/or indirect adverse effects on small businesses, but will not restrict the formation, operation or expansion of small businesses. On balance, although some small businesses indicated that there would be costs associated with the regulations, the DIR notes that feedback from other stakeholders, was that multiple industries would be able to comply in a manner that is not burdensome and some small businesses are already implementing similar safety requirements imposed by California law. Further, the DIR believes that there will be direct beneficial effects on small businesses as a result of these regulations due to reduced employee injuries and lost time from occupational exposure to wildfire smoke, as well as improved employee situational awareness of their job conditions. The regulations could also result in lower health care costs for employers, and lower workers' compensation rates.

I, Victoria Carreón, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above was prepared properly and the information contained herein is accurate.

Dated this 10th day of February 2026.



Victoria Carreón, Administrator
Department of Business and Industry
Division of Industrial Relations
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**DRAFT REGULATION OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. Unassigned

January 6, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§ 1-10, NRS 618.295, 618.315, 618.383, and Senate Bill No. 260, chapter 499, Statutes of Nevada 2025.

A REGULATION relating to occupational safety and health; imposing certain duties on employers of employees who could be exposed to poor outdoor air quality attributable to wildfire smoke.

Legislative Counsel’s Digest:

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction. (NRS 618.295) Under existing law, employers with more than 10 employees and employers, other than employers in the mining industry, who have employees engaged in the manufacture of explosives are required to establish a written safety program. (NRS 618.383) Senate Bill No. 260, chapter 499, Statutes of Nevada 2025 requires the Division of Industrial Relations to adopt regulations to impose certain duties on employers of employees who could be exposed to poor outdoor air quality attributable to wildfire smoke.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 11, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 through 6 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“Wildfire Smoke” has the meaning ascribed to it in paragraph (c) of subsection 7 of section 1 of Senate Bill No. 260, chapter 499, Statutes of Nevada 2025, at page 3259.*

Sec. 4. *“Occupational exposure to poor outdoor air quality attributable to wildfire smoke” means any outdoor working condition that occurs when the Air Quality Index is 150 or above attributable to wildfire smoke.*

Sec. 5. *“Commercial truck driver” means a person licensed to drive a “commercial motor vehicle” as defined in NAC 483.7992 for intrastate commerce or 49 CFR 390.5 for interstate commerce.*

Sec. 6. *“PM_{2.5}” means any particulate matter in the atmosphere attributable to wildfire smoke with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.*

Sec. 7. *1. An employer who is required to establish a written safety program pursuant to NRS 618.383 shall perform and prepare a one-time, written job hazard analysis to assess working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke. Such a job hazard analysis must be performed:*

(a) Before a task for a job is undertaken for the first time by an employee of the employer; and

(b) Whenever a task for a job performed by an employee of the employer materially changes.

2. A written job hazard analysis performed pursuant to subsection 1 must include, without limitation:

(a) A list of all job classifications of the employer in which employees in those classifications may have occupational exposure to poor outdoor air quality attributable to wildfire smoke;

(b) A list of all tasks and procedures, or groups of closely related tasks and procedures, performed by employees of the employer:

(1) In which occupational exposure to poor outdoor air quality attributable to wildfire smoke may occur; and

(2) Which are performed by employees in job classifications that are included in the list

required by paragraph (a); and

(c) A list of critical tasks performed outdoors.

Sec. 8. 1. *If, based on the job hazard analysis performed pursuant to section 6 of this regulation, an employer determines that an employee of the employer may have occupational exposure to poor outdoor air quality attributable to wildfire smoke, the employer shall include in the written safety program required by NRS 618.383 provisions that address potentially hazardous working conditions.*

2. A written safety program that addresses potential occupational exposure to poor outdoor air quality attributable to wildfire smoke must include, without limitation:

(a) Measures that the employer must take to monitor air quality attributable to wildfire smoke at the location where the employee is working through:

(1) Websites or tools providing either quantitative or qualitative ways to estimate current air quality index for PM_{2.5} as provided by local air quality agencies, the Nevada Division of Environmental Protection, or the United States Environmental Protection Agency, or

(2) Measuring PM_{2.5} concentrations at the worksite using air sensors that are accepted by the United State Environmental Protection Agency's Fire and Smoke Map to report air quality index for PM_{2.5}. Air quality index for PM_{2.5} values calculated from the air sensors must be obtained from the Fire and Smoke Map or from other sources that provide the same values as the Fire and Smoke Map. The employer shall ensure that the sensors and all necessary accessories are maintained, and used in accordance with the manufacturer's instructions, or

(3) Measuring PM_{2.5} concentrations at the worksite using air sensors that are not accepted by the United State Environmental Protection Agency's Fire and Smoke Map and converting the PM_{2.5} concentrations to the equivalent air quality index for PM_{2.5}.

(I) The employer must demonstrate that the sensors used to measure PM_{2.5} do not underestimate concentrations of PM_{2.5}. If the sensors underestimate PM_{2.5} concentrations, the employer is required to obtain information on the possible error of the sensor from the manufacturer and is required to account for the error when determining PM_{2.5} concentrations and air quality index for PM_{2.5} values.

(II) The employer shall ensure that the sensors and all necessary accessories are calibrated, maintained, and used in accordance with the manufacturer's instructions.

(III) The employer may use sensors that measure particles less than 0.3 micrometers to greater than 2.5 micrometers if the employer treats the result as the PM_{2.5} level.

(IV) The employer shall convert the PM_{2.5} concentration to the air quality index for PM_{2.5} using tables and methods published on the website of the Nevada Division of Environmental Protection.

(V) The person supervising, directing or using the sensors shall have the training or experience necessary to apply the requirements in (3) and to ensure the correct use of the sensors and correct calculation of air quality index for PM_{2.5}.

(VI) Nothing in this section shall require an employer to use an alternative method to monitor air quality other than what is determined in the employer's written safety plan.

(b) Measures that the employer must take to reduce the exposure of employees to poor outdoor air quality attributable to wildfire smoke when the concentration of PM_{2.5} converts to an air quality index is 150 or more. An employer must:

(1) Analyze potential engineering controls, administrative controls, and personal protective equipment needs and implement appropriate controls; and

(2) At a minimum, provide filtering facepiece respirators (N95 masks) to employees for voluntary use, following the requirements in 29 CFR 1910.134(c)(2) and 29 CFR 1910.134

Appendix D.

(c) Provisions to not allow an employee to perform critical tasks outdoors as determined in the employer's written safety plan, when the concentration of PM_{2.5} attributable to wildfire smoke converts to an air quality index is 500 or more.

(1) An employer may establish a time period to end critical tasks outdoors, provided that it implements controls that are sufficient to mitigate the hazard during this time period.

(2) An employer will establish a method to reassess conditions to determine if the air quality index attributable to wildfire smoke is less than 500 in order to restart critical tasks outdoors.

(d) Provisions for a communication system that:

(1) Informs an employee, in a manner that is understandable to the employee, when the employee is being exposed to air quality where the air quality index attributable to wildfire smoke is 150 or more during the employee's shift and of the protective controls that are available to the employee to reduce exposure to the air quality.

(2) Allows any employee to inform the employer when the employee is being exposed to air quality where the air quality index attributable to wildfire smoke is 150 or more 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.

(e) Training of employees of the employer as necessary to reasonably mitigate occupational exposure to poor outdoor air quality attributable to wildfire smoke.

Sec. 9. 1. *An employer shall provide a training program for each employee who is employed in a job classification identified in paragraph (a) of subsection 2 of section 7 of this regulation and their direct supervisors.*

2. A training program provided pursuant to subsection 1 must:

(a) Be provided in a manner that is understandable to the employee;

(b) Describe the requirements imposed on employers pursuant to this section; and

(c) Describe the risks of not using personal protection equipment while working outdoors and being exposed to poor outdoor air quality attributable to wildfire smoke.

Sec. 10. *Any measure which an employer implements pursuant to section 7, 8 or 9 of this regulation must, at a minimum, reasonably mitigate the risk of occupational exposure to poor outdoor air quality attributable to wildfire smoke.*

Sec. 11. *The following types of employers are exempt from this section but may implement measures at least as effective as requirements in this section:*

- 1. An operator of a mine;*
- 2. An employer of commercial truck drivers;*
- 3. A provider of emergency services; or*
- 4. An employer with 10 or fewer employees.*