

Washington State Adopts Emergency Heat and Wildfire Rules

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This summer is shaping out to be another scorcher and Washington State employers should know about the Department of Labor & Industries (“LNI”) new emergency requirements for heat and smoke protections for outdoor employees effective June 15 through September 29.

Washington’s emergency requirements are meant to help employees avoid heat exhaustion and heat stroke. Covered employees include any worker who must work outside for more than 15 minutes in any 60-minute period, regardless of industry.

Workplace Heat

The emergency rules for workplace temperatures update [WAC 296-62-095 – 09560](#) and employers are responsible for monitoring work site temperatures throughout the day. When temperatures reach 89° employers must ensure these protocols are in place for workers regardless of their clothing type:

1. Provide enough “suitably cool” water, recommended at 50-60 degrees, for each employee to drink at least a quart an hour;
2. Provide sufficient shade (or temperature controlled environments like air-conditioned trailer or misting station) that is large enough for, and close enough, to workers;
3. Encourage and allow workers to take paid preventative cool-down breaks as needed, including standard rest breaks and meal periods (which do not need to be paid unless required under the state wage law); and
4. Require a 10-minute, paid cool-down break every two hours.

If outdoor employees are required to wear clothing that may cause overheating at lower temperatures, employers should know that the temperature threshold for these requirements may differ. These requirements apply to employees wearing nonbreathable clothing, such as PPE suits, at 52° and 72° for employees wearing double-layer woven clothes, such as jackets, sweatshirts, or

coveralls. Employers must train workers and supervisors on these new emergency requirements.

Wildfire Smoke

The new emergency rule for wildfire smoke is codified at [WAC 296-62-085](#). With the unfortunate and increased reality of wildfires, the resulting smoke is also a potential hazard to employees. Under this rule, employers must monitor the Air Quality Index (AQI) for wildfire smoke and implement safety protocols. When the AQI is at 69 or higher, employers are encouraged to limit their workers exposure to smoke. LNI provides some helpful suggestions for limiting exposure:

- Reducing, rescheduling, or relocating work;
- Providing enclosed buildings or vehicles where the air is filtered; and
- Reducing the work intensity or increasing rest periods.

At this AQI level, employers must also: (1) have a written smoke response plan with various elements; (2) determine smoke levels before and periodically during shifts; (3) train employees on wildfire smoke hazards and inform them of available protective measures; and (4) train supervisors on how to respond to health issues caused by smoke.

When the AQI is at 101 or higher, employers must limit workers' exposure whenever feasible, alert employees to smoke levels, and provide and encourage use of respirators. Also note that protective respirators are required in extreme AQI levels (500+). At all times during the implementation of this emergency rule, if employees show signs of injury or illness related to smoke, employers must monitor to determine whether medical care is needed. Employers cannot prevent workers from seeking medical treatment.

These emergency rules are meant to supplement the [permanent annual heat prevention rules](#) that require ready access to at least one quart of drinking water per worker per hour, an outdoor heat exposure safety program with training, and an appropriate response to workers who are experiencing heat-related illness symptoms.

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