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DEPARTMENT OF BUSINESS AND INDUSTRY DIVISION OF INDUSTRIAL RELATIONS

January 6, 2026

Small Business Impact Statement Questionnaire Proposed Permanent Regulations Amending NAC Chapter 618

The proposed regulations relate to occupational safety and health; imposing certain duties on employers of employees who are exposed to poor outdoor air quality attributable to wildfire smoke. 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.

The following questions pertain to how the changes in the Nevada Administrative Code (NAC) presented in the enclosure may affect your business. If it is determined that the proposed regulation is likely to impose a direct and significant economic burden upon a small business, or directly restrict the formation, operation, or expansion of a small business, then the agency will take any or all of the following actions:

1. Insofar as practicable, consult with owners and officers of affected small businesses;
2. Consider methods to reduce the impact of the proposed regulation; and
3. Prepare a small business impact statement and make copies of the statement available to the public at the public workshop hearing to be held pursuant to NRS 233B.061.

To review the proposed regulations, please see the attached document. Please answer each of the following questions that apply and add any qualifying remarks that may help us to understand your position. **Please mail or email your completed form on or prior to January 13, 2026 to the following:**

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

SMALL BUSINESS IMPACT STATEMENT QUESTIONNAIRE
Permanent Regulations Amending NAC Chapter 618

Name: _____

Date: _____

Organization: _____

NRS 233B.0382 “Small Business defined.” “Small business means a business conducted for profit, which employs fewer than 150 full-time or part-time employees.

1. How many employees are currently employed by your business?

Less than 150 employees
150 employees or more

If you have more than 150 employees, you will not need to answer the rest of the questions. Please mail or email your questionnaire to the above address. If less than 150 employees, please continue with the remaining questions.

2. Will a specific proposed regulatory provision have an **adverse economic effect** upon your business? If so, please indicate the estimated dollar amount(s) you believe the adopted regulations will cost you over one calendar year with a brief explanation as to how the dollar amount was calculated.

Yes, the regulation will have an adverse economic effect on my business.
No, the regulation will not have an adverse economic effect on my business.

Explanation: _____

3. Will the regulation have any **beneficial economic effect** upon your business? If so, please indicate any beneficial effects or cost savings you believe the adopted regulations will save you over one calendar year with an estimated dollar amount.

Yes, the regulation will have a beneficial effect on my business.
No, the regulation will not have a beneficial effect on my business.

Explanation: _____

4. Do you anticipate any **indirect adverse effects** upon your business?

Yes, the regulation will have an indirect adverse effect on my business.

No, the regulation will not have an indirect adverse effect on my business.

Explanation: _____

5. Do you anticipate any **indirect beneficial effects** upon your business?

Yes, the regulation will have an indirect beneficial effect on my business.

No, the regulation will not have an indirect beneficial effect on my business.

Explanation: _____

Signature

Title

**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.*