



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

**NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS
And HEARING AGENDA**

**Notice of Hearing for the Adoption of Regulations
of the Division of Industrial Relations,
Department of Business and Industry
July 22, 2026, at 11:00 AM.
LCB File No. R070-26**

The Division of Industrial Relations of the Department of Business and Industry, State of Nevada (“Division”) will hold a public hearing on Wednesday, July 22, 2026, on amending Chapter 618 of the Nevada Administrative Code (“NAC”). The purpose of the hearing is to receive comments from all interested parties regarding the adoption of the regulation that pertains to LCB File No. R070-26.

The public hearing on these proposed regulations will be conducted in person, via Microsoft Teams, and by phone on Wednesday July 22, 2026, at 11:00 AM. Microsoft Teams allows for video and teleconferencing. Members of the public may attend and participate in this meeting in the following ways:

Microsoft Teams Access

Join the meeting now: teams.microsoft.com/join/288748219950000?p=EEcQnl3GmQ8xsIIEkn

Meeting ID: 288 748 219 950 000

Meeting password: ay6ns2zB

Join By Phone

775-321-6111

Phone Conference ID: 585 634 756#

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 proposed language for LCB File No. R070-26 may be downloaded from the Division's website: dir.nv.gov/Meetings/Meetings/.

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. Before the Public Hearing, comments may be submitted to Amber Williams, Esq., Senior Division Counsel, Division of Industrial Relations, by mail to 2300 W. Sahara Avenue #300, Las Vegas, Nevada 89102, or by email to amwilliams@dir.nv.gov. If no person who is directly affected by the proposed regulation appears to make oral comments, the Division may proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the hearing 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 this Public Hearing.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The need and purpose of the proposed regulation:

The proposed permanent regulations are needed to update and bring current certain requirements to comport with Senate Bill No. 260, chapter 499, Statutes of Nevada 2025, which directs the Division to adopt regulations imposing 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), by: requiring certain employers to take certain actions to assess and address working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke; requiring certain employers to provide certain training relating to occupational exposure to poor outdoor air quality attributable to wildfire smoke; exempting certain employers from requirements relating to occupational exposure to poor outdoor air quality attributable to wildfire smoke; and providing other matters properly relating thereto.

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

The Division determined that this regulation 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 or 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 Division believes that there will be direct beneficial effects on small businesses as the result of these regulations by reducing occupational exposure to poor air quality attributable to wildfire smoke. This could result in fewer occupational illnesses, fewer days away from work due to occupational illnesses, lower health care costs for employers, and lower workers' compensation rates.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. The proposed regulations do not provide for a new fee or increase an existing fee payable to the Division.

(b) The public:

(i) Adverse and beneficial effects:

The Division does not anticipate any adverse or beneficial effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

(ii) Immediate and long-term effects:

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on the public as the result of these regulations. There will be no direct or indirect costs to the public.

The methods used by the Division in determining the impact on a small business: *To determine whether the proposed regulations are likely to have an impact on small businesses, the Division considered the purpose and scope of the proposed regulations and received input on the proposed changes with key industry stakeholders through informal stakeholder meetings that occurred from July through October 2025. Thereafter, on January 6, 2026, the Division sent a Small Business Impact Statement Questionnaire to interested parties via an email blast, which includes 4,218 recipients. Additionally, on January 6, 2026, the Division 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 Division also placed a link to the Questionnaire on the OSHA website for interested parties to complete. The deadline to respond was January 23, 2026, and the Division received fifteen (15) responses, only twelve (12) of which were from small businesses as defined by NRS 233B.0382. These responses indicated the proposed regulations may have a direct economic effect, adverse and beneficial, and may have indirect effects, adverse and beneficial on small businesses. Additionally, on March 3, 2026, the Division held a public workshop to solicit comments on the proposed regulations, which was attended by 40 members of the public. Additional comments could be submitted after the workshop. The Division received comments during the public workshop, and two written comments were also received by the Division on the day of the workshop.. Based on all the feedback received, the Division concluded that the proposed permanent regulations may have a direct effect on small businesses, either adverse or beneficial, and may also have an indirect effect on small businesses, either adverse or beneficial.*

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost for the proposed regulations.*

Whether the proposed regulation overlaps or duplicates any regulations of other state or local governmental agencies or a federal regulation: *The Division believes that the proposed regulations do not overlap or duplicate any existing regulation.*

Whether the proposed regulation is required pursuant to federal law or is more stringent than federal law: *The proposed regulations are not required by federal law and are not more stringent than existing federal law.*

Whether the proposed regulation establishes a new fee or increases an existing fee: *The proposed regulations do not provide for a new fee or increase an existing fee payable to the Division.*

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted on Nevada's notice website: leg.state.nv.us/App/Notice/A/; State of Nevada notice website: notice.nv.gov; and the Division's website: dir.nv.gov/Meetings/Meetings, as set forth in NRS Chapters 233B and 241. A copy of the notice and the proposed permanent regulation to be adopted and/or amended is on file 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; and (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. 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 – LCB File No. R070-26.** Proposal of amendments of regulations that pertain to Chapter 618 of the Nevada Administrative Code.
- IV. **Public Comment.** The opportunity for public comment is reserved for any matter within the jurisdiction of the Division. 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.**

**REVISED PROPOSED REGULATION OF THE
ADMINISTRATOR OF THE
DIVISION OF INDUSTRIAL RELATIONS OF THE
DEPARTMENT OF BUSINESS AND INDUSTRY**

LCB File No. R070-26

June 15, 2026

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

AUTHORITY: §§ 1-10, NRS 618.297.

A REGULATION relating to occupational safety; requiring certain employers to take certain actions to assess and address working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke; requiring certain employers to provide certain training relating to occupational exposure to poor outdoor air quality attributable to wildfire smoke; exempting certain employers from requirements relating to occupational exposure to poor outdoor air quality attributable to wildfire smoke; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to establish by regulation: (1) measures that an employer is required to take to monitor air quality and reduce the exposure of an employee to poor air quality from wildfire smoke at certain specified levels of the air quality index; and (2) an air quality index level caused by wildfire smoke at which an employer is prohibited from allowing an employee to perform critical tasks outdoors. Existing law also requires each employer to establish a communications system that: (1) informs an employee when the employee is being exposed to poor air quality and of the protective controls that are available to the employee to reduce exposure to the air quality; and (2) allows any employee to inform the employer when the employee is being exposed to poor air quality and if the employee is experiencing any symptom related to such exposure. Existing law further requires the Administrator to adopt regulations that prescribe: (1) requirements for the implementation of a communications system which is required to be established by employers; and (2) standards for an employer to train employees who work outdoors and may be exposed to poor air quality from wildfire smoke. (NRS 618.297)

Section 6 of this regulation requires an employer who is required to establish a written safety program to perform and prepare a written analysis of job hazards to assess working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke: (1) before a task for a job is undertaken for the first time by an employee of the

employer; and (2) whenever a task for a job to be performed by an employee of the employer materially changes. **Section 6** sets forth certain lists of information that must be included in the written analysis of job hazards.

Section 7 of this regulation requires an employer who determines, based on the written analysis performed and prepared pursuant to **section 6**, that an employee of the employer is exposed to working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke to include provisions in the written safety program of the employer that address such working conditions, including, without limitation, certain specified provisions.

Section 8 of this regulation requires an employer to provide a training program for: (1) each employee who is employed in a job classification in which occupational exposure to poor outdoor air quality attributable to wildfire smoke may occur; and (2) the direct supervisor of each such employee. **Section 8** requires such a training program to: (1) be provided in a manner that is understandable to the employee; (2) describe the requirements imposed on employers pursuant to the provisions of this regulation; and (3) describe the risks of not using personal protective equipment while working outdoors and being exposed to poor outdoor air quality attributable to wildfire smoke.

Section 9 of this regulation requires any measure which an employer implements pursuant to the provisions of this regulation to, at a minimum, reasonably mitigate the risk of occupational exposure to poor outdoor air quality attributable to wildfire smoke.

Under existing law, the provisions requiring the Administrator to adopt regulations concerning air quality do not apply to certain specified employers, including, among others, an employer who employs commercial truck drivers. (NRS 618.297) **Section 5** of this regulation interprets the term “commercial truck driver” as used in those provisions of existing law to mean a person who is licensed to drive a commercial motor vehicle. **Section 10** of this regulation provides that: (1) the provisions of **sections 2-10** of this regulation also do not apply to an employer to which those provisions of existing law do not apply; and (2) nothing prohibits such an employer from implementing measures to reasonably mitigate the risk of occupational exposure to poor outdoor air quality attributable to wildfire smoke that are as effective or more effective than the requirements of **sections 2-10**.

Sections 3 and 4 define certain terms for the purposes of **sections 2-10**.

Section 1. Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 10, inclusive, of this regulation.

Sec. 2. *As used in sections 2 to 10, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

Sec. 3. *“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 more attributable to wildfire smoke.*

Sec. 4. *“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. 5. *1. As used in paragraph (b) of subsection 6 of NRS 618.297, the Administrator will interpret the term “commercial truck driver” to mean a person who is licensed to drive a commercial motor vehicle.*

2. As used in this section, “commercial motor vehicle” means:

(a) A motor vehicle that satisfies the definition of commercial motor vehicle in NAC 483.7992 that is used in intrastate commerce.

(b) A motor vehicle that satisfies the definition of commercial motor vehicle in 49 C.F.R. § 390.5 that is used in interstate commerce.

Sec. 6. *1. An employer who is required to establish a written safety program pursuant to NRS 618.383 shall perform and prepare a written analysis of job hazards to assess working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke:*

(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 to be performed by an employee of the employer materially changes.

2. A written analysis of job hazards performed and prepared pursuant to subsection 1 must include, without limitation:

(a) A list of all job classifications of the employer in which employees in such job 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 which are performed outdoors by employees of the employer.

Sec. 7. 1. *If, based on the written analysis of job hazards performed and prepared pursuant to section 6 of this regulation, an employer determines that an employee of the employer is exposed to working conditions that may cause 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 such working conditions that may cause occupational exposure to poor outdoor air quality attributable to wildfire smoke, including, without limitation, provisions that:*

(a) Provide for the monitoring by the employer of air quality attributable to wildfire smoke at the location where the employee is working through the use of one or more of the following measures:

(1) The use of one or more Internet websites or tools provided by a local air quality agency, the Division of Environmental Protection of the State Department of Conservation

and Natural Resources or the United States Environmental Protection Agency that provide quantitative or qualitative ways to estimate the current air quality index for PM_{2.5}.

(2) The measurement of PM_{2.5} concentrations at the location where the employee is working using a make and model of air sensor whose data is included in the Fire and Smoke Map to report air quality index for PM_{2.5}. In conducting measurements pursuant to this subparagraph, the employer shall:

(I) Ensure that the appropriate calculations and correction values developed by the United States Environmental Protection Agency are applied to the measured PM_{2.5} concentrations such that the resulting air quality index is consistent with the value that would be obtained from the Fire and Smoke Map for the same PM_{2.5} concentrations.

(II) Ensure that the air sensor and all necessary accessories are maintained and used in accordance with the instructions of the manufacturer.

(3) The measurement of PM_{2.5} concentrations at the location where the employee is working using a make and model of air sensor whose data is not included in the Fire and Smoke Map and the conversion of the measured PM_{2.5} concentrations to the equivalent air quality index for PM_{2.5} in accordance with subsection 2.

(b) Set forth measures that the employer is required to take to reduce the exposure of employees to poor outdoor air quality attributable to wildfire smoke when the air quality index for PM_{2.5} at the location where the employee is working is 150 or more, including, without limitation:

(1) The analysis of potential engineering controls, administrative controls and requirements for personal protective equipment and the implementation of appropriate controls; and

(2) The provision of filtering facepiece respirators that are labeled N95 to employees for voluntary use in accordance with the requirements of 29 C.F.R. § 1910.134(c)(2) and 29 C.F.R. § 1910.134 Appendix D.

(c) Except as otherwise provided in this paragraph, prohibit an employee from performing any critical task identified pursuant to paragraph (c) of subsection 2 of section 6 of this regulation outdoors when the air quality index for PM_{2.5} at the location where the employee is working is 500 or more. Such provisions:

(1) May allow the employer to establish a time by which all critical tasks outdoors must be concluded and allow an employee to perform a critical task outdoors until that time so long as the employer has implemented sufficient controls to mitigate the hazards of poor outdoor air quality attributable to wildfire smoke for the employee during that period in which the employee is performing the critical task outdoors.

(2) Shall establish a method for the employer to reassess conditions to determine whether the air quality index for PM_{2.5} is less than 500 to restart the performance of critical tasks outdoors.

(d) Provide for the establishment of a communication system that satisfies the requirements of paragraphs (a) and (b) of subsection 2 of NRS 618.297.

(e) Provide for the training of employees of the employer as necessary to reasonably mitigate occupational exposure to poor outdoor air quality attributable to wildfire smoke in accordance with section 9 of this regulation.

2. If an employer measures PM_{2.5} concentrations in accordance with subparagraph (3) of paragraph (a) of subsection 1:

(a) Except as otherwise provided in this paragraph, the employer shall demonstrate that the air sensor used to measure PM_{2.5} does not understate PM_{2.5} concentrations. If the air sensor understates PM_{2.5} concentrations, the employer shall:

(1) Obtain information on the possible error of the air sensor from the manufacturer of the air sensor; and

(2) Account for the error when determining PM_{2.5} concentrations and values of the air quality index for PM_{2.5}.

(b) The employer shall ensure that each air sensor and all necessary accessories are calibrated, maintained and used in accordance with the instructions of the manufacturer of the air sensor or accessory, as applicable.

(c) The employer may use an air sensor that, in addition to measuring PM_{2.5} concentrations, measures concentrations of particles that are:

(1) Smaller than 0.3 micrometers; or

(2) Larger than 2.5 micrometers,

↪ if the employer treats the value of the combined resulting measurement as the value of PM_{2.5} concentration.

(d) The employer shall convert the PM_{2.5} concentration to the air quality index for PM_{2.5} using resources published on the Internet website of the Division of Environmental Protection.

(e) The person who uses an air sensor or supervises or directs the use of an air sensor must have the training or experience necessary to:

(1) Apply the requirements of this subsection and subparagraph (3) of paragraph (a) of subsection 1; and

(2) Ensure the correct use of the air sensor and the correct calculation of the air quality index for PM_{2.5}.

3. Nothing in the provisions of this section requires an employer to use a method to monitor air quality other than that which is set forth in the written safety program of the employer pursuant to subsection 1.

4. As used in this section, “Fire and Smoke Map” means the AirNow Fire and Smoke Map created by the United States Environmental Protection Agency and the Interagency Wildland Fire Air Quality Response Program within the United States Forest Service.

Sec. 8. 1. *An employer shall provide a training program for:*

(a) Each employee who is employed in a job classification identified in paragraph (a) of subsection 2 of section 6 of this regulation; and

(b) The direct supervisor of each employee described in paragraph (a).

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 sections 2 to 10, inclusive, of this regulation; and

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

Sec. 9. *Any measure which an employer implements pursuant to the provisions of sections 2 to 10, inclusive, of this regulation must, at a minimum, reasonably mitigate the risk of occupational exposure to poor outdoor air quality attributable to wildfire smoke.*

Sec. 10. *The provisions of sections 2 to 10, inclusive, of this regulation do not apply to an employer specified in subsection 6 of NRS 618.297. Nothing in the provisions of NRS 618.297*

or sections 2 to 10, inclusive, of this regulation prohibits such an employer from implementing measures to reasonably mitigate the risk of occupational exposure to poor outdoor air quality attributable to wildfire smoke that are as effective or more effective than the requirements of sections 2 to 10, inclusive, of this regulation.



DR. KRISTOPHER SANCHEZ
Director

VICTORIA CARREÓN
Administrator

JODIE TONKIN
Deputy Administrator

**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
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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.**

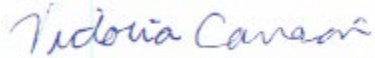
ANSWER: The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, and do not include any provisions that are more stringent than existing federal, state, or local standards.

- 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
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