



Proposed OSHA Emergency Response Rule

What Does It Mean?

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Responder Safety

Should be our number 1 focus.

“If we fail to step up and take care of ourselves, someone else will do it for us through laws and regulations.”

OSHA felt additional measures were needed to address firefighter cancer, cardiac deaths, responder mental health and suicide

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Proposed Rule History

- Intended to revise the 44-year-old fire brigade standard
- Would broaden employee protections to all emergency responders
- Effort began around 2007
- Has been review and in front of many groups and committees
- Published to the Federal Register February 5, 2024

JUNE							2024
SUN	MON	TUE	WED	THU	FRI	SAT	
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16	17	18	19	20	21	22	
23	24	25	26	27	28	29	

Currently public comment period EXTENDED to June 21st

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What is the Proposed OSHA 1910.156

- Now would be called “Emergency Response Standard”
- Applies to Fire Service Organizations that have “employees”



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Why Does This Matter To US?

1. The proposed standard will bring extensive documentation, expenses, and changes to the Authority Having Jurisdiction AHJ
2. The proposed standard will increase time requirements and commitment for firefighters both paid and volunteer
3. Would increase liability issues for AHJ and Officers

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What is IBR Anyway?

OSHA 1910.6 allows for:

“The standards of agencies of the U.S. Government, and organizations which are not agencies of the U.S. Government which are incorporated by reference (IBR) in this part, have the same force and effect as other standards in this part. Only the mandatory provisions (i.e., provisions containing the word "shall" or other mandatory language) of standards incorporated by reference are adopted as standards under the Occupational Safety and Health Act.”

- **23 NFPA and ANSI standards are to be IBR under this proposed rule**
- **Only available through purchase or “for inspection” through OSHA directly (1910.6(a)(4))**

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What Are Some Notable Changes?

1. Preplanning and administrative requirements. OSHA estimates 173 annual hours would be required to meet the regulations. They value that at \$4800 a year. (approx. \$27/hour)
2. Officer Requirements - Lt. and Captains would need Fire Officer I, Asst. Chiefs would need Fire Officer II, Chiefs would require Fire Officer III
3. Firefighters would require FFI and FFII, CPR and AED and additional trainings based on special hazards such as Haz-Mat, Vehicle Operations, etc.

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The Proposed Rule

We will be focusing on the Fire and EMS agencies affected:

- ESO shall establish an ERP for their respective jurisdiction
- ERP identifies response services the ESO will provide
- Expresses personnel and equipment needs of ESO
- Must contain all in writing policies and procedures of the ESO
- Must also contain a community vulnerability assessment identifying:
 - Response needs
 - What the ESO will provide
 - How the needs that cannot or will not be met will be addressed

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Emergency Response Program

Addresses the following areas:

- Team members responsibilities and participation based on role and capability
- Comprehensive risk management plans
- Medical and physical requirements
- Training
- Facility preparedness
- Vehicle preparedness and operation
- Pre-incident planning
- Incident management system use
- Emergency incident operations
- Standard operating procedures
- Post-incident analysis
- Program evaluation
- Ongoing registry of vacant dwellings

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Responders in the ERP

Identified by type and tier of response:

- What roles they perform
- What JPR they are expected to meet
- Examples:
 - For fire: Interior, exterior, scene support, fire police, driver, administrative
 - For EMS: EMR, First Responder, EMT, Advanced EMT, Paramedic, driver
 - Technical rescue roles: Support, Operations, Technician
- Rule defines these jobs as “Roles and Tiers” by the rule
- Team members are expected to be included in creation of the ERP

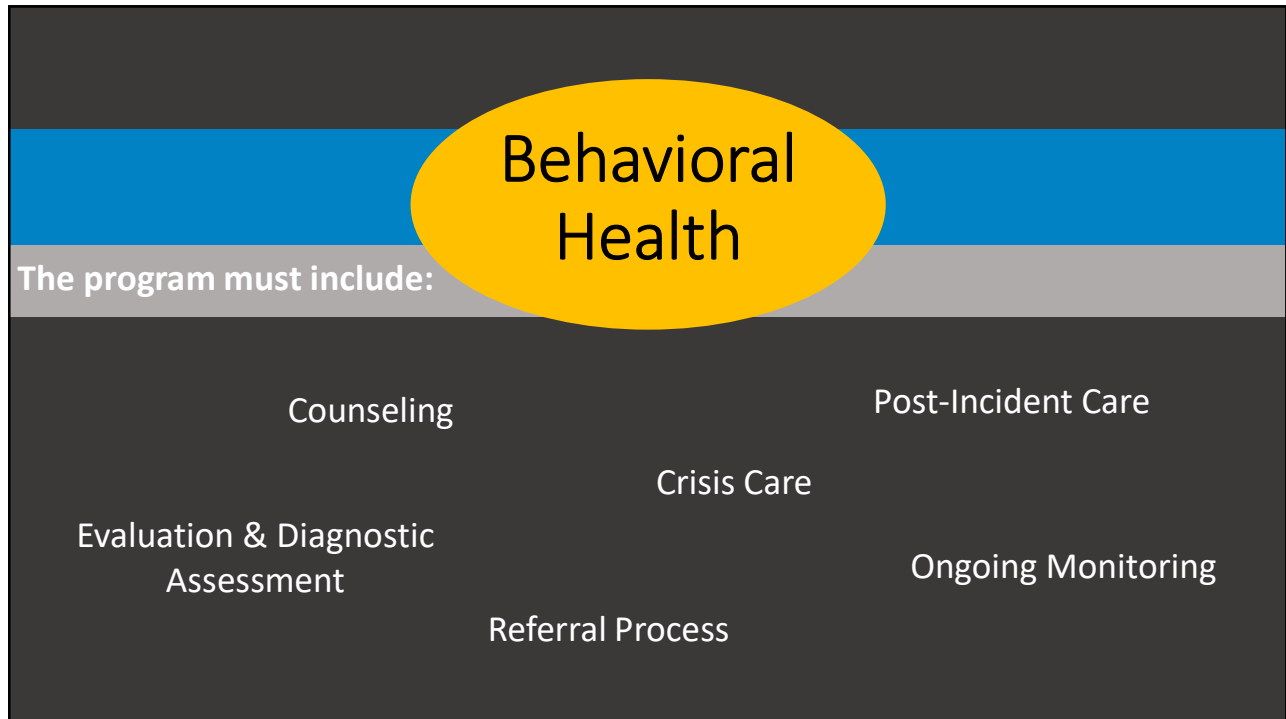
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Medical Requirements

- Establish a comprehensive occupational medical program
 - Appoint qualified medical officer to oversee the program
 - Designate a department physician
 - Comprehensive medical exams at least every 2 years for members; NFPA 1582 triggered for those exposed to products of combustion 15 or more times a year, at agency cost
- Ongoing medical monitoring of all members and their exposures
- Set timelines and procedures (including evaluation and exams) for return to duty of members who were ill or injured
- Establish fitness for duty guidelines and how readiness will be monitored
- Comprehensive behavioral health program

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Health and Fitness Program

Each ESO must establish a health and fitness program:

- Appoint a qualified and trained health and fitness leader/officer/manager to oversee the program
- Provides fitness and exercise guidance and health promotion educations and counseling to responders
- Provides exercise training for responders while on duty
- Execute a “fitness assessment” at least every three years for all responders



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Training

- Provide initial training, on-going training, refresher training, and professional development to all members based on their expected job tasks for their “levels and tiers”.
- All instructors/trainers are qualified and will possess appropriate skills and knowledge
- Provide training in a language and at a literacy level that will allow responders to understand and that it allows time for questions and interactive learning.
- Provide training on all policies and procedure to include: the risk management plans, health and wellness program, Incident Management System, all aspects of PPE, fire extinguisher use.

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Training Standards

Training will meet or exceed applicable standards:

- Interior structural firefighters to NFPA 1001-2019 AND NFPA 1407-2020 (RIT Standard)
- HAZWOPER First Responder for all responders
- CPR and AED Training
- Vehicle operators: NFPA 1002-2017
- Officers/supervisors/crew leaders/managers: NFPA 1021-2020
- EMS providers to appropriate state standards based on level of care

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Facilities Preparedness

- Provide facilities for decontamination, disinfection, cleaning, and storage of PPE.
- Fire poles and their openings must comply with safety standards.
- All existing fire protection systems must be installed, tested, and maintained in accordance with manufacturer and code requirements.
- Sleeping space required to have hard wired smoke and CO detection.
- Sprinklers mandatory in new construction if sleeping area in building.
- Exhaust exposure prevention or capture required.
- No contaminated PPE in any living or sleeping spaces.

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Equipment & PPE

- At no cost, provide appropriate PPE and train them in proper use.
- New PPE shall comply with the applicable current NFPA standard.
- Permitted personal items must also be compliant, if authorized.
- All equipment and PPE must receive gross decontamination prior to departing an incident scene.
- No contaminated PPE or equipment in passenger compartments.
- All equipment must be tested and maintained in accordance with manufacturer's guidelines and applicable standards.
 - Example – Hose testing and maintenance to NFPA standards and portable mechanical equipment to manufacturer's requirements.

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Vehicle Preparedness

- All vehicles must be inspected, maintained and repaired in accordance with manufacturer requirements.
- Vehicles in compliance with applicable NFPA standards for testing, maintenance and inspection.
- Establish procedures so every member knows when a vehicle requires maintenance or should be taken from service for repair.
- Every riding position is a seat and has appropriate restraint devices.

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Vehicle Operations

- No vehicle moves until all occupants are seated and properly restrained and they must remain so while vehicle in motion.
- Responders providing care to a patient in a vehicle must be restrained any time doing so does not impact the ability to provide sufficient care.
- Harnesses and fall protection provided for responders during pump-and-roll or other operations that must be performed while in motion.
- Policy for the use of POV and other non-department operated vehicles when responding to, from or engaged in emergency response. Training is also required.

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Pre-Incident Plans

PIPs must be performed on dwellings and occupancies that have been identified by the ERP to require them.

The PIPs shall address, but are not to be limited to:

- On-site contact persons
- Risks and hazards associated with the location or site
- Resources available to address potential emergencies
- Resources not available onsite and where they can be drawn from
- Unique challenges or characteristics
- Overview of potential incident action plan for a response

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Incident Management System

- An IMS must be developed by the agency to be used.
- Does not mandate use of NIMS, but a strong recommendation that NIMS is the standard the agency IMS should be modeled after.



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Incident Operations

- IMS at every incident with an incident commander or a unified command
- Safety addressed either by IC or UC or through designation of an Incident Safety Officer.
- Crews must be rotated in prolonged or complex incidents.
- Control zones shall be established at every incident and marked whenever possible.
- Personnel accountability system in place and utilized.

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Standard Operating Procedures

- Meant to be adhered to unless operational needs require a justifiable change of actions.
- Areas required to have SOP include but are not limited to:
 - PPE wear, use, cleaning, inspection and repair
 - Post-incident decon for responders from gross decon to final personal hygiene
 - Contamination prevention
 - Radio communications procedures and Mayday procedures
 - Vacant and unsafe dwelling operations
 - Medical monitoring and Rehab
 - Traffic incidents and crime scenes

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Last Points

- ESO's ERP must be reviewed and updated annually, and older version must be retained 5 years.
- All ESO's are expected to comply with 23 reference standards where they apply to their ERP.

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What's Next?

- Everyone should read this proposed rule.
- Grab four different color highlighters:
 - First, highlight what you are already doing.
 - Next color, highlight what you could be doing without much “pain”.
 - Next color, highlight what you would be doing do but don't have time or money.
 - Last color, highlight the things that would be a hardship if expected to accomplish them.



Remember, most of these things are for the good of your people.

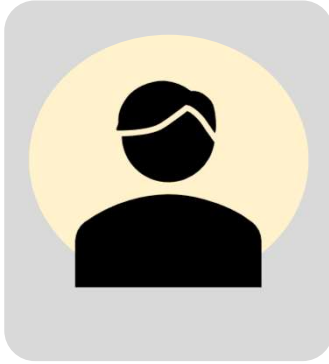
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Why Do You Need To File Comments?

- Strength in numbers
- OSHA is asking for information
- Have our concerns heard
- Every organization will be affected differently
- Elected officials want to verify we are trying to work it out

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Tell Your Story



- Who are you: _____
- What does your community look like: _____
- How your organization save taxpayers money: _____
- Where does your funding come from: _____
- What challenges already exist:
 - Town is growing or shrinking _____
 - Volunteer numbers are dwindling _____
 - Tax rate is already stretched _____
 - Cost of everything is exploding _____
 - Social inflation _____

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Find Your Pain Points

Training Hours: Be specific “We are being told by our training agencies that basic FF training would increase from 124 hours to 256 hours to meet the requirements of the incorporated NFPA Standard

Officer Requirements: “None of our officers have Fire Officer III as required by IBR and our state does not even offer it.” Our Chiefs would be forced to travel out of state to get it.

Documentation: OSHA has estimated this rule would take an additional 173 hours per organization to comply. Our officers do not have that type of bandwidth and we would have to hire someone at \$65 an hour to do it. That is \$11,245 per year. Far above the OSHA estimate of \$4800 per year.

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Find Your Pain Points

PPE: The rule would require the retirement of gear based on time in service. Our firefighters may be exposed to one or two structure fires per year. This is far different than a large city that may see several fires a week. We should be able to inspect the gear on a regular basis and determine when it needs to be replaced.

Vehicle and Equipment: The rule would require tires to be replaced every 7 years and each vehicle to be weighed annually.

Could you weigh your vehicles every year?



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The Virgil, NY Fire District is in the geographic center of NYS. Our small rural district has a population of approximately 2500 residents with a median age of 41.5 years. The estimated annual household income is \$78,283 with an average home value of \$162,000. Our fire department is 100% volunteer with 35 active members. We answer around 150 calls for help per year including fire and first response EMS with an annual budget of \$280,000. The Authority of Jurisdiction is the five elected Virgil Fire Commissioners.

While we completely agree with and understand OSHA's commitment to making firefighting safer, we struggle with the current wording and requirements that would place substantial burden on our community. OSHA estimates that this proposed rule would require an additional 173 hours for the average fire department to meet the new requirements. As an all-volunteer, already strapped organization, we simply do not have the current capacity to absorb 173 extra hours of work without hiring someone to do it. Our officers and members give freely of their time to the community but are already overburdened and donating at maximum capacity. This time is spent in training, planning, running actual alarms, maintaining our equipment and even fundraising hosting chicken BBQs and pancake breakfasts just to keep the doors open and fuel in the rigs. Our members are completely stretched to capacity to help protect our small community.

As we digest this massive new rule, we question that 173 hours would be anywhere close enough to meeting the proposed rule. The heart of this rule is 40 pages long and that does not include the several thousands of additional pages when you add in the 22 included by reference NFPA standards. We have already invested hundreds of hours just trying to read and digest this proposed rule and do not feel we have even come close to understanding it. At a workshop this week, we have come to the conclusion that if this were passed as written, we would be forced to hire a paid District Manager just to stay in compliance. OSHA estimates this cost at \$4800 per organization to comply. We feel this estimate is flawed. After doing some research we feel this position would come with a salary of at least \$60,000 per year. That puts the actual cost to the district at around \$78,000 including benefits and insurance. That one item alone would increase our operating budget by 27.8%. With a tax cap of 2% here in NY, where does that increase come from? Even without the tax cap, our community simply could not meet this addition in tax burden. This is only one of several additional financial burdens that would be placed on our budget if this were to pass as written.


We are asking for additional time to digest this proposal and make additional comments. We are asking for a date of at least Sept. 21, 2024 for additional comments. We are also asking that a representative from small to midsized volunteer fire departments be added to any discussions and negotiations moving forward. We do not feel that we have been fairly represented during this process to date and ask for your consideration.

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What To Ask For

- Ask for an additional extension of the comment period
 - Common date is September 21, 2024
- Ask for a seat at the table (small to mid –sized departments)
- Ask to remove the IBR standards and have the specific parts added to the rule itself
- Ask to have the definition of “volunteer” clarified and consistent
- Is a multi-tier approach an option?
- Ask for a more realistic phase in schedule
- Removal of items that would be difficult for your department
- Ask for funding

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The screenshot shows a web browser window with the URL NVFC.org. The page content includes a list of links and a hand cursor icon pointing to the last item.

- Informational links to past webinars
- “Main Document” meat and potatoes
- Link to file comments (current deadline is 6/21/24)
- Questions that OSHA is asking
- List of IBR (Incorporated by Reference) NFPA standards

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