

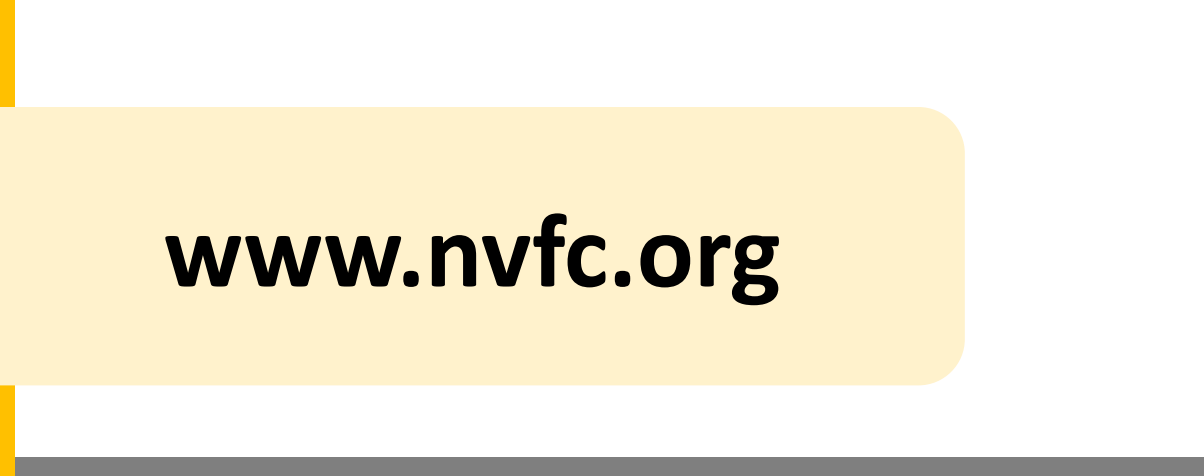
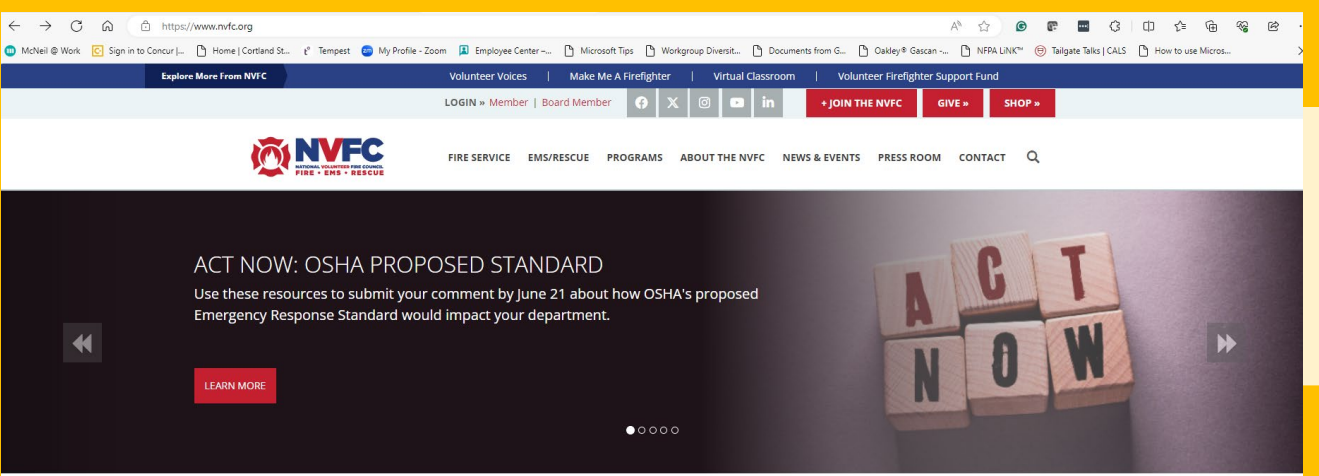


Where Are We At?

Filing a Public Comment

Current Status of Proposed Rule

- We are now in the additional 45-day comment period
- Website has not been updated and shows May 6th
- State-wide efforts
- National effort
- Most important step now is to be heard
- We need to flood the portal by June, 21





OSHA PROPOSED EMERGENCY RESPONSE STANDARD

Note: This page will be updated as more resources are available.

On February 5, the Occupational Safety and Health Administration (OSHA) published a Notice of Proposed Rulemaking (NPRM) to modernize the agency's "Fire Brigades" standard with a proposed new "Emergency Response Standard." This NPRM's publication triggered the beginning of a public comment period that is scheduled to conclude June 21, 2024.

While many of the proposed provisions would be helpful and improve the safety of emergency responders, many of the new requirements would be very burdensome, and in many cases impossible, for volunteer fire and emergency service departments to comply with. If the standard is adopted in its current form, many departments would be forced to shut their doors or else operate outside of the federal standard, leaving themselves open to fines, citations, and huge civil liability exposure.

Nothing in the proposed standard is final at this stage, so **now is the time to take action**. It is critical that members of the fire and emergency services submit a public comment explaining what should be changed in the proposed standard and why. Here are resources to help you better understand the standard and how to submit an effective comment.

Proposed Standard

Proposed Standard – Read the proposed Emergency Response Standard in the Federal Register and submit a comment through the public comment portal (the public comment period has been extended from May 6 to June 21).

Outline of Proposed Emergency Response Standard – View a list of requirements that are included in OSHA's proposed Emergency Response Standard.

Standards Incorporated by Reference – These NFPA Standards are incorporated by reference into the proposed OSHA rule. "Incorporated by Reference" means that the full text of these standards will become law if the proposed OSHA standard is adopted as-is.

Help With Formulating a Comment

Comment Guide – Use this guide to help draft an effective comment telling OSHA what provisions are too burdensome for your department to comply with and why.

Webinars

Webinar: Update from OSHA on the Proposed Emergency Response Standard – Register for this live NVFC webinar on May 9 at 2pm ET to hear from OSHA staff about how volunteers would be impacted by this standard and what you can do to make your voice heard.

Roundtable Talk – Watch this recorded discussion that highlights the biggest concerns with the proposed Emergency Response Standard and best practices for departments to submit a comment to OSHA.

OSHA Webinar on Emergency Response Rule – This recorded webinar from the OSHA Training Institute Education Center reviews the proposed Emergency Response Standard and how it is different from the previous Fire Brigades Standard.

Action Items

NVFC Call to Action on Proposed OSHA Emergency Response Standard

Submit a Comment – Use the public comment portal to submit a comment on the proposed OSHA standard.



Take Action and Alerts



OSHA recently published significant changes to OSHA 1910.156 which has the potential to dramatically change the face of the US and NYS Fire Service. The proposed changes are in a 90-day (ends May 6th) comment period and require immediate action by your fire service organization. The 608-page document published by OSHA contains data and compelling stories as to why the changes are needed. While we 100% agree with firefighter safety and everything that can be done to improve it, we feel the financial and time-consuming changes in the standard will have negative impacts on the fire service organizations and will actually decrease the already struggling number of firefighters and may force many to leave the service. We also question the reliability of some of the data and theories used to produce this proposal. There are immediate actions that all fire service organizations could take that would have immediate impacts on firefighter safety and be of little or no expense to the AHJ. Several of these areas have been untouched by the proposed standard while costly and time-consuming requirements have made their way into the proposed regulation. 22 NFPA standards are now included in the proposed OSHA standard by reference. This means that any place the NFPA standard says "shall" or "must" the AHJ would be responsible for including them. There are another 14 NFPA standards that are included in part. The bottom line is these changes would have major implications for every AHJ, Officer, and firefighter in NYS. Our concern here is not unfunded mandates and possible fines, our biggest concern is the liability this will now place on organizations that have a firefighter death or injury. This proposed standard leaves the doors wide open for litigation and settlements at a level we have never seen.

AFDSNY hosted a webinar on Saturday morning 2/22/24 that explained the process and shed some light on the changes. We have made a copy of that webinar recording available for you to watch.

[Click Here for an Updated Schedule of Informational Sessions Being Offered Digitally & Around the State](#)

Do you need help or ideas drafting your own public comment letter? 2nd VP Denniston has posted his and made it available to view. [Denniston Proposed OSHA Public Comment Letter](#)

To Submit A Comment visit: [Federal Register : Emergency Response Standard](#)

(There will be a big green button reading "Submit A Formal Comment" at the top of the page)

Looking for a list of Frequently Asked Questions? [Click Here](#)

OSHA's Questions & Issues Document: This is a document provided by OSHA, inquiring where they feel they need further input from the Fire Service. We encourage you to address your comments to any of the questions in this document.

[Click Here](#)

UPDATE (03-28-24): OSHA is extending the period for submitting comments by 45 days (ends JUNE 21st) to allow stakeholders interested in the NPRM on Emergency Response additional time to review the NPRM and collect information and data necessary for comment.

Source: [Federal Register](#)

We are asking that every AHJ in NYS assign someone to start reading the proposed standard and that every AHJ file a comment with specific information on the financial burden and hardships that would create for your municipality. This week alone, I have had conversations with representatives from USSBA, FEMA, PESH, state and local fire service organizations, and both NYS State and Federal elected officials. ALL of these have expressed concerns that this would have major impacts on how fire service is delivered here in NYS. The clock is ticking and we only have until May 6th to have our voices heard. The importance of immediate action of every AHJ can simply not be overstated. Both your boards and legal counsel should be included in your conversations.

This document can be found here: [Emergency Response Standard Proposed Rule Occupational Safety and Health Administration \(osha.gov\)](#)

Most Important Links

- 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



Questions That OSHA IS Asking

MEDICAL SCREENING AND SURVEILLANCE

(g)-1. OSHA is seeking input and data on whether the proposed rule's requirements for medical evaluations are an appropriate minimum screening for team members and responders. Should the minimum screening include more or fewer elements, and if so, what elements? Commenters should provide documentation and data supporting any additions or subtractions from the minimum medical screening. OSHA is also seeking additional data and information on the feasibility of the proposed medical evaluation and surveillance requirements for WEREs and Emergency Service Organizations (ESOs).

(g)-2. OSHA is seeking input on whether an action level of 15 exposures to combustion products within a year to trigger medical surveillance consistent with National Fire Protection Association (NFPA) 1582 is too high, too low, or an appropriate threshold. OSHA is also considering action levels of 5, 10, or 30 exposures a year as alternatives and is seeking public input on what action level would be appropriate. Commenters should provide supporting documentation and data that would help with identifying an appropriate action level.

(g)-3. OSHA is seeking input on whether the additional medical surveillance proposed in paragraph (g)(3) should be extended to include WEREs and team members. Commenters should provide supporting documentation and data that substantiate team member exposures to combustion products at or above the proposed action level.

(g)-4. OSHA is seeking input and data on whether stakeholders support the proposed fitness for duty (ability to physically accomplish required job tasks safely) requirements or whether the requirements pose a burden on or raise concerns for team members, responders,

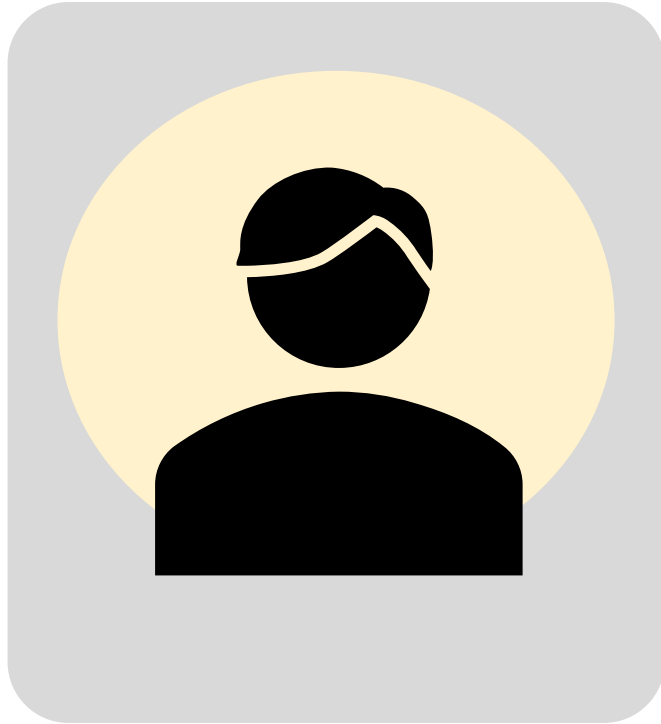
Why Do You Need To File Comments?

- 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

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

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 _____

In my preliminary review of the document, I note many new administrative tasks and many new assignments for the personnel [firefighters, emergency medical technicians, etc.] that provide these emergency services. I see increased costs for administration, training, equipment inspection, equipment replacement, facility renovation, etc., and no corresponding federal or state sources of funds to pay for same.

We recognize that the health and safety of first responders is a paramount concern. We share your concern for improving safety in the workplace.

However, we need time to review the changes proposed, the tasks created, and the costs associated with those revisions of the rule. We need to determine where we are in compliance and where we need to change our practices to adapt.

We need to identify the source of funds that will enable us to accomplish the goals you are laying out.

We are concerned that we do not have time to make a thorough and detailed statement on this regulatory proposal and that we will not be afforded the necessary time to implement the final version of the rule that will be adopted.

At this time, we would respectfully request a ninety (90) day extension of the comment period and further request that OSHA provide a public hearing scheduled with sufficient notice to enable us make arrangements to appear to provide live comment at such hearing if we elect to do so.

I am the chief of a small rural volunteer fire department. We are a 501c3 and serve a completely unincorporated 30 square mile area of north central Madison County Georgia. We have 15 100% volunteer firefighters and survive on approximately \$75,000 a year. Some funds come from a contract with the county government (75%) and the rest from donations, fundraising from Cakewalks and hotdog sales. No one gets paid to fight fire, respond to automobile accidents or other emergencies. Our firefighters range in age from mid-20s to almost 70 years old. We barely get by now. These new unfunded regulations will bankrupt our organization and leave our rural farming community without needed fire protection services. I am apposed to the implementation of this standard as currently proposed. We are not a big city fire department. We cannot afford more costs, nor do our volunteers have time to meet all the new requirements.

When Writing Comments

Be Specific and use data

- Where are you located
- Type of organization
- Number of staff (Paid, Volunteer)
- Size of Community Served
- Annual Budget
- Number of annual calls
 - Broken down by type
 - Is it growing or shrinking
- What is the source of you funding



Limit Emotions

“This Would Kill The fire Service”



“If we could not comply, we would be forced to stop responding”

Incorporated By Reference NFPA Standards

- Additional 1500 “shalls” and “musts” brought into the rule
- Free access is limited at best
- Would require \$100 to \$200 per standard
- Time required to digest the standard is not included in the estimated 173 hours of admin and paperwork and would require several hundred additional hours of work.
- Standards are merging and change regularly leaving the rule with outdated references

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))**

“Age-out” Not Required

Vehicle retirement:

- Common belief is that apparatus must or shall be retired
- No “shall” exists in NFPA 1900 and 1910.
- NFPA 1910-2024
 - Chapter 5 – “The fire department shall consider safety as the primary concern in the retirement of emergency vehicles.”
- Annex D “recommends” time limits and safety retrofits
 - 15-year-old apparatus be place in reserve and greater than 25-year-old apparatus be replaced.
 - Statement at title of Appendix D is:
“This annex is not a part of the requirements of this NFPA document but is included for informational purposes only.”

Another Confusing Example

NFPA 1582 is also IBR:

- 1.1 – Scope – “This standard contains descriptive requirements for a comprehensive occupational medical program for *fire departments*.”
- Only direct reference to 1582 in the proposed rule is (g)(3)(i)(A):
 - “For responders who are, or based on experience may be, exposed to combustion products 15 times or more a year without regard to the use of respiratory protection, medical surveillance shall be provided, at least as effective as the occupational medical examination criteria specified in a national consensus standard, such as NFPA 1582”
- We cannot determine how this standard IBR applies to ESOs who do not perform firefighting activities or are not fire departments.

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.

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.

Does the weight on your vehicles change much in a year?



Making a Comment



Proposed Rule

Emergency Response Standard

A Proposed Rule by the Occupational Safety and Health Administration on 02/05/2024

This document has a comment period that ends today. (05/06/2024)

SUBMIT A FORMAL COMMENT

831 comments received. [View posted comments](#)

PUBLISHED DOCUMENT

Start Printed Page 7774

AGENCY:

Occupational Safety and Health Administration (OSHA), Labor.

ACTION:

Proposed rule; request for comments.

SUMMARY:

OSHA is proposing through this notice of proposed rulemaking (NPRM) to issue a new safety and health standard, titled *Emergency Response*, to replace the existing Fire Brigades Standard. The new standard would address a broader scope of emergency responders and would include programmatic elements to protect emergency responders from a variety of occupational hazards. The

Printed version:

[PDF](#)

Publication Date:

02/05/2024

Agencies:

[Department of Labor](#)
[Occupational Safety and Health Administration](#)

Dates:

Comments on this NPRM (including requests for a hearing) and other information must be submitted by May 6, 2024.

Comments Close:

05/06/2024



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FEDERAL REGISTER

The Daily Journal of the United States Government



PR Proposed Rule

Emergency Response Standard

A Proposed Rule by the [Occupational Safety and Health Administration](#) on 02/05/2024



You are submitting an official comment to Regulations.gov.
Comments are due 05/06/2024 at 11:59 pm EDT.

regulations.gov

[close comment form](#)

Thank you for taking the time to create a comment. Your input is important.

Once you have filled in the required fields below you can preview and/or submit your comment to the Labor Department for review. All comments are considered public and will be posted online once the Labor Department has reviewed them.

You can view [alternative ways to comment](#) or you may also comment via Regulations.gov at <https://www.regulations.gov/commenton/OSHA-2007-0073-0118>.

Comment*
⋮

Two Ways to File a Comment

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Type directly into portal

Upload a file

- Gives you more time to write
- Includes your letterhead
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- Spell check and proofread

You can view [alternative ways to comment](#) or you may also comment via Regulations.gov at <https://www.regulations.gov/commenton/OSHA-2007-0073-0118>.

Comment*
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▼

Upload File(s)

+ Add a file

Note: You can attach your comment as a file and/or attach supporting documents to your comment. [Attachment Requirements](#).

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Tell us about yourself! I am...*
...



An Individual



An Organization



Anonymous

Comment*



We appreciate the first extension of the comment period until June 21, 2024. Having said that, we feel this is not enough time for the average fire department to read 608 pages, digest it, and make meaningful comments. OSHA has asked for responses to several questions. If you truly want well-written, thought-out, detailed answers, we need to give people enough time to do it. We are finding that many departments are only now finding out about the proposed changes. It took OSHA and the panel years to put this all together. Under the current timeframe you have only allotted 135 days for comments. Please allow us enough time to get you the answers you seek. Our association would request an additional extension until at least September 21, 2024. We are not just kicking the can down the road; we are working hard to educate fire and EMS responders and show them how to compose their ideas and file meaningful comments. We have held several webinars and social media campaigns, consuming hundreds of hours.

Together, we can make this a workable document for all; we just need to allow enough time for emergency responders to submit their comments. Thank you for your consideration.

David C Denniston
2nd VP
Association of Fire Districts State of NY



What is your comment about?

PROPOSED RULES

Upload File(s)

+ Add a file *Note: You can attach your comment as a file and/or attach supporting documents to your comment. [Attachment Requirements](#).*

Email

ddenniston@afdsny.org

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An Individual



An Organization



Anonymous

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Name	Status	Date modified	Type	Size
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NFPA Wrong Billing	✓	1/16/2024 8:33 AM	Microsoft Word D...	14 KB
NFPA Wrong Billing	✓	1/16/2024 8:38 AM	Microsoft Edge P...	31 KB
NY Easement Information Form FINAL...	✓	12/7/2023 11:12 AM	Microsoft Edge P...	70 KB
OfficeSetup (1)	✓	5/4/2023 9:55 AM	Application	7,341 KB
OSHA 1910 Overview RI	✓	4/22/2024 9:05 AM	Microsoft Edge P...	27,144 KB
OSHA 1910 Overview RI	✓	4/22/2024 8:22 AM	Microsoft PowerP...	34,847 KB
OSHA 1910 Overview	✓	4/22/2024 9:05 AM	Microsoft Edge P...	27,144 KB
OSHA 1910 Overview	✓	4/22/2024 8:22 AM	Microsoft PowerP...	34,848 KB
OSHA 1910.156 Proposed Standard - R...	✓	2/1/2024 3:29 PM	Microsoft Edge P...	12,685 KB
OSHA hours questions 1910.156	✓	2/16/2024 11:06 AM	Microsoft Word D...	18 KB
OSHA-1910.156-webinar-slides-1-31-2...	✓	1/31/2024 2:36 PM	Microsoft Edge P...	3,558 KB
Power BI RCT (2)	✓	6/15/2023 8:50 PM	Internet Shortcut	1 KB
Power BI RCT	✓	6/20/2023 2:07 PM	Internet Shortcut	1 KB
Powerpoint for Brandy	✓	5/1/2024 8:11 PM	Microsoft Edge P...	5,556 KB
Preparing for the Future - Greenville S...	☁	1/22/2024 9:12 AM	Microsoft PowerP...	86,106 KB

File name: 1910.156 QUESTIONS AND ISSUES Denniston comments

All files

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An Individual



An Organization



Anonymous

First Name*



Last Name*



City

State



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An Organization



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Organization Name*

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I read and understand the statement above.

SUBMIT COMMENT

[Preview Comment](#)

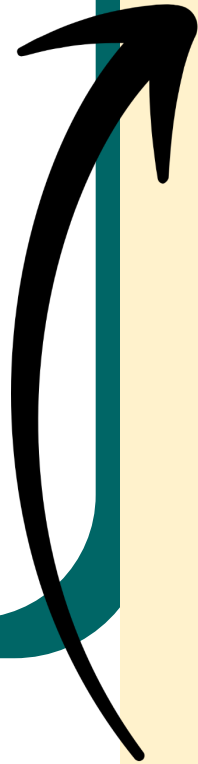
Included By Reference

NFPA 1910-2024, All ESOs “shall”:

- **Section 8.3.6:** “Tires shall be replaced at least every 7 years or more frequently when the tread wear exceeds state or federal standards as determined by measuring with a tread depth gauge.”
- **Chapter 20:** “The chassis components shall be tested annually as required by this chapter.”
- **Section 20.2.1:**
“The fully loaded emergency vehicle shall be weighed...to ensure that the weight on the front and rear axles and the gross vehicle weight do not exceed the gross axle weight ratings (GAWRs) and the gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) shown on the emergency vehicle's rating label.”

Looking for more information?

Scan the QR Code to access the informational document & frequently asked question's resource!



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