

SYNOPSIS OF THE PROPOSED UPDATED OSHA FIRE BRIGADE STANDARD

- Blue Text signifies definition of acronym.
- **Shaded text** signifies a required performance action item within the proposed standard.

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, 29 CFR 1910.156. 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 last update to this standard took place in 1980.

- **National Advisory Committee on Occupational Safety and Health (NACOSH)**
- While OSHA standards do not apply to volunteers, some volunteers are covered in states with OSHA-approved State plan programs. ***It applies in New York State***
- The proposed rule updates by replacing the existing Fire Brigades standard and would expand the scope of OSHA's standard to include a broad range of hazards emergency responders encounter during emergency response activities and would bring the standard in line with the Federal Emergency Management Agency's (FEMA) National Response Framework and modernize the standard to align with the current industry consensus standards issued by the National Fire Protection Association (NFPA) on the safe conduct of emergency response activities.

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Throughout this notice, ***the agency seeks input on alternatives and potential exclusions for economically at-risk small and volunteer organizations that will be shared with State Plans as they determine how to proceed with their subsequent individual state-level rulemaking efforts.***

The performance-based nature of the proposed rule is particularly beneficial to small and volunteer organizations with limited resources.

OSHA has determined that existing safety and health standards do not adequately protect the emergency response workforce from the current hazards that they face. OSHA estimates that approximately 1,054,611 individuals are exposed on an annual basis to the workplace hazards associated with the emergency response activities falling within the scope of the proposed rule, including public-sector employees in States with OSHA-approved State Plans. OSHA has also identified safety and health risks present during training exercises and other routine tasks.

Of the 1,054,611 emergency responders anticipated to fall within the scope of the proposed rule, 331,472 will be self-identified as volunteers. (approx. 32% which I think is a low estimate)

Recommended coverage for technical search and rescue activities has been included in its proposed draft standard. Based on the available data and industry recognition, OSHA preliminarily concludes that technical search and rescue emergency response activities involve risks to employee safety and health comparable to those in other types of emergency response such as firefighting and EMS.

OSHA determined that some of the most common safety and health hazards encountered by emergency responders include vehicle collisions; falls from heights to lower levels due to structural or building collapses; being struck by, caught in between, or crushed by vehicles; falling objects or debris; burns; and entrapments.

Among the 273 emergency service fatalities, hazards identified by OSHA investigators as present on-site at the time of death included hazards involving:

- the *incorrect use of PPE and other equipment,*
- *inadequate vehicle preparedness and operation,*
- *lack of effective implementation of standard operating procedures in various emergency scenarios,*
- *failure to adhere to practices for Immediately Dangerous to Life and Health (IDLH) situations,*
- *failure to meet medical evaluation requirements,*
- *failure to meet minimum training requirements,*
- *lack of or ineffective implementation of an Emergency Response Plan (ERP), and*
- *the lack of an effective Risk Management Plan (RMP).*

Heart attacks were identified in both the NFPA (43%) and OSHA Information Service (OIS*) (20%) datasets as one of the most commonly occurring means by which an emergency responder will die while at work.

- ****Occupational Safety and Health Information System (OIS).***

In development of the proposed rule, OSHA extensively examined numerous relevant consensus standards, primarily those developed by the NFPA. The NFPA standards are available to be viewed without cost at <https://www.nfpa.org/for-professionals/codes-and-standards/list-of-codes-and-standards/free-access>

In certain provisions of the proposed rule, OSHA would require compliance with the relevant portions of the cited National Fire Protection Association (NFPA) standard by Incorporated by Reference (IBR), in accordance with 29 CFR 1910.6.

PROPOSED AMENDMENTS:

OSHA based several definitions in this paragraph on the following NFPA standards:

- NFPA 600, Standard on Facility Fire Brigades. 2020 Ed. (NFPA 600)
- NFPA 1500, Standard on Fire Department Occupational Safety, Health, and Wellness Program. 2021 Ed. (NFPA 1500)
- NFPA 1561, Standard on Emergency Service Incident Management System and Command Safety. 2020 Ed. (NFPA 1561)
- NFPA 1660, Standard for Emergency, Continuity, and Crisis Management: Preparedness, Response, and Recovery. 2024 Ed. (NFPA 1660)
- NFPA 2500, Standard on Operations and Training for Technical Search and Rescue Incidents and Life Safety Rope and Equipment for Emergency Services. 2022 Ed. (NFPA 2500)

- NFPA 1700, Guide for Structural Fire Fighting. 2021 Ed. (NFPA 1700)
- NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. 2020 Ed. (NFPA 1710).

The following definitions apply to 29 CFR 1910.156:

- See beginning on page 113 to 130 of the proposed rulemaking document

PARAGRAPH (C) ORGANIZATION OF THE WORKPLACE EMERGENCY RESPONSE TEAM (WERT), AND ESTABLISHMENT OF THE Emergency Response Plan (ERP) AND EMERGENCY SERVICE(S) CAPABILITY
 Paragraph (c) of the proposed rule sets forth the core responsibilities of Workplace Emergency Response Employees (WEREs)

- Paragraphs (c)(1) and (c)(2) of the proposed rule would require the WERE to **develop** and implement a **written** ERP that provides protection for each of its employees designated to operate at an emergency incident
- Proposed paragraph (c)(3) would require the WERE to **conduct a vulnerability assessment** of their facility for the purpose of establishing its emergency response capabilities and **determining** its ability to match the facility's vulnerabilities with available resources.
- Paragraph (c)(4) of the proposed rule would require the WERE, as part of the facility vulnerability assessment, to **identify each structure, process area, and other location where a (Pre-Incident Plan) PIP is needed.**
- Paragraph (c)(5) of the proposed rule would require the WERE to **specify the resources needed**, including personnel and equipment, for mitigation of emergency incidents identified in the facility vulnerability assessment
- In paragraphs (c)(6) and (c)(7), the proposed rule would require the WERE to **establish and document** in the ERP, the type(s) and level(s) of emergency service it intends to perform, and establish tiers of team member responsibilities, qualifications, and capabilities for each of the type(s) and level(s). (*intrusive operational requirements*)
- Proposed paragraph (c)(8) would require the WERE to **identify, and document** in the ERP, what emergency service(s) the WERE itself is unable to provide, and develop mutual aid agreements with other WEREs and ESOs, as necessary, or contract with an ESO(s), to ensure adequate resources are available to mitigate foreseeable incidents. (*required contingency plans*)
- Proposed paragraph (c)(9) and (c)(10) would require the WERE to **keep for a minimum of five (5) years** previous editions of Emergency Response Plan (ERP) documents required by the proposed rule; **notify** team members of any changes to the ERP; and **make available for inspection** the current ERP and previous editions by team members, their representatives, and OSHA personnel.

PARAGRAPH (D) EMERGENCY SERVICE ORGANIZATION (ESO) ESTABLISHMENT OF ERP AND EMERGENCY SERVICE(S) CAPABILITY

Paragraph (d) of the proposed rule sets forth the ESO's responsibility to **establish and implement** an Emergency Response Program (ERP).

- Paragraphs (d)(1) and (d)(2) of the proposed rule would **require** the ESO to **develop and implement** a **written** ERP that provides protection for each of its responders designated to operate at an emergency incident
- Proposed paragraph (d)(3) would **require** that the ESO **conduct** a community or facility **vulnerability assessment** of hazards within the primary response area where the emergency service(s) it provides is/are expected to be performed.

- Paragraph (d)(4) of the proposed rule would **require** the ESO, as part of the community or facility vulnerability **assessment, to identify** each structure and other location where a PIP is needed
- Proposed paragraphs (d)(4)(i) and (ii) would further **require** that the community or facility vulnerability assessment **identify** each vacant structure and location that is unsafe for responders to enter due to conditions such as previous fire damage, damage from natural disasters, and deterioration due to age and lack of upkeep; and would require the ESO to provide a means for **notifying** responders of the vacant structures and unsafe locations.
- Proposed paragraph (d)(5) would **require** that the ESO's community vulnerability assessment include all facilities within the ESO's service area that are **subject to reporting** requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986)
- Proposed paragraph (d)(6) would **require** the ESO to **evaluate** the resources needed, including personnel and equipment, for mitigation of emergency incidents identified in the community or facility vulnerability assessment.
- In paragraph (d)(7), the proposed rule would **require** the ESO to **establish** tiers of responder responsibilities, qualifications, and capabilities for each of the type(s) and level(s).
- Under paragraph (d)(8) of the proposed rule, the ESO would be **required to define** the service(s) needed, based on paragraph (d)(4) of this section, that the ESO is unable to provide, and develop mutual aid agreements with WEREs or other ESOs as necessary to ensure adequate resources are available to safely mitigate foreseeable incidents. (*required contingency planning*)
- Proposed paragraph (d)(9) and (d)(10) would **require** the ESO to **keep** for a minimum of five (5) years previous editions of ERP documents required by the proposed rule; **notify** responders of any changes to the ERP; and **make available** the current ERP, as well as previous editions, for inspection by responders, their representatives, and OSHA personnel.

PARAGRAPH (E) TEAM MEMBER AND RESPONDER PARTICIPATION

To be effective, any safety and health program needs the meaningful participation of workers and their representatives. Similarly, for the Emergency Response Program (ERP) to be effective, team members and responders need to be involved in establishing, operating, evaluating, and improving the ERP.

- Proposed paragraphs (e)(1) and (e)(2) would **require** that WERE and ESO **establish and implement a process** to involve team members and responders in **developing and updating** the ERP, in implementing and evaluating the ERP, and in the review and change process.
- Under proposed paragraph (e)(3), the WERE and ESO would need to **request input** from team members and responders regarding modifications proposed by the WERE or ESO to their own facility(ies).
- Paragraph (e)(4) of the proposed rule would **require** the WERE and ESO to **establish and implement a process** to involve team members and responders in **walkaround inspections** conducted by the WERE or ESO, **inspections** conducted in response to health and safety concern(s) raised, and incident investigations at the WERE and ESO's own facility(ies).
- Proposed paragraphs (e)(5) and (e)(6) would **require** the WERE and ESO to **establish and implement a process** to encourage team members and responders to report safety and health concerns, such as hazards, injuries, illnesses, near misses, and deficiencies in the ERP, and to **respond** to such reports in a reasonable period
- Proposed paragraph (e)(7) would **require** the WERE and ESO to **establish and implement a process** to **post** procedures for reporting safety and health concerns under paragraph (e)(5) of this section in a conspicuous place or places where notices to team members and responders are customarily posted

PARAGRAPH (F) WERT AND ESO RISK MANAGEMENT PLAN

- Paragraph (f)(1) of this proposed rule would require WEREs and ESOs to develop and implement a written comprehensive risk management plan based on the type and level of service(s) that would be established in proposed paragraphs (c) and (d) of the proposed rule.
- Proposed paragraph (f)(1)(i)(A)-(F) provides further detail and would require the comprehensive risk management plan to identify, at a minimum, risks to team members and responders associated with activities at WERE and ESO facilities; training; vehicle operations (both emergency and non-emergency); operations at emergency incidents; non-emergency services and activities (e.g., community outreach activities); and activities that lead to exposure to combustion products, carcinogens, and other incident-related health hazards.
- To provide a framework for the proposed requirements of the risk management plan for each of the covered areas identified in proposed paragraph (f)(1)(i), proposed paragraph (f)(1)(ii)(A)-(E) would require the WERE and ESO to include, at a minimum, the following components: identification of actual and reasonably anticipated hazards; evaluation of the likelihood of occurrence of a given hazard and the severity of its potential consequences; establishment of priorities for action based upon a particular hazard's severity and likelihood of occurrence; risk control techniques for elimination or mitigation of potential hazards, and a plan for implementation of the most effective solutions; and a plan for post-incident evaluation of effectiveness of risk control techniques
- Proposed paragraph (f)(1)(iii)(A)-(D) would require the WERE and ESO to include, at a minimum, a PPE hazard assessment that meets the requirements of 29 CFR 1910.132(d); a respiratory protection program that meets the requirements of 29 CFR 1910.134; an infection control program that identifies, limits or prevents exposure of team members and responders to infectious and contagious diseases to the extent feasible; and a plan to protect team members and responders from bloodborne pathogens that meets the requirements of 29 CFR 1910.1030.
- Proposed paragraph (f)(2) would require the WERE and ESO to include in the risk management plan a policy for extraordinary situations when a team member or responder, after making a risk assessment determination based on the team member or responder's training and experience, is permitted to attempt to rescue a person in imminent peril, potentially without benefit of, for example, PPE, tools, or equipment
- Proposed paragraph (f)(3) would require the WERE and ESO to review the risk management plan when required by paragraph (r) or (s) of this section, but no less than annually, and update it as needed

PARAGRAPH (G) MEDICAL AND PHYSICAL REQUIREMENTS

Emergency response is a physically demanding occupation. As discussed in Section II.A., *Need for the Standard*, approximately half of all firefighter on-duty and line of duty deaths are due to cardiovascular events. Emergency response activities can place a tremendous strain on the cardiovascular system which can trigger a catastrophic cardiovascular event. *This is especially true for team members and responders with pre-existing heart conditions which they may or may not be aware of.* Emergency response activities often involve activities that increase the risk of team member and responder musculoskeletal injuries, e.g., lifting and carrying heavy loads (equipment, PPE, victims, etc) in awkward positions, sustained use of equipment that may result in injuries related to repetitive motion, ergonomically unsafe cutting angles when safer approaches are unavailable, or vibration. Emergency response activities often occur in extreme environmental conditions that increase risks for heat or cold injury. Noise from sirens, alarms, and equipment motors can induce hearing loss especially if the noise exposure is occurring in situations where

it may be concurrent with exposure to carbon monoxide or other substances known to have synergistic effects with noise on hearing loss especially as many responders may not use hearing protection devices out of concern for effective communication with others on scene.

- Proposed paragraph (g) includes **medical and physical requirements** to address these hazards. The physical fitness and physical and mental medical requirements in paragraph (g) serve two purposes: (1) ensuring that responders are physically and mentally capable of performing their duties without injury to themselves or their fellow responders, and (2) identifying and addressing physical and mental health effects resulting from emergency response activities. Paragraph (h) of the proposed rule contains **requirements for initial and follow-up training** for responders and team members, as well as **requirements for maintaining proficiency** in the necessary skills and knowledge through regular – at least annual – skills checks.
- Proposed paragraph (g)(1)(i) would **require** that each WERE and ESO **establish minimum medical requirements** based on the type and level of service(s) established in paragraphs (c) and (d) of this section
- Paragraph (g)(1)(ii) of the proposed rule would **require** that each WERE and ESO **maintain confidential records for each team member and responder** that includes duty restrictions based on medical evaluations; occupational illnesses and injuries; and exposures to combustion products, known or suspected toxic substances, infectious diseases, and other dangerous substances
- Proposed paragraph (g)(1)(iii) would **require** that each WERE and ESO **ensure** that medical records maintained under this paragraph are **maintained and made available** in accordance with 29 CFR 1910.1020, Access to employee exposure and medical records.
- Proposed paragraph (g)(2)(i) would **require** that each WERE and ESO **establish a medical evaluation program for team members and responders**, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d).
- Paragraph (g)(2)(ii) of the proposed rule would **require** WEREs and ESOs to **ensure** that, prior to performing emergency response duties, each team member and responder is medically **evaluated** to determine fitness for duty by a physician or other licensed health care professional (PLHCP) at no cost to the team member or responder
- Paragraph (g)(2)(ii) and the related fitness for duty requirements in proposed paragraph (g)(5), discussed below, **ensure** each team member and responder is capable of performing their assigned job duties without injury to themselves or their fellow team members or responders
- Proposed paragraphs (g)(2)(iii)(A)-(D) **specifies elements** that must be included **in all medical evaluations**, regardless of the type and level service(s) provided or tiers of team members and responders, to detect any physical or medical condition(s) that could adversely affect the team member's or responder's ability to safely perform the essential job functions.
- Due to the risk of sudden cardiovascular death from strenuous emergency response activities, paragraph (g)(2)(iv) of the proposed rule would **require** that each WERE and ESO **provide additional screening** of team members and responders as deemed appropriate by the PLHCP and at no cost to the team member or responder
- Paragraph (g)(2)(vi) of the proposal would **require** that each WERE and ESO **establish protocols** regarding the length of time that absence from duty due to injury or illness would require a team member or responder to have a **return-to-duty medical evaluation** by a PLHCP prior to returning to work
- Proposed paragraph (g)(3) applies to ESOs only and includes **additional surveillance for responders who are exposed to combustion products**

- Under proposed paragraph (g)(3)(i)(A), the ESO would need to ensure that responders who are, or based on experience may be, exposed to combustion products 15 times or more per year, without regard to the use of respiratory protection, receive medical surveillance at least as effective as the criteria specified in the national consensus standard, NFPA 1582, Chapter 7
 - The proposed rule's action level for medical surveillance of 15 or more exposures per year is modeled after 29 CFR 1910.1050, Methylenedianiline (MDA), which requires that employees who are subject to dermal exposure to MDA for 15 or more days per year receive medical surveillance
- For purposes of proposed paragraph (g)(3)(i)(A), an exposure incident to combustion products is any exposure to materials that are on fire or smoldering regardless of the use of PPE or respiratory protection
- Proposed paragraph (g)(3)(i)(B) would require ESOs to provide medical consultation and ongoing surveillance to responders who, either immediately or subsequently, exhibit signs and symptoms which may have resulted from exposure to combustion products.
- Proposed paragraph (g)(3)(ii) would require the ESO to document each exposure to combustion products for each responder, for the purpose of determining the need for the medical surveillance as specified in (g)(3)(i)(A), and for inclusion in the responder's confidential record, as required in (g)(1)(ii). ESOs would review previous incident reports to determine a responder's exposures for the preceding 12 months or from the date when ESOs began keeping such records up to the preceding 12 months
- In paragraph (g)(4)(i) of the proposed rule, the WERE and ESO would be required to provide behavioral health and wellness resources at no cost to the team member or responder or identify where resources are available at no cost in their community
- Proposed paragraphs (g)(4)(ii)(A)-(D) identify the behavioral health and wellness resources that would need to be included, at a minimum
- Proposed paragraph (g)(4)(iii) would require that each WERE and ESO inform team members and responders, on a regular and recurring basis, and following each potentially traumatic event, of the behavioral health resources that are available to them and how to access those resources
- In proposed paragraph (g)(4)(iv), the WERE and ESO would be required to ensure that if the WERE or ESO possesses records of a team member or responders use of behavioral health services, those records are kept confidential.
- Proposed paragraph (g)(5) focuses on fitness for duty and would require the WERE and ESO to establish and implement a process to evaluate and re-evaluate annually the ability of each team member and responder to perform the essential job functions, based on the type, level, and tier of service(s) established in paragraphs (c) and (d).
- Proposed paragraph (g)(6) applies to ESOs only and includes requirements for a health and fitness program.
 - Proposed paragraphs (g)(6)(ii)(A)-(D) establish the minimum components of the fitness program that the ESO would be required to include.
 - Paragraph (g)(6)(ii)(B) of the proposed rule would require a periodic fitness assessment for all responders, not to exceed every three years.
 - Proposed paragraph (g)(6)(ii)(C) would require exercise training that is available to all responders during working hours. This provision would not mandate a particular exercise regimen nor require the ESO to purchase or utilize any specific fitness equipment.
 - Proposed paragraph (g)(6)(ii)(D) would require health promotion education and counseling for all responders

PARAGRAPH (H) TRAINING.

Training is the backbone of WERTs and ESOs. Effective training produces team members and responders with the skills, knowledge, and confidence to safely perform their duties in the face of various hazards at emergency incidents. Paragraph (h) of the proposed rule contains requirements for initial and follow-up training for responders and team members, as well as requirements for maintaining proficiency in the necessary skills and knowledge through regular – at least annual – skills checks. These provisions ensure that team members and responders become and remain prepared and capable of performing their duties safely. Many of the provisions in proposed paragraph (h) are based on, or consistent with, provisions in NFPA 600, NFPA 1500, and other NFPA standards.

- Paragraph (h) of the proposed rule contains requirements for initial and follow-up training for responders and team members, as well as requirements for maintaining proficiency in the necessary skills and knowledge through regular – at least annual – skills checks.
- Proposed paragraph (h)(1) addresses minimum training requirements for team members and responders. Paragraph (h)(1)(i) would require WEREs and ESOs to establish the minimum knowledge and skills required for each team member and responder to participate safely in emergency operations, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section. These minimum requirements will vary based on the type of emergency response being performed; for example, firefighters will have different training requirements than technical rescuers.
- Paragraph (h)(1)(ii) of the proposed rule would require the WERE and ESO to ensure each team member and responder is provided with initial training, ongoing training, refresher training, and professional development commensurate with the safe performance of their expected duties and functions based on the tiers of team members and responders, and the type and level of service(s) established in paragraphs (c) and (d) of this section.

Emergency Service Organizations (ESOs) and Workplace Emergency Response Employers (WEREs)

- Proposed paragraph (h)(1)(iii) would require the WERE and ESO to restrict the activities of each new team member and responder during emergency operations until the team member or responder has demonstrated to a trainer/instructor, supervisor/team leader/officer, the skills and abilities to safely complete the tasks expected
- Proposed paragraph (h)(1)(iv) would require the WERE and ESO to ensure that each instructor/trainer has the knowledge, skills, and abilities to teach the subject matter being presented. This provision ensures that the training is conducted by competent individuals who can provide accurate and valuable instruction, leading to a higher level of understanding and proficiency among the trainees.
- Proposed paragraph (h)(1)(v) of the proposed rule would require WEREs and ESOs to ensure that training is provided in a language and at a literacy level that team members and responders understand, and that the training provides an opportunity for interactive questions and answers with the instructor/trainer. However, this paragraph requires the WERE and ESO to provide an opportunity to team members and responders to ask questions regardless of the medium of training.
- Paragraph (h)(1)(vi) of the proposed rule would require the WERE and ESO to provide each team member and responder with training on the RMP (risk management plan) established in paragraph (f)(1) of this section. Training would also need to include the PPE hazard assessment, the respiratory protection program, the infection control program, and the bloodborne pathogens exposure control plan required by paragraph (f)(1)(iii).

- Proposed paragraph (h)(1)(vii) would require the WERE and ESO to train each team member and responder about the safety and health policy established in paragraph (f)(2) of this section and the Standard Operating Procedures (SOPs) established in paragraph (q) of this section. Team members and responders need to be trained so that they understand the policy established by the WERE or ESO for these extraordinary situations.
- Paragraph (h)(1)(viii) of the proposed rule would require the WERE and ESO to provide each team member and responder with training that covers the selection, use, limitations, maintenance, and retirement criteria for all PPE used by the team member or responder based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section.
 - It would need to include various aspects, including selecting appropriate equipment, use including proper donning and doffing techniques, understanding the limitations of PPE, performing proper maintenance, and knowing when to retire and replace worn-out or damaged equipment.
- Paragraph (h)(1)(ix) proposes to require the WERE and ESO to train each team member and responder in the selection, proper use, and limitations of portable fire extinguishers provided for employee use in the WERE or ESO's facility and vehicles, in accordance with 29 CFR 1910.157.
- Proposed paragraph (h)(1)(x) would require the WERE and ESO to train each team member and responder in the incident management system (IMS) established under paragraph (o) of this section, in order to operate safely within the scope of the IMS.
- Paragraph (h)(1)(xi) of the proposed rule would require the WERE and ESO to ensure that training for each team member and responder engaged in emergency activities includes procedures for the safe exit and accountability of team members and responders during orderly evacuations, rapid evacuations, equipment failure, or other dangerous situations and events.
 - Team members and responders need to be trained to know their roles in the accountability system.
- Paragraph (h)(1)(xii) proposes to require the WERE and ESO to ensure that each team member and responder is trained to meet the requirements of 29 CFR 1910.120(q)(6)(i) (HAZWOPER), First Responder Awareness Level.
- Proposed paragraph (h)(1)(xiii) would require the WERE and ESO to ensure that each team member and responder who is not trained and authorized to enter specific hazardous locations (e.g., confined spaces, trenches, and moving water) is trained to an awareness level (similar to the requirements in 29 CFR 1910.120(q)(6)(i)) to recognize such locations and their hazards and avoid entry.
- Paragraph (h)(1)(xiv) of the proposed rule would require WEREs and ESOs to train each team member and responder to perform cardiopulmonary resuscitation (CPR) and use an automatic external defibrillator (AED).
- Paragraph (h)(2)(ii) of the proposed rule would require each ESO responder who is designated to perform interior structural firefighting duties to be trained to safely perform the duties assigned, to a level that is at least equivalent to the job performance requirements of NFPA 1001, Structural Fire Fighter Professional Qualifications, 2019 ed. NFPA 1001 sets the professional qualifications for structural firefighters and outlines the essential competencies and performance standards required for effective firefighting in interior structural environments.
- Paragraph (h)(2)(iii) of the proposed rule would require each team member and responder who is designated to perform interior structural firefighting duties to be trained to safely perform search and rescue operational capabilities at least equivalent to the job performance requirements of NFPA 1407, Standard for Rapid Intervention Team Training, 2020 ed.

- Paragraph (h)(2)(iv) of the proposed rule would require each team member and responder who is a vehicle operator to be trained to safely operate that vehicle at a level that is at least equivalent to the job performance requirements of NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2017 ed, or similar Emergency Vehicle Operator qualifications based on the type of vehicle the team member or responder operates.
 - Again, each individual team member or responder need be trained only with respect to the specific job duties they are assigned to perform.
- Paragraph (h)(2)(v) of the proposed rule would require each team member and responder who is a manager/supervisor (crew leader/officer) to be trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1021, Standard for Fire Officer Professional Qualifications, 2020 ed. NFPA 1021 establishes the professional qualifications for fire officers and outlines the essential competencies and performance standards required for effective leadership and supervision in fire and emergency service organizations
- Paragraph (h)(2)(vi) of the proposed rule would require each wildland ESO responder to be trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1140, Standard for Wildland Fire Protection, 2022 ed., or that such responder has a “Red Card” in accordance with the National Wildfire Coordinating Group – Interagency Fire Qualifications.
- Paragraph (h)(2)(vii) of the proposed rule would require each technical search and rescue team member and responder who is designated to perform a technical rescue to be trained to safely perform at a level that is at least equivalent to the technician capabilities of the job performance requirements of NFPA 1006, Standard for Technical Rescuer Professional Qualifications, 2021 ed. NFPA 1006 establishes the professional qualifications for technical rescuers, defining the essential capabilities and performance requirements for personnel involved in technical rescue operations.
- Paragraph (h)(2)(viii) of the proposed rule would require each firefighting team member and responder who operates in a marine environment to be trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1005, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2019 ed.
- Paragraph (h)(2)(ix) of the proposed rule would require the WERE and ESO ensure that each EMS team member and responder possesses the professional qualification, certification, or license, required by the applicable jurisdiction, which is relevant to the type and level of service established in paragraphs (c) and (d). This requirement, which was recommended by NACOSH, would help ensure that EMS providers are up to date on the latest methods for safely performing their duties.
- Proposed paragraph (h)(3) would require WEREs and ESOs to provide annual skills checks to ensure that each team member and responder maintains proficiency in the skills and knowledge commensurate with the safe performance of expected duties and functions, based on the type and level of service(s) established in paragraphs (c) and (d) of this section. Initial training is important, but ongoing training or on-the-job performance is just as essential so that team members and responders can maintain proficiency.
- OSHA is proposing annual skills checks based on that periodicity referenced in national consensus standards such as NFPA 600, NFPA 1500, and NFPA 1670; and other OSHA regulations, such as 29 CFR 1910.120, 29 CFR 1910.134, and the existing 29 CFR 1910.156. Conducting periodic skills checks for team members and responders at least once a year (each twelve-month period) is important to ensure they maintain a minimum level of proficiency for safely performing their assigned duties.
 - For instance, if a pumper operator regularly operates the vehicle, including pumping hose lines, routine observation may substitute for a separate skills check.

PARAGRAPH (I) WERE FACILITY PREPAREDNESS (SPECIFIC TO FACILITY FIRE BRIGADES)

Proposed paragraph (i) provides requirements to ensure that WERE facilities are safe for team members. Paragraph (i)(1)(i) of the proposed rule would require WEREs to ensure their facilities comply with 29 CFR 1910 Subpart E, Exit Routes and Emergency Planning. Note, however, that the various ERP plans and programs required by this proposed rule (e.g., IAPs, RMPs, PIPs) are not "emergency action plans" for purposes of 29 CFR 1910.38. This proposed provision is not a new requirement because WEREs are already required to comply with Subpart E. It is included here to reinforce the concept that compliant means of egress, emergency lighting, exit marking, etc., are of the utmost importance during emergency situations, for all workers, but especially for team members because they spend more time in the dangerous situation. For instance, an obstructed aisle or hallway could interfere with removing a sick or injured non-team-member employee by means of a wheelchair or ambulance cot. That same obstructed aisle or hallway could delay firefighting team members in reaching a fire, thus allowing the fire to grow, further endangering the team members, or block their escape path if they need to evacuate due to deteriorating conditions.

- Proposed paragraph (i) provides requirements to ensure that WERE facilities are safe for team members. Paragraph (i)(1)(i) of the proposed rule would require WEREs to ensure their facilities comply with 29 CFR 1910 Subpart E, Exit Routes and Emergency Planning.
- Proposed paragraph (i)(1)(ii) would require WEREs to provide facilities for the decontamination, disinfection, cleaning, and storage of PPE and equipment
- Proposed paragraph (i)(1)(iii) would require the WERE to ensure that fire detection, suppression, and alarm systems, and occupant notification systems are installed, tested, and maintained in accordance with manufacturer's instructions and 29 CFR 1910 Subpart L – Fire Protection
- Proposed paragraph (i)(2) would require the WERE to ensure fire hose connections and fittings are compatible with, or adapters are provided for, firefighting infrastructure such as fire hydrants, sprinkler system and standpipe system inlet connections, and fire hose valves (FHV), to facilitate prompt firefighting support from mutual aid WERTs and ESOs.
 - To provide added clarity and as noted elsewhere in this preamble, OSHA proposes in this rulemaking to revise 29 CFR 1910.158, Standpipe and hose systems, and 29 CFR 1910.159, Automatic sprinkler systems, to add a provision for system inlet fitting compatibility with, or adapters provided for, mutual aid WERTs and ESOs, consistent with paragraph (i)(2) of this proposed rule.
- Proposed paragraph (i)(3) would require WEREs to identify the location of each fire hose valve (FHV) in a manner suitable to the location, such as with a sign, painted wall, or painted column, to ensure prompt access to FHV's

PARAGRAPH (J) ESO FACILITY PREPAREDNESS

Many responders spend a significant amount of time in the workplace, often sleeping and eating meals there, because they are required to be at the ESO facility to respond to emergency incidents quickly. While responders expect to encounter hazards at an emergency incident, they may also become injured or ill from hazards they are exposed to in ESO facilities. Proposed paragraph (j) provides requirements to ensure that ESO facilities are safe for responders.

- Proposed paragraph (j) provides requirements to ensure that ESO facilities are safe for responders.
- Proposed paragraph (j)(1)(i) states that the ESO must ensure each ESO facility complies with 29 CFR 1910 Subpart E – Exit Routes and Emergency Planning
- Proposed paragraph (j)(1)(ii) would require the ESO to provide facilities for decontamination, disinfection, cleaning, and storage of PPE and equipment.

- The manner of compliance with proposed paragraph (j)(1)(ii) would vary depending on an ESO's facility and manufacturers' instructions. However, basic cleaning and gross decontamination typically involves using a utility hose and brushes, a large sink with a spray nozzle, appropriate cleaning chemicals and disinfectants, and drying racks. Some ESOs may choose to install commercial-style washing machines or extractors for PPE.
- Proposed paragraph (j)(1)(iii) would establish requirements for fire poles, slides, and chutes.
- Proposed paragraph (j)(1)(iii)(B) would require the ESO to ensure that each fire pole has a landing cushion that is at least 30 inches in diameter, has a contrasting color to the surrounding floor, and has impact absorption to reduce the likelihood and severity of injury.
- Proposed paragraph (j)(1)(iii)(C) would require ESOs to ensure that each floor hole with a fire pole, chute, or slide that provides rapid access to a lower level is secured or protected in accordance with 29 CFR 1910 Subpart D – Walking-Working Surfaces to prevent unintended falls through the floor hole.
- Paragraph (j)(1)(iv) of the proposed rule would require the ESO to ensure that fire detection, suppression, and alarm systems, and occupant notification systems are installed, tested, and maintained in accordance with manufacturer's instructions and 29 CFR 1910 Subpart L – Fire Protection.
- Paragraph (j)(2) proposes requirements for protective measures for sleeping and living areas of ESO facilities, as defined in proposed paragraph (b) of this section.
- Proposed paragraph (j)(2)(i) would require the ESO to ensure that interconnected hard-wired smoke alarms with battery back-up are installed inside each sleeping area, and outside in the immediate vicinity of each opening (door) to a sleeping area, and on all levels of the facility, including basements.
- Proposed paragraph (j)(2)(ii) would require the ESO to ensure that each **new** ESO facility with one or more sleeping area(s) is protected throughout by an automatic sprinkler system. This provision would apply to new facilities constructed (as determined by the date of building permit issuance) two years or more after the final rule is published.
- Proposed paragraph (j)(2)(iii) would require the ESO to ensure that each sleeping and living area has functioning carbon monoxide alarms installed.
- Proposed paragraph (j)(2)(iv) would require the ESO to prevent responder exposure to, and contamination of sleeping and living areas by, exhaust emissions. OSHA believes that compliance with this provision can be achieved by any of several means, including direct or source capture systems attached to vehicle exhaust pipes, automatic ventilation systems, positive air pressure in sleeping and living areas, self-closing doors with weather seals, and others.
- Paragraph (j)(2)(v) of the proposed rule would require the ESO to ensure that contaminated PPE is not worn or stored in sleeping and living areas.

PARAGRAPH (K) EQUIPMENT AND PPE.

Proposed paragraph (k) contains requirements related to the provision, maintenance, and use of equipment and PPE. Team members and responders rely on PPE to provide protection from and minimize exposure to various hazards they may encounter during emergency response activities that may cause injuries, illnesses, or fatalities. Team members and responders are routinely exposed to hazards such as sharp edges, falling and flying objects, extreme temperatures, bodily fluids, combustion products, and a broad range of other potential contaminants. They depend on PPE because many of the hazards they are exposed to cannot be abated by administrative or engineering controls (see, e.g., 29 CFR 1910.1000(e)).

- Proposed paragraph (k)(1)(i) would require that each WERE and ESO provide or otherwise ensure access to the equipment that team members and responders need to train for and safely perform

emergency services, based on the type and level of service(s) that the individual WERE or ESO has established in accordance with proposed paragraphs (c) and (d). The equipment must be provided at no cost to team members or responders.

- Paragraph (k)(1)(ii) of the proposed rule would require that each WERE and ESO ensure that newly purchased or acquired equipment is safe for use in the manner the WERE or ESO intends to use it.
 - Often, when WEREs and ESOs purchase or obtain new(er) equipment, they donate or sell their older equipment to other WEREs or ESOs. This provision would require the receiving WERE and ESO to ensure that the equipment received is safe for use prior to utilizing the equipment.
- Paragraph (k)(1)(iv) of the proposed rule would require that each WERE and ESO immediately remove from service any equipment found to be defective or in an unserviceable condition.
- In proposed paragraph (k)(2)(i), each WERE and ESO would be required to conduct a PPE hazard assessment for the selection of the protective ensemble, ensemble elements, and other protective equipment for team members and responders. WEREs and ESOs would evaluate their facilities or communities to determine what hazards their team members and responders could be exposed to and what PPE they would need to be protected during an emergency incident, based on the type and level of service established under paragraphs (c) and (d) of this section.
- Paragraph (k)(2)(ii) of the proposed rule would require that each WERE and ESO provide team members and responders with properly fitting protective ensembles, ensemble elements, and protective equipment designed to provide protection from hazards to which they are likely to be exposed and suitable for the tasks they are expected to perform, as determined by the PPE hazard assessment conducted under paragraph (k)(2)(i). It is OSHA's position that "properly fits" means the PPE is the appropriate size to provide the team member or responder with the necessary protection from hazards and does not create additional safety and health hazards arising from being either too small or too large.
- Proposed paragraph (k)(2)(iii) would require that each WERE and ESO ensure that PPE complies with 29 CFR 1910 – Subpart I, Personal Protective Equipment. This provision makes clear that the specific PPE requirements in the proposed standard supplement, but do not replace, OSHA's existing PPE requirements.
- Proposed paragraph (k)(2)(iv) would require the WERE and ESO to ensure that existing PPE complies with the requirements of the edition of the respective standard, listed in proposed (k)(2)(v), in effect when the PPE was manufactured.
- Proposed paragraph (k)(2)(v) lists the PPE-related national consensus standards that the WERE and ESO would need to follow where applicable. These standards represent industry consensus regarding the proper means of selecting, using, and maintaining specific types of PPE.
- Proposed paragraph (k)(2)(vi) would require each WERE and ESO to ensure that air-purifying respirators are not used in atmospheres that are immediately dangerous to life and health (IDLH), as defined in paragraph (b), and are only used for those contaminants that NIOSH certifies them against.
- Proposed paragraph (k)(2)(vii) would require that each WERE and ESO ensure that each team member and responder properly uses or wears the protective ensemble, ensemble elements, and protective equipment whenever the team member or responder is exposed, or potentially exposed to the hazards for which it is provided.
- Paragraph (k)(2)(viii) of the proposed rule would require that each WERE and ESO ensure that protective ensembles, ensemble elements, and protective equipment are decontaminated, cleaned, cared for, inspected and maintained in accordance with the manufacturer's instructions.

- **NOTE:** During the 2021 SBREFA process, some SERs expressed concern over the PPE retirement schedule in NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting (Document ID 0115, pp. 13-14), which calls for PPE to be retired ten years after the date of manufacture. OSHA recognizes that there are users with concerns that there may be a gap in the scientific evidence on whether PPE aged beyond the retirement schedule published in NFPA 1851 is incapable of providing the designed protection level, regardless of the amount of use. Additionally, OSHA recognizes that older PPE may still be of use for activities where the primary protective properties of the PPE are not needed, for example for some exterior activities on fire scenes, during some training scenarios, and firefighting PPE used for identification and for protection against sharp edges at vehicle accident scenes. **However**, there is concern that older PPE could be used in situations where it is no longer able to provide the needed protection. In the proposed rule, OSHA is not proposing specific retirement age criteria for any PPE, and instead requires that PPE be cared for and maintained in accordance with manufacturer's instructions.
- Paragraph (k)(2)(ix) of the proposed rule would require each WERE and ESO to immediately remove from service any defective or damaged protective ensembles, ensemble elements, or protective equipment.
- Proposed paragraph (k)(2)(x) would require that when a WERE or ESO permits a team member or responder to provide their own protective ensemble, ensemble element, or other protective equipment for personal use, the requirements of paragraphs (k)(2)(iii) through (ix) of this section are met.
- Finally, paragraph (k)(3) of the proposed rule addresses protection from contaminants. Paragraph (k)(3)(i) would require that, to the extent feasible, each WERE and ESO ensure that contaminated PPE and non-PPE equipment undergo gross decontamination or are separately contained before leaving the incident scene.

SECTION II.C., NATIONAL CONSENSUS STANDARDS. THESE NATIONAL CONSENSUS STANDARDS ARE AS FOLLOWS:

- (A) NFPA 1951, Standard on Protective Ensembles for Technical Rescue Incidents, 2020 ed.;
- (B) NFPA 1952, Standard on Surface Water Operations Protective Clothing and Equipment, 2021 ed.;
- (C) NFPA 1953, Standard on Protective Ensembles for Contaminated Water Diving, 2021 ed.;
- (D) NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 ed.;
- (E) NFPA 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting, 2022 ed.;
- (F) NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services, 2019 ed.;
- (G) NFPA 1982, Standard on Personal Alert Safety Systems (PASS), 2018 ed.;
- (H) NFPA 1984, Standards on Respirators for Wildland Fire-Fighting Operations and Wildland Urban Interface Operations, 2022 ed.;
- (I) NFPA 1986, Standard on Respiratory Protection for Tactical and technical Operations, 2023 ed.;
- (J) NFPA 1987, Standard on Combination Unit Respirator Systems for Tactical and Technical Operations, 2023 ed.;

- (K) NFPA 1990, Standard on Protective Ensembles for Hazardous Materials and CBRN Operations, 2022 ed.;
- (L) NFPA 1999, Standard on Protective Clothing and Ensembles for Emergency Medical Operations; and
- (M) ANSI/ISEA 207, American National Standard for High-Visibility Public Safety Vests, 2011 ed.

PARAGRAPH (L) VEHICLE PREPAREDNESS AND OPERATION

Paragraph (l) of the proposed rule establishes requirements for vehicle safety both in preparation of and during operation in both emergency and non-emergency incidents. Many team members and responders are injured and killed in vehicle-related incidents and collisions, as discussed in Section II.A.I. Fatality and Injury Analysis. Some are due to poor or improper vehicle maintenance or repair, or the manner that the vehicles are operated. Others are a result of improper or lack of use of seat belts and restraints as designed and intended. The controls in paragraph (l) are aimed at mitigating these hazards. While not defined in the proposed rule, OSHA intends for the term vehicle to include any device used to transport responders and team members while performing their duties. This covers a broad range of modes of conveyance for transporting a person or people by land, water, or air. Examples include bicycles, motorcycles, snowmobiles, golf carts, utility carts, cars, trucks, buses, ambulances, watercraft, and aircraft.

- Proposed paragraph (l)(1) would ensure that vehicles are prepared for safe use by team members and responders. Paragraph (l)(1)(i) of the proposal would require the WERE or ESO to ensure that each vehicle provided by the WERE or ESO and driven or operated by team members or responders be inspected, maintained, and repaired in accordance with the manufacturer's instructions.
- Proposed paragraph (l)(1)(ii) would require the WERE or ESO to ensure that vehicles are immediately removed from service when safety deficiencies are discovered. Once properly repaired the vehicle could be returned to service.
 - OSHA is not proposing particular timeframes for vehicle replacement. Instead, the proposed rule requires that vehicles be inspected, maintained, and repaired as specified by the manufacturer and that any vehicle with a safety-related deficiency be immediately removed from service.
- Paragraph (l)(1)(iii) of the proposed rule would require the WERE or ESO to ensure that each vehicle is provided with a seat for each riding position, and each riding position is provided with a functioning seat belt or vehicle safety harness that is designed to accommodate a team member or responder with and without heavy clothing, unless the vehicle is designed, built, and intended for use without seat belts or vehicle safety harnesses.
- Proposed paragraphs (l)(1)(iv) and (l)(1)(v) would require the WERE or ESO to ensure that vehicles with aerial devices and vehicles with vehicle-mounted water pumps be inspected, maintained, and service tested in accordance with the manufacturer's instructions or in a manner at least equivalent to the criteria specified in NFPA 1910 (2024 Ed.).
- Proposed paragraph (l)(2) would ensure vehicles are driven and operated in a manner that would keep team members and responders safe. While the primary focus of this provision is for the safety of team members and responders, it would also have the effect of protecting the public such as other drivers on the road and their passengers, bystanders, and patients being transported by EMS providers.
- Proposed paragraph (l)(2)(i) would require the WERE and ESO to ensure that each vehicle is operated by a team member or responder who has successfully completed an operator training

- program commensurate with the type of vehicle the team member or responder will operate, or by a trainee operator who is under the supervision of a qualified operator.
- Proposed paragraph (l)(2)(ii) would require the WERE or ESO to ensure that each vehicle is driven or operated in accordance with the standard operating procedures (SOP) developed in proposed paragraph (q)(2)(iv).
 - Paragraphs (l)(2)(iii) and (l)(2)(iv) are aimed at protecting team members and responders both during the normal operation of the vehicle and in the event of an accident.
 - Whereas proposed paragraph (l)(2)(iii) would ensure team members and responders are ready for the vehicle to move, proposed paragraph (l)(2)(iv) would require the WERE or ESO to ensure they remain seated and secured any time that the vehicle is in motion and ensure seat belts and vehicle safety harnesses are not released or loosened for any purpose while the vehicle is in motion, including the donning (putting on) or doffing (taking off) of PPE.
 - Paragraph (l)(2)(v) of the proposed rule would require the WERE or ESO to ensure that team members and responders actively performing necessary emergency medical care while the vehicle is in motion are secured to the vehicle by a seat belt, or by a vehicle safety harness designed for occupant restraint, to the extent consistent with the effective provision of such emergency medical care.
 - Paragraph (l)(2)(vii) of the proposed rule would require the WERE or ESO to ensure that a vehicle safety harness designed for occupant restraint is provided to secure the team member or responder in a designated stand-up position during pump-and-roll operations.
 - Proposed paragraph (l)(2)(viii) would require the WERE or ESO to ensure that policies and procedures are established and implemented for ensuring the safety of team members and responders when it is determined that it is not feasible for each team member, responder, or person to be belted in a seat.
 - Proposed paragraph (l)(2)(ix) would require the WERE or ESO to ensure that policies and procedures are established and implemented for team members and responders who, when alerted of an emergency incident, are authorized by the WERE or ESO to respond in vehicles not under the direct control of the WERE or ESO to the emergency incident scene or to the WERE facility.
 - Paragraph (l)(2)(x) proposes to require the WERE or ESO to ensure that, where tools, equipment, and respiratory equipment are carried within enclosed seating areas of vehicles, each is secured either by an effective mechanical means of holding the item in its stowed position or by placement in a compartment with an effective latching mechanism.

PARAGRAPH (M) WERE PRE-INCIDENT PLANNING.

Pre-incident plans (PIPs) help team members effectively manage incidents and maximize the protection of team members as well as facility employees and the facility. PIPs provide critical information to team members that can guide their response to an emergency incident. PIPs typically include maps of the facility and diagrams and drawings, along with the designation of predetermined locations for emergency vehicle positioning during an incident. An accurate, up-to-date PIP is a valuable tool for assisting team members with safe and effective mitigation of incidents.

- Under paragraph (m)(1) of the proposed rule, the WERE would be required to develop PIPs for locations within the facility where team members may be called to provide service.
- Proposed paragraph (m)(2) would require the WERE to include in the PIP(s) the locations of unusual hazards that team members may encounter, such as storage and use of flammable liquids and gases, explosives, toxic and biological agents, radioactive sources, water-reactive substances, permit-required confined spaces, and hazardous processes.

- Proposed paragraph (m)(3) would require that the WERE include in the PIPs the locations of fire pumps, fire hose valves, control valves, control panels, and other equipment for fire suppression systems, fire detection and alarm systems, and smoke control and evacuations systems.
- Under paragraph (m)(4) of the proposed rule, the WERE would ensure that the most recent versions of PIPs are provided to the WERT and are accessible and available to team members operating at emergency incidents.
- Proposed paragraph (m)(5) would require the WERE, to the extent feasible, to include in PIPs the actions to be taken by team members if the scope of the incident is beyond the capability of the WERT.
- Paragraph (m)(6) would require that WEREs review PIPs annually and when conditions or hazards change at the facility.

PARAGRAPH (N) ESO PRE-INCIDENT PLANNING.

Pre-incident plans (PIPs) help responders effectively manage incidents and maximize the protection of responders by planning in advance. Also, PIPs provide critical information to responders that can guide their response to an emergency incident. PIPs typically include maps of the subject facility, and diagrams and drawings, along with designation of predetermined locations for emergency vehicle positioning during an incident. The provisions in proposed paragraph (n) are based on the pre-incident planning paragraphs in NFPA 1660, Standard for Emergency, Continuity, and Crisis Management: Preparedness, Response, and Recovery, 2024 ed. While not required by the proposed rule, ESOs would benefit from using a standard form and format for PIPs for ease of use by incident commanders (IC) and other responders during an incident.

- Under paragraphs (n)(1) and (2) of the proposed rule, the ESO would be required to determine the locations and facilities where responders may be called to provide services that need a PIP, based on the community or facility vulnerability assessment and the type(s) and level(s) of service(s) established in paragraph (d), and develop PIPs for facilities, locations, and infrastructure where emergency incidents may occur.
 - The proposed rule does not require a PIP for every incident imaginable. Rather, through the community or facility vulnerability assessment, the ESO must identify structures, facilities, and other locations where a PIP would help the ESO prepare for an incident, and then assist the IC with the development of the IAP in paragraph (p)(2)(vi).
- Proposed paragraph (n)(3) would require the ESO to prepare a PIP for each facility within the ESO's primary response area that is subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986 (SARA)), 42 U.S.C. § 11001 et seq.
- Under proposed paragraph (n)(4), the ESO would need to ensure that, when preparing a PIP for a facility, the facility personnel the ESO consults are knowledgeable about the facility's use, contents, processes, hazards, and occupants.
- Paragraph (n)(5) of the proposed rule would require that the ESO ensure that the responders responsible for PIP preparation know how to identify the information to be collected and included in the PIP.
- Paragraph (n)(7) of the proposed rule would require the ESO to ensure that PIPs include actions to be taken by responders if the scope of an incident is beyond the capacity of the ESO.
- Under proposed paragraph (n)(8), the ESO must ensure that the most recent PIPs are disseminated as needed and are accessible and available to responders operating at emergency incidents.
- Paragraph (n)(9) of the proposed rule would require the ESO to ensure that PIPs be reviewed annually and updated as needed.

PARAGRAPH (O) INCIDENT MANAGEMENT SYSTEM.

WERTs and ESOs respond to a wide variety of incidents; most of which are considered routine and involve a small commitment of resources. Some incidents are more complex and involve larger commitments of resources, and potentially higher-risk operations. It is important for the WERE and ESO to develop an incident management system (IMS) that accommodates all types and sizes of incidents and provides for a systematic process of escalation from the arrival of the first units at a routine incident, to an appropriate response to larger and more complex incidents. As discussed in the *Summary and Explanation* of proposed paragraph (b), the proposed rule defines an IMS as “a system used for managing and directing incident scene operations and activities. It includes establishing functions for managing incidents, describes the roles and responsibilities to be assumed by team members and responders, and standard operating procedures to be utilized.” Because OSHA is aware that some WERTs and ESOs use the terms IMS and Incident Command System (ICS) synonymously, the definition also indicates that incident command is a functional component of the IMS. An IMS provides for the safety and health of team members and responders by establishing structure and coordination for the management of emergency incident operations.

- Paragraphs (o)(1)(i), (ii), and (iii) of the proposed rule would require that each WERE and ESO develop and implement an IMS to manage emergency incidents based on the type and level of service(s) established in paragraphs (c) and (d) of this section, the facility or community vulnerability assessment conducted in accordance with paragraphs (c) and (d) of this section, and the pre-incident plans developed in accordance with paragraphs (m) and (n) of this section.
- Proposed paragraph (o)(2)(i) would require that WEREs and ESOs ensure that their IMS include flexible and scalable components that are adaptable to any situation.
- Paragraph (o)(2)(ii) of the proposed rule would require that each WERE and ESO ensure that, in the absence of a dedicated ISO, the IC assesses the incident scene for existing and potential hazards and oversees incident safety.
- Paragraph (o)(2)(iii) of the proposed rule would require that each WERE and ESO ensure that the IMS includes a means for team members or responders to notify the IC or Unified Command (UC) of unsafe conditions and actions on the incident scene.
- Paragraph (o)(2)(iv) of the proposed rule would require that each WERE and ESO ensure that the IMS consists of collaborative components that provide the basis for clear communication and effective operations.
- Proposed paragraphs (o)(3)(i)-(iii) would require that each WERE and ESO designate the responsibilities of the IC that at least include front-line management of the incident, overall incident safety, and tactical planning and execution.
- Under proposed paragraph (o)(3)(iv), the WERE and ESO would also designate to the IC the responsibility of determining if additional assistance is needed, and relaying requests for internal resources, mutual aid, and skilled support assistance through the emergency communications and dispatch center.
- Paragraph (o)(4) of the proposed rule would require that each WERE and ESO ensure that the IC has the training and authority to perform IC duties.

PARAGRAPH (P) EMERGENCY INCIDENT OPERATIONS.

During emergency incident operations, team members and responders face the most challenging aspects, both physically and psychologically, of their vocation. Ensuring safe operations at incidents can reduce team member and responder injuries and fatalities, and limit exposure to health hazards. Paragraph (p) of

the proposed rule is based on current industry practices, as reflected by NFPA consensus standards and FEMA's "National Incident Management System," and would not present new requirements for most ESOs and WEREs.

- Proposed paragraph (p)(1) would establish requirements for incident command and management. Paragraphs (p)(1)(i) and (p)(1)(ii) would require the WERE and ESO to ensure that the IMS developed in accordance with paragraph (o) of this section is used at every emergency incident and that every incident has an Incident Commander (IC) or a Unified Command (UC).
- Under proposed paragraph (p)(1)(iii), the WERE and ESO would need to ensure that the task of overseeing incident safety is addressed, or an Incident Safety Officer (ISO) is assigned and designated to monitor and assess the incident scene for safety hazards and unsafe situations and develop measures for ensuring team member and responder safety.
- Proposed paragraph (p)(1)(iv) would require the WERE and ESO to ensure that if an incident escalates in size and complexity, the IC divides the incident into strategic or tactical level management components. Dividing complex incidents into manageable components allows for an appropriate span of control for team members and responders managing the components and reduces the likelihood that the IC or component managers will be overwhelmed.
 - *Now OSHA is dictating how the incident management system will be implemented at any given scene when the principles of IM are, if you don't assign it, it's your responsibility, plus other operational dictates.*
- Under proposed paragraph (p)(1)(v), the WERE and ESO would need to ensure that a Unified Command (UC) structure is utilized on incidents where the complexity requires a shared responsibility among two or more WEREs, ESOs, or other agencies.
- Proposed paragraph (p)(1)(vi) would require the WERE and ESO ensure that IC(s), team members, and responders are rotated or replaced during complex or extended operations, as determined by the WERE or ESO.
- Proposed paragraph (p)(2) would establish requirements for the incident commander. Paragraph (p)(2)(i) would require the WERE and ESO to ensure a team member or responder is assigned as the IC.
- Paragraph (p)(2)(ii) would require each WERE and ESO to ensure that the identity of the IC and the location of the command post are communicated to the team members or responders who are on the incident scene or responding to it.
- Under proposed paragraphs (p)(2)(iii) and (iv), the WERE and ESO would need to ensure the IC conducts a comprehensive and ongoing size-up of the incident scene that places life safety as the highest priority and conducts a risk assessment based on the size up before actively engaging the incident.
- Under proposed paragraph (p)(2)(v), the WERE and ESO would ensure the IC coordinates and directs all activities for the duration of the incident.
- Proposed paragraph (p)(2)(vi) would require the WERE and ESO to ensure the IC develops an Incident Action Plan (IAP) that prioritizes life safety for each incident, updates it as needed during the incident, and utilizes the information contained in the PIP.
 - Operational dictate.
- Proposed paragraph (p)(3) would establish requirements for control zones. In paragraph (p)(3)(i), the WERE and ESO would be required to establish control zones at every emergency incident to identify the level of risk to team members and responders and the appropriate protective measures needed, including PPE.
 - Operational dictate. Not every incident requires formalized dictates.

- Proposed paragraphs (p)(3)(ii) and (iii) would require the WERE and ESO to ensure the perimeters of control zones are designated by the IC, and that any changes to the perimeters during the incident are communicated to all team members and responders on the scene.
- Under proposed paragraphs (p)(3)(iv)(A)-(C), the WERE and ESO would need to ensure that control zones are established as no-entry, hot, warm, and cold, as defined in proposed paragraph (b); marked in a conspicuous manner, with colored tape, signage, or other appropriate means, unless such marking is not possible; and communicated to all team members and responders attending the incident before the team member or responder is assigned to a control zone.
- Proposed paragraph (p)(3)(v) would require the WERE and ESO to ensure that only team members and responders with an assigned task are permitted in the hot zone.
- Paragraph (p)(3)(vi) of the proposed rule would require the WERE and ESO ensure that where a no-entry zone is designated, team members and responders are prohibited from entering the area.
- In paragraph (p)(3)(vii) of the proposed rule, the WERE and ESO would be required to ensure that for each zone the appropriate protective measures are designated, including PPE, that are commensurate with the hazards in the zone the team member and responder will be operating in, and that each team member and responder appropriately uses the protective measures for that zone.
- Proposed paragraph (p)(4) would require safety and health measures to be taken on the incident scene. Under proposed paragraphs (p)(4)(i) and (ii), WEREs and ESOs would be required to identify the minimum staffing needed to ensure that incidents are mitigated safely and effectively and ensure that operations are limited to those that can be safely performed by the team members and responders available on the scene.
- Proposed paragraphs (p)(4)(iii)-(v) are essentially carried forward into the proposed rule from the existing requirements in 29 CFR 1910.134(g)(4), Respiratory Protection; Procedures for interior structural firefighting. The existing provisions are commonly referred to as the "2-in, 2-out" rule. As part of this rulemaking, OSHA intends to delete existing paragraph (g)(4) from 29 CFR 1910.134 and insert a note there referring readers to this rule for the requirements on interior structural firefighting.
- Paragraph (p)(4)(iii) of the proposed rule would require the WERE and ESO to ensure that at least four team members or responders are assembled before operations are initiated in an IDLH atmosphere in a structure or enclosed area, unless upon arrival at an emergency scene, the initial team member(s) or responder(s) find an imminent life-threatening situation where immediate action could prevent the loss of life or serious injury, in which case such action would be permitted with fewer than four team members or responders present.
- Under proposed paragraph (p)(4)(iv), the WERE and ESO would need to ensure that at least two team members or responders enter the structure or enclosed area with an IDLH atmosphere as a team and remain in visual or voice contact with one another at all times, unless there is insufficient space for two team members or responders, such as for example, in a confined space or collapsed structure.
- Proposed paragraph (p)(4)(v) would require the WERE and ESO to ensure that outside the structure or enclosed area with the IDLH atmosphere, a minimum of two team members or responders are present to provide assistance to, or rescue of the team operating in the IDLH atmosphere.
- Paragraph (p)(4)(vi) of the proposed rule would require WEREs and ESOs ensure each team member and responder in the IDLH atmosphere uses positive-pressure SCBA or a supplied-air

respirator in accordance with the respiratory protection program specified in proposed paragraph (f) of this section.

- Proposed paragraph (p)(4)(vii) would **require** the WERE and ESO to **ensure** that each supplied-air respirator used in an IDLH atmosphere is equipped with a NIOSH- certified emergency escape air cylinder and pressure-demand facepiece.
- Under proposed paragraph (p)(4)(viii), the WERE and ESO would **ensure** that team members and responders use NIOSH-certified respiratory protection during post-fire extinguishment activities, such as overhaul and fire investigation.
- Proposed paragraph (p)(5) **would establish requirements** for communication between the emergency communications and dispatch center, and team members and responders and the IC; and for on-scene communication.
- Paragraph (p)(5)(i) of the proposed rule would **require** the WERE and ESO **ensure**, to the extent feasible, that there is adequate dispatch and monitoring of on-scene radio transmissions by an emergency communications and dispatch center.
- Proposed paragraph (p)(5)(ii) would **require** the WERE and ESO **ensure** there is effective communication capability between team members or responders and the IC. ***This may involve providing each team member and responder their own portable, two-way radio.***
- Proposed paragraph (p)(5)(iii) would **require** the WERE and ESO **ensure** that communications equipment allows mutual aid team members and responders to communicate with the IC and other team members and responders.
- Under proposed paragraph (p)(6), OSHA would **require** the WERE and ESO to **ensure** that the personnel accountability system established in proposed paragraph (q)(2)(vii) is **implemented** at all incidents.
- Paragraph (p)(7) of the proposed rule would **require** the WERE and ESO to **implement** a Rapid Intervention Crew (RIC) at each structure fire incident where team members or responders are operating in an IDLH atmosphere, in accordance with the **SOP established** in paragraph (q)(2)(viii) of this section.
- Proposed paragraph (p)(8) would **require** the WERE and ESO **ensure** that **medical monitoring** and rehabilitation procedures are **implemented**, as needed, in accordance with the **SOP** established in paragraph (q)(2)(ix) of this section.
- Paragraph (p)(9) of the proposed rule would **require** that the WERE and ESO **implement** the traffic safety procedures, as needed, in accordance with the **SOP** established in paragraph (q)(2)(x) of this section.
- Proposed paragraphs (p)(10)(i)-(v) would **require** the WERE and ESO to **ensure** that prior to participation at an incident scene, each **Skilled Support Worker (SSW)** has and utilizes PPE appropriate to the task(s) to be performed; an initial briefing is provided to each SSW that includes, at a minimum, what hazards are involved, what safety precautions are to be taken, and what duties are to be performed by the SSW; an effective means of communication between the IC and each SSW is provided; where appropriate, a team member or responder is designated and escorts the SSW at the emergency incident scene; and all other appropriate on-scene safety and health precautions provided to team members and responders are used to ensure the safety and health of each SSW.
 - **SSWs generally would need only the PPE they normally would use on any job. Any additional PPE that the SSW would need to be protected at the incident scene would need to be provided by the WERE or ESO.**

PARAGRAPH (Q) STANDARD OPERATING PROCEDURES.

Use of Standard Operating Procedures (SOPs) helps to reduce the risk of injuries and fatalities by providing written guidance to team members and responders with established safe procedures for actions to be taken during a wide variety of incident responses. They provide direction for team members and responders on what they need to do to safely perform job tasks that are routine and predictable. SOPs ensure consistent work performance, contribute to a safe work environment, and create a template for how to resolve issues and overcome obstacles. NIOSH, in its firefighter fatality investigation and prevention program, frequently cites a lack of, or inadequacy of, standard operating procedures as a contributing factor in firefighter fatalities.

- Paragraph (q)(1) of the proposed rule would **require** that WEREs and ESOs **develop and implement** SOPs for emergency events they are likely to encounter, based on the type(s) and level(s) of service(s) established in paragraphs (c) and (d) of this section, and the **community or facility vulnerability assessment developed** in accordance with paragraphs (c) and (d) of this section.
- Paragraph (q)(2)(i) of the proposed rule would **require** that WEREs and ESOs establish SOPs that **describe the actions to be taken** by team members and responders in situations involving unusual hazards. Examples of unusual hazards include downed power lines, natural gas or propane leaks, flammable liquid spills, bomb threats, derailments of railroad and subway systems, fast-moving water, and floods.
- Proposed paragraph (q)(2)(ii) would **require** that each WERE and ESO **establish SOPs** that address how team members and responders are to operate at incidents that are beyond the capability of the WERE or ESO, as specified in paragraphs (c) and (d) of this section.
- Under paragraphs (q)(2)(iii) of the proposed rule, each WERE and ESO would be **required** to **establish SOPs** to provide a systemic approach for protecting team members and responders from contaminants and for decontamination of team members, responders, PPE, and equipment.
- Proposed paragraph (q)(2)(iv) would **require** that each WERE and ESO **establish SOPs** for vehicle operations that meet the requirements of paragraph (l)(2) of this section, and include procedures for safely driving vehicles during both non-emergency travel and emergency response; criteria for actions to be taken at stop signs and signal lights; vehicle speed; crossing intersections; driving on the opposite side of the road with oncoming traffic; use of cross-over/turnaround areas on divided highways; traversing railroad grade crossings; the use of emergency warning devices; and the backing of vehicles.
 - For backing vehicles with obstructed views to the rear, the SOP would need to include the use of at least one of the following: a spotter, a 360-degree walk-around of the vehicle by the operator, or a back-up camera.
- Under proposed paragraph (q)(2)(v), WEREs and ESOs would be **required** to **establish SOPs** to provide for the use of standard protocols and terminology for radio communications at all types of incidents.
- Paragraph (q)(2)(vi) of the proposed rule would **require** that WEREs and ESOs **establish procedures** for operating at structures and locations that are identified as, or determined to be, vacant, structurally unsound, or otherwise unsafe for entry by team members or responders.
- Paragraph (q)(2)(vii) of the proposed rule would **require** each WERE and ESO to **establish SOPs** for maintaining accountability and coordinating evacuation of all team members and responders operating at an incident that includes periodic accountability checks and reports; procedures for orderly evacuation of team members and responders; and procedures for rapid evacuation of team members and responders from escalating situations, such as rapid growth of fire, impending collapse, impending explosion, and acts of active violence against team members and responders.
- Proposed paragraph (q)(2)(viii) would require that each WERE and ESO establish SOPs for Mayday situations, such as when a team member or responder becomes lost, trapped, injured, or ill.

- Proposed paragraph (q)(2)(ix) would **require** that each WERE and ESO **establish SOPs** for a systematic approach to provide team members and responders with medical monitoring and rehabilitation at emergency incidents as needed, such as rest, medical treatment, rehydration (fluid replacement), active warming or cooling, and protection from extreme elements.
- Provisions in proposed paragraph (q)(3) apply to ESOs only. Proposed paragraph (q)(3)(i) would require that each ESO establish SOPs for operating at an emergency incident on, or adjacent to, roadways and highways.
 - The SOP would need to cover setting up a safe work zone beginning with proper placement of the first arriving ESO vehicle and subsequent ESO vehicles, a means of coordination with law enforcement and mutual aid WERTs or ESOs, and use of safety vests that have high visibility and are reflective.
- Proposed paragraph (q)(3)(ii) would **require** the ESO to **establish SOPs** for operating at incident scenes that are primarily related to law enforcement, such as crime scenes, active shooters, and civil disturbances.
- Under proposed paragraph (q)(3)(iii), ESOs would be required to establish a baseline set of procedures for conducting non-emergency services.

PARAGRAPH (R) POST-INCIDENT ANALYSIS.

Paragraph (r) of the proposed rule contains requirements for Post-Incident Analysis (PIA). A PIA serves as a systematic review of incident operations and activities, and determines whether programs, plans, and procedures developed by the WERE or ESO perform as intended. The PIA should be fact-based and focus on strengths, weaknesses, lessons learned, and recommendations for improvement to enhance health and safety protections for team members and responders. The primary purpose of a PIA is to make improvements for the future.

- Paragraph (r)(1) of the proposed rule would **require** the WERE and ESO **to promptly conduct** a Post Incident Analysis (PIA) to determine the effectiveness of the WERT's or ESO's response after a significant event such as a large-scale incident involving multiple WERTs or ESOs; a significant near-miss incident; a team member, responder, or SSW injury or illness requiring off-scene treatment; or a team member, responder, or SSW fatality.
- Proposed paragraph (r)(2) would **require** the WERE and ESO to include in the PIA, at a minimum, **a review and evaluation of the RMP, IMS, PIPs, IAPs, and SOPs for accuracy and adequacy.**
- Proposed paragraph (r)(3) would require the WERE and ESO to **promptly identify and implement changes** needed to the RMP, IMS, PIPs, IAPs, and SOPs based on the lessons learned as a result of the PIA; or if the recommended changes cannot be promptly implemented, the WERE or ESO would need to develop a written timeline for implementation.

PARAGRAPH (S) PROGRAM EVALUATION.

The ERP is intended to be a dynamic program, with components that are periodically reviewed and updated. Periodic review and evaluation are key to ensure that the program functions appropriately, adapts to changing circumstances or new information as needed, and protects the health and safety of team members or responders.

- Paragraphs (s)(1), (s)(2), and (s)(3) of the proposed rule would **require** the WERE and ESO to **evaluate** the adequacy and effectiveness of the Emergency Response Plan (ERP) at least **annually**, and upon discovery of deficiencies, and document when the evaluation(s) are conducted; determine if it was implemented as designed or if modifications are necessary to correct deficiencies; and identify and implement recommended changes to the ERP and provide a written timeline for correcting identified deficiencies as soon as feasible based on the program review,

giving priority to recommendations that most significantly affect team member or responder safety and health.

PARAGRAPH (T) SEVERABILITY.

The severability provision, paragraph (t) of the proposed rule, serves two purposes. First, it expresses OSHA's intent that the general presumption of severability should be applied to this standard; i.e., if any section or provision of the proposed rule is held invalid or unenforceable or is stayed or enjoined by any court of competent jurisdiction, the remaining sections or provisions should remain effective and operative. Second, the severability provision also serves to express OSHA's judgment, based on its technical expertise, that each individual section and provision of the proposed rule can continue to sensibly function in the event that one or more sections or provisions are invalidated, stayed, or enjoined; thus, the severance of any provisions, sections, or applications of the standard will not render the rule ineffective or unlawful as a whole. Consequently, the remainder of the rule should be allowed to take effect.

SECTION 1910.157 PORTABLE FIRE EXTINGUISHERS

OSHA is proposing to update 29 CFR 1910.157, Portable Fire Extinguishers, to include Class K fires and Class K portable fire extinguishers, as defined in proposed 29 CFR 1910.155(c), and to update this standard, including revisions to Table L-1, to conform with the current national consensus standard.

SECTION 1910.158 STANDPIPE HOSE SYSTEMS.

OSHA is proposing to add a new provision to 29 CFR 1910.158, at paragraph (c)(2)(iii), requiring the employer to ensure that standpipe system inlet connections and fittings are compatible with, or adapters are provided for, the fire hose couplings used by the fire department(s) or Workplace Emergency Response Team(s) that pump water into the standpipe system through the connections or fittings.

SECTION 1910.159 AUTOMATIC SPRINKLER SYSTEMS.

OSHA is proposing to add a new provision, 29 CFR 1910.159(c)(12), requiring the employer to ensure that sprinkler system inlet connections and fittings are compatible with, or adapters are provided for, the fire hose couplings used by the fire department(s) or Workplace Emergency Response Team(s) that pump water into the sprinkler system through the connections or fittings.

TECHNOLOGICAL FEASIBILITY

As discussed in Pertinent Legal Authority (Section III), OSHA must prove, by substantial evidence in the rulemaking record, that its standards are technologically and economically feasible, which the Supreme Court has defined as "capable of being done, executed, or effected".

For this proposed rule, OSHA evaluated each proposed provision to identify those that required the implementation of protective measures or addressed facility and equipment-related aspects of emergency response, as opposed to those that established programs, processes, or procedures. OSHA also reviewed the emergency response safety practices currently in place across industry and the recommended practices of industry trade associations and standards-setting organizations, including NFPA standards.

OSHA did not find any barriers to technological feasibility with regard to the protective measures, equipment, or facilities required to comply with these provisions.

In conclusion, the proposed rule is largely programmatic and allows the employer to choose any of a wide variety of currently used and readily available materials, equipment, and procedures to

meet the performance-oriented criteria. For the few provisions where OSHA has specified requirements for equipment, the requirements are based on existing consensus standards, incorporate existing OSHA standards, or are similar to existing OSHA requirements in other standards. Both existing and new requirements can be met with readily available and currently used equipment and technology. Accordingly, OSHA has preliminarily determined that the proposed rule is technologically feasible.

Another issue in determining the entities that would be affected by the proposed rule is that many emergency responders are volunteers. OSHA does not regulate volunteers, but some State Plan states, listed below, have laws that treat volunteers as employees for occupational safety and health purposes. Therefore, in those situations, State Plans would have to cover those volunteers.

As noted above, federal OSHA does not cover public ESOs in States without OSHA- approved State Plans. Therefore, for the PEA, public ESOs and responders in States without OSHA-approved State Plans are excluded from the analysis. The following states and territories have State Plans²⁴: Alaska, Arizona, California, Connecticut, Hawaii, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, U.S. Virgin Islands, Vermont, Virginia, Washington, and Wyoming. The remaining states and territories that are assumed to classify volunteers as covered employees include Alaska, Arizona, California, Hawaii, Indiana, Iowa, Michigan, Minnesota, Nevada, Oregon, Puerto Rico, South Carolina, Washington, Connecticut, Illinois, Maine, Massachusetts, New Jersey, New York, and U.S. Virgin Islands.

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Association of Fire Districts
of the State of New York, Inc.



The Volunteer Fire Police Association
of the State of New York, Inc.



Firemen's Association of
the State of New York



COUNTY FIRE COORDINATORS' ASSOCIATION
OF THE
STATE OF NEW YORK



NEW YORK STATE
ASSOCIATION
OF FIRE CHIEFS



New York State
Fire Marshals and Inspectors Association

The Fire Service Alliance, consisting of the above associations, gathered on December 2, 2023 in Troy, New York to develop the 2024 Issues of United Concern. The alliance reviewed each Association's respective legislative agendas and identified bills and actions that would be advanced through mutual efforts.

BUDGET ITEMS

Projected deficits will be anticipated and kept in mind as the Governor and the Legislature develop FY2025 State Budget.

- Improving Tax Benefits available to volunteer firefighters.
 - Increasing the state income tax credit, it has been stagnant at \$200 since 2006.
 - Amending 2006 language to remove an arbitrary prohibition on collection of both the state income tax credit and any local real property tax exemptions.
- Combatting fire deaths by providing a sales tax exemption on home life safety products.
- Provision of cost relief to underwriters related to administration of cancer coverage.

BUILDING CODE-RELATED INITIATIVES

- Adoption of 2024 Codes, including provisions for residential sprinklers.
- Lithium-Ion Batteries: ensure responsible sale and use and adequate training for emergency responders.
- Continued emphasis on Illegal Conversions, restoration of mandated separations.

EMERGENCY MEDICAL SERVICES

- Ensure maximum participation in Cost Recovery, continue education campaign around, and work to justify an elimination or extension of the 2025 "sunset clause" included in original passage. Unfortunately, at present, this sunset clause is restricting participation in the program.
- Designation of EMS as an Essential Service, which would require municipalities to provide it to their residents in a reliable manner and would create a minimum standard of care through regional and state EMS councils.

RECRUITMENT AND RETENTION

- Ensure maximum participation in DHSES training stipend program and ensure it is renewed.
- Allow for "reimbursements for reasonable expenses incurred" at the discretion of Authorities Having Jurisdiction.
- Achieve parity for VFBL to level of Worker's Compensation.
- Development and support of "Peer to Peer" counseling programs for first responders.

We, the below listed Associations agree with this agenda and believe it builds upon efforts we have already begun and will continue through respective and joint lobbying efforts.

R. Scott Ewing, President
NYS Association of Fire Chiefs

Edward Tase, Jr., President
FASNY

Donald Corkery, President
Assoc. of Fire Districts NYS

William Streicher, President
County Fire Coordinators Assoc. NYS

Richard Duerr, President
Volunteer Fire Police Assoc. NYS

Christopher Roth, President
NYS Fire Marshals & Inspectors