



## ASSOCIATION OF FIRE DISTRICTS OF THE STATE OF NEW YORK

MEMBER PORTAL

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# Upcoming AFDSNY Events:

- **In-Person Commissioner : See website for details/dates**
- **“I Just Got Elected, Now What?” Wednesday, March 6<sup>th</sup> at 7:00pm- check the AFDSNY.org website for more details!**
- **AFDSNY Mini Summit: April 26 & 27<sup>th</sup> Sonesta White Plains Downtown**
- **Mini Summit Western, NY- Details coming soon.**
- **Save the Date! Annual Meeting  
October 20 - 23, 2024 Turning Stone Resort & Casino Details coming soon**



# Association of Fire Districts of the State of New York

## Coffee with Commissioners

February 24, 2024

# Coffee With Commissioners



**Association of Fire Districts  
Of the  
State of New York**

[info@afdsny.org](mailto:info@afdsny.org)

800-520-9594

# Today's Panel:



Dave Denniston  
2<sup>nd</sup> VP - AFDSNY



Joe Frank  
Counsel - AFDSNY

Disclaimer: We are not from OSHA. We are not in enforcement.  
We are not from the government.  
But we are here to help.



OSHA 1910.156  
What Does It Mean for  
My District?

# What is OSHA 1910.156

- Was known as the “Fire Brigade Standard” Sept 12,1980
- Since then, there have been significant improvements in PPE and national consensus standards
- Following the terrorist attacks of September 11,2001, all government agencies, including OSHA, were directed to strengthen their preparedness to respond to terrorist attacks, major disasters, and other emergencies
- During that process OSHA identified gaps in the protections for emergency responders

# What is the Proposed OSHA 1910.156

- Now would be called “Emergency Response Standard”
- Applies to Fire Service Organizations that have “employees”
- NY would meet this definition
- NYS is an OSHA Plan State
- Would fall under enforcement by PESH here in NY





# What is the Purpose of Changes?

- The plan clearly lays out and shows that firefighting is a dangerous occupation.
- Case studies have been included to show that poor decisions, and lack of training have caused line of duty deaths and injuries
- We ourselves, have provided data showing increased cancer rates, etc. to our personnel
- As a collective fire service, we have failed to step up and make changes that could have immediate impacts on firefighter safety
- We often let “tradition and pride” get in the way



# Firefighter Safety

Should be our number 1 focus.

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

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

# Why Does This Matter To US?

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

# What Are Some Notable Changes?

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

# Examples of Required Paperwork

- Emergency Response Plan - development and upkeep
- Comprehensive Risk Management Plan - development and implementation
- Documentation of compliance with annual training qualifications and skills
  - Mandatory annual skills checks – NFPA 600, NFPA 1500, NFPA 1670
- Medical readiness documentation and monitoring requirements
- Physical fitness documentation requirements
- Coordination with building departments to identify vacant structures and occupancies requiring Pre-Incident Plans
- Collecting PIP information and distributing pre-plans to all members

# Examples of Required Trainings

Awareness level training of any hazard you may respond to. Operations level training to act.

Risk Management

AED/CPR

Bloodborne/ infection control

NFPA 1001 for all firefighters

PPE selection and use

RIT NFPA 1407 all structural FF

Respiratory Protection

NFPA 1002 – all drivers

Incident Management System

NFPA 1021 – all officers

Accountably Systems

NFPA 1410 – Wildland

Hazmat

Training before new use – N95

# Medical Requirements

- Specific medical examinations for each class of firefighter by designated physician
- It is implied in (g)(1)(iv) that a member who is attending a periodic physical exam or undergoing medical evaluation be compensated if they must do so during a period when they would lose pay. Does this mean that we either arrange appointments for when they are not working elsewhere or ESOs provide compensation for time lost from work?
- It is understood that OSHA attempts to reduce the impact on ESOs by setting an “exposure to 15 IDLH per year” threshold. Unfortunately, without any science to support that threshold, a standard that claims to be based on equality for all employees ignores the possibility of injury based on an arbitrary number of exposures.
- There is no guidance in (g)(5) as to who in an ESO is expected to be making the “Fitness for duty” determinations based on physical and behavioral health. Unless a medical and mental health professional is hired to assist, the decision could open ESO to discrimination liability.
- There is no current consensus standard on appropriate physical fitness requirements for firefighter specific fitness programs or standards

## Detailed Requirements For Control Zones

Would require that physical control zones (hot, warm, cold) be established and maintained at incidents.

Excessive details and additional resource requirements for response agencies



## Other Items of Note

Decon and Storage  
Smoke and Co alarms  
Gross decon at scene  
Seats and Seatbelts  
Rehab at incidents  
Use of spotters

Alarm Systems  
PPE must fit  
Vehicle inspections  
Annual Testing (pumps)  
Use of ICS  
Traffic Safety Plans

## Where Does it Say That in The Standard?

The proposed standard includes 22 NFPA Standards by reference. Known as incorporated by reference [IBR]

The standard adopts parts of 14 additional NFPA Standards – [RBR] –referenced by standard

Any place the standard says “shall ”or “must” they would apply and be mandated to the AHJ

## 22 Incorporated By Reference NFPA Standards

NFPA 1001

NFPA 1002

NFPA 1005

NFPA 1006

NFPA 1021

NFPA 1081

NFPA 1140

NFPA 1407

NFPA 1582

NFPA 1910

NFPA 1951

NFPA 1952

NFPA 1953

NFPA 1971

NFPA 1977

NFPA 1981

NFPA 1982

NFPA 1984

NFPA 1986

NFPA 1987

NFPA 1990

NFPA 1999

## Existing vs. New PPE

“Ensure existing PPE complies with the requirements of the respective standard ... that was current when it was manufactured” –  
(k)(2)(iv)

NFPA 1951  
NFPA 1952  
NFPA 1953  
NFPA 1971  
NFPA 1977  
NFPA 1981  
NFPA 1982

NFPA 1984  
NFPA 1986  
NFPA 1987  
NFPA 1990  
NFPA 1999

# 14 More NFPA Standards NOT IBR; Referenced

NFPA 10

NFPA 600

NFPA 1201

NFPA 1451

NFPA 1500

NFPA 1521

NFPA 1561

NFPA 1581

NFPA 1660

NFPA 1700

NFPA 1710

NFPA 1720

NFPA 1851

NFPA 2500

Consistent  
With New  
Rule  
Provisions

## What is NOT addressed:

Injuries and deaths while responding to and returning from alarms has historically been #2 cause of line of duty deaths in the US. Very little about addressing this has been added to the regulation.

Fire poles require 4 points of contact, but not banned.

# What Should We Be Concerned About?

While the standard is extremely detailed, it is still very vague in parts and open for interpretation.

What will be the costs and time involved to figure out what it means?

There will be many different opinions on what is required.



# Who Will Determine IF We Have Done Enough?

1. PESH Inspectors – What standards will they use to determine?
2. A jury of people that may know little about our business
3. Court cases and precedents (Do you want to be the test case?)

# What Are The Associations Doing?

1. We began meeting the week after Christmas. AFDSNY, NYSAFC, FASNY, Coordinators, Fire Police, Chaplains, Safety Officers, Lobbyists, Attorneys, NVFC, FEMA, USSBA, Municipal Associations, Elected Officials
2. We have begun education and outreach to help fire service organizations navigate and understand what has been proposed.
3. We have started aggressive outreach to elected officials to help them understand our concerns and offer to work with OSHA to adopt feasible alternatives.

# Timeline

**Under consideration for over 20 Years.**

**Most recently reviewed 2022 and 2023  
by USSBA**

**Published in the Federal Register Feb. 5**

All written comments, requests for extension, and requests for public comment period must be Submitted in writing by May 6<sup>th</sup>, 2024

# What Happens If We Fail to Comply?

Injuries or Deaths could occur

You could be cited by PESH here in NY

Citations

Fines

Public relations concerns

Open door for lawsuits in case of injury or death

## What Happens After May 6<sup>th</sup>?

OSHA could extend the comment period

They could offer an in-person comment period

Regulation might be reconsidered and modified

OSHA could enact the legislation

Could be a short implementation period

# How Do You Make A Comment

Docket No. OSHA-2007-0073

Federal e-Ruling Portal

<http://www.regulations.gov>

# What We Need Right Now

You need to read, digest, and understand the proposed standard.

You need to analyze what the standard will mean for your organization and prepare detailed statements as to exactly what this will cost your organization in time and finances.

You need to make public comments and request 60 additional days to understand the proposed standard, and request that in person testimony be allowed and heard.

Contact your elected officials, both State and Federal to share your concerns



## What will NOT be effective:

Ignoring that we have serious safety concerns in the fire service that need to be addressed. The good “old days” are over

Assuming that this will all just go away or be abandoned

Reply with statements like “unfunded mandates”, “death of the fire service”, “This is BS”, “totally unattainable”, “OSHA has no clue”, “this will destroy us”.

# Call To Action




Services News Government

- Every AHJ in NY needs to be heard and make a public comment
- A recording of this webinar will be posted on the AFDSNY website and future webinars are being scheduled
- The clock is ticking – May 6<sup>th</sup> is the current deadline

Visit this website by scanning the QR Code!



<https://www.dhSES.ny.gov/state-funded-programs>

The background is a dark blue-tinted image of a workspace. At the top, a spiral-bound notebook is visible. Below it, a pair of black-rimmed glasses lies on a document. The document features a bar chart with several bars of varying heights. Some bars are labeled with percentages: '+.8%', '+.2%', '+.9%', and '+.8%'. A black pen is positioned diagonally across the lower part of the image, pointing towards the bottom right.

# Questions & Comments

# Thank – You For Joining Us!

Additional Information:

WWW.AFDSNY.ORG

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