

Tonight's Hosts Are:

Lee Price & Dave Denniston



# Lee Price, BS, NRP



- Risk Management Training Manager
- 34-year fire and EMS veteran (and counting)
- Retired career Fire Captain
- Former Director, Community College EMS Training Program

# Dave Denniston



- Director of Risk Management
- 2<sup>nd</sup> Vice President of the Association of Fire Districts of the State of New York
- Past Chief - Cortlandville Fire
- Commissioner – Virgil Fire District
- Deputy Fire Coordinator – Cortland County



# Proposed OSHA Emergency Response Rule

An Overview

# 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.

# Before We Begin



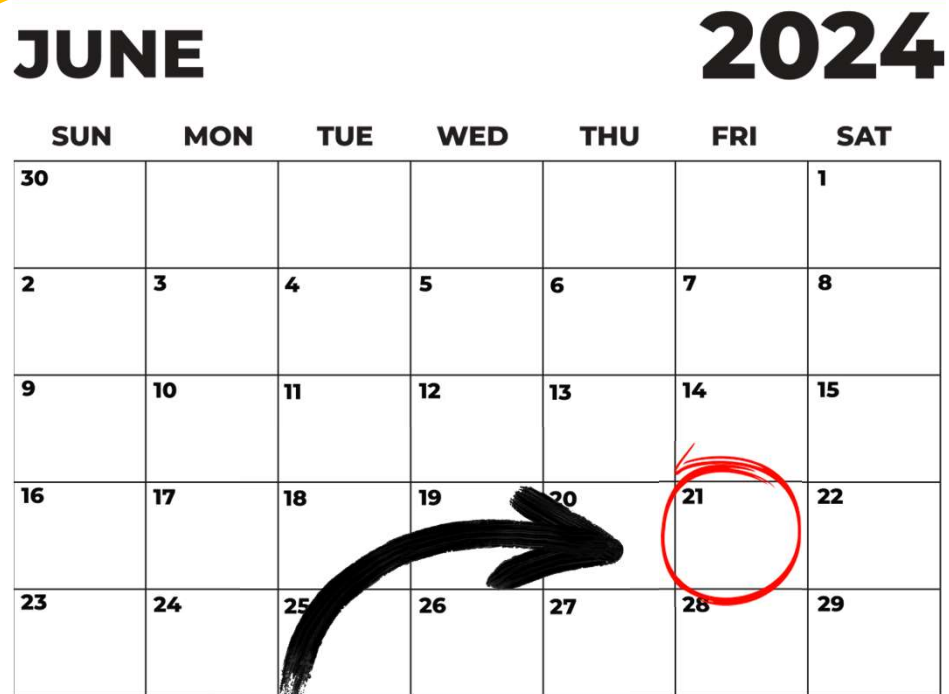
- This summary is a very general overview
- There are a lot of details that must be read in the rule
- This is a rule intended to improve safety, wellness, and readiness
- This is not legislation, it's rule making under authority delegated to OSHA by law

# Proposed Rule History

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

**JUNE** **2024**

| SUN | MON | TUE | WED | THU | FRI | SAT |
|-----|-----|-----|-----|-----|-----|-----|
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Currently public comment period EXTENDED to June 21st

# Who It Applies To

Employers who are in states and jurisdictions that are covered by OSHA:

- Federal employers
- State and municipal employers who have adopted OSHA or have OSHA plans
- Private employers

This standard is for agencies or groups engaged in:

- Firefighting
- Emergency Medical Services
- Specialized rescue and response
  - Ex. SAR teams, Dive teams, Water Rescue services
- Workplace emergency response teams (industrial brigades, for example)

**Does not apply to law enforcement activities in a response**

# What's an Employee?

It depends on where you are and how you're compensated:

**Most full-time, part-time or per diem workers**

**Any person that receives "significant remuneration"**

- The threshold varies based on type of compensation and AHJ
- Some AHJs set a limit of a percentage of the fair market wage
- Pensions, workman's comp, stipends, and other compensation can factor in
- Learn the thresholds based on your local and state rules

**Many states and jurisdictions consider volunteers as employees and agencies as their employers who are subject to this rule**

## Some Definitions

**ESO:** Emergency Service Organization  
(fire department, EMS Service)

**WERE:** Workplace Emergency Response  
Employer

**ERP:** Emergency Response  
Program or Plan

**PIP:** Pre-Incident Plan

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- **Community Vulnerability Assessment:** Overview of response needs

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- **SSW:** (Skilled support worker) tow operator, equipment operator or industry professional asked to perform work as part of the response
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# The Rule – Part c

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

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



# Emergency Response Program

## Addresses the following areas:

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



# Responders in the ERP

## Identified by type and tier of response:

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



# Medical Requirements

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

# Behavioral Health

The program must include:

Counseling

Post-Incident Care

Crisis Care

Evaluation & Diagnostic  
Assessment

Ongoing Monitoring

Referral Process

# Health and Fitness Program

## Each ESO must establish a health and fitness program:

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



# Training

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

# Training Standards

## Training will meet or exceed applicable standards:

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

# Additional Requirements

## Standards for specialized responders:



**Wildland Firefighting**  
**NFPA 1140-2022**



**Technical Rescue**  
**NFPA 1006-2021**



**Marine Environment**  
**NFPA 1005-2019**

All responders are required to demonstrate proficiency of skills and knowledge *annually* based on their respective levels and tiers. (appropriate JPRs, for example)



# Facilities Preparedness

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

# Equipment & PPE

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

# Vehicle Preparedness

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



# Vehicle Operations

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

# Pre-Incident Plans

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

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

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

# Incident Management System

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





# Incident Operations

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

# More Incident Operations Requirements

- Two-in, two-out when operating in IDLH
- Only SCBA or supplied air respirators with 5-minute rescue bottles in IDLHs
- Rapid Intervention Crew must be established as soon as reasonably feasible when operating in an IDLH.
- A communication plan and system for incident operations.
- Rehab and traffic control systems when the incident requires them.
- SSW must be provided adequate PPE, escort, and protected when engaged in work on behalf of the ESO.



# Standard Operating Procedures

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

# Last Points

The background of the slide features a photograph of three firefighters in full gear, including helmets and jackets. They are positioned in a line, facing right, and appear to be working with a hose. The image is semi-transparent and overlaid with a blue and yellow color scheme. The blue is a teal-like shade, and the yellow is a bright, saturated color. The overall composition is professional and thematic for a fire-related presentation.

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

# “Shalls” and “Musts”

- **NFPA 1001**, Standard for Structural Fire Fighter Professional Qualifications, 2019 ed.
- **NFPA 1002**, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2017 ed.
- **NFPA 1005**, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2019 ed.
- **NFPA 1006**, Standard for Technical Rescue Personnel Professional Qualifications, 2021 ed.
- **NFPA 1021**, Standard for Fire Officer Professional Qualifications, 2020 ed.
- **NFPA 1081**, Standard for Facility Fire Brigade Member Professional Qualifications, 2018 ed.
- **NFPA 1140**, Standard for Wildland Fire Protection, 2022 ed.
- **NFPA 1407**, Standard for Training Fire Service Rapid Intervention Crews, 2020 ed.
- **NFPA 1582**, Standard on Comprehensive Occupational Medical Program for Fire Departments, 2022 ed.
- **NFPA 1910**, Standard for the Inspection, Maintenance, Refurbishment, Testing, and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels, 2024 ed.

# More “Shalls” and Musts”

- **NFPA 1951**, Standard on Protective Ensembles for Technical Rescue Incidents, 2020 ed.
- **NFPA 1952**, Standard on Surface Water Operations Protective Clothing and Equipment, 2021 ed.
- **NFPA 1953**, Standard on Protective Ensembles for Contaminated Water Diving, 2021 ed.
- **NFPA 1971**, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 ed.
- **NFPA 1977**, Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting, 2022 ed.
- **NFPA 1981**, Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services, 2019 ed.
- **NFPA 1982**, Standard on Personal Alert Safety Systems (PASS), 2018 ed.

# ...and a few more.

- **NFPA 1984**, Standards on Respirators for Wildland Fire-Fighting Operations and Wildland Urban Interface Operations, 2022 ed.
- **NFPA 1986**, Standard on Respiratory Protection Equipment for Tactical and Technical Operations, 2023 ed.
- **NFPA 1987**, Standard on Combination Unit Respirator Systems for Tactical and Technical Operations, 2023 ed.
- **NFPA 1990**, Standard for Protective Ensembles for Hazardous Materials and CBRN Operations, 2022 ed.
- **NFPA 1999**, Standard on Protective Clothing and Ensembles for Emergency Medical Operations, 2018 ed.
- **ANSI/ISEA 207**, American National Standard for High-Visibility Public Safety Vests, 2011 ed.

# Additional Reference Standards

Not included by reference but sections used in the rule:

- NFPA 10, Standard for Portable Fire Extinguishers, 2022 ed
- NFPA 600, Standard on Facility Fire Brigades, 2020 ed.
- NFPA 1201, Standard for Providing Fire and Emergency Services to the Public, 2020 ed.
- NFPA 1451, Standard for a Fire and Emergency Service Vehicle Operations Training Program, 2018 ed.
- NFPA 1500, Standard on Fire Department Occupational Safety, Health, and Wellness Program, 2021 ed.
- NFPA 1521, Standard for Fire Department Safety Officer Professional Qualifications, 2020 ed.
- NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety, 2020 ed.
- NFPA 1581, Standard on Fire Department Infection Control Program, 2022 ed.
- NFPA 1660, Standard for Emergency, Continuity, and Crisis Management: Preparedness, Response, and Recovery, 2024 ed.
- NFPA 1700, Guide for Structural Fire Fighting, 2021 ed.
- 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 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2020 ed.
- NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2020 ed.
- NFPA 2500, Standard for Operations and Training for Technical Search and Rescue Incidents and Life Safety Rope and Equipment for Emergency Services, 2022 ed.

# Summary

- We have only lightly touched on this extensive rule.
- It takes time to read and digest all of this information.
- You will also need to have access to the NFPA standards.

# What's Next?

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



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





# Public Comment

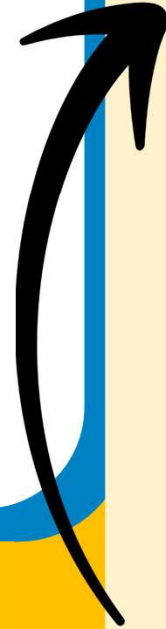
- Open to all until EXTENDED to June 21<sup>st</sup>.
- We urge you put together some comments.
- Be effective. “This stinks” or “we aren’t going to do it” won’t work.
- Describe your situation:
  - Manpower
  - Budget
  - Time available for leadership to accomplish what you do now
- Mention things you think they could implement that would be impactful:
  - Things in the new rule
  - Things they left out

SUBMIT A FORMAL COMMENT

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

**Looking for more information?**

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



*SCAN ME*