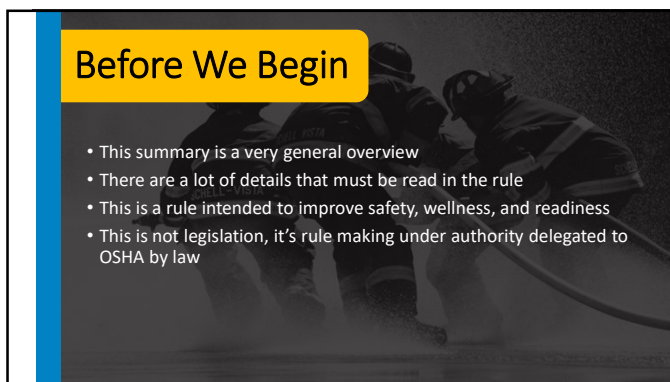




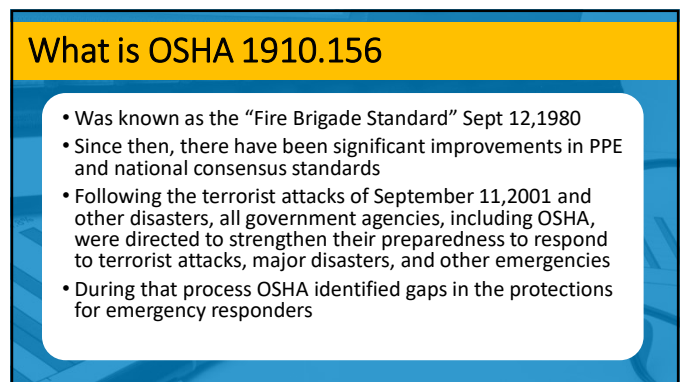
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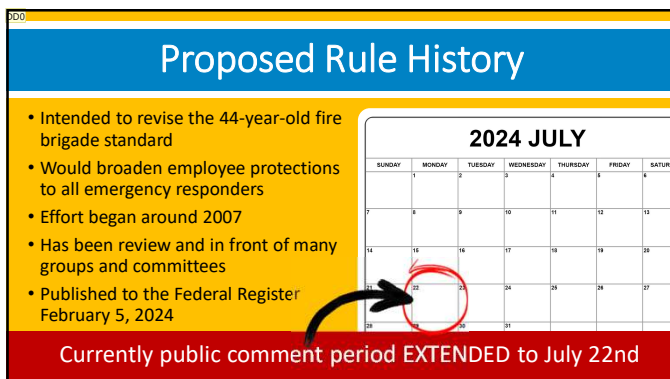
2



3



4



5



6

Slide 5

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**DD0**    [@Niver, Katherine] update to july 22  
Denniston, David, 2024-07-08T14:57:27.120

**NKO 0** Done  
Niver, Katherine, 2024-07-08T15:17:51.315

## 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



7

## Approved OSHA Plan States & Territories

- |                      |                        |                              |
|----------------------|------------------------|------------------------------|
| • Alaska             | • <i>Massachusetts</i> | • Puerto Rico                |
| • Arizona            | • Maryland             | • South Carolina             |
| • California         | • Michigan             | • Tennessee                  |
| • <i>Connecticut</i> | • Minnesota            | • Utah                       |
| • Hawaii             | • Nevada               | • <i>U.S. Virgin Islands</i> |
| • <i>Illinois</i>    | • <i>New Jersey</i>    | • Vermont                    |
| • Indiana            | • New Mexico           | • Virginia                   |
| • Iowa               | • <i>New York</i>      | • Washington                 |
| • Kentucky           | • North Carolina       | • Wyoming                    |
| • <i>Maine</i>       | • Oregon               |                              |

\*\*\* States or territories in *italics* only cover public employees

8

## 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

9

## What is the Purpose of Changes?

- The plan clearly lays out and shows that responders have 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 responder industry, 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

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## Responder Safety

Should be our number 1 focus.

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

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

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## 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

12

## We Want Healthy Firefighters Too

### Firefighter union, volunteers at odds over OSHA safety standard

By MICK HENNINGSEN

07/08/2024 10:00 AM EDT

With help from Eleanor Mueller

**FACING THE HEAT:** The Biden administration's proposal to overhaul safety standards for firefighters and fellow emergency responders nationwide has divided a major labor union from their volunteer peers and others in the field.

The International Association of Fire Fighters has come out strongly in favor of the proposed standards, the Occupational Safety and Health Administration first announced back in December, would be the first substantial update to what's known as the Fire Brigades Standard since its creation during the Carter administration.

It would call for baseline medical screening, training and certification requirements, access to certain types of protective gear, among other provisions. (The standard would also be referenced as the Emergency Response Standard moving forward.)

The existing standard is widely considered and does not apply to many fire departments, leaving a patchwork of protections established by state and local governments and the National Fire Protection Association that can leave people exposed, according to IAFF leader Edward Kelly.

"We want healthy firefighters," Kelly said in an interview. "If we have healthy firefighters, we have a healthier fire department. And the safer and healthier the fire department, the safer and healthier the community."

However, of the more than 2,000 comments OSHA has received to date on its proposal, many submissions are highly critical of the standards — frequently citing the financial and administrative burdens they'd place on fire departments — and urge the Labor Department to not press ahead with them.

"The standard, as written, would just cripple many volunteer departments out there, and finally, compromise emergency response in a lot of small communities across the country," said Ryan Woodcock, the chief of legislative and regulatory affairs at the National Volunteer Fire Council.

Though DOI stated in its regulatory filing that it has taken care to not design a "one-size-fits-all" policy, critics say that the proposal does not

13

## What Are Some Notable Changes?

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

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## 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

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

**SSW:** (Skilled support worker) tow operator,  
equipment operator or industry professional asked  
to perform work as part of the response

15

## Comment Buzzwords!

Use These

### Significant Risk

Which aspects of the proposed rule exceed OSHA's statutory authority to only regulate significant risks (i.e., they address some lower level of risk)?

### Technical Feasibility

Which aspects of the proposed rule are technically infeasible?

### Economic Feasibility

Which aspects of the proposed rule are economically infeasible?

### Incorporation By Reference

Are the proposed incorporated materials "reasonably available" to the regulated community?

### Significant Alternatives

What alternative approach(es) would meet OSHA's statutory objectives, be feasible, and minimize impacts on small entities?

### Limiting Logical Outgrowth

Are there concerns that OSHA will add elements to any final rule that have not been specifically proposed, such as behavioral health?

To Explain This!

16

## Important Update!

OSHA is asking that if we can't do something in the rule, to provide them with what we can do to make firefighting safer.

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## The Proposed Rule

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

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

18

Slide 13

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**DD0**    [@Niver, Katherine]    another one  
Denniston, David, 2024-07-08T15:16:21.885

**NK0 0** Done  
Niver, Katherine, 2024-07-08T15:17:57.710

**DD0 1**    [@Niver, Katherine]    pretty pleae  
  
Denniston, David, 2024-07-09T17:21:24.221

Slide 16

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**DD0**    [@Niver, Katherine]    can we dress this slide up  
Denniston, David, 2024-07-08T14:56:50.339

## Emergency Response Program

### Addresses the following areas:

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

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## Responders in the ERP

### Identified by type and tier of response:

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

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## Medical Requirements

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

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## Behavioral Health

### The program must include:

- Counseling
- Post-Incident Care
- Crisis Care
- Evaluation & Diagnostic Assessment
- Referral Process
- Ongoing Monitoring

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## Health and Fitness Program

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

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

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## Training

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

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## Training Standards

### Training will meet or exceed applicable standards:

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

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## 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)

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## Facilities Preparedness

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

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## Equipment & PPE

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

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## Vehicle Preparedness

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

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## Vehicle Operations

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

30

## 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

31

## Incident Operations

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

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## 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.

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## Standard Operating Procedures

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

34

## Last Points

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

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## What is IBR Anyway?

OSHA 1910.6 allows for:

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

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

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## 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.

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## Most Important Links

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



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## What's Next?

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



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

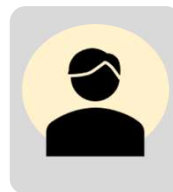
40

## Why Do You Need To File Comments?

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

41

## Tell Your Story



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

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## Find Your Pain Points

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

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

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

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## Find Your Pain Points

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

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

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



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## Excellent Comment

I am writing as a concerned Fire Chief regarding the proposed rules. My Department the Dafter Township Fire Department located in the Upper Peninsula of Michigan serves 1,550 full time residents. We respond to approximately 60 emergency calls per year and serve 48 sq miles. Our budget is almost non-existent and is approximately \$70,000 per year. This keeps the lights on, fire trucks repaired and running and our members in safe turnout gear. Our vehicles range from a 1986 Tanker truck, 1989 Rescue Truck, 2001 Engine/Pumper, and a 2013 Brush Truck. We have 23 active volunteers and no paid personnel.

The main points we are concerned about are the 21 NFPA standards that are incorporated into this rule. We do not have internet access or the budget to support printing/ordering these standards. We also have zero administrative personnel to read and interpret all of these. These place a significant burden on a small rural department.

In Michigan, to be a Fire Chief you need to be a certified instructor, Fire Officer 1&2 currently. This proposed standard requires Fire Officer 3. This additional class would require me to take time off my paid job to go to class and travel. The cost of this class could easily be over \$2,000 with travel.

NFPA compliant physicals are a major cost. Currently, we require all new members to have a comprehensive physical and be cleared for firefighting duties prior to starting. This currently costs us \$150 per member and is a one time cost. We checked with our current provider and the cost of a NFPA physical will be \$1,300 with the required labs per member. This would force us to close our doors as our budget is unable to support this.

We have zero administrative staff to manage all these changes. It should be noted we believe safety is our highest priority but this rule puts all departments in the same boat. Rural volunteer vs urban paid. We have a totally different situation. Thank you for the consideration. As written this will force us to close our doors and leave our community without fire service protection.

45

## What To Ask For

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

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## Making a Comment

**FEDERAL REGISTER**  
The Daily Journal of the United States Government

**Emergency Response Standard**  
A Proposed Rule by the Occupational Safety and Health Administration on 05/05/2024

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

**SUBMIT A FORMAL COMMENT**  
01 comments received. View posted comments

**AGENCY:**  
Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:**  
Proposed rule; request for comments.

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

**Printed version:**  
PDF  
Publication Date: 05/05/2024  
Agency: Department of Labor, Occupational Safety and Health Administration  
Date: Comments on this NPRM (including requests for a hearing and other information) must be submitted by May 6, 2024.  
Document Detail: View Detail

47

**FEDERAL REGISTER**  
The Daily Journal of the United States Government

**Emergency Response Standard**  
A Proposed Rule by the Occupational Safety and Health Administration on 02/05/2024

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

**regulations.gov**  
close comment form

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

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

You can view alternative ways to comment or you may also comment via Regulations.gov at <https://www.regulations.gov/comment/OSHA-2027-0075-0116>

**Comment:**

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## Two Ways to File a Comment

Type directly into portal

### Upload a file

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

49

You can view alternative ways to comment or you may also comment via Regulations.gov at <https://www.regulations.gov/comment/2024-0007-0010>

Comment:

What is your comment about?

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

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☐ Opt to receive email confirmation of submission and tracking number?

Tell us about yourself I am... [An Individual](#) [An Organization](#) [Anonymous](#)

50

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What is your comment about?

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File name: 1915.156-QUESTIONS AND ISSUES Deviation comments

Upload from mobile [Open](#) [Cancel](#)

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

52

Tell us about yourself I am... [An Individual](#) [An Organization](#) [Anonymous](#)

First Name

Last Name

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Zip

Country

Phone

You are filing a document into an official docket. Any personal information included in your comment text and/or uploaded attachment(s) may be publicly viewable on the web.

53

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Tell us about yourself I am... [An Individual](#) [An Organization](#) [Anonymous](#)

Organization Type  This field is required

Organization Name

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☐ I read and understand the statement above.

[SUBMIT COMMENT](#) [Preview Comment](#)

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Looking for more information?

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



*SCAN ME*

55

### McNeil & Co. Contact Information

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## Proposed OSHA Emergency Response Rule

An Overview

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### Housekeeping Items

If you are viewing this as a group, email a roster to us!

Please make sure your name is spelled correctly so that your certificate will generate with your correct name on it!

As you join, you are automatically muted, and your camera is off. If you have a question, locate your Chat or Q&A Controls at the bottom of the screen.



58

Are you watching from your phone or tablet?

To make sure that you receive a certificate, please register and correct your username with your full name as you wish it to appear!



59

Looking for more information?

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



*SCAN ME*

60

## Slide 60

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**DD0** [ @Niver, Katherine] [ @Price, Lee] Please add a bio slide to the intro for each lee and I

Denniston, David, 2024-04-03T17:13:19.200

**DD0 0** I want to tone down the esip message a bit on the intro deck.  
Nothing crazy but maybe more resource based

Denniston, David, 2024-04-03T17:15:34.172

Use your camera's phone to scan this QR code & register for our next webinar!

## Upcoming McNeil Webinars

### 2024 Schedule

**July:**

- 7/10: Taking Care of Ourselves
- 7/17: Personal Vehicle Response

**August:**

- 8/7: Pre-Incident Planning
- 8/21: Human Trafficking Awareness for First Responders

**ESIP**  
EMERGENCY SERVICES INSURANCE PROGRAM  
BY McNeil & Co.

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REGISTER HERE

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
**ESIP**  
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## Thank You for Attending!

- Certificates will be emailed automatically
- If your name is incorrect, send us an email and we will fix it
- If you are in a group, email a roster to us
- Recording of the webinar will be available on E-Learning within a few days
- If this webinar falls short of your expectations – please contact us so we can make them even better!

If you have any questions you would like to ask our presenters, scroll your mouse to the bottom of the screen and use the "Q&A" features.

 Chat  
 Q&A

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