



**OSHA's New Proposed Rule
29 CFR 1910.156: Emergency Response**

Chip Darius

July 17, 2024 • In Partnership with Vermont Fire Academy



DIVISION OF FIRE SAFETY

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Organizers



- Sean Ryan, OTIEC Region 1 Program Director
- Jen English, OTIEC Region 1 Asst. Program Director
- Michael Skaza, Chief of Training, VT Fire Academy
- Karl Hayden, VOSHA



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Please Note:

- *I don't work for OSHA or NFPA*
- *I don't make or enforce the laws*
- *"Your mileage may vary"*
- *Consult an attorney for legal opinions*
- *Submit questions in the chat box*
- *Clarifications welcome along the way*
- *Q&A at the end*



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Session Overview

- Set the Stage: OSHA, Standards, & IBR
- **What** is Happening and **Why?** Existing Rule & Overview of Proposed Rule 1910.156
- **When** – Timelines, Implementation
- **Who** is Affected and **How?**
- **Where:** Resources & Links
- **Show me:** Examples and Deeper Dives
- Q&A




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OSHA, Standards, & IBR



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OSH Act of 1970: Purpose




**Job Safety and Health
IT'S THE LAW!**

Workers have the right to:


- A safe workplace
- Receive training, OSHA consultation, and other services to help prevent accidents, injuries, and illnesses
- Receive information and training on OSHA standards
- Request an OSHA inspection
- File complaints. OSHA will investigate and issue citations if violations are found
- Participate in OSHA's safety and health program
- Receive copies of OSHA standards and regulations
- Receive copies of OSHA forms
- Receive copies of OSHA's training materials
- Receive copies of OSHA's publications
- Receive copies of OSHA's research and statistics
- Receive copies of OSHA's enforcement records
- Receive copies of OSHA's enforcement data
- Receive copies of OSHA's enforcement reports
- Receive copies of OSHA's enforcement summaries
- Receive copies of OSHA's enforcement statistics
- Receive copies of OSHA's enforcement trends
- Receive copies of OSHA's enforcement forecasts
- Receive copies of OSHA's enforcement projections
- Receive copies of OSHA's enforcement outlook
- Receive copies of OSHA's enforcement perspectives
- Receive copies of OSHA's enforcement insights
- Receive copies of OSHA's enforcement intelligence
- Receive copies of OSHA's enforcement information
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- Receive copies of OSHA's enforcement insights
- Receive copies of OSHA's enforcement intelligence
- Receive copies of OSHA's enforcement information

Contact OSHA. We can help.

1-800-321-OSHA (6742) • TTY 1-877-684-6861 • www.osha-slc.gov




“to ensure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources.”



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OSH Act: Coverage

All private employers and their employees in 50 states, DC, Puerto Rico, and territories under Federal Government jurisdiction



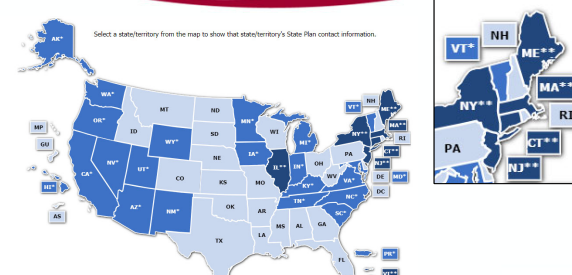
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OSHA State Plans

Select a state/territory from the map to show that state/territory's State Plan contact information.



Legend:
■ This state's OSHA-approved State Plan covers private and state/local government workplaces.
■ This state's OSHA-approved State Plan covers state/local government workers only.
■ This state (with no asterisk *) is a federal OSHA state.

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OSH Act General Duty Clause

Each employer shall

- furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.
- comply with promulgated OSHA standards

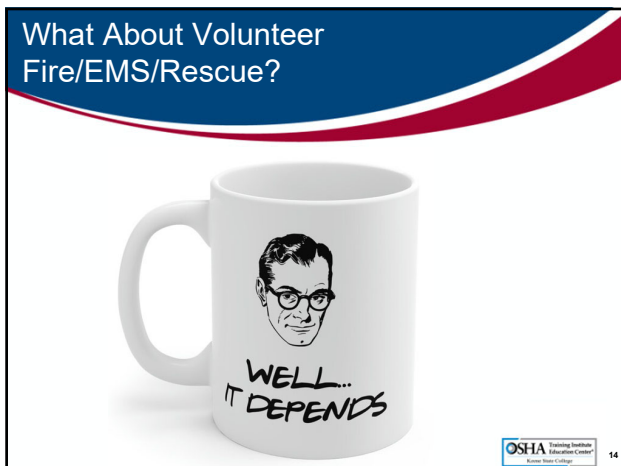
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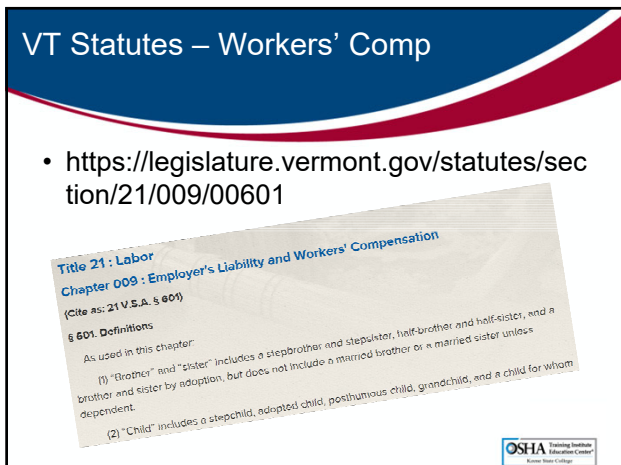
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VT Statutes – Workers’ Comp – “Public Employment”

(K) other municipal workers, including volunteer firefighters and rescue and ambulance squads while acting in any capacity under the direction and control of the fire department or rescue and ambulance squads;

(L) members of any regularly organized private volunteer fire department while acting in any capacity under the direction and control of the fire department;

(M) members of any regularly organized private volunteer rescue or ambulance squad while acting in any capacity under the direction and control of the rescue or ambulance squad;



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VT Statutes – “Firefighter” 20 V.S.A. § 3151

(2) “Fire service” means activities related to fire prevention, investigation, or suppression, or fire-related rescue.

(3) “Firefighter” means a member of a State, municipal, or county fire department or a privately organized fire department who is responsible for fire suppression, prevention, or investigation, or fire-related rescue.

(4) “Full-time firefighter” means a firefighter who receives compensation for performing fire service duties of a predictable and continuing nature more than 32 hours per week and more than 25 weeks per year. (Added 1987, No. 164 (Adj. Sess.), § 2.)

<https://legislature.vermont.gov/statutes/section/20/179/03151>



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VOSHA FAQs

VOSHA Frequently Asked Questions

Who is Covered by VOSHA?

All employers that have employees and all employees of corporations are covered by VOSHA.

<https://labor.vermont.gov/vermont-occupational-safety-and-health-administration-vosha/rules-publications/vosha-frequently>



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CDC/NIOSH Junior Firefighters Info

National Institute for Occupational Safety and Health (NIOSH)

Safety & Health Advisory

Safety and Health Considerations for Junior Firefighters


As firefighting remains one of the most dangerous occupations, junior firefighters are exposed to hazards that increase the risk of injuries, illnesses, and fatalities.

The fire service helps to address recruitment and retention needs by bringing in younger members through a junior firefighter program. Also known as explorers or cadets, these junior firefighters serve volunteer, career,



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International Mutual Aid
Interstate Mutual Aid



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What About State/County/Muni Responders in States with No State OSHA?



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What are the Applicable OSHA Standards?

Regulations (Standards)

By Standard Number

Standard Number > 1910

- 1910 - Table of Contents
- 1910 Subpart A - General
 - 1910.1 - Purpose and scope
 - 1910.2 - Definitions
 - 1910.3 - Petitions for the issuance, amendment, or repeal of a
 - 1910.4 - Amendments to this part
 - 1910.5 - Applicability of standards
 - 1910.6 - Incorporation by reference

▶ 29 CFR 1910

▶ **Incorporation by Reference** – 1910.6

- NFPA
- ANSI
- CGA
- ASTM...

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1910.6(a)(1) Incorporation by Reference

- The standards ... which are incorporated by reference 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 IBR** are **adopted as standards** under the OSH Act.


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OSHA Standards

- Minimum threshold
- Least the employer can do under law to avoid penalty



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2024 OSHA Max Penalties (Fines)


osha.gov/penalties/

FED OSHA

- Serious, OTS, FTA: **\$ 16,131**
- Willful, Repeat: **\$161,323**

CONN-OSHA


- Serious, OTS, FTA: **\$ 1,000**
- Willful, Repeat: **\$ 10,000**



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VOSHA Penalties 2024

Sev./Prob.	Penalty	# of employees				
		1-25; 70%	26-50; 40%	51-100; 30%	101-250; 10%	251+; 0%
High/Greater	\$16,131	\$4,839	\$9,679	\$11,292	\$14,518	\$16,131
Med./Greater	\$13,828	\$4,148	\$8,297	\$9,680	12,445	\$13,828
Low/Greater	\$11,524	\$3,457	\$6,914	\$8,067	\$10,372	\$11,524
High/lesser	\$11,524	\$3,457	\$6,914	\$8,067	\$10,372	\$11,524
Med./Lesser	\$9,218	\$2,764	\$5,531	\$6,453	\$8,296	\$9,218
Low/Lesser	\$6,913	\$2,074	\$4,148	\$4,839	\$6,222	\$6,913



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Shifting Gears...




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29 CFR 1910.155(c)(18)

- Fire brigade (**private** fire department, **industrial** fire department) means an organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

sappi
GENERAL DYNAMICS
Bath Iron Works

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Existing 29 CFR 1910.156

- **Part Number:** 1910
- **Part Number Title:** Occupational Safety and Health Standards
- **Subpart:** 1910 Subpart L
- **Subpart Title:** Fire Protection
- **Standard Number:** 1910.156
- **Title:** Fire brigades.
- **GPO Source:** [e-CFR](#)

1910.156(a)
Scope and application

1910.156(a)(1)
Scope. This section contains requirements for the organization, training, and personal protective equipment of fire brigades whenever they are established by an employer.


1910.156(a)(2)
Application. The requirements of this section apply to fire brigades, industrial fire departments and private or contractual type fire departments. Personal protective equipment requirements apply only to members of fire brigades performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue or forest fire fighting operations.



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Existing 1910.156 Application


1910.156(a)(2)
Application. The requirements of this section apply to fire brigades, industrial fire departments and private or contractual type fire departments. Personal protective equipment requirements apply only to members of fire brigades performing interior structural fire fighting. The requirements of this section do not apply to airport crash rescue or forest fire fighting operations.



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1910.156: Fire Brigades Standard History

- Sept. 12, **1980**: Rule promulgated
- Sept. 11, **2001**: Attacks on WTC, Pentagon, ...
- 9/11 Commission recommendations
- **2007** OSHA began exploring updating emergency response standards (see p. 56)
- **2014** OSHA held stakeholder meetings
- **2015-2016** NACOSH committee meetings and draft language for new rule
- **2021** SBREFA Review



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 **OSHA National News Release**
U.S. Department of Labor
December 21, 2023

Department of Labor seeks to expand, establish protections for today's emergency response workers

OSHA proposal seeks to update 1980s 'Fire Brigades' standard

WASHINGTON – The U.S. Department of Labor today announced that its Occupational Safety and Health Administration will publish a proposal in January 2024 to update an existing standard and expand safety and health protections for emergency responders, including firefighters, emergency medical service providers and technical search and rescue workers. President Biden is committed to protecting our emergency responders, the same way they protect us every day—and this proposed rule is a critical step to ensure their safety.

OSHA will issue a Notice of Proposed Rulemaking to modernize the agency's "Fire Brigades" standard — first published in 1980 — as its protections for a narrow set of industrial and private firefighters have become outdated.

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Emergency Response Rulemaking

The Emergency Response proposed rule is here!

OSHA is happy to announce that the Emergency Response proposed rule has been published in the Federal Register and is now available for viewing.

OSHA welcomes and encourages the submission of public comments in response to this proposed rule. The comment period ends on May 6, 2024.


Comments can be submitted to the Emergency Response Docket at <https://www.regulations.gov/docket/OSHA-2007-0073>.

Additional information on OSHA's rulemaking process and how stakeholders can participate is available at <https://www.osha.gov/laws-regs/rulemakingprocess>.

Background


Emergency response workers in America face considerable occupational health and safety hazards in dynamic and unpredictable work environments. Current OSHA emergency response and preparedness standards are outdated and incomplete; they do not address the full range of hazards facing emergency responders, lag behind changes in protective equipment performance and industry practices, conflict with industry consensus standards, and are not

This rulemaking effort is separate from OSHA's technical assistance resources for emergency response and recovery workers. For those resources, visit OSHA's [Emergency Preparedness and Response page](#).

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**Proposed 29 CFR 1910.156:
Emergency Response**

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The Link


- <https://www.osha.gov/emergency-response/rulemaking>



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1 NFPA Standard *presently* Incorporated by Reference to 1910.156

- NFPA 1971 Protective Clothing for Structural Firefighting, 1975 edition.
- Development of Criteria for Fire Fighters Gloves; Vol. II, part II; Test Methods, 1976
- Publication "Model Performance Criteria for Structural Fire Fighters' Helmets"




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22 NFPA Standards *to be* Incorporated by Reference in the Proposed Rule:

• 1001 (2019)	• 1952 (2021)
• 1002 (2017)	• 1953 (2021)
• 1005 (2019)	• 1971 (2018)
• 1006 (2021)	• 1977 (2022)
• 1021 (2020)	• 1981 (2019)
• 1081 (2018)	• 1982 (2018)
• 1140 (2022)	• 1984 (2022)
• 1407 (2020)	• 1986 (2023)
• 1582 (2020)	• 1987 (2023)
• 1910 (2024)	• 1990 (2022)
• 1951 (2020)	• 1999 (2018)

Fed Reg p. 7792-7794



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• 1951 (2020)	• 1999 (2018)

New PPE

Fed Reg p. 7792-7794

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22 NFPA Standards *to be* Incorporated by Reference in the Proposed Rule:

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

• 1952 (2021)
• 1953 (2021)
• 1971 (2018)
• 1977 (2022)
• 1981 (2019)
• 1982 (2018)
• 1984 (2022)
• 1986 (2023)
• 1987 (2023)
• 1990 (2022)
• 1999 (2018)

Existing vs. New PPE

Fed Reg p. 7792-7794

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14 More NFPA Standards **NOT IBR** but Consistent with New Rule Provisions:

• 10	• 1581
• 600	• 1660
• 1201	• 1700
• 1451	• 1710 – <i>career</i>
• 1500	• 1720 – <i>vol. & combin.</i>
• 1521	• 1851
• 1561	• 2500

Fed Reg p. 7794-7795


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NFPA Standards Consolidation

- OSHA recognizes NFPA's standards consolidation efforts
- OSHA will "review" consolidated standards numbers before publishing final rule: 1010, 1020, 1400, 1580, 1970, 1950, 1955, 1985
- e.g., **NFPA 1001 (2019)** is now part of **NFPA 1010 (2024)**



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1 ANSI/ISEA Standard to be IBR

- ANSI/ISEA 207-2011, American National Standard for High-Visibility Public Safety Vests



ANSI/ISEA 207-2011
American National Standard for High-Visibility Public Safety Vests

Photo credit: <https://www.emrosafetyproducts.com/locu-816-public-safety-vest.html>

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Role of Officers and Leaders

- **Teach, show, say, do** what's right
- **Correct** what's not right
- **Set** professional performance expectations
- *Baseline for acceptable organizational culture and practice*



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**Proposed Rule Detail begins at
Fed Reg p. 7802**

V. Summary and Explanation of the Proposed Rule

- A. Section 1910.120 Hazardous Waste Operations and Emergency Response.
- B. Section 1910.134 Respiratory Protection.
- C. Section 1910.155 Scope, application and definitions applicable to this subpart.
- D. Section 1910.156 Emergency response.
- E. Section 1910.157 Portable fire extinguishers.
- F. Section 1910.158 Standpipe hose systems.
- G. Section 1910.159 Automatic sprinkler systems.


Rule without detail starts at Fed Reg p. 8013



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**Agency Size
Fed Reg p. 7775**


- *This standard is not “one-size-fits-all”*
- **Performance based**
- *Requires each agency to assess its mission, tasks, risks, exposures, and controls*



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**Agency Size – 1/4
Fed Reg p. 7775**


- Organizations that provide emergency services vary significantly in size and the type(s) of service(s) they provide. They are often not well suited for “one-size-fits-all” prescriptive standards.



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Agency Size – 2/4


- Accordingly, the proposed rule is a “**performance-based**” standard, which provides flexibility for affected employers to establish the specific criteria that best suits their organization.



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Agency Size – 3/4



- The proposed rule focuses on the achievement of desired results—improving emergency responder health and safety and reducing injuries and fatalities—while providing **flexibility as to the precise methods used** to achieve those results.



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Agency Size – 4/4


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



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1910.156 "Emergency Response" Scope


- The scope of the proposed rule is larger, expanding beyond employers who provide only firefighting services to include employers that provide other emergency services, such as pre-hospital EMS and technical search and rescue services. In addition, **the proposed rule would impact public and municipal fire departments and other emergency response employers in States with OSHA-approved State Plans...**
 - Fed Reg p. 7802



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1910.156 New Terms


- WERE:** Workplace Emergency Response Employer
- WERT:** Workplace Emergency Response Team (collateral duty) – “team member”
- ESO:** Emergency Service Organization (primary duty) – “responder”
- ERP:** Emergency Response Program
- PIP:** Pre-incident Plan



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Layout of Proposed Rule – 1/3


- Scope.
- Definitions.
- Organization of the WERT, Establishment of the ERP and Emergency Service Capability
- ESO Establishment of ERP and Emergency Service(s) Capability
- Team Member and Responder Participation
- WERT and ESO Risk Management Plan



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Layout of Proposed Rule – 2/3


- g. Medical and Physical (& Behavioral Health, & Wellness) Requirements
- h. Training
- i. WERE Facility Preparedness
- j. ESO Facility Preparedness
- k. Equipment and PPE
- l. Vehicle Preparedness and Operation (including POVs)
- m. WERE Pre-Incident Planning



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Layout of Proposed Rule – 3/3



- n. ESO Pre-Incident Planning
- o. Incident Management System
- p. Emergency Incident Operations
- q. Standard Operating Procedures
- r. Post-Incident Analysis
- s. Program Evaluation
- t. **Severability**



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Verbs in New Proposed 1910.156
Emergency Response Rule


• Shall	106
• Ensure	84
• Implement	40
• Training	33
• Develop	27
• Maintain	17
• Written	12
• Conduct	10
• Equivalent	10
• Mfr's instr's	7

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1910.120 HAZWOPER

- Update PPE requirements
- Revise Apx B, remove 3 outdated refs, update consensus standard reference to NFPA 1990, 2022 ed.



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1910.134 Respiratory Protection

- Move respiratory protection for structural firefighting from 1910.134 to 1910.156, with a cross-reference







Photo credit City of Asheville, NC



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1910.155 Scope, Application, Defs


- Add definitions for Class K fire, clean agent, halogenated agent, wet chemical, wetting agent.
- Delete definitions for enclosed structure, fire brigade, flame resistance, helmet, lining, outer shell, positive pressure breathing apparatus, quick disconnect valve, vapor barrier.



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1910.156 New Definitions


- Drawn from NFPA 600, 1500, 1561, 1660, 2500, 1700, 1710
- Community vulnerability assessment
- Control zone
- EMS (distinct from first aid)
- Incident Safety Officer
- Non-emergency service
- Rapid Intervention Crew (RIC)



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1910.156 – Skilled Support Worker


- “an employee of an employer whose primary function is not as an emergency service provider and who is skilled in certain tasks or disciplines that can support a WERT or ESO.”
- Operates under IC
- E.g., backhoe operator in trench rescue
- Once IC terminates, SSW role ends



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1910.156 – Volunteers – 1/3


- “any emergency responders who are referred to as volunteers but receive “**significant remuneration**” within the meaning of federal law would be included within the scope of this proposed rule as employees.”
– Fed Reg p. 7802-7803



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1910.156 – Volunteers – 2/3


- “all volunteer emergency responders who are currently excluded from coverage under the OSH Act **should expect** that they will continue to be excluded from the scope of this rulemaking.”
– Fed Reg p. 7803



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1910.156 – Volunteers – 3/3


- “some **States with OSHA-approved State Plans** regard volunteer firefighters and other volunteers as employees under state law. ... Regardless of whether these volunteers are considered employees under federal law, such States must treat them as it does other emergency response workers under its analogue to any final standard resulting from this rulemaking.”
-Fed Reg p. 7803



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1910.156 – Law Enforcement


- The proposed rule would apply to employers whose employees, **in addition to performing law enforcement duties, also provide services such as firefighting, EMS, or technical search and rescue.** ... the proposed rule would apply **only** with respect to **when those employees provide services that do not qualify as law enforcement.**”
-Fed Reg. p. 7803



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1910.156 – Technical Rescue


- Technical search and rescue: a type of service that utilizes special knowledge and skills and specialized equipment to resolve unique or complex search and rescue situations, such as rope rescue, vehicle/machinery rescue, structural collapse, trenches, and technical water rescue.
- N/A to lower than technical rescue
-Fed Reg p. 7804



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1910.156 Exclusions


- N/A to disaster site cleanup workers after emergency nature of incident has ended.
- HAZWOPER separate rule remains
- N/A to rescue provisions in current PRCS 1910.146; would apply to ESO/WERE that does more than just PRCS rescue
- N/A if activity *solely* governed by other OSHA standard: 1910.38 EAPs, .157 FEs, .151 First Aid, .119 PSM, .272 grain



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1910.156 – Fitness

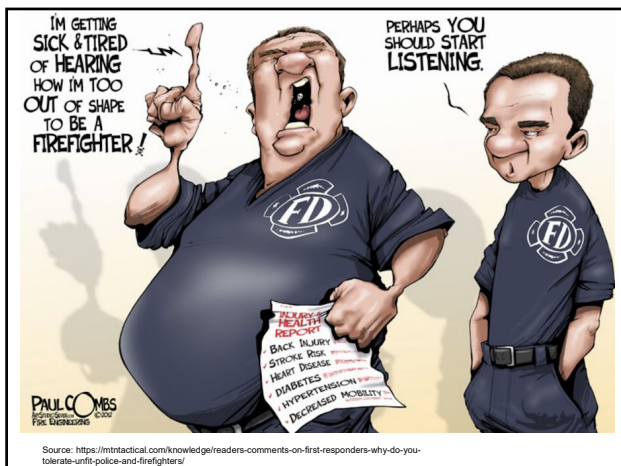
- Physical and mental fitness requirements, and addressing effects resulting from emergency response activities
- Medical eval and surveillance, ref NFPA 1582 **(IBR)**
- To be established based on type and level of services provided, and # of exposures to products of combustion
– Fed Reg p. 7815



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1910.156 – Training – 1/4


- Initial, ongoing, refresher, professional and leadership development
- Commensurate with safe performance of expected duties and functions
- Language, literacy
- Online/Media – trainer available to answer questions
 - Fed Reg p. 7821



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1910.156 – Training – 2/4


- Safety & health policy
- PPE selection, use, maintenance, limitations, **retirement**
- Portable fire extinguishers
- Incident Management System (NIMS/ICS)
- Safe scene exit and accountability  
- HAZWOPER Awareness
- Awareness & **avoidance** of confined space, trench, swift water, etc.



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1910.156 – Training – 3/4

- CPR & AED
- Vocational training **JPRs** per NFPA standard
- Firefighting: NFPA 1081 (2018)
- Structural firefighting: NFPA 1001 (2019)
- Search & Rescue: NFPA 1407 (2020)
- Emer. Vehicle Operator: NFPA 1002 (2017)  
- Crew Leader: NFPA 1021 (2020)
- Wildland FF: NFPA 1140 (2022)



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1910.156 – Training – 4/4

- Technical Search & Rescue: NFPA 1006 (2021)
- Marine FF: NFPA 1005 (2019)
- EMS: per local jurisdiction 
- Annual skills checks: NFPA 600, 1500, 1670 and other OSHA standards

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1910.156 – Facility (WERE / ESO)

- Safe for team members
- Emergency evacuation
- PPE decon, disinfection, cleaning, storage
- Fire detection, sprinklers
- Compatible standpipe and hose connections with mutual aid (x-ref to 1910.158, .159)
- 4 limbs to use a fire pole; landing cushion; access protected
 - Fed Reg p. 7824 and following

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1910.158 & .159

- WEREs must ensure standpipe and hose fitting compatibility with responding FDs




Photo credit S. J. de Waard

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What About Staffing?


- 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. (p239)
- To be clear, OSHA is not specifying, nor recommending minimum staffing levels for emergency response vehicles, or the minimum number of team members or responders needed on an incident scene for safe incident operations, except with respect to the "2-in, 2-out" requirement discussed below. Operations on the incident scene would need to be limited to those that can be safely conducted by the team members or responders on the scene. (p239)



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What About 2-in, 2-out?

- This provision includes an exception to the 2-in, 2-out requirement and coincides with proposed provision (f)(2) of this section. OSHA's intent is that this exception is for the rescue of a person in imminent peril only, where team members or responders observe, or are informed by a witness of the imminent life hazard. The traditional emergency services adage may be relevant when considering whether an exception to the 2-in, 2-out requirement would be appropriate: "Risk a lot to save a lot, risk little to save little; risk nothing to save nothing." (p241)




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What About Retirement of Apparatus?

- "Sunset provisions are not included in the proposed standard" (p530, 591)

Table VII-F-3. SBAR Panel Recommendations and OSHA Responses


Recommendation	OSHA's Response
The agency should look closely at the feasibility of NFPA's recommendations for sun setting retirement of PPE, vehicles, and equipment.	Sunset provisions are not included in the proposed standard.



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What About Retirement of PPE?
(see NFPA 1851)

- “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.**” (p207)



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Timeline – What’s Next?



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Timeline

- Official Proposed Rule Published 2/5/2024
- Comment Period: 90(+45+30) days, ends **7/22/2024**
- Comments considered: **TBD**
- At least one Public Hearing expected, **TBD**
- ? 2nd version of Proposed Rule for more comment **or** ? Final Rule
- Phased Implementation after Effective Date of Final Rule




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How Fast is This Going to Move?

Rulemaking

Current Actions

- **Regulatory Agenda**
 - **Current Actions** A current regulatory project anticipated to have developments within 16 months.
 - [COVID-19 Health](#)
 - [Infectious Diseases](#)
 - [Tree Care Operat](#)
 - [Heat Injury and Illness Prevention Proposed Rule](#)
 - [Emergency Response Proposed Rule](#)
 - [Hazard Communication Proposed Rule](#)
 - [Process Safety Management Proposed Rule](#)
 - [Workplace Violence SBREFA](#)
 - [Shipyard Fall Protection Rulemaking](#)
 - [Worker Walkaround NPRM FAQs](#)
 - **Long Term Actions**



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OSHA's Proposed Phase-In after Effective Date – Fed Reg p 7801

- **2 months:**
 - e: Employee Participation




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OSHA's Proposed Phase-In after Effective Date

- **6 months:**
 - c: Org of the WERT and ERP
 - d: ESO ERP
 - f: Risk Management Plan
 - g1: Establish Minimum Medical Req's & Records
 - g4: Behavioral Health & Wellness Resources
 - k2i: PPE Hazard Assessment


Continued on next slide



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OSHA's Proposed Phase-In after Effective Date

- **6 months cont'd:**
 - k2vii-x: Properly use/wear protective ensemble; cleaning & decontamination; remove damaged/defective from service; employee-owned items
 - k3: PPE gross decon before leaving scene, keep passenger & crew compartment clean
 - r: Post-Incident Analysis




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OSHA's Proposed Phase-In after Effective Date

- **12 months:**
 - g2: Medical evaluation
 - g3: Medical surveillance post exposure,
 - g5: Annual fitness for duty evaluation
 - g6: ESO health and fitness program
 - h1: **Training and skills-based activities**


Continued on next slide



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OSHA's Proposed Phase-In after Effective Date


- **12 months cont'd:**
 - k1: Access to equipment
 - l: Safe vehicles of all types
 - m: WERE Pre-Incident Planning
 - n: ESO Pre-Incident Planning
 - o: Incident Management System
 - p: Emergency Incident Operations
 - q: SOPs
 - s: Program Evaluation



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OSHA's Proposed Phase-In after Effective Date

- **24 months:**
 - h2: **Vocational training**
 - h3: **Annual skills checks**
 - i: WERE facility safety
 - j: ESO facility safety
 - k2ii-vi: Properly fitting PPE, effective PPE, compliance to consensus PPE standards, air purifying respirators not used in IDLH




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OSHA is Asking for Input!

- See Fed Reg p. 7799

Throughout the summary and explanation of this proposed rule, OSHA has requested information or asked questions similar to those in this section. For more information on these topics, refer to the Summary and Explanation discussion for each respective topic.

(a)- 1. OSHA is seeking information about how many private-sector emergency response organizations in States without State Plans (federal OSHA States) have workers



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Resources



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Download the Proposed Rule

- <https://www.osha.gov/emergency-response/rulemaking>

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

This document has a comment period that ends in 54 days. (05/09/2024) **SUBMIT A FORMAL COMMENT**
100 comments received. View posted comments

ENLARGED DOCUMENT	DOCUMENT DETAILS
<p>AGENCY: Occupational Safety and Health Administration (OSHA), Labor.</p> <p>ACTION: Proposed rule; request for comments.</p> <p>SUMMARY: OSHA is proposing through this notice of proposed rulemaking (NPRM) to issue a new safety and health standard, titled <i>Emergency Response</i>, to replace the</p>	<p>Printed version: PDF</p> <p>Publication Date: 02/05/2024</p> <p>Agency: Occupational Safety and Health Administration</p> <p>Date: Comments on this NPRM (including requests for a hearing and other information) must be submitted by May 5, 2024.</p>




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Comment by July 22, 2024

- See proposed rule for instructions

Written comments: You may submit comments and attachments, identified by Docket No. OSHA-2007-0073, electronically at <http://www.regulations.gov>, which is the Federal e-Rulemaking Portal. Follow the instructions online for making electronic submissions. After accessing "all documents and comments" in the docket (Docket No. OSHA-2007-0073), check the "proposed rule" box in the column headed "Document Type." find the document posted on the date of publication of this document, and click


2,359 comments submitted as of 7/8/2024



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David Cropp comment 6/4/24


"2 in/2 out is a sham. It does nothing to ensure the safety of FFs and limits responder's ability to make rescues as early as possible, giving victims the best shot at survivability. Please do not tighten this standard or you will be condemning a great deal perfectly viable victims to death and/or ruining the careers of FFs who ignore the new standard. We must be allowed to do our jobs and this standard, while being good intentioned, actually makes our jobs more dangerous."



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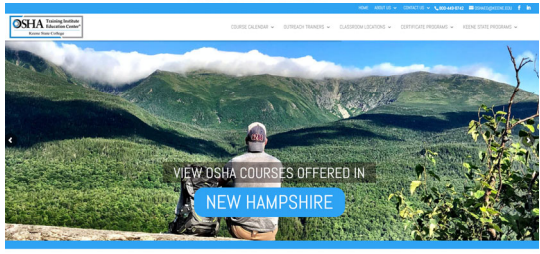
Jason Hord comment 5/28/24

“... there must be some data-sharing arrangement whereby each firefighter’s exposures to combustion products are shared with each fire department for whom he works – as a paid responder or as a volunteer – and those departments must rely on each firefighter to accurately count their exposures during a day of training.”




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OTIEC Region 1: oshaedne.com



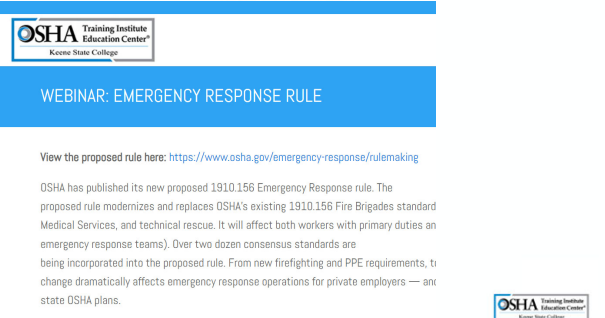
VIEW OSHA COURSES OFFERED IN
NEW HAMPSHIRE

CLICK TO VIEW THE FEBRUARY CLASSES!



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oshaedne.com/webinar-emergency-response-rule/




OSHA Training Institute
Keene State College

WEBINAR: EMERGENCY RESPONSE RULE

View the proposed rule here: <https://www.osha.gov/emergency-response/rulemaking>

OSHA has published its new proposed 1910.156 Emergency Response rule. The proposed rule modernizes and replaces OSHA's existing 1910.156 Fire Brigades standard Medical Services, and technical rescue. It will affect both workers with primary duties as emergency response teams). Over two dozen consensus standards are being incorporated into the proposed rule. From new firefighting and PPE requirements, to change dramatically affects emergency response operations for private employers — and state OSHA plans.



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NFPA Standards – view for free

- <https://www.nfpa.org/en/For-Professionals/Codes-and-Standards/List-of-Codes-and-Standards/Free-access>



OSHA Training Institute
Education Center
Kean State College

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<https://www.cdc.gov/niosh/fire/default.html>

CDC Centers for Disease Control and Prevention
CDC 247: Saving Lives. Protecting People™

The National Institute for Occupational Safety and Health (NIOSH)

Workplace Safety & Health Topics

Fire Fighter Fatality Investigation and Prevention Program (FFFIPP)



OSHA Training Institute
Education Center
Kean State College

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<https://www.cdc.gov/niosh/topics/ems/default.html>

CDC Centers for Disease Control and Prevention
CDC 247: Saving Lives. Protecting People™

The National Institute for Occupational Safety and Health (NIOSH)

Workplace Safety & Health Topics


EMERGENCY MEDICAL SERVICES WORKERS



OSHA Training Institute
Education Center
Kean State College

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**Example Analysis
and Deeper Dive**



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NFPA 1001: Std for Structural FF
Prof. Qualifications, 2019 ed.


	shall	must	shall not	AHJ	sections
Ch 1	23	0	2	15	23
Ch 2	1	0	0	0	4
Ch 3	6	2	0	1	23
Ch 4	5	0	0	2	91
Ch 5	5	0	0	2	46
Ch 6	7	0	0	7	16



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NFPA 1001: Std for Structural FF
Prof. Qualifications, 2019 ed.


- 6 Chapters
- 203 numbered paragraphs
 - 47 **Shall statements**
 - 2 Shall not
 - 2 Must
 - 27 AHJ references
- 5 Non-Mandatory Annexes, A-E



108

NFPA 1001 sec. 3.1, Definitions

- The definitions contained in this chapter shall apply to the terms used in this standard. Where terms are not defined in this chapter or within another chapter, they shall be defined using their ordinarily accepted meanings within the context in which they are used. Merriam-Webster's Collegiate Dictionary, 11th edition, **shall** be the source for the ordinarily accepted meaning.




109

NFPA 1001, sec. 3.2.6, definition
1/2

Standard.
An NFPA Standard, the main text of which contains only **mandatory provisions using the word "shall" to indicate requirements** and that is in a form generally suitable for mandatory reference by another standard or code or for adoption into law.


Continued next slide



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NFPA 1001, sec. 3.2.6, definition
2/2


Nonmandatory provisions are not to be considered a part of the requirements of a standard and shall be located in an appendix, **annex**, footnote, informational note, or other means as permitted in the NFPA Manuals of Style. ...



111

NFPA 1001, sec. 3.2.2, definition

Authority Having Jurisdiction (AHJ).
An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.




112

NFPA 1001, sec. A.3.2.2, explanation 1/4

- The phrase “authority having jurisdiction,” or its acronym AHJ, is used in NFPA documents in a broad manner, since jurisdictions and approval agencies vary, as do their responsibilities.

Continued next slide




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NFPA 1001, sec. A.3.2.2, explanation 2/4

- Where public safety is primary, the authority having jurisdiction may be a federal, state, local, or other regional department or individual such as a fire chief; fire marshal; chief of a fire prevention bureau, labor department, or health department; building official; electrical inspector; or others having statutory authority.

Continued next slide




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**NFPA 1001, sec. A.3.2.2,
explanation 3/4**

- For insurance purposes, an insurance inspection department, rating bureau, or other insurance company representative may be the authority having jurisdiction.


Continued next slide



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**NFPA 1001, sec. A.3.2.2,
explanation 4/4**

- In many circumstances, the property owner or his or her designated agent assumes the role of the authority having jurisdiction; at government installations, the commanding officer or departmental official may be the authority having jurisdiction.



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**NFPA 1001: Std for Structural FF
Prof. Qualifications, 2019 ed.**


First edition: 1974

Correlating Committee on Prof Quals:

- 18 primary members
- 4 alternate members
- 13 nonvoting members

Technical Cmte on FF Prof Quals:


- 29 primary members
- 9 alternate members



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Origin and Development of NFPA 1001


- “The intent of the technical committee was to develop clear and concise JPRs that can be used to determine that an individual, when measured to the standard, possesses the skills and knowledge to perform as a fire fighter. **The committee further contends that these JPRs can be used in any fire department in any city, town, or private organization throughout North America.**”



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NFPA 1001, sec. 3.3.8, JPR

A written statement that describes a specific job task, lists the items necessary to complete the task, and defines measurable or observable outcomes and evaluation areas for the specific task.




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Analyze NFPA 1001 2019 ed.

- >See NFPA 1001 Table<

NFPA 1001 Standard for Structural Fire Fighter Professional Qualifications, 2019 ed.
 NFPA LINKS - 2019 NFPA-1001

Ch 1, 2, & 6 SHALL	NFPA 1001 Items	OSHA Enforce?
1.2.1	Defines prof qualifications	YES
1.2.2	Intent shall be to ensure FFI and FF2 are qualified	Unlikely
1.2.3	Standard shall not address org or mgmt responsibility <i>Org or mgmt responsibility is defined at the org level, not standard level.</i>	No, exclusionary statement
1.2.5	JPRs for each level and position are the tasks personnel shall be able to perform to carry out the job duties	YES, high level



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Comments, Q&A

- Chip Darius, 860-978-9899
cdarius@safetypriority.com



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