2211 Rayburn House Office Building

Washington, D.C. 20510-3221

Dear Ms. Elise Stefanik,

The volunteer fire service in New York State is asking that you give some attention to the proposed revision to CFR, 1910.156 the Fire Brigade Standard. If adopted by OSHA these proposed regulations will have a devastating effect on the fire service not only volunteer but smaller low budget career departments. A recent study by NFA indicates the 64% of the nation’s fire departments are staffed by all or mostly volunteer personnel and 10% are completely career departments, the remaining are combination departments. While our fire and EMS departments are finding it increasingly difficult to recruit and retain the next generation of volunteers, these proposed regulations will heap on no less than 81 additional administrative requirements.

The additional administrative requirements will require all fire departments regardless of their staffing; career or volunteer to add training administrative staff to comply with all of the proposed requirements.

Recent NFPA statistics also note that the average age of volunteer firefighters has been on the rise from 1997 to present. The smaller the population served the older groups are represented based on the study. It is also clear that a little less than half of the volunteers have more than 10 years of experience and full implementation of these proposed regulations would remove officers, who provide leadership that are in specific age groups would be more than likely not able to meet the rigid health standards in this proposed regulation. This would have a significant negative impact on the safety of the firefighting force. Second, the report indicates that the volunteer service (or mostly volunteer service) is the vast majority of the fire service for populations of less than 10,000 residents. Likewise, the populations of 25K to 10K are split between the volunteer and career service

The costs of implementing the proposed regulations on an annual basis means most volunteer fire departments will be faced with choices such as these below:

1) Volunteer Fire Leaders will have to choose which standards and regulations provide the least risk not to meet. There is no funding to meet everything so the OSHA requirements can be met at the expense of apparatus replacement, gear replacement, SCBA purchase and training or these things can be purchased on the already slow and piecemeal rate they are at the risk of running afoul of this regulation.

2) Volunteer Fire Leaders can attempt to meet the spirit of the regulation and hope that that will be sufficient to provide some protection when an incident occurs that could place them at risk.

3) Volunteer Fire Leaders could abdicate the leadership role as there is too much liability that has been created with the regulations that are well meaning, but completely impossible for small agencies to meet.

4) Volunteer Fire Leaders can simply cease to operate and leave their communities unprotected or essentially unprotected due to the distance that career firefighters would have to travel to make it to the scene of an incident.

The financial structure of the nation’s fire departments is something that is nearly impossible to nail down as there is no uniform method of funding. In many rural areas fire departments receive no governmental funding outside of grants and all funding is derived from completely voluntary means. There are many volunteer departments who function off of less than $10,000.00 per year and in many places, operate with less than $8,000.00 annually. The unintended consequences of implementing these proposed regulations would completely destroy those agencies as they have no possible way to meet the demands that are currently placed on them.

It is clear that there is a risk of death in a dangerous exercise such as firefighting, but it is not significant enough to merit the implementation of the proposed over reaching regulations.

The rough estimate to provide a trained administrator is $70,000 including salary and benefits. Note there are approximately 166 fire *districts* in the State that currently have budgets below $200,000, which does not include fire protection districts funded through towns or village fire departments.

The fighting of structural fires is an inherently dangerous job, regardless of whether the staff is career or volunteer, the one stance that states can take is to require residential sprinklers in one and two family dwellings. Sprinklers will provide safety for the occupants, will decrease the potential for line of duty deaths for firefighters and will preserve property values in the community. This is both a life safety and a sustainability issues. The proposed unreasonable regulations will force departments to gamble with the outcomes.