TO: OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

FROM: THOMAS J RINALDI, PRESIDENT, CAPITAL AREA FIRE DISTRICT’S ASSOCIATION OF NEW YORK STATE

RE: COMMENT ON PROPOSED NEW-REVISED RULE ON EMERGENCY RESPONSE; DOCKET NO. OSHA-2007-0073; CFR- 29 CFR 1910; DOCUMENT CITATION- 89 FR 7774; PAGES 7774-8023

DATE: MARCH 5, 2024

The Capital Area Fire District’s Association (CAFDA) represents over 100 fire districts and their fire companies in Northeastern New York State. A majority, 99.9%, of these fire districts are staffed by volunteers from the community. These fire districts are situated in a 10+ county area and include fire districts whose budgets range from $45,000 annually to just over $1m annually. A majority, 98%, of the districts represented are under $1m and operate with a stressed and aging staff. There is a huge variation in the capability and resources with the fire service entities in New York State and a majority of the fire companies in the State operate with minimal staffing, on minimal budgets compared to what is required by regulation or best practices. Very often the only paid staff may include a part time fire district secretary and/or treasurer who perform their duties as a service to their community at minimal pay.

Currently, most of the districts that CAFDA represents encounter times during the day when they are stressed for staffing which is often comprised of retired senior members of the fire company. Recruitment and retention have become routine activities in order to obtain new members and to retain current members in an active status. Younger members do not often remain in the community due to cost or due to employment or education commitments, while older members continue to age out. Most fire departments now have to rely on resources from automatic mutual aid assignments at a majority of calls, which places more equipment and personnel at risk.

Most fire districts have embraced up to date efforts to reduce the incidents of cancer, perform some level of firefighter physicals, and have appointed safety officers as an operational control measure. The emergent efforts to reduce firefighter injuries and fatalities have been recognized by a majority of our members and continues to constantly improve. Emphatically, no one wants to experience a line of duty death or a line of duty injury that negatively affects a volunteer’s employment status or the ability to make a living wage; which is the main reason that firefighters accept the ever increasing efforts to keep them safe.

The proposed changes to the 1910.156 standard admittedly need to reflect the significant advances in equipment that have occurred since 1980 and need to reflect the operational updates that the fire service has implemented in the last forty years.

One of the most effective means of keeping firefighters safe would be to encourage and support the installation of fire sprinklers in residential occupancies, the incidence of residential fires would be reduced as would the fatalities and injuries to both fire fighters and civilians. In addition the production of products of combustion, that have been proven to have long term effects on firefighter health would also be reduced. While the products of combustion have become more hazardous, little has been done to mitigate the long term health effects which have been left to the individual firefighter through PPE and improved SCBA. Little has been done to encourage the construction industry to construct safer occupancies; conversely their focus has been on cheaper and faster.

The proposed updates to the 1910.156 standard is in itself a voluminous document but add to that the volume of information contained in the referenced NFPA standards and evaluation becomes a time consuming task. To expect the volunteer fire service to digest the formal proposed document, its stated requirements, the required administrative tasks and the impact on training and subsequent administrative requirements contained in the proposed standard in a 90-day period is unreasonable. CAFDA on behalf of the fire districts and fire companies it represents is requesting an extension of at least 90 days to be able to fully comprehend the effect of this document on the volunteer fire companies in upstate New York. We are also petitioning OSHA to conduct public hearings in various convenient locations on the proposed rule change with sufficient notice to enable us to make arrangements to provide “in-person” comment.

Very truly yours,

Thomas J Rinaldi

President, Capital Area Fire District’s Association