



CAPITAL AREA FIRE DISTRICTS ASSOCIATION



# BULLETIN

AUGUST 24, 2024

EDITOR - TOM RINALDI [tom@rinaldi.com](mailto:tom@rinaldi.com)  
Serving the fire service community since 2004



## CAPITAL SHORTS:

- NEW OSHA INFORMATION IS PRECEDED BY THE **RED ARROW**
- \*\*NEW OSHA INFORMATION THIS WEEK...INTERESTING!!
- We wish Ron Berti all the best in recovering from his cataract surgery.
- We also wish Hope Meehan all the best as she recovers from her SPAC adventures, heal up soon!
- A must read and consider: **Stop Wearing Your Gear: A Call for Change in Firefighting Practices** in the Fire Service Challenge Section.
- CAFDA would like to extend our sincere sympathies to the family of and the fire department family of Neil Emanation, a recently retired firefighter with the City of Saratoga Springs.
- CAFDA would like to extend our sympathies to the family of Frank Nocerino, who recently died after a brief cancer battle. Frank was a past president and Secretary/Treasurer of the State Association of Fire Districts.

## CAFDA NEWS AND OPPORTUNITIES:

[WWW.CAFDA.NET](http://WWW.CAFDA.NET)

### **General Membership Meetings - - In person and Zoom**

**Next General Membership Meeting, Thursday September 12th, dining at 6 Meeting at 7.**

**Zoom Meeting Link:**

**Topic: CAFDA Membership Meeting**

**Time: Sep 12, 2024 07:00 PM Eastern Time**

**Join Zoom Meeting**

**<https://us06web.zoom.us/j/81009751918?pwd=Nb2E6D5GwOsxTIAAEWbbmRPkVHEgoM.1>**

**Meeting ID: 810 0975 1918**

**Passcode: 902311**

**Dial by your location**

- +1 646 558 8656 US (New York)

Printable 24/25 Calendar with much more – See End of Bulletin

Thank you to the Clifton Park – Halfmoon Fire District for allowing us to use their facility for the CAFDA meetings.

*All correspondence & Capital Area Fire Districts Association Mailing Address should be directed to:*

CAFDA PO Box 242 East Schodack, NY 12063 or EMAIL: [SECRETARY@CAFDA.NET](mailto:SECRETARY@CAFDA.NET)

Financial issues should be addressed to: [TREASURER@CAFDA.NET](mailto:TREASURER@CAFDA.NET)

## THE LATEST FROM THE STATE CAPITAL

### **ScoreCard**

- Just waiting for bills that passed the Assembly and Senate to be sent to the Governor for signature.

## OTHER FIRE SERVICE ORGANIZATION NEWS

### ***ASSOCIATION OF FIRE DISTRICTS OF THE STATE OF NEW YORK***

2024 Annual Meeting and Leadership Expo

From October Sunday 20- Ending on Wednesday 23, 2024 at Turning Stone Resort and Casino

REGISTRATION IS NOW OPEN AT THIS LINK:

[https://mms.afdsny.org/members/evr/reg\\_event.php?orgcode=FDNY&evid=40809591](https://mms.afdsny.org/members/evr/reg_event.php?orgcode=FDNY&evid=40809591)

**NOTE:** All attendees are responsible for making their own reservations and paying for their own room, room taxes, and incidental charges.

2 night minimum \$231 - \$356 per night (room only, no meals)

Reservation deadline: September 18, 2024

***IF NOTHING ELSE READ THE ARTICLES PRECEDED BY \*\****

## THE LATEST FROM WASHINGTON

### ***Fire Service Champion U.S. Rep. Pascrell Dies***

U.S. Congressman Bill Pascrell, D-NJ, was the co-chair of the Congressional Fire Service Caucus. The nation's fire service has lost one of its biggest champions -- U.S. Rep. Bill Pascrell Jr. Pascrell, the co-chair of the Congressional Fire Service Caucus, died Wednesday. He was 87.

He created the FIRE Act that provides federal grants to fire and rescue companies for equipment, stations and staffing. Most recently, he penned a bi-partisan measure that saved the program and provided additional funding for the U.S. Fire Administration.

## THE ATTORNEY'S OFFICE – HARD TO MAKE THIS UP!

### ***Former KY Fire Chief Admits Theft of \$76K in Federal Funds for Turnout Gear***

Bill Estep-Lexington Herald Leader

The former chief of an Eastern Kentucky volunteer fire department has admitted to stealing more than \$76,000 that was supposed to be used for equipment for firefighters and other needs.

Christopher Chapman, 35, pleaded guilty Tuesday to a charge of theft of public funds.

Chapman was chief of the Blackberry Volunteer Fire Department in rural Pike County when he took the money.

The county fiscal court approved grants of \$50,000 in the spring of 2022 to each fire department in the county to be used for turnout gear for firefighters and for other equipment and maintenance of their fire stations.

Chapman registered a company in West Virginia and told members of the board at the Blackberry department he could get safety equipment at cost from a company.

***He didn't tell board members he owned the company, according to his plea agreement.***

**The department ultimately paid for \$76,854 worth of equipment from the company Chapman had set up, but he took the money and didn't fill any of the equipment orders from the Blackberry department, according to his plea agreement.**

Chapman was charged in federal court because the money the county gave fire departments came through the American Rescue Plan Act, which Congress approved to help local governments maintain services during the COVID-19 pandemic.

Chapman is liable for repaying the \$76,854 and faces up to 10 years in prison.

U.S. District Judge Karen K. Caldwell scheduled sentencing for Nov. 25.

[EDITOR'S NOTE: Not a fire company that could afford to be ripped off.]

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legal advice. Since legal advice must be tailored to the specific circumstances of each case, and laws are constantly changing, nothing on this site should be used as a substitute for the advice of competent legal counsel. The authors assume no responsibility to any person who relies on information contained herein and disclaim all liability in respect to such information. You should not act upon information in this publication without seeking professional counsel from an attorney admitted to practice in your jurisdiction.

## FIRE DISTRICT FINANCES

### **\*\*The Importance of Fleet Replacement Funding Plans**

Joseph Murray

Many local communities struggled with reductions in federal and state funding levels, diminished property taxes, and losses of other revenue sources. While replacing expensive fire apparatus was challenging for most communities, the communities that lacked any type of fleet replacement capital improvement program were the ones that struggled the most.

Following the COVID-19 Pandemic, many communities have been the fortunate recipients of American Rescue Plan Act (ARPA) federal dollars. This one-time cash infusion provided some much-needed relief to many fire departments that previously were challenged to make significant investments in their fleets as a result of the last recession or lost revenue related to the COVID-19 Pandemic. While the communities and fire departments that were fortunate to receive ARPA dollars to replace apparatus are undoubtedly grateful, it is important that fire districts recognize ARPA for what it is: a **one-time** cash infusion. It is imperative that commissioners who have previously struggled to fund apparatus use this moment as an opportunity to advocate for a longer-term solution to fleet replacement woes. The ability to use ARPA funds to replace existing apparatus has bought many communities some time to plan for and prepare for the purchase of their next apparatus. If your community hasn't previously had a dedicated fleet replacement capital fund, now is a great time to begin those conversations.

In many communities around our nation, purchasing a pumper or a ladder truck is one of the most significant capital purchases they may make all year. This will be especially true over the next few years as we have seen the prices for apparatus skyrocket while taxable revenues in many municipalities have lagged behind because of state tax caps. When compared with other levels of government, local governments are the most challenged to make significant capital purchases. There are multiple reasons for this.

Capital purchases are generally generated through property taxes or assessments and because of their accessibility by the public, local government officials are far more scrutinized when proposing tax increases in comparison with their counterparts at the state and federal levels. The decision to raise local taxes could be a fatal decision for many local politicians throughout the United States. Complicating this situation even further is that many states now cap the taxable rates on properties, which makes recovery from poor economic times a long and drawn-out process. Finally, local governments have limited abilities to impact federal grant funding levels and state revenue sharing. This can make budgeting at times unpredictable.

#### **CAPITAL BUDGETS AND CAPITAL IMPROVEMENT PROGRAMS**

While a community's operating budget is dedicated to day-to-day activities, the purpose of a dedicated capital budget or capital reserve fund is to provide funding for non-reoccurring expenditures such as replacing of fire apparatus, equipment, and infrastructure. Capital expenditures may span several years to completely fund equipment, apparatus, fire stations, or other infrastructure needs.

The capital improvement program (CIP) is a process or policy used by your community's fiduciary. The CIP is used to provide a longer-range funding plan of action for a community's more significant capital expenditures annually for a predetermined length of time. The first year of any community's CIP should be the upcoming budget year for capital budget allocations. Depending on the jurisdiction, the CIP could be specific to the fire department or could include all operating departments within a community. It is the responsibility of the jurisdiction's budget officials to make sure the year-to-year cost estimates are within the financial capacity of the jurisdiction.

When set up properly, a CIP provides a systematic and responsible approach to financial planning so that the budget officials can determine the relative priority of various projects, build up funds for future major investments, or undertake multiyear projects. This planning may include increases in operating costs for a new fire station, acquiring property for a future training facility, contributions to an authority, special assessment projects, or planning for bond issuance.

A CIP's development and implementation process will vary from jurisdiction to jurisdiction depending on your governmental setup. In general, the process starts with a responsible budget official who compiles all capital project requests. Once projects are compiled, the budget official then works with the chief executive to present a proposed CIP to the legislative body for final budget approval. Each year, the CIP should be updated to maintain a predetermined length of planning years and to review the funding levels in comparison with anticipated future costs. It is also imperative that communities consider how the funded capital projects contribute to overall strategic goals and the master plan.

#### **A DEDICATED CIP FOR FLEET REPLACEMENT**

Capital improvement programs are essential for the long-term financial well-being of the community. Throughout the United States, many local governments struggle to replace old fire apparatus in a timely manner. As fire chiefs, it is important for us to ensure our elected officials understand the impact the fire department's fleet has on overall public safety. The inability to replace unreliable or unsafe apparatus when necessary is a significant problem that many communities struggle with because they do not have a dedicated funding mechanism. Far too often, communities are reactive with their fire apparatus replacement. Delaying fire apparatus purchases in the hopes of experiencing cost savings is often a false narrative when compared with the costs of maintenance and repairs, not to mention the negative impacts on service and reliability. ***Reactive purchases, especially in today's environment with extended apparatus build times, can significantly hinder a fire department's ability to fulfill its mission and, in some cases, can even force fire chiefs to purchase apparatus based only on what is immediately available and not necessarily on what is best suited for their communities' needs.***

During times of economic challenges, capital replacement is generally given a low priority if dedicated funding is not available. It may become far too easy for those in charge of the budget to pass on fire apparatus replacement when an existing fire apparatus is still physically present and responding to calls. Many times, fire apparatus funding is cut year after year until a total catastrophe takes place, and an emergency purchase must be made. ***Communities without appropriate fleet replacement funding plans put themselves at risk for a multitude of problems including extended downtimes, increased maintenance and repair costs, and lack of dependability.*** That being said, it is important that the replacement of fire apparatus be budgeted as a capital outlay, which should be funded separately from the regular operating budget of a fire department.

#### **DEDICATED FLEET REPLACEMENT FUND**

There are many advantages to having a dedicated vehicle replacement program and corresponding capital fund:

- Operationally, a dependable replacement schedule will allow the fire department to provide uninterrupted services to the public through a dependable fleet.
- A funded apparatus replacement schedule allows the fire department to anticipate and proactively design the next apparatus to best meet the needs of the community.
- The presence of a dedicated fleet replacement fund previously agreed on by elected officials greatly reduces the amount of political tension that at times arises with large expenditures.
- Proper fleet replacement reduces maintenance and repair costs, out of service time, and risk to employees from the continued use of apparatus past its expected service life.
- A fleet replacement fund reduces the need to make emergency purchases to replace apparatus, which may bring public scrutiny and concern.

**A ready and reliable fire apparatus fleet is essential to the public's overall safety.** As such, it is important that fire districts advocate for a dedicated funding mechanism for fire apparatus replacement as they reach the end of their useful lives. While ARPA has provided a much-needed one-time cash infusion that many fire departments have been able to use to replace their existing aged fleets, it would be a mistake to not learn from past fleet funding challenges. As commissioners, we must continue to advocate for proper planning and funding mechanisms for fleet replacement. Developing a CIP is an important step in this process. While ARPA may have provided many fire departments with a little bit of breathing room, it is imperative that we continue to work to develop a dependable funding source for fleet replacement to ensure that vital services are maintained and uninterrupted.

**FIRE DISTRICT BUDGET CALENDAR FOR 2024 CAN BE FOUND AT THIS LINK ON THE CAFDA WEBSITE:**

<https://cafda.net/fire-district-budget-calendar-for-2024/>

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**The 2025 Tax Cap will remain at 2% for fire districts**

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**Fiscal Oversight Responsibilities of the Governing Board**

The governing board's oversight role can touch virtually every aspect of a local government's operations. This session will discuss some key functions including budget responsibilities, interim reporting, the audit of claims, and the annual audit requirements. We will also provide resources available to assist in these oversight activities.

DATE: 2024-01-24 LENGTH: 46:53 TAKE THIS ANYTIME AT THIS LINK: [On Demand Slide Show Presentation \[pdf\]](#)

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**Local Government and School Accountability Contact Information:**

Phone: (518) 474-4037; Email: [localgov@osc.ny.gov](mailto:localgov@osc.ny.gov)

Address: Office of the State Comptroller, Division of Local Government and School Accountability  
110 State Street, 12th Floor; Albany, NY 12236

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**FIRE APPARATUS TALK**

**\*\*Specifying a New Apparatus: Don't Waste Money on Unnecessary Items**

Jeffrey Gaskin

Consider this: An apparatus committee convenes for the first of what will be numerous meetings to assemble specifications for a new apparatus. It was made clear to the committee that costs for new apparatus are at an all-time high and that the committee members absolutely must keep the cost of the department's new apparatus as reasonable as possible. Historically, the volunteer side of the fire service has more flexibility when it comes to the matter of budgeting. However, with the cost for funding public safety these days, that's situation is changing. This isn't an easy directive to follow, given the complexity of today's apparatus. How does an apparatus committee accomplish this task?

**MULTIPLE CONSIDERATIONS**

It often is at least 15–20 years that passed since a piece of apparatus that's to be replaced was put into service at a department. In what ways have the various aspects of the fire protection district changed over those couple of decades?

Don't downplay the importance of the answer to this question. Districts change over such a period of time, sometimes more than apparatus committee members realize.

**Next, move to the apparatus that's being replaced. My recommendation is that all of the members of the committee do this on their own, because each of them will have different answers to questions.**

- **What on the apparatus works and what doesn't for the department's current operations?**
- **What functions/features/components must be carried forward to the new apparatus?**
- **What functions/features/components shouldn't be carried forward to the new apparatus?**
- **What is lacking on the current apparatus that must be incorporated into the new apparatus?**

Be brutally honest going through these steps. The answers to all of these questions are going to have a big effect on developing a specification that serves the needs of the protection district today and throughout the life of the vehicle.

**STAY FOCUSED**

Multiple apparatus salespeople/representatives will (or should) visit to discuss their company's products and offerings. These meetings can be a valuable source of information. Exploit that.

**Two different classifications of items will become apparent quickly: needs and wants.** Needs are features and components that should be included in the apparatus. Wants are things that somebody desires but have little value operationally and add to the overall cost of the vehicle. Some committee members will pitch their wants as "needs."

How do apparatus committee members navigate through this process successfully? Understand your responsibilities. From the sales side, this is a business. Make no mistake about that. Salespeople are friendly, engaging and knowledgeable about their product, as it should be. However, their responsibilities and loyalties are to their dealership, also as it should be. The members of the apparatus committee must remember that they also are in a business transaction and, therefore, must maintain a professional relationship with all of the people who are involved from the beginning of the process to its end. That said, the committee is spending taxpayer dollars and, therefore, is involved in a legal process that has protocols and procedures that are detailed in state, county and local procurement laws. Staying on point is difficult. As they move through the specification development process, apparatus committee members can do several things to ensure that their department gets the apparatus that serves its needs and to assist in keeping costs from running away. **Keep in mind that every decision that the apparatus committee makes and every line that its members put into a specification have a cost associated with them.** Furthermore, every decision can create a domino effect on other factors.

Looking back on budgeting, municipalities that are served by volunteer departments tend to be more lenient on their department than municipalities that are served by career departments are on theirs, but that creates challenges. Below are the most common ones that I encounter. Although volunteer departments certainly don't have the market cornered on these items, experience has taught me that these challenges are more prevalent with volunteer departments and can affect the cost of new apparatus significantly.

#### **'THAT'S WHAT IT'S ALWAYS BEEN'**

This viewpoint isn't limited to any one aspect of a piece of apparatus, and it's something that many apparatus committees seem to latch onto.

There are times when it's appropriate to consider the reasons to hold on to some department traditions, but planning the functional and operational aspects of new apparatus isn't one of those times.

What the department protects, how many members turn out to respond, how and on what the members train, and the amount and types of responses all change. Along with those changes are the changes in and capabilities of apparatus. Is a two-stage fire pump being specified because the department always had one? The department might not need one with today's single-stage pumps and diesel motors. Two-stage pumps are more expensive than a single-stage version. Further, two-stage pumps have more internal moving parts and require more maintenance, and pump operators need a higher level of training. So, not only does the specification of a two-stage pump cost more initially, it costs more every year that a department owns that pumper. Extrapolate that mindset over the entire vehicle.

#### **MUTUAL AID**

***It isn't an apparatus committee's responsibility to design and equip new apparatus or to spend taxpayer dollars to protect another community.*** The committee's responsibility is to design and specify apparatus for its department's protection area. That said, this changes when a signed intermunicipal agreement for shared services is in place.

#### **WHAT IF ...?**

***An apparatus committee can "what if" itself into countless situations, and this has cost may fire departments lots of money, with no real return on investment and plenty of headaches.***

**You must understand and accept that a department never can prepare for every incident that it will encounter.**

Along those lines, if an incident is unusually large and/or complex, one piece of apparatus probably won't make a difference operationally or in the outcome.

Say an apparatus committee insists on a Type B foam system that delivers 3 percent concentration at 1,000 gpm. Why? "We have a tire wholesaler who has a warehouse in town that's stacked floor-to-ceiling with tires." Getting past the fact that tires are a Class A fire, the committee offers up a second reason: "The train yard has a diesel repair shop on the property." OK, but does the railroad have a Type B foam on the property for the department's use? "No, we asked them to do that, but they refused."

The "what ifs" could go on for pages and include stories about hugely oversize electric generators that are used to power certain buildings in a power failure. There might be more foam stories and discussion about complex HRT systems on heavy rescues and items on tool lists that are questionable. All of this doesn't address the operational challenges.

What's more, the department relies on its county's training center to supply the additional foam for "what if" scenarios. It takes 60–90 minutes to reach a scene, and they can make foam at maximum flow for 2 minutes and 20 seconds.

Be realistic about what's requested on apparatus and whether it can be supported operationally. Unless all of the secondary requirements that are needed for the "what if" scenario to be successfully managed and mitigated are considered and planned, putting a "what if" into operation and supporting that operation until the completion of the incident probably won't be possible.

### THREE AREAS OF LIGHTING

Operational lighting (headlights, turn signals, marker lights, cab interior lights and all other Department of Transportation (DOT)-required lighting) is the first area of apparatus lighting. As the purchaser, a department has options as to the make and model of different fixtures as long as they meet DOT requirements.

More time and energy is spent on the second area of apparatus lighting—emergency lights—than on any other part of the apparatus.

Is a \$ 7,000 light bar needed? Backed up by two minibars over the cab crew doors?

How many lights must be on each side of the apparatus? **Is the back of the apparatus so well-lit that drivers who arrive after the new apparatus is on scene are blinded?**

**Educate yourself. Take the lighting supplier catalogs away from members or members who want everything that's in the book.**

The third area of apparatus lighting is scene lighting. It has improved in the past several years and took a giant leap with LED lights.

Do product research. Several lighting manufacturers make excellent products that are competitively priced and are backed by good warranty programs.

Recently, I compared two competitors' models of a particular 12-volt scene light. There was about a 1,600-lumen difference between the two fixtures. The level of output of the fixtures was negligible. What wasn't negligible was the \$1,800 per fixture price difference between the least expensive and most expensive fixture. Specify two of the more expensive fixtures on each side of a vehicle and two on the back and a committee costs its department \$10,800.

### TRENDS IN APPARATUS

The blackout package has been one of the biggest trends over the past few years. Put another way, it's a fad, and fads fade. In addition, like so many other decisions, specifying a blackout package might have unintended consequences. A blackout package weighs about 0.75 lbs./sq. ft. when applied at a thickness of ¼ inch.

### BIGGER ISN'T ALWAYS BETTER

***Does the department need that 15-liter motor on the new apparatus? It might for certain applications in the fire service, but those applications are more exceptions than the rule.***

***That 15-liter motor weighs about 1,000 lbs. more than its 12-liter cousin. That's a big load difference on the front axle of the apparatus.***

**Is the 8- or 10-man cab still being considered despite the fact that it rarely, if ever, is full?**

Each of the considerations that are noted above are expensive. Furthermore, any one of them could push a specification into heavier axles, bigger brakes and bigger tires because of the weight that's added to the vehicle. Besides adding even more to the cost of the apparatus, the additional weight can change the way that the vehicle drives.

### IN THE KNOW

**Review the department's responses over the past 20 years, so the types and quantities of calls are known. Specify and build to what's needed to serve and support the department's operations.**

## STEP INTO THE CHIEF'S OFFICE

### **\*\*Leadership Isn't Easy. But Stop Making It So Complicated**

Eric Linneburger

Leadership is harder today than it has ever been – at all ranks. Many of our company officers are facing challenges for which they simply have not been trained, particularly as they try to focus on "big picture" issues that are beyond their scope, both on the human resources and operational sides of the firehouse.

Operations are becoming more complex, and the expectations and scrutiny to perform have never been higher. Then, from the inside, we tell our people they are at a higher risk of cancer, mental health issues, sleep issues, substance

issues, divorce, and on and on and on. This is impacting all our members, but we often forget how these pressures compound for leaders, especially new leaders, like company officers. Company officers are experiencing all the same pressures and anxieties as our firefighters, while being expected to guide, develop and protect them in these turbulent times.

First- and second-level line officers are THE most important positions in any fire service organization. They have more direct influence over the people within an organization than any other rank. Unfortunately, many company officers underestimate their own influence and importance. It is easy to become disenfranchised about the issues over which we have no control. This happens frequently at the company officer level where engagement and responsibility increase but organizational change or policy-making ability is not typically in the job description.

For any leader to reach their full potential, they must understand the purpose of their position and where their influence exists. While company officers should not take it upon themselves to fix our big picture issues, they are key to the success of our operations and the overall culture of an organization. It simply comes back to a matter of focus, particularly because so many of us tend to lose focus on the important things, especially during tough times. ***It is easy to chase the squirrels and fixate on the external emotion-generating factors, instead of focusing on our most important responsibilities – our people.***

With this in mind, it's essential that we train our company officers for their role – and what matters most. We oftentimes make things more complicated than they need to be, and we self-impose challenges and dissatisfaction.

**Company officers can thrive in this complicated environment by following these three tips to simplify their approach, focusing on what matters most and where they have their greatest impact.**

### **1. APPRECIATE THE INFLUENCE**

Company officers have tremendous influence. The problem: Many of them do not realize it.

Envision a time you worked for a great boss. You would walk through walls for that person. It did not matter what the chief was doing or how the city or district government was mismanaging from the ivory tower. The words and actions that came from the great boss, that first-level direct supervisor, were the marching orders that would be followed and emulated. Our newest firefighters do not know any different. Most think the company officer is all-knowing.

On the flip side, most of us can think of a time we worked for a bad boss. Anyone ever experienced a sense of impending doom thinking about returning to work for their shift? The shift drags on and your attitude progressively worsens as you hide out in the bunkroom Googling other employment options. It is the same job, and can even be at the same station, but one person can impact your entire attitude about it. This leads to decreased performance and service delivery whether you realize it or not. This is culture-defining influence.

Leadership is just influence – for good or bad. Do not take influence for granted and ensure that it is earned the right way. In a recent podcast, General Stanley McChrystal was talking about leadership influence and how to earn followers. He talked about leaders using “cheap leadership tricks,” such as vilifying others, especially upper-level leaders within the same organization, to gain followers. This is an easy and provocative way to gain followers but will not be sustainable and is not healthy. We all have baggage, especially those of us who have been with an organization for a significant amount of time. *It is not fair to make other people carry your baggage along with their own. Be an influence for good.*

### **2. RAISE THEM LIKE FAMILY**

Do not treat your members like children, but you should protect and care for them like they are. This does not mean enabling or shielding them from hard things. However, problems that do not concern them need not be their problems. Anyone who has grown up in an unstable home full of fighting or worry understands how stress is absorbed. Good leaders, like good parents, will shoulder unnecessary burdens so their people are free to thrive and grow. *Good leaders have the humility and courage to fight for their people and fire companies behind the scenes without bragging about it to them, all while keeping the team mission-focused.*

The family approach should also be applied to the onboarding of our next generation of firefighters. Yes, the next generation coming into the fire service is different. Just as we were all different from the previous generation when we arrived. We should not be surprised by this. Our job is to build teams, and the company officer is crucial in this. Get to know your firefighters and learn what motivates them. What do they need for their development and confidence? *Do not assume they think the same way you do or have the same priorities or goals. Learn to meet them where they are and bring them to the place you want them to be. At the same time, you must hold them accountable*

if they are not performing. Do not create a problem for someone else or allow a poor performer to put the team at risk. This is a huge responsibility and crucial for the health and performance of our organizations. **Keep it simple: Raise them as you would want your own child raised, and do not tolerate a crew culture that acts otherwise.**

### 3. CONTROL THE NARRATIVE

Lastly, officers must keep their company mission-focused and protect their firehouses from the noise pushing in from the outside, particularly as the polarization of politics and our society is expanding at a rapid pace. We live in an amazing country that allows us freedom to believe how we choose. However, we need to keep our firehouses apolitical and focused on the mission. Remember, our job is to build teams, not divide them.

The officer can keep the team strong and focused by clearly defining and re-defining expectations and modeling the expected behaviors. Focus on values, service and mission. Celebrate good performance, both team and individual, publicly. **Have tough conversations and correct deficient performance face to face, behind closed doors.** This job is taxing and affects everyone differently. A good officer stays engaged and knows when to step in and re-center the team. The best do this without anyone even noticing it happened.

We control the narrative in our firehouses by how we treat people and the stories we tell. Are you telling stories about how superior your leadership is and how inferior everyone else is, or do you appreciate it when others succeed and show grace when they make a mistake? **It does not instill security in your followers if you are always speaking behind the backs of others.** Words matter, especially from the leader. Oftentimes we should say nothing, but that is hardest of all. Temperance is a virtue we should all strive for, especially when we have people hanging on our every word.

### OUR PEOPLE DEPEND ON IT

Leadership is a great responsibility, and it is not easy. To maximize effectiveness, leaders must understand the scope of their influence and realize its effect on others. The great leaders at the line level thrive in the day-to-day grind by leaning into what matters. They put others first by caring for them, developing them and protecting them. They humbly bring consistency, security and predictability. **The fire service needs values-driven, service-oriented leaders, especially at the company level.**

Do not lose focus on your own health and development in the process. Set a good example and take care of yourself. Do not become a liability. Keep your skills up. Prioritize your own professional development, and set a good example for others. **Seek development opportunities outside of your organization.** This job is too dynamic to think you can learn everything you need from your department's training division or during the confines of your duty shift.

When things get challenging, you will never go wrong to simplify your approach and lean into what matters. Focus on your people and the areas over which you have control. Understand how your actions impact others and capitalize on it. Resist the noise and the impulse to react emotionally. Fire officers who appreciate their sphere of influence, and the responsibility that comes with that, can maximize their influence, ultimately becoming a leader whom others beg to follow.

## OUR CHANGING FIRE SERVICE –CHALLENGES & POSITIVE IDEAS!

### POSITIVE OUTCOMES

#### [Airboat Clears Smoke out of Broward County, FL, Building](#)

Devoun Cetoute

A morning fire at the Swap Shop — one of the largest flea markets in Broward County — had firefighters rushing over to contain it. While the fire was small, the smoke filling the massive building presented challenges that required “unconventional” solutions, including using an airboat.

Firefighters found smoke coming from the second floor of the large flea market and made their way inside. They discovered the fire sprinklers contained the fire to one vendor booth, which the firefighters quickly put out.

Crews spent a few hours using firefighting ventilation fans but to no avail. The size of the building made clearing the smoke too much of a task for the fans. So, more “unconventional firefighting methods” had to be used.

Firefighters called in an assist with the Florida Fish and Wildlife Commission, asking to haul in an airboat. The smoke was finally cleared using the large fan that powers the boat.

[EDITOR'S NOTE: BEEN THERE DONE THAT ON 3 OCCASIONS, WORKS WELL, POWERED BY A 500HP ENGINE, WE HAVE THE LARGEST VENT FAN IN THE COUNTY.]

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### **Glendale, SC, Fire Department to Hang 'Help Wanted' Sign**

Susan Nicol

Glendale Fire Department will be hanging out a 'Help Wanted' sign thanks to voters. "The passage of this referendum is monumental for the Glendale Fire Department, For the first time ever, we actually will be able to increase the number of fire personnel that we have on duty here at the station," according to Vice Chairman Bob Morris. The referendum allows District One to raise mileage on taxable property from Twenty Mills to Forty Mills. Glendale currently has nine firefighters, three are on each shift. He says at times this has been a major issue because if only two firefighters show up to a scene they cannot enter the building. due to safety requirements. Increasing their staff to twelve will mean four firefighters are on each shift, and they will be able to handle more situations on the east side of Spartanburg.

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### **FIRE SERVICE CHALLENGES**

#### **Man Arrested After Shooting At Fire, EMS Officials & Stealing Fire Vehicle In North Carolina**

The Rowan County Sheriff's Office arrested a man after he fired shots at fire and EMS officials and then fled from the scene in a fire vehicle.

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#### **BMW Recalling More Than 720,000 Vehicles Due To Water Pump Issue That Can Cause Fire**

BMW is recalling more than 720,000 vehicles due to an issue with the water pump's electrical connector that could potentially lead to a fire. The National Highway Traffic Safety Administration said that the recall includes some X1, X3 and X5 vehicles as well as some other models. The impacted vehicles have water pumps with insufficient sealing, according to the NHTSA report, and may be susceptible to fluid ingress at the electrical plug connector over time. There is the possibility that a short circuit could occur, and there's the potential for a fire, in rare cases. Water pumps and plug connectors will be inspected and replaced as necessary. A shield will also be installed to divert any fluid that might drop down onto the pump from the positive crankcase ventilation system's intake air house, the report said.

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#### **\*\*Stop Wearing Your Gear: A Call for Change in Firefighting Practices**

P.J. Norwood

In today's firefighting world, it's no longer a surprise that our structural firefighting gear contains per- and polyfluoroalkyl substances (PFAS), commonly known as "forever chemicals." These substances are virtually unavoidable; they pervade our environment, appearing everywhere we turn in both our personal and work environments. However, as firefighters, we face a unique and heightened risk from these chemicals.

#### **A SOBERING REALITY**

Firefighters have a significantly higher chance of being diagnosed with and dying from cancer. Many of us entered this profession without fully understanding the extent of this risk. For those who were informed, the weight of this knowledge is a heavy burden. The statistics are clear that firefighters have a 9% increased risk from the general population of being diagnosed with cancer. Additionally, firefighters have a 14% higher risk of dying from cancer than the general population does.

**At the 2023 International Association of Firefighters (IAFF) Fallen Fire Fighter Memorial, almost 66% of the names added to the wall were members who had died from occupational cancer. In 2023, 72% of the line-of-duty deaths (LODDs) of IAFF members were from occupational cancer. In Canada, where most provinces and territories have robust presumptive laws, close to 94% of LODDs among professional firefighters are the result of occupational cancers.**

Reflecting on my own career, I cringe at the memory of thinking that a dirty helmet and structural firefighting gear was a badge of honor. I was wrong, and I wish I had known better.

Although we cannot eliminate PFAO exposure, we can take steps to minimize the risk to ourselves and our family. During my tenure as a battalion chief and deputy chief, I mandated that my shift and department members wore their gear to every call, without exception. Today, if I were in that position, I would implement a different approach: I would

establish a policy to wear structural firefighting gear strictly for structural fire-related calls. I am fully aware that we must always be ready to act to save someone in our community. I fully understand that seconds matter. I also remember sleeping in the firehouse with my structural firefighting pants on the floor in the bunk room next to my bed. When we were ordered to no longer bring our gear into the bunk room, I was not happy and felt I would be delayed in getting out the door. Over the following years, I learned the value of not having that gear in the bunk room, and there was no increased delay to serve the citizens. This was a cultural change that took a long time to get accustomed to. **Today, I am positively optimistic there is not a firehouse in the country that allows structural firefighting gear in the bunk room area.**

#### **TO WEAR TURNOUT GEAR OR NOT TO WEAR TURNOUT GEAR**

**One significant measure to reducing your risk to PFAOs is not wearing your structural firefighting gear for training sessions—unless live fire or protection from cuts and abrasions necessitates it. Gear should not be worn for non-structural calls such as public service, motor vehicle accidents, EMS, outdoor fire emergencies, or any other routine activities like getting meals or heading out for a “ride.”**

Let’s talk about the pump operator’s role. Many pump operators wear their structural gear in this role (I certainly did). In addition to wearing my structural pants I would also always wear my structural firefighting jacket. **I can argue that driving while wearing the jacket, pants, and boots can contribute to decreased mobility and increased pedal issues while driving. In a department with minimal staffing,** I can fully understand the mentality that you must be ready with structural firefighting gear on for an unanticipated emergency requiring your role to change. However, it is a personal choice and a department’s standard operating guideline (SOGs) should be looked at, since each department operates differently and has different expectations for each riding position.

**Moreover, I would enforce a strict policy against having family, friends, or children pose for pictures in our gear.** This includes fire prevention activities. This gear is not a costume; it’s a tool that carries serious risks, and those risks should not be extended to our loved ones.

Leadership of departments who have not yet begun to understand this thought process should start by researching and understanding per- and polyfluoroalkyl substances (PFAS) and their impact on firefighters. Do you know that the children of firefighters have an increased cancer rate? **Yes, the risks that firefighters accept are also passed down to their families.**

Some research suggests that children of firefighters may have an increased risk of cancer. For example, one study found that **children of career firefighters in Kitsap County, Washington, have a 27.4 times higher chance of developing cancer than the general population.**

As a policy maker, can you completely eliminate the cancer risk? No, of course not. However, there are many actions you can and should take to reduce the risk to your membership and their family.

#### **A CULTURAL CHANGE**

**Here are some measures to policies and best practices to consider for your department:**

- **Limiting PPE usage**
  - **Consider using non-structural gear for non-structural calls (technical rescue, motor vehicle accidents, wildland urban interface, public service calls)**
- **Smoking cessation assistance**
- **No tobacco use policy**
- **Exhaust capture systems**
- **Gear exchange or provision of a second set of gear**
- **Gross decontamination procedures, including on-scene wipes and mandating a shower within the hour**
- **Self-contained breathing apparatus mask mandates during overhaul until the building is cleared by meters**
- **Ensuring clean equipment in the cab**

For some agencies, these steps may be simple to implement; others may find it more difficult. Consider, however that the on scene use of wipes decreases the cancer risk by 54% and proper gross decon of gear decreases the risk by 85%. Fire service leaders must realize the importance of reducing the risk where and when we can.

By implementing these strategies, you can significantly reduce the cancer risks for your firefighters and, by extension, their families. While you may not be able to eliminate the risks entirely, taking proactive steps to minimize them is crucial for the health and safety of your team.

To truly protect ourselves and future generations of firefighters, we need a cultural shift. It is imperative that we learn to reduce our risk by changing how and when we wear our gear. By making these adjustments, we can continue to serve our communities while safeguarding our health and well-being.

Let's make a commitment to this change—starting today.

**TRAINING FOR YOUR MEMBERS AND OFFICERS: PLEASE PASS IT ON!!**

***NATIONAL VOLUNTEER FIRE COUNCIL – TRAINING TIMES – COURSES/WEBINARS/EVENTS***

LINK TO THE VIRTUAL CLASSROOM: [https://virtualclassroom.nvfc.org/featured\\_courses](https://virtualclassroom.nvfc.org/featured_courses)



***Webinar - Finding Future Firefighters: Recruiting and Retaining Gen Z***

Move over millennials, there's a new kid in town. Generation Z - those born between 1997-2012 - are becoming young adults. Harnessing the energy and potential of Gen Z volunteers is crucial for organizational success. This session will explore the unique characteristics, motivations, and communication preferences of Gen Z individuals to equip you with the tools necessary to attract and retain this dynamic demographic. From leveraging social media platforms to understanding their passion for purpose-driven initiatives, participants will explore innovative strategies tailored to effectively recruit and empower Gen Z volunteers.

**REGISTER AT THIS LINK:** search. Defensive tactics involve our escape plans, which are needed as we complete our search, but more importantly under extreme or emergency conditions. To make these tactics work, we must always have our strategy front and center. Both sides of the coin are in play all the time. In this three-hour program, students will examine strategy and tactics to gain a more concise understanding of the training necessary for search.

**REGISTRATION FEES:**

\$35 – NYSAFC members • \$50 – non-members (per person)

*Pre-registration is encouraged. New – online group registration is available for fire departments!*

**REGISTER HERE:**

[https://r20.rs6.net/tn.jsp?f=001QZWPfjYZRP6tAYnVrgg36Z\\_YE6vp89dymWfQQD1d7q4ZRwVDNdeE8ByVmF5\\_856f\\_UrB-yGihYJigwEPzCbQfCVeoeEALHRXrk\\_M-dbDWBYRtKiko1vLice\\_oi1AFseMKfN01xTmCmiyzyMWYur-39p1T1V2\\_yChO2C2F1\\_fJn94LviwwZ3Aag==&c=AmhECQ6uFruSlwrKRKspNlivi3NWEIzhZOrf3KrFnUls83Dp1Q1JdQ==&ch=AqMwftSnQgSSioeldoQJ-cfc\\_GyhBFLqV23YaEp7HU-kr9WoEr9kSg==](https://r20.rs6.net/tn.jsp?f=001QZWPfjYZRP6tAYnVrgg36Z_YE6vp89dymWfQQD1d7q4ZRwVDNdeE8ByVmF5_856f_UrB-yGihYJigwEPzCbQfCVeoeEALHRXrk_M-dbDWBYRtKiko1vLice_oi1AFseMKfN01xTmCmiyzyMWYur-39p1T1V2_yChO2C2F1_fJn94LviwwZ3Aag==&c=AmhECQ6uFruSlwrKRKspNlivi3NWEIzhZOrf3KrFnUls83Dp1Q1JdQ==&ch=AqMwftSnQgSSioeldoQJ-cfc_GyhBFLqV23YaEp7HU-kr9WoEr9kSg==)

7:00pm STARTING TIME

**Fulton (Tuesday, September 10)**

**Otsego (Wednesday, September 25)**

**Rensselaer (Tuesday, October 29)**



***NYSAFC Hands on Series***

**FIRE BEHAVIOR ON THE INSIDE**

• Schenectady County – October 19-20, East Glenville Fire District #3 REGISTRATION:

<https://www.nysfirechiefs.com/firebehavior>

**FLASHOVER**

• Saratoga County – September 14-15, Jonesville Fire District, REGISTRATION:

<https://www.nysfirechiefs.com/flashover>



***NEW online, self-study course at The National Fire Academy***

The National Fire Academy announces the release of a new, on-line, self-study course *Introduction to Energy Systems (ESS)* (course code Q0757). Many of the modern devices that we use daily rely on some type of electrical source to power their operation. Many device manufacturers are using batteries to allow mobility and function without connection to the electrical power grid. In this course, you will learn to recognize energy storage system (ESS) concepts and principles so you can analyze the hazards involved with ESS incidents.

After completing this course, you will be able to:

- Define an energy storage system (ESS)
- Recognize hazards associated with ESS
- Associate chemical ESS hazards with Lithium-Ion-Battery Energy Storage Systems (LiBESS)
- Associate thermal ESS hazards with LiBESS
- Identify response consideration during LiBESS incidents
- Identify the post-incident operations following an ESS response

**APPLY ON-LINE NOW AT THIS LINK:**

<https://links->

[1.govdelivery.com/CL0/https:%2F%2Fapps.usfa.fema.gov%2Fnfacourses%2Fcatalog%2Fdetails%3Fid=10900/1/01000191155e6a37a-c80eedb1-9dec-453b-83ef-aea14a628d66-000000/cutUA5Ks1sfdfrWdLMwwwNxnSHB3M1J7baev1Nk4HOH0U=366](https://links-1.govdelivery.com/CL0/https:%2F%2Fapps.usfa.fema.gov%2Fnfacourses%2Fcatalog%2Fdetails%3Fid=10900/1/01000191155e6a37a-c80eedb1-9dec-453b-83ef-aea14a628d66-000000/cutUA5Ks1sfdfrWdLMwwwNxnSHB3M1J7baev1Nk4HOH0U=366)



*University Provides a Wealth of Training Opportunities UPDATED FOR 2023*

**VFIS TRAINING AND RESOURCE CATALOG 2023**

<https://afdca.org/wp-content/uploads/2023/02/2023-ETC-Resource-Catalog-VFIS.pdf>

**VFIS UNIVERSITY – USERS GUIDE**

<https://afdca.org/wp-content/uploads/2023/02/VFIS-University-User-Guide-3.pdf>

**VFIS TRAINING OFFICER USERS GUIDE**

<https://afdca.org/wp-content/uploads/2023/02/VFISU-Training-Officer-User-Guide.pdf>

**VFIS RESPONDER HELP FLYER**

<https://afdca.org/wp-content/uploads/2023/02/2023-VFIS-Responder-Help-Flyer.pdf>

## **FF HEALTH AND SAFETY – TAKING CARE OF OUR MEMBERS!**

### **\*\*Safety Focus: Fire Apparatus Crash Reduction**

Greg Rogers

Fire apparatus crashes are a big problem in the fire service. As each year passes, we see a trend of increasing incidents resulting in property damage, injuries and deaths. Each state has laws regulating emergency vehicle operations, and nationally accepted standards lay out requirements for driver training and apparatus safety.

**And still, we have crashes. We really need to stop crashing fire trucks!**

In this series, we'll review apparatus crashes, look at related injuries and deaths, and explore prevention measures. We'll examine policy development and enforcement, training program components, and how fire service culture relates to apparatus crashes. Finally, we'll provide recommendations to improve safety within your agency while providing an effective and efficient service to your community.

#### **FIRE APPARATUS CRASH DATA**

Statistics compiled by the [U.S. Fire Administration](#) show about **27% of firefighter line-of-duty deaths (LODDs) are vehicle-related**. Sadly, many of these were preventable. In the fire service, we tend to have an inward focus when it comes to injuries and deaths. We are inherently aware of the dangers we face — and we take them seriously — but our lives aren't the only ones at risk on the road.

When we turn the focus outward, we see that **fire apparatus crashes kill civilians more often than they kill firefighters**. Data collected by the [National Safety Council](#) (NSC) show 67% of fire apparatus crash-related fatalities were occupants of other vehicles and 14.5% were pedestrians, bicyclists or others outside of vehicles. In contrast, occupants of fire

apparatus accounted for 20% of fatalities, **so firefighters are four times more likely to kill citizens with their trucks than they are to kill themselves or other firefighters.**

In a business where our mission is to save lives and property, this irony is troubling. There are few things firefighters do that put the public at risk, but responding to calls is one of them.

#### **EVERY CALL REPRESENTS RISK**

On average, according to [2022 NFIRS data](#), fire departments in the U.S. respond on over 80,000 runs per day. That's 80,000 times a day where at least one fire department vehicle departs a fire station and travels down the road. Every time you leave the station, you are exposed to (and exposing others to) the risk of collision.

The fire service prides itself on risk management, and rightfully so. Everything we do in this business relates to risk assessment and risk management. In the past several decades, the culture has evolved to become more risk aware, and this has led to positive change. [Data from the NFPA indicates that on-duty firefighter deaths have been on a downward trend for the past 45 years.](#) Our culture puts great emphasis on firefighter health and safety, and we continue to make improvements in areas such as incident management, risk assessment, and physical and mental health and wellness.

But when it comes to managing risk related to vehicle operations, we fall short. This is likely due to several factors including response times, adrenaline, culture and insufficient training.

#### **LIVES IN THE BALANCE**

Consider this risk assessment. You are dispatched to an EMS call for troubled breathing. The patient is reported to be alert and oriented but is short of breath after doing some yard work. As you respond to the call, you may pass hundreds of cars, each with at least one person inside. You travel through several intersections where motorists must stop and yield to your vehicle.

Each one of those vehicle encounters represents a risk of crash and related injury. How many people are we willing to put at risk to help one person? How can we reduce this risk while still arriving quickly to help the patient?

This scenario is one that plays out thousands of times a day, all over the country. These risks must be managed effectively to reduce loss of life both to the patients and the public.

#### **NORMALIZING EMERGENCIES**

The more you drive or ride in an emergency vehicle, the less "emergent" things seem. This is the case with many things in public safety, as we tend to normalize situations and experiences that the general population sees as dangerous.

Consider your own physiological changes when the bell rings. If you are new to this job, the alert probably startles you a bit and anxiety heightens your risk awareness to protect you. Your heart rate increases along with your blood pressure. You are acutely aware of the severity of the situation you are responding to.

As time goes on, though, your response to these alerts softens. Emergencies become normalized for first responders and in many ways, that is a good thing. If we were startled into high-alert mode every time a call came in, we'd be worn out long before we were ready to hang up our helmets. On the other hand, this normalization of emergencies can soften us to the point of complacency where we are less concerned about risk. Every time you climb into that rig and roll down Main Street with [lights and sirens](#), you become more confident in your abilities. And every time you take unnecessary risks and get away with it, your actions are rewarded and your complacency is reinforced.

#### **OTHER DRIVERS' RESPONSE**

You are around fire apparatus all the time, so their presence is routine for you. Lights and sirens are normal for you. You're used to them. However, average citizens rarely encounter a fire truck and when they do, their responses can be hazardous.

For many people, the requirement to yield safely to emergency vehicles is mostly hypothetical — a question on the driver's license test and little more. When they encounter your fire apparatus, they have mere seconds to recall that test question and come up with the correct behavior. In short, members of the public are sometimes startled when they see us on the road with them and we need to plan for that.

#### **LICENSING AND TRAINING REQUIREMENT**

The hard truth is that human behavior is a factor in almost all apparatus crashes. **Fire truck operators often drive faster than they should, brake harder than they should, and take corners more quickly than they should.** In addition to those things, driver inexperience and insufficient training are factors that can affect vehicle control.

Since 2022, all prospective commercial drivers have been required to attend entry-level driver training (ELDT) that complies with Federal Motor Carrier Safety Administration regulations prior to applying for a license. This training must follow an approved curriculum and ensures prospective drivers receive adequate baseline training before becoming licensed. Part of this training includes instruction on vehicle dynamics, weight distribution, vehicle systems and other factors that relate to larger vehicles. The program was put into place to increase driver proficiency and reduce crashes. The thing is, a fire apparatus is not classified as a “commercial vehicle” in most places in the United States, and firefighters are not required by federal law to hold a commercial driver’s license (CDL). Some states require specific training for fire apparatus operators while others recommend it through best practice.

Regardless of state requirements, [NFPA 1010](#) is the gold standard for firefighter training, including apparatus operator training. This standard lays out job performance requirements (JPRs) for apparatus operators and overlaps with federal CDL requirements where appropriate. Agencies should not only have emergency response policies in place but should also have a training program based on both NFPA 1010 and federal [CDL training requirements](#). A comprehensive training program can improve apparatus operator competency, even for experienced members.

#### **APPARATUS DRIVER ERROR**

***For accidents that occur during emergency responses, speed and improper actions at controlled intersections are frequently factors, as is driver error.*** Not all states require emergency vehicles to come to a complete stop at controlled intersections, but [NFPA 1451](#) does. After all, intersections are the most likely place for crashes to occur.

This is the case for all crashes, but the risk is amplified when responding to emergencies because apparatus operators can proceed against a red traffic signal. ***Stopping at an intersection before proceeding against a signal or stop sign only costs seconds in response time but can save lives.***

#### **DISTRACTED APPARATUS DRIVERS**

Things can happen fast on the way to a call and there’s a lot going on inside the cab. There is noise from the siren and horns, important information is coming across the radio, and the crew is thinking about their initial on-scene actions. The officer may be giving orders or laying out the tactical plan to the crew. For the engineer, it can be difficult to isolate yourself from these distractions and focus on driving because your responsibility doesn’t end when you set that parking brake. You’re thinking about things like apparatus placement, water supply and everything else you need to do to support the operation. But with all of this going on inside the cab, the engineer must stay focused on what’s going on outside of it. A momentary lapse in awareness or judgement can lead to a crash, potentially causing injury or death and rendering your rig and crew useless.

***The company officer can help reduce distractions for the driver by providing important information such as the next turn, nearest hydrant, and incident-specific details like “It’s the third house on the right,” or “Engine 3 is going to beat us in, so you’ll be water supply.”*** This can clear up the engineer’s mind so they can focus on safe operation of the vehicle.

#### **MAKING CODE 3 RESPONSE SAFER**

Apparatus crashes are frequent and can be tragic. Responding to emergencies is a core mandate of fire department operations and there are several factors that contribute to apparatus crashes. In upcoming articles, we will discuss these factors and outline a plan to help reduce apparatus-related incidents in your department. ***These incidents are often preventable through awareness, training and policy compliance. Remember, we can’t help anybody if we don’t get to them.***

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#### ***Texting Driver Wrecks CT Fire Apparatus***

The driver of a Brookfield Volunteer Fire Department, Candlewood Company, Connecticut, fire apparatus **was texting** at the time the rig left the road and landed on its side Tuesday, Aug. 13, the Putnam County Sheriff’s Office. The apparatus was being taken to a mechanic in Patterson, NY for service at the time, according to the report. No one was injured and no other vehicles were involved, but the apparatus had to be placed out of service. Heavy-duty wreckers from several auto body shops were needed to right the truck and tow it away.

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***IN 2024 WE HAVE EXPERIENCED 36 FIRE FIGHTER LODD'S***  
*According to FirefighterCloseCalls.com\**

**In 2023 we experienced 82 LODDs reported nationally!**

**YOU NEVER KNOW!**

- Brian Peek, 67, of Newberry Township, PA a fire police officer with the Goldsboro VFD, was identified as the deceased after he was struck and killed while directing traffic at an MVC.
- Two firefighters were injured early Sunday morning and four people lost their home in a massive two-alarm fire, according to the Columbia, South Carolina Fire Department, one has been released the other remains hospitalized.
- A Mountain View, CA fire captain was hospitalized for a dislocated shoulder after the floor of the residence collapsed during the response. He was transported to a local hospital, according to the department.
- The flames reached the roof of a Mesa, Arizona home while firefighters were working to extinguish the blaze, the roof collapsed, trapping 10 firefighters inside. The fire started in a BBQ grill too close to the home.
- John Papendick, a member of a Bergen County town’s volunteer ambulance corps, was driving his car south near milepost 61.2 in Franklin Lakes just before 9:30 a.m. Wednesday when he veered off the highway to the right and struck a guardrail, State Police said. Papendick’s car then slid across the road and slammed into a concrete barrier. Papendick, 58, of Waldwick, died of his injuries at an area hospital that evening, he leaves a wife and three sons.

**BUILDING CODE, FIRE FATALITIES, AND FIREFIGHTER INJURIES – A LINK!**

**Y’a know, if we had sprinklers in 1 & 2 family homes by now the death toll of 700+ would be a hell of a lot less and fewer firefighters would be injured. But because builders and realtors make big contributions to politicians, sprinklers have been negotiated out of the Code!!**

*An awfully expensive price to pay to save money. Stop the carnage, install residential sprinklers.*

*Residential sprinklers are a component of the plumbing system, with approximately 1 head per room. The purpose of residential sprinklers is to allow time for the occupants to escape. Residential sprinklers are designed for quick response and only one at the most two heads may be triggered. With residential sprinklers present, the civilian death rate is 89% LOWER. Residential sprinklers will assist responding firefighters to do their jobs and save firefighters lives also, especially since everyone is short staffed!!*

**CHIEFS NEED TO SPEAK UP: Our fire problem would not be as bad if there were residential sprinklers!!**

<b>HOME FIRE FATALITIES REPORTED BY THE MEDIA FROM THE US FIRE ADMINISTRATION</b>	
<b>Fire Deaths in 1&amp;2 Family Dwellings in NYS</b>	<b>32</b>
<b>Last fire death 7/27/24 Ballston Spa, Saratoga Co., female 84</b>	
<b>Fire Deaths in any type of Dwelling in NYS</b>	<b>68</b>
<b>Fire Deaths in 1&amp;2 Family Dwellings Nationally</b>	<b>813</b>
<b>Top 3 States with the greatest 1&amp;2 Family Deaths</b>	<b>#1 PA/62</b>
	<b>#2 TX/51</b>
	<b>#3 CA/42</b>
<b>There has been a total of 1323 civilian home fire fatalities in 2024</b>	
<b>There were a total of 2127 residential fire fatalities reported in 2023 in the US media.</b>	
<b>We are in Week 29 of 2024, fire has claimed on an average 26 lives PER WEEK, perhaps OSHA should examine that death toll.</b>	
<b>Both the states of Maryland and California require sprinklers in residential dwellings</b>	

**LIVING WITH NEW GREEN TECHNOLOGY**

## **Tesla Semi Crashes in CA, Spews Toxic Gases**

Amy Graff-SF Gate

Toxic fumes wafted from a Tesla commercial semitruck that caught fire on Interstate 80 near Colfax on Monday afternoon, with flames spreading to nearby vegetation and officials **fully closing the highway for hours**. At 5 p.m., Caltrans reopened just the westbound lanes to all traffic, followed by the eastbound lanes at 8:30 p.m.

Caltrans reported a complete closure of Interstate 80, between Colfax and state Route 20, shortly before 2 p.m. Mary Eldridge, a spokesperson for Cal Fire, said **the fire was started by hazardous materials within the vehicle's lithium ion batteries and fumes from the chemicals are dangerous to anyone within a third of a mile of the fire**.

"As long as the vehicle has vapor coming off it, that is extremely toxic," Eldridge said over the phone. "We don't want anyone driving by with open windows. We don't want any of that getting into vehicles, so this fire has to be done before the road can reopen."

**Eldridge said the semitruck, which is an 18-wheeler and can carry up to 80,000 pounds, went off the road. She said an investigation will look into why the vehicle veered and whether the fire started before it went off the road or after.**

The vegetation fire has been named the Blue Fire because it's located near the Blue Canyon exit on I-80. The fire is small with minimal spread as aircraft were quick to dump fire retardant over the area, Eldridge said.

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## **Battery Facilities Aim to Shore Up CA Power Grid, Though Fire and Safety Risks Remain**

Paul Rogers-Bay Area News Group

Four years ago this week, California's power grid was so strained by a heat wave that rolling blackouts hit hundreds of thousands of residents over two days. It nearly happened again two years ago, when state officials issued 11 "flex alerts" asking businesses and homeowners to voluntarily reduce electricity use to avoid power disruptions.

But this year when a record heat wave scorched the state over three weeks from mid-June to July — sending temperatures across the Bay Area and the Central Valley soaring over 110 degrees — there was plenty of power. No warnings. No shortages. No flex alerts.

A big part of the reason, experts say, is a boom in the construction of giant battery projects.

California's high-tech battery centers, built with thousands of lithium-ion batteries similar to the batteries in cell phones and electric cars, are solving the main shortcoming of the push for more renewable energy: the fact that the sun doesn't shine at night.

Battery storage has increased sevenfold in the past five years in California, from 1,474 megawatts in 2020 to 10,383 megawatts now. A megawatt is enough electricity to run 750 homes.

Before, when the sun went down every summer evening, giant solar farms stopped producing electricity, sometimes leading to power shortages statewide in the early evening. Now, the growing number of battery storage plants across the state can store that solar power during the day when it is plentiful. The battery storage plants then release it back to the power grid in the evening as the sun goes down but hot weather keeps electricity demand high because millions of Californians are running air conditioners.

"Think of it like an energy bank account," said Elliott Mainzer, president and CEO of California Independent System Operator, an agency in Folsom that manages the state's power grid. "In the middle of the day, you are making big deposits. At the end of the day, we withdraw from that account."

Since 2020, companies in California have built more large-scale battery storage projects than any place in the world except China. Five years ago there were 36 such plants in the state. Today there are 175, with dozens more planned or under construction.

"It's definitely been a game changer in improving reliability," Mainzer said.

The shift has taken many people by surprise.

"These facilities are not sexy. They are not visible," said David Hochschild, chairman of the California Energy Commission. "They are out of view. The footprint is very small. They are out of sight, but not out of mind."

"They have been the difference maker," he added. "They are the reason we haven't had flex alerts. These storage facilities have provided an incredible cushion."

Many of the largest battery plants are in the Southern California desert, near Palm Springs, Blythe and Lancaster. But two of the biggest are in Monterey County, located on the site of the old PG&E Moss Landing Power Plant.

That natural gas-fired plant, built in 1950 and famous for its two 500-foot-tall concrete smokestacks, now is home to a 750-megawatt battery storage plant owned by Vistra, a Texas company, and a 182-megawatt plant owned by PG&E. They are two of the largest such plants in the world. Vistra says its plant is the world's largest.

The PG&E plant has 256 Tesla "Megapack" units. The gleaming white steel boxes, each about the size of a shipping container and weighing 56,000 pounds, were built at Tesla's Gigafactory near Reno. Arranged in neat rows and sitting on concrete pads, they are cooled by fans that hum in the background. The battery storage plant opened in 2022, and its storage provides enough electricity for 136,000 homes.

"This is a strategic location to connect to the grid," said PG&E spokesman Paul Doherty during a visit Thursday. "All of the wires and substations are here. And there's room to expand."

Tesla opened a new battery factory in Lathrop, south of Stockton, in 2022 that can produce about 13,000 Megapacks per year.

***But the technology is not without controversy.***

Fires broke out at the Vistra plant on Sept. 4, 2021, and Feb 14, 2022. Investigations showed that they were caused by a malfunction in a fire sprinkler system, which released water and caused several of the units to overheat.

Then in September 2022, a fire broke out at the PG&E Elkhorn battery plant. Police closed Highway 1 for 12 hours. An investigation found it was caused by an improperly installed vent shield on one of the 256 units, which allowed rainwater to get in and short out the batteries. There were no injuries to firefighters, PG&E employees or the public.

Afterward, Gov. Gavin Newsom signed a law requiring battery storage plants in California to draw up emergency response plans with local fire departments and increase fire safety.

"Increasing the state's battery storage is essential to reaching our clean energy goals," said State Sen. John Laird, D-Santa Cruz, who wrote the bill. "But we also have to ensure that these facilities have safety systems in place to protect the health and well-being of workers and surrounding communities."

***Last month, after two fires occurred at San Diego County battery storage facilities, San Diego County supervisors required county officials to draw up tighter rules that would restrict battery storage plants near homes, schools and other facilities. And when Vistra proposed building a large battery plant in Morro Bay, citizens there put a measure on the November ballot on whether to allow it.***

Such fires are rare, said Mark Jacobson, a professor of environmental engineering at Stanford University. And by helping the state's renewable energy to keep growing, they are reducing the amount of electricity generated from natural gas, which in turn reduces soot and smog.

"There are 12,000 people a year in California who die from air pollution," Jacobson said. "Nothing is perfect, but if we want energy, this is the best way to do it."

In an effort to reduce greenhouse gas emissions and air pollution, California political leaders have increasingly mandated that big utilities like PG&E, Southern California Edison and San Diego Gas & Electric produce more and more of their electricity from renewable energy.

*In 2018, former Gov. Jerry Brown signed a law requiring that 100% of the state's electricity come from carbon-free power like solar, wind, geothermal, hydroelectric and nuclear by 2045. Today the state is at 61%. To make renewable energy more reliable, state regulators have required utilities to build battery storage or sign contracts with companies for it. Now the utilities are making money by buying power at cheap prices in the middle of the day when it is plentiful and selling it at a higher price in the early evening.*

On some days this year battery power has become the largest source of electricity on California's power grid. On Wednesday, a record 8,320 megawatts of battery power was on the grid at 7:35 p.m., the equivalent of 16 natural-gas-fired power plants running full power, or four nuclear power plants the size of Diablo Canyon running at peak capacity. "It's happened so fast," Jacobson, the Stanford professor, said. "Only a couple of years ago nobody was talking about batteries on the grid. California really demonstrated for the first time how beneficial they can be."

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### ***Firefighter Hurt When Blaze Tears Through E-Bike Shop In Queens For 2nd Time This Year***

Flames destroyed part of an e-bike shop in Richmond Hill early Thursday morning, forcing people who live above the shop out of their homes in the middle of the night. The blaze broke out at the Kings Electric Scooters shop in Richmond Hill around 2:30 a.m. The fire reportedly broke out in a garage area where the bikes are stored. More than two dozen electric and gas-powered bikes were pulled out of the store on Jamaica Avenue. ***This wasn't the first time the shop went up in flames. Eyewitness News was there back in March when the store caught fire.*** "It was the second time

that this garage caught on fire. The first time was a few months ago," the resident said. "The first was definitely worse but this one isn't good either." One firefighter was taken to Jamaica Hospital with a minor injury.

[EDITOR'S NOTE: How did all those new laws signed by the Governor work?]

## BUILDING A NEW FIRE STATION

### ***Station Design: Preserving Fire Department History***

Janet Wilmoth

Every fire department has history, and that history can be documented and honored in various ways: large or small museums or less official dedicated space; as few as one or as many as dozens of historical items, whether that be equipment or statues, turnout gear or photographs, bells and alarms or memorials. This all might be obvious to those who are involved in the planning for a new or refurbished firehouse or other department building. What might escape many people is the value of going outside of the department for any ideas or information.

"Building projects that contain a museum or specific historical emphasis often can benefit from the input and collaboration with additional groups, such as historical societies and architectural review boards, during the design process," Ken Newell of Stewart-Cooper-Newell Architects tells *Firehouse Magazine*.

For an example, Newell points to the city of Danville, VA, and its plans for a new fire headquarters. The city selected a site that formerly was occupied by the Danville Lumber Company in the historic Tobacco Warehouse District. Multiple city departments were involved in the project, but the most impactful interaction was with three advising historical groups: the Danville Historical Society, Preservation Virginia and the Virginia Historical Society. They stressed the importance of a project that integrated reclaimed building materials, to convey the historical site features and complement the fabric of the landscape.

During a recent modernization of the District of Columbia Fire and EMS Department's Engine Co. 16, the department didn't go the route of specifying one designated area for the display of its historic collections. Instead, the department's administration wanted to honor the firehouse's history by showcasing the building's significant features and materials. LeMay Erickson Willcox Architects was instrumental in the reuse of salvaged decorative tiles, the likes of which went out of production long ago. The firm's design preserved the central open stairway to the bays, including the terrazzo floors. Marble slabs from the showers were repurposed for use in the restroom areas

"We also revitalized several old skylights and lightwells," LeMay Erickson Willcox Architects' Paul Erickson says.

When the project was completed, firefighters installed many historic artifacts throughout the building. Among them: the original "hotline phone" that was linked to The White House. (Engine Co. 16 is first due to The White House.) Display cases in renovated lobbies display the call logs from the station's more than 80 years of service.

"I've been told that these call logs have brought some older members to tears when they have visited the renovated station," Erickson points out. "While the building doesn't have a designated area for display [of artifacts], it is an embodiment of historic preservation and respect for the past."

#### **A TEXAS TRIO**

Justin Myers of Martinez Architects tells *Firehouse Magazine* that all of the planning that was required for a new administration building for Aldine, TX, Fire & Rescue involved Fire Chief Dave Parker's desire to present the department's history in a way that had been discussed at length for years by longtime department members and long-term commissioners.

"The intent is to showcase the origin of the department and how it evolved to maintain its legacy for the community and future firefighters," Parker explains.

Among options considered during design: a bay in the station for antique apparatus.

Although cost and budgetary needs were important, the opportunity to provide an educational resource was a priority consideration. A delicate balance that considered costs versus what makes something worthy of preserving had to be struck.

Another question that was raised during the planning for the Aldine Fire & Rescue administration building: Who was going to maintain, curate and/or drive around an antique truck? Would those responsibilities fall on the administration or on the fire service staff?

The McKinney, TX, Fire Department and Fire Chief Danny Kistner wanted to apply a different approach than the conventional to incorporating the department's past, present and future into a new fire department headquarters building.

"In the past, the department had a lot of photographs and memorabilia on the walls in the fire department administration area, but it was mostly 1920s black-and-white pictures, not what firefighters want to see. They want to see photographs of themselves," Kistner says. "I want them to see a reflection of themselves and for the public to see what we're doing" for them.

Among the innovations that were specified: a building column that's wrapped with images. Also, digital frames that run a slideshow of photographs of various subjects make updates easier.

The McKinney Fire Department has a dedicated museum at Fire Station 1, with an antique truck, equipment and historical records, so the new station/headquarters contrasts with Fire Station 1.

When the Midland, TX, Fire Department began planning to replace the existing Station #5, Fire Chief Charles Blumenauer says the planning committee wanted to do something for the local community, given that those people were going to lose their beloved old station. "At the same time, we wanted to avoid wasting space, so we chose to utilize the stairwell space for history preservation," Blumenauer explains.

The plaque that commemorated the dedication of the original station in 1958 was preserved and placed in the stairwell of the new firehouse. A vibrant wall mural was commissioned to be painted on a wall that's located opposite of a platform that will be used for the display of department historical artifacts.

#### **TANGIBLE APPRECIATION**

The Summit, NJ, Fire Department is taking advantage of the construction of a new headquarters to incorporate a fire prevention education area/department museum.

"There is an adjacent mezzanine that overlooks the antique fire truck, where groups can meet with the fire prevention team to learn about the importance of fire safety and about the history of their city's fire department," Christopher Kehde of LeMay Erickson Willcox Architects explains in regard to the site plans.

Newell sums up the topics of preserving fire department history: "Memorials mean many things to many people, and one often over-looked aspect is encouragement to the active firefighters." Memorials, he makes a specific point to add, are a tangible appreciation of those who are willing to risk their life to protect others who are in the community. "It is a daily reminder within the station environment that is crucial to the community and that the community will never forget those who sacrificed everything in the performance of the profession."

### **HAPPEN'N IN THE NEIGHBORHOOD**

#### ***Perth Volunteer Fire Department Cornhole Tournament***

Perth Fire Station, 4080 State Highway 30, Amsterdam, NY

Saturday, September 21<sup>st</sup>.

Text or Call 518-866-1606 To Register

Airmail Challenge!!

Raffles-Cash Prizes-Drinks-Monty's Food Truck on Site

[SEE ATTACHED SPONSOR LETTER FOR AREA BUSINESS](#)

<https://cafda.net/wp-content/uploads/2024/07/cornhole-sponsorship-letter.docx>

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#### ***NASCAR First Responder Appreciation Day at Watkins Glen International***

Join [NASCAR](#) on [September 15](#) at Watkins Glen International for First Responder Appreciation Day! First responders and their friends and families can purchase tickets through this [special offer](#).

**LEARN MORE AND PURCHASE TICKETS AT THIS LINK:**

<https://fevo-enterprise.com/event/Watkinsglen66>

### **LAUGH OUT LOUD!!**

**I told my wife to embrace her mistakes...  
She gave me a big hug!!**

CLASSIFIED

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*The Capital Area Association represents any fire district that wishes to join CAFDA. Fire District Officials include Commissioners, Treasurers, and Deputy Treasurers. Secretaries and Chiefs are also invited to participate!*

*Please advise your secretaries that all correspondence should be mailed to:*

*CAFDA PO Box 242 East Schodack, NY 12063*

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### **Long Way to Travel Zoom into the General Membership Meetings!**

*It's our desire that every member fire district have the opportunity to attend Capital Area meetings. We know we cover a large area, in 8 counties and beyond, and wish to give all of our members a chance to participate in the general membership meetings. You have a voice, and we would like to hear it. Join us at our next meeting either in person or via Zoom. The link will be sent via constant contact prior to each general membership meeting. Thank you for being a member and we hope you will join us.*

## FIRE DISTRICT RESOURCES --THE BACK PAGE -- FOR YOU TO FOLLOW UP!

### **What are the duties and responsibilities of a Commissioner?**

*The Answer is posted on our web site at [www.CAFDA.net](http://www.CAFDA.net)*

### **Vital Statistics on the State Association Regions – the break out is on our web site.**

# CAPITAL AREA BUSINESS PARTNER'S

**PLEASE SUPPORT THOSE WHO SUPPORT US!!**

Business Partner Applications Available At: [WWW.CAFDA.NET](http://WWW.CAFDA.NET)

*We invite our business partners to submit educational information to be included in this Bulletin for district commissioners and chief officers if you have information on new products you wish to showcase or is educational and informative for fire districts, please submit it and we will use it in this Bulletin under the appropriate heading.*

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General Practice Matters - Fire Service  
Attorneys  
1881 Western Ave. Suite 140  
Albany, N.Y. 12203  
Mary Megyeri – Office Manager  
[mmegyeri@yfkblaw.com](mailto:mmegyeri@yfkblaw.com)  
518.456.6767



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716.688.0766  
Amy Numrich, MBA  
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[anumrich@wendelcompanies.com](mailto:anumrich@wendelcompanies.com)



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Marketing Manager  
One Blue Hill Plaza – 16<sup>th</sup> Floor  
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<http://www.mmbaccounting.com>  
Alan W. Clink, CPA [alink@mmb-co.com](mailto:alink@mmb-co.com)  
Heather R. Lewis, CPA [hlewis@mmb-co.com](mailto:hlewis@mmb-co.com)

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The Capital Bulletin is reaching well over 400+ fire district members and now other members of the fire service on a regular basis. Since the Capital Area Association covers an area the size of Connecticut it is difficult to meet in person to exchange information and ideas.

This is a service of the Capital Area Association through the effort of Tom Rinaldi who can be reached at [tom@rinaldi1.com](mailto:tom@rinaldi1.com) for comments or content contributions are always welcome.

## YOU CAN BECOME AN INDIVIDUAL MEMBER OF THE CAPITAL AREA ASSOCIATION!

The Capital Area Association has voted to amend its By-laws to allow both individual and regional or county Fire District Associations to join. The updated By-laws are posted to the CAFDA.NET website.

Individual membership fee will be \$50 annually, fire district association fees will be \$300 annually.

Download THE APPLICATION available on the home page at CAFDA.NET

### ***MEMBERSHIP IN THE CAPITAL AREA FIRE DISTRICTS ASSOCIATION (CAFDA)***

Would you like to join Capital Area Fire Districts Association along with 76 members in 10 counties? Individuals, fire district associations, fire protection districts and Village departments are all eligible for membership.

Annual dues (January 1st to December 31st) shall be as follows and shall be based on the annual budget of the Fire District/Organization;

\$0 to \$200,000:	\$50
\$200,001 to \$400,000:	\$100
\$400,001 to \$600,000:	\$200
\$600,001 plus:	\$300

**Individuals \$50.00** or Other County or Regional Associations \$300 annually.

**Business Partners: \$100.00 annual member fee**

### ***If You, Your Fire District or Department is not a Member of CAFDA You Can be?***

Individuals can be members of CAFDA. The annual membership fee is \$50, which will provide you access to this Bulletin, attendance at meetings and social gatherings. Provides networking with other fire district officials and a source of the constant barrage of information related to today's fire service.

**FOR A MEMBERSHIP APPLICATION OR A BUSINESS PARTNER APPLICATION GO TO THE FOLLOWING LINK:**

<https://cafda.net/membership-info/>

**CAFDA UPCOMING TRAINING AND MEETING CALENDAR**

*The following calendar, while tentative, provides our members and participants some insight into the planned activities to be provided locally to our membership and other fire district participants for '23, '24 and '25. We hope you will join us on this journey to provide reasonably priced, quality training in a local setting for your convenience.*

For General Membership meetings food is served 1 hour prior to the start time of the meeting, at 6pm, meetings begin promptly at 7PM

**CURRENT CAFDA CALENDAR**

Capital Area Meetings/Seminars/Trainings/Conference Dates (As of 1/3/2024 - Subject to Change)				
Day/Date	Time	Type	Location	Notes
<b>2024</b>				
Thursday, July 11, 2024	7:00 PM	Board of Directors Meeting	Clifton Park	
Friday, August 9, 2024	1:00 PM	<b>SARATOGA DAY AT THE RACES</b>	Saratoga Race Course	NYRA Day at the Races! Picnic Tables at the Paddock
<b>AUGUST NO MEETING</b>				
Thursday, September 12, 2024	7:00 PM	General Membership Mtg.	Clifton Park	
Thursday, October 10, 2024	7:00 PM	General Membership Mtg.	Clifton Park	Officers/Director Nominations
Saturday, November 2, 2024	8:00 AM	Fall Workshop	Verdoy	
Thursday, November 14, 2024	7:00 PM	General Membership Mtg.	Clifton Park	Officer/Director Elections
<b>DECEMBER NO MEETING</b>				
<b>2025</b>				
Saturday, January 4, 2025	9:00 AM	General Membership Mtg.	Clifton Park	Organizational/Morning Meeting

**2025 DRAFT CAFDA CALENDAR**

Capital Area Meetings/Seminars/Trainings/Conference Dates (As of 5/8/2024 - Subject to Change)				
Day/Date	Time	Type	Location	Notes
<b>2025</b>				
Saturday, January 4, 2025	9:00 AM	General Membership Mtg.	Clifton Park	Organizational/Morning Meeting
Saturday, February 1, 2025	8:00 AM	Commissioner Training	Averill Park	Snowdate - Sunday, February 2, 2024
Thursday, February 13, 2025	7:00 PM	General Membership Mtg.	Clifton Park	
		Financial Training for Fire District Officials		TBD
Saturday, March 1, 2025	8:00 AM	Commissioner Training	Clifton Park	Snowdate - Sunday, March 2, 2025
Saturday, March 8, 2025	5:00 PM	Officer Installation	Century House	
Thursday, March 13, 2025	7:00 PM	General Membership Mtg.	Clifton Park	
Saturday, March 29, 2025	8:00 AM	Commissioner Training	Berkshire FD	Snowdate - Sunday, March 30, 2025
Saturday, April 5, 2025	8:00 AM	Commissioner Training	Warrensburg FD	Snowdate - Sunday, April 6, 2025
Thursday, April 3, 2025	7:00 PM	Board of Directors Meeting	Clifton Park	
Thursday, April 10 - Saturday April 12, 2025		CAFDA Conference	Fort William Henry Conference Center	Lake George
Thursday, May 8, 2025	7:00 PM	General Membership Mtg.	Clifton Park	
Thursday, June 12, 2025	7:00 PM	Board of Directors Meeting	Clifton Park	
Thursday, July 10, 2025	7:00 PM	Board of Directors Meeting	Clifton Park	
Friday, August 8, 2025	1:00 PM	Membership Activity	Saratoga Race Course	NYRA Day at the Races!
<b>NO MEETING</b>				
<b>AUGUST</b>				
Thursday, September 11, 2025	7:00 PM	General Membership Mtg.	Clifton Park	
Wednesday, October 8, 2025	7:00 PM	General Membership Mtg.	Clifton Park	Officers/Director Nominations
Saturday, November 1, 2025	8:00 AM	Fall Workshop	Verdoy	5 Saturdays in November
Saturday, November 8, 2025				
Thursday, November 13, 2025	7:00 PM	General Membership Mtg.	Clifton Park	Officer/Director Elections
<b>DECEMBER NO MEETING</b>				
<b>2026</b>				
Saturday, January 3, 2026	9:00 AM	General Membership Mtg.	Clifton Park	Organizational/Morning Meeting

# OSHA INFORMATION SUPPLEMENT

PROVIDED AS A SERVICE FROM THE CAPITAL AREA FIRE DISTRICT'S  
ASSOCIATION - CAFDA

*NEWEST INFORMATION ALWAYS AT THE TOP WITH RED ARROW*

**CORRECTION:** *In The United States There Are Approximately 675k Volunteer Firefighters, Yet There Have Been Only Approximately 3000+ Comments To The OSHA Portal!!!!*

**\*\*THIS WEEK'S NEWEST ITEMS PRECEDED BY THE RED ARROW**

## **NEW THIS WEEK!!**

OSHA has been slowly adding the comments to the portal. It has become clear that they are filtering these comments and adding them in groups. Some have been labeled as "mass mailings" and other that also contain similar language have not. *Organized labor has contributed several comments as well as groups that would benefit financially from the rule. The biggest smoking gun to me has been the comment from NFPA asking that the incorporated by reference standards be removed.* Also, of particular interest to this group would be the comment posted by DHES and OFPC. We will schedule a Zoom meeting for next week.

I am attaching a number of comments that I feel you should be aware of and may not have the time to plow through 3K comments to see them.

The common themes that I am gathering from these comments so far are:

1. The process was flawed in how it was conducted and communicated.
2. The rule is arbitrary and capricious, convoluted, and exhaustive. Therefore, it is not understood.
3. THE NFPA standards should not be incorporated by reference.
4. Large, **Unfunded mandates.**
5. Not economically or technically feasible.
6. **Overreach by OSHA.**
7. Did not follow the full negotiated rule making process.
8. **Will have several legal challenges.**
9. Will treat workers differently because of geographic location instead of common hazards faces.
10. **Process was unfairly supported and driven by organized labor groups**
11. Will force some organizations to close their doors leaving the community at risk.
12. **Is primarily supported by those that will benefit financially from it.**
13. The consensus is that we applaud the efforts of improving safety but the current document, as written, is not the answer.
14. We would be stronger as one voice moving forward.



NYS Homeland  
Security.pdf



Illionois Fire  
Dsitricts.pdf



IAFF Final  
Comments.pdf

## **COMMENTS FROM NFPA..HIGHLIGHTED SECTIONS OUT OF AN 11 PAGE LETTER!!**

NFPA applauds OSHA for opening this national dialogue on how to protect first responders from a variety of occupational hazards. NFPA shares that goal and has played a significant role in advancing first responder safety over the last century. Nevertheless, it is important to note that as a general policy, **NFPA does not request incorporation by reference of any of our codes and standards.** While NFPA has been involved with OSHA over the course of many years and through several Administrations considering rulemakings, NFPA had no specific recent role in putting this Notice of Proposed Rulemaking together, and NFPA did not suggest to OSHA that it should undertake this activity.

NFPA understands that OSHA has proposed to reference NFPA's codes and standards because they are widely recognized as the best in the world and thus are widely used in the United States and elsewhere. Our technical committees, comprised of 9,000 volunteer members, consider every submitted input to prepare standards that address

the latest in technology, research, and other relevant information. We are proud that our codes and standards serve the safety goal of protecting emergency responders. The NFPA Fire & Life Safety Ecosystem (<https://www.nfpa.org/about-nfpa/nfpa-fire-and-life-safetyecosystem>) identifies the components that must work together to minimize risk and help prevent loss, injuries, and death from fire, electrical, and other hazards. We are confident that, throughout the years, our world-class codes and standards have saved firefighters' lives, prevented injuries, and enhanced first responders' effectiveness in aiding their communities. The development, use, and adherence to current codes and standards is a key part of the Ecosystem. The Ecosystem also relies on prepared first responders. The process of preparing first responders depends on continuous recruitment, training, and supplies of the best equipment. This is one of the reasons that NFPA strongly supported the reauthorization of the Assistance to Firefighters (AFG) and the Staffing for Adequate Fire and Emergency Response (SAFER) grants managed by the Federal Emergency Management Administration, which was recently enacted as Public Law 118-67. We continue to advocate for expanded funding for both critical grant programs. A decision made by a government, or by a for-profit or non-profit entity, to use a particular code or standard furthers the goal of enhancing safety. In the case of this Emergency Response Standard, as in the case of so many others, the entity making the incorporation decision must consider the appropriate implementation schedule and compliance plan. **We are sensitive to the concerns that many in the fire service, especially smaller volunteer fire companies, have expressed about the expense of meeting the OSHA proposal and how quickly the requirements would be mandated. At the macro level, we know that investments in safety are almost always worthwhile. We trust that OSHA will determine the appropriate implementation schedule should this proposed rule be finalized. Parallel to whatever OSHA decides, our nation must continue to invest in AFG, SAFER, and other efforts to fund our volunteer and career first responders.**

**However, recent legal developments create a risk that OSHA's continued use of incorporation by reference could frustrate NFPA's ability to continue developing world-class safety standards. NFPA therefore requests (1) that OSHA refrain from incorporating NFPA's standards by reference in the proposed rule and that OSHA instead provide in the text of the rule that NFPA's standards are a benchmark for gauging compliance with the regulations and do not impose any binding legal obligations; (2) that OSHA explicitly acknowledges, in the rule, NFPA's copyright interests, knowing those interests also serve the agency and the public by ensuring the independence and sustainability of standards development; and (3) ensure through the rule that the public knows that NFPA posts its standards online for free read-only access.**

**The recent court decision, and the importance of NFPA's copyrights to OSHA's work, necessitate a different approach to OSHA's use of NFPA's standards. NFPA requests that OSHA not incorporate by reference its standards in the proposed rule. Instead, NFPA requests that OSHA refer to its standards in the text of the proposed rule as one benchmark of compliance with the regulations and ***expressly provide in the rule that NFPA's standards are guidance and not binding.*****

**NFPA requests that OSHA use a similar approach for the NFPA standards it currently proposes to incorporate by reference in its rule. For example, the proposed rule incorporates by reference NFPA 1910, Standard for the Inspection, Maintenance, Refurbishment, Testing, and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels. The proposed rule requires organizations and employers to "[i]nspect, maintain, and service test aerial devices on vehicles, to ensure they are safe for use, as specified by the manufacturer, or to a standard at least as equivalent to NFPA 1910 (incorporated by reference see § 1910.6)." 89 Fed. Reg. at 8,019. *OSHA could instead draft this rule to require that there be inspection, maintenance, and servicing of the devices "to ensure they are safe for use." OSHA should then further expressly provide in the text of the rule that NFPA 1910 is one way of ensuring safe use of test aerial devices on vehicles but does not create any binding obligations.* This approach would ensure safety, while preserving NFPA's copyright in NFPA 1910. For each standard that OSHA's proposed rule incorporates by reference, NFPA would welcome the opportunity to work with OSHA on ways to ensure that the rule achieves the agency's safety objectives without using incorporation by reference.**

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### ***NVFC Testifies Before House Committee on Education and the Workforce Regarding OSHA***

The House of Representative's Education and the Workforce Committee's Subcommittee on Workforce Protections held a hearing on July 24 titled "*Safeguarding Workers and Employers from OSHA Overreach and Skewed Priorities.*" Chief Tim Bradley, a National Volunteer Fire Council (NVFC) director from North Carolina, testified on the NVFC's behalf. In his testimony, Bradley stated that the NVFC appreciates the Occupational Safety and Health Administration's (OSHA) efforts to promote our mutual goal of ensuring firefighter safety by putting forth the proposed Emergency Response Standard. The NVFC believes the proposed standard contains many provisions that would serve the fire service well and protect the wellbeing of firefighters. **However, if adopted as written, this proposed standard would be economically infeasible for volunteer fire departments to comply with and could cause many of these departments to shut down. The proposed standard could also compromise the safety and emergency response capabilities of many small communities, particularly those in rural areas.**

*Bradley further explained that in addition to its economic infeasibility, the proposed standard would be problematic due to a number of other factors including: the incorporation by reference of industry consensus standards, numerous ambiguities on how volunteers would be covered, the lack of personnel expertise and availability to facilitate implementation, and an unrealistic proposed timeline for implementation. For these reasons, the NVFC is asking OSHA to exempt volunteer firefighters from the proposed standard, as written, and work with the organization on a better way to ensure volunteer firefighter safety.*

The House Committee on Education and the Workforce has oversight of the Department of Labor and OSHA. This hearing and the NVFC's testimony will do a great deal to draw attention to the volunteer fire service's concerns regarding the Emergency Response Standard and show that Congress is actively engaged in monitoring this proposed standard.

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### ***PUBLIC HEARING SCHEDULED TO BEGIN ON NOVEMBER 12TH***

The Occupational Safety and Health Administration (OSHA) has published a Notice in today's Federal Register (see, <https://www.govinfo.gov/content/pkg/FR-2024-07-23/pdf/2024-16126.pdf>) announcing that it is **scheduling an informal public hearing on its proposed "Emergency Response Standard."** The public hearing will be held virtually and is scheduled to begin Tuesday, November 12, 2024, at 9:30 a.m. (ET) and will continue on subsequent weekdays (as necessary). (Note: Monday, November 11, 2024, is a federal holiday.)

OSHA's proposed Emergency Response rule was published in the Federal Register on February 5, 2024 (see, [2023-28203.pdf \(govinfo.gov\)](https://www.govinfo.gov/content/pkg/FR-2023-02-05/pdf/2023-28203.pdf)), and the public comment period closed yesterday, July 22, 2024.

Additional information on how to access OSHA's informal hearing will be posted on OSHA's Emergency Response webpage at <https://www.osha.gov/emergencyresponse/rulemaking>.

**To testify or question other witnesses at the hearing, interested persons must electronically submit a Notice of Intention to Appear (NOITA) to OSHA on or before September 27, 2024. In addition, those who request more than 10 minutes for their presentation and those who intend to submit documentary evidence must submit the full text of their testimony, as well as a copy of any documentary evidence, to OSHA no later than October 18, 2024.**

Please see OSHA's Federal Register Notice and Emergency Response webpage for full information. We will plan to discuss this issue at our next regular Small Business Labor Safety (OSHA/MSHA) roundtable, that is tentatively scheduled for Friday, September 20, 2024.

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### ***'You Can't Pancake Breakfast Your Way Out Of This': N.Y. Rep. Seeks Delay Of Proposed OSHA Standards***

Bill Carey

Congressman Nick Langworthy voiced concerns about the proposed [OSHA firefighting standards](#), calling for a delay in passing the new standards and allowing more public comments.

Langworthy criticized the changes on Aug. 6, stating they could cost local fire departments tens of thousands of dollars annually and potentially shut down many volunteer fire departments, the [Olean Times Herald](#) reported.

"The proposed regulation completely disregards the substantial financial and operational constraints faced by volunteer fire departments," Langworthy said. "It's one thing if you're coming after a private business ... these are volunteers."

Langworthy criticized OSHA's first firefighting regulation overhaul in over 40 years as out-of-touch, saying it was done without understanding its impact on communities like Delevan.

"You can't pancake breakfast your way out of this," Langworthy said. "The vast majority of these departments operate under very small budgets, and they self-fundraise."

A draft analysis of the proposed standard estimates that a department with 40 firefighters, similar to Delevan's 35, would face a one-time cost of \$38,000 and annual costs of \$22,300, primarily for medical and fitness requirements. For a department with 20 firefighters, the costs would be \$29,000 upfront and \$16,300 annually.

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### ***From Dave Denniston – What's Next?***

Thank you for participating in the efforts to voice our opinion over the proposed OSHA 1910.156. Now that the comment period has ended, the need to meet weekly has passed. I am 100% convinced that the efforts we put forth as a group made an impact. When you look at the comments posted in the portal, they had our fingerprints all over them. If we had not done what we did here in NY, I firmly believe the comment period would have ended back in May with very little input and OSHA would be full speed ahead with the final rule. At least now we opened the door for further comment, in person, and then again written, and have alerted our elected officials to the concerns.

I would like to propose that we push our meeting schedule back to the first Thursday of every month at noon to discuss any updates. If there is a need in-between the regular meeting date, we could call a special meeting.

#### **SOME STATS FROM OUR EFFORTS:**

We had 2006 live webinar views with another 464 watching the recordings.

We received 4116 signatures on the petition submitted to OSHA.

We held 6 in person sessions with over 700 participants.

#### **NEXT STEPS:**

1. We need to pull the blue-ribbon panel together to discuss the proposed rule and offer alternatives. I have only received two candidates and believe we should have around 10-12 people in that group.
2. We need to prepare material to help guide people on how to deliver an effective in-person testimony and start looking for people to participate.
3. I believe we should ask every department to elect or appoint someone to participate as a representative of their department. These folks would attend a few web meetings to learn more, understand the process and share information with their department.
4. We need to stay engaged with our elected officials and keep them involved in this process.
5. Is there anything else that we are missing here?

Again, Thank you for your help and interest on this important topic. I look forward to our next conversation on Thursday, August 1<sup>st</sup> AT 12pm. By then we should have a good feel for what the public comment response looked like.

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### ***\*\*The New OSHA Rule You Must Pay to Learn***

The Center for Individual Rights

The Occupational Safety and Health Administration (OSHA) has proposed a new rule that would impose steep compliance costs on local volunteer fire departments around the country and make them pay substantial fees just to learn what the regulations require. The Occupational Safety and Health Act (OSH Act) created a federal agency with an extremely vague mandate to establish nationwide workplace safety standards with almost no congressional guidance. Yet OSHA's most recent proposal, the Emergency Response Standard (ERS) manages to extend this already broad power even further with sweeping workplace standards that even reach volunteer organizations.

If adopted, the ERS would impose federal safety standards for emergency response services, including local, volunteer fire departments, that purport to preempt and displace existing state-enforced safety regulations. **Many of the affected volunteer fire departments lack adequate funding (relying as they do upon voluntary support) and cannot afford to overhaul their standards to comply with new federal rules, which larger departments in metropolitan areas can more easily manage.**

#### **UNCONSTITUTIONAL REGULATION**

CIR filed a comment with OSHA explaining that the ERS likely violates both federal law and several different provisions of the Constitution. To start, the OSH Act provides such broad discretion to OSHA as to amount to an unconstitutional

delegation of legislative authority. Moreover, the sweeping reach of the ERS, a nationwide overhaul of safety regulations for such a wide swath of emergency responders, vastly exceeds the limited guidance Congress did provide. **Worse yet, even fire departments that do not object to complying with the rule will have to pay substantial fees just to learn what it actually requires. Rather than clearly articulating the new safety standards on a freely accessible website, OSHA has incorporated by reference more than 20 consensus standards published by different private organizations.** Just to download, print, or copy these standards, organizations must pay steep fees. But to synthesize them will require hiring expert consultants.

**This approach violates federal law—the Freedom of Information Act component of the Administrative Procedure Act, which requires that an agency make all substantive rules of general applicability available to the public. It also violates the Due Process Clause of the Constitution, which guarantees citizens the right to fair notice about governing law.**

The text of the OSH Act poses another problem; it does not apply to volunteer organizations at all. The terms of the law are expressly restricted to employees, i.e. people who are paid to work. **Yet due to complex state regulations that treat some volunteers as employees for the purpose of certain state benefit programs, the ERS is unlawfully sweeping in volunteer organizations.**

This case is a vital reminder of the importance of establishing firm limits on federal power to the defense of individual rights.

TO READ CIR'S 15 PAGE COMMENT TO OSHA OPEN AT THIS LINK:

<https://cafda.net/wp-content/uploads/2024/07/CIR-comment-OSHA-ERS.pdf>

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**[This is a Link to the 18-page letter to Douglas Parker, Assistant Secretary for Labor for OSHA](https://cafda.net/wp-content/uploads/2024/07/NYS-United-Concerns-OSHA-Response-FINAL-07.16.24-DD.docx)**

**<https://cafda.net/wp-content/uploads/2024/07/NYS-United-Concerns-OSHA-Response-FINAL-07.16.24-DD.docx>**

**This is a must-read item for all concerned about the proposed update to the OSHA Standard for Emergency Response. This was filed on behalf of the NYS United Concerns Group who participate in the zoom meetings on a weekly basis. **Please take the time to read this important document.****

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### **Iowa Fire Chiefs Worry About The Impact Of Proposed OSHA Standards**

Despite the intentions behind OSHA's Emergency Response standard, multiple local volunteer fire departments have expressed concerns about meeting the proposed rules.

Colona Fire Chief John Swan recently held a press conference to bring attention to the rule change, repeating that one size does not fit all. Tasks that might be a small hurdle to clear for a career fire department can seem insurmountable for volunteer departments.

One of the unique challenges volunteer departments face is the retention of their volunteer firefighters. Career fire departments tend to have more funding and can send their firefighters to trainings and to get certifications as part of their job. But volunteer firefighters typically have a day job along with other responsibilities that they juggle with their volunteer commitments.

East Moline Fire Chief Robert DeFrance said that an update is long overdue. **East Moline is a career department.**

Some of the proposed rules focus on personal protective equipment and respiratory protection to a much greater degree than what is covered in the 1980 Fire Brigades standard. DeFrance said that another benefit of the proposed rule is that it can help departments secure funding they need to increase the safety of their firefighters. **Spending money on more in-depth physicals or updated safety equipment can go from something that might seem like a luxury to something that is required to meet OSHA standards. But getting a grant is a crap shoot!** "I think everybody knows that this is not something we can just do immediately. But it doesn't mean that the goal is bad," DeFrance said. "I think some of the changes are needed, and they're being proposed for the right reasons, with firefighter safety in mind. How do I not support that as a fire chief?"

Closely tied to available funding is the amount of time that departments will have to reach compliance with the proposed rules. Silvis Fire Chief John Winters said his department would have trouble immediately meeting the standards as they're currently written. "They can't implement all these at once," Winters said. "If they put it all out at once that's going to be devastating to the fire service. If they bring it out in small, little packets and keep adding to this

over the next 20, 30 years to get to that point, fire departments may be able to adapt to that.” Winters, Hicks and Swan all said that they support the effort and idea behind the rule change, but are wary of the demands that could be placed on their volunteer departments.

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### **Today’s Zoom Meeting July 11, 2024**

Comments going forward should be phrased “What We CAN Do” we can accomplish this goal even if it contains a “but”. Take your cues from the “Pain Points” and tell OSHA what you can do.

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### **Excellent Docket Response from South Carolina Firefighters Association**

**Open the Document at This Link:**

<https://cafda.net/wp-content/uploads/2024/07/Docket-Comment-7-8-SCSFA-Response.docx>

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### **Joint Letter to OSHA from NYS Association of Counties, NYS Conference of Mayors, and the NYS Association of Towns**

**Open the Document at This Link:**

<https://cafda.net/wp-content/uploads/2024/07/NYCOMNYSACAOTjointletter.pdf>

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### **What Are Your Pain Points**

#### **PAIN POINT FINANCIAL....**

##### **OSHA’s Proposed Rule:**

OSHA’s proposed rule would require NFPA 1582 Medical Exams be administered to all firefighters either annually or bi-annually. OSHA estimates the cost of a required medical exam to be \$620 each.

The Pain Point: A small-town fire department with two dozen members would have to find funding for a dozen medical exams each year for a total cost of \$7440.

Tell OSHA: Tell OSHA what your annual budget is and how you would have to raise \$7440. For example, if your department relies upon fundraising, tell OSHA how many extra spaghetti dinners you’d need to sell each year to raise \$7440.

Assuming a profit of \$8 per dinner, you need to sell 930 spaghetti dinners each year to pay for medical exams. How many people live in your town – does everyone need to buy two dinners? Explain this to OSHA.

##### **OSHA PAIN POINTS – ADDITIONAL, OSHA’S PROPOSED RULE:**

The proposed OSHA rules incorporate by reference twenty-one NFPA standards. This adds about 3000 pages of text to the rules.

The Pain Point: Small fire departments don’t have the legal or administrative capabilities to read, interpret, and comply with this much new regulation.

Tell OSHA: Tell OSHA that there is no administrative or legal staff available at your fire department to read, interpret, and comply with 3000 pages of NFPA standards. Tell OSHA how small or non-existent your administrative staff and budget is.

##### **OSHA’s Proposed Rule:**

The proposed OSHA rules will require all fire chiefs to have NFPA Fire Officer 3 training.

The Pain Point: Half of the state fire training academies don’t offer Fire Officer 3 training and there is no practical way to get the training. Even in states that offer the training, it will typically require unpaid volunteer chiefs or part-time chiefs to take classes on weekdays when they have to take time off from their full-time jobs or travel long distances to night and weekend classes.

Tell OSHA: Tell OSHA that Fire Officer 3 training isn’t available or readily available to your department and why.

##### **OSHA’s Proposed Rule:**

The proposed OSHA rules incorporate by reference twenty-one NFPA standards.

The Pain Point: NFPA standards are not readily available, and this makes commenting on them difficult. You have to purchase them for \$149 each or purchase a subscription to access them for \$12/month.

Tell OSHA: Tell OSHA that before they close the comment period and make these standards law, OSHA needs to provide free copies of the these standards to the public.

**OSHA's Proposed Rule:**

The proposed OSHA rules will require all fire chiefs to have NFPA Fire Officer 3 training.

The Pain Point: Half of the state fire training academies don't offer Fire Officer 3 training and there is no practical way to get the training. Even in states that offer the training, it will typically require unpaid volunteer chiefs or part-time chiefs to take classes on weekdays when they have to take time off from their full-time jobs or travel long distances to night and weekend classes.

Tell OSHA: Tell OSHA that Fire Officer 3 training isn't available or readily available to your department and why.

**OSHA's Proposed Rule:**

The proposed OSHA rules use the 2022 Firehouse Magazine Run Survey as the basis for defining the scale and financial resources of the volunteer fire service.

The Pain Point: The Firehouse Magazine Run Survey is created for entertainment purposes and should not be used the way OSHA has used it to create regulations. The Firehouse Magazine Run Survey is a small set of data without knowing who or why the data was created, except for fun and to see your department named in the magazine.

The Firehouse Magazine Data says that the average volunteer fire department:

- Has a budget of \$
- Responds to \_\_\_\_ emergency calls per year
- Has \_\_\_\_ volunteer members

Tell OSHA: Tell OSHA that it's data about the size and financial resources of volunteer fire departments is wrong. Tell them about your department budget, the size of your town, how many calls you go to, and why this is so different than the Firehouse data. Tell them about the other departments in your area.

**OSHA's Proposed Rule:**

The proposed OSHA rules will incorporate by reference twenty-one NFPA standards.

The Pain Point: NFPA standards are not required to be based upon data or scientific evidence. NFPA standards are the collective opinions of the committees that write them. Unlike OSHA, NFPA standards are not required to address only significant risks to the health and safety of firefighters. Making these standards into law reaches way beyond the mission of OSHA.

Tell OSHA: Tell OSHA that their use of NFPA standards is arbitrary, because many of the standards themselves, or parts of the standards are arbitrary.

1. "Have you had time to completely read and analyze the new proposed OSHA standard 1910.156 rule and the effects it would have on your organization? If not, click here and tell OSHA that 165 days has not been adequate to review a document that took them years to write."
2. "Do your captains and lieutenants hold Fire Officer I training? Do your assistant chiefs hold Fire Officer II training? The new proposed OSHA 1910.156 rule would require this. Click here and tell OSHA why this would be problematic for your organization."
3. "Does your fire department have an annual budget of less than 1.7 million dollars? OSHA is under the assumption that the average fire department budget for volunteer or combination depts is 1.7 million dollars. If your budget is less, click here, and tell OSHA what your budget is and that you believe their data is inaccurate."
4. "OSHA believes the impact of the proposed 1910.156 rule would be less than 1%. Is this true for you? Several fire departments have analyzed the proposal and this would increase their budgets by over 40%. Click here and tell OSHA why a substantial tax increase is not feasible"
5. "Does your organization do weekly vehicle inspections or within 24 hours of each run? That's what the proposed OSHA 1910.156 rule would require. Click here and tell OSHA why that is problematic for your organization." T
6. "Do you clearly mark control zones for every emergency incident to establish a cold zone, warm zone, hot zone and no entry zone? The proposed OSHA 1910.156 rule would require this. If this would be problematic for your organization, click here and tell OSHA why this is not feasible."
7. "Do you provide annual physicals for your firefighters that include comprehensive behavioral health evaluations, skin cancer screenings, and bi-annual mammograms for firefighters over 40? The Incorporation of

Commented [PL1]: To be consistent with NFPA I would use "Fire Officer I and "Fire Officer II"

Commented [PL2]: The fire chief in me dozed off during this one. Too wordy. I took a shot at more concise approach.

Commented [PL3]: Tried cleaning this one up too

Commented [PL4]: This one is not accurate so I cleaned it up

NFPA 1582 in the proposed OSHA standard 1910.156 rule would require this. If you are not currently performing physicals at this level, click here and tell OSHA why that would be problematic for your organization.”]

8. “Does your organization have \$620 per member for annual or bi-annual medical exams? If not, click here and explain to OSHA what your budget is for medical exams.”
9. “Did you know the proposed OSHA rule incorporates by reference twenty-one NFPA standards, which are NOT free to comment on. Click here to tell OSHA to give free copies of these standards to the public.

Commented [PL5]: Not accurate re-worded it

### **NY Lawmakers: Proposed OSHA Rules Could Destroy Volunteer Fire Departments**

Alex Gault – Watertown Daily Times

Some north country lawmakers are raising the alarm over a proposal from the federal Occupational Safety and Health Administration that they say would make it nearly impossible for small, local fire departments to operate and all but eliminate volunteer departments.

Earlier this year, OSHA, which is a subagency of the U.S. Department of Labor, proposed to change their “Fire Brigades” standards, which have been in effect since the early 1980s. In a 608 page highly technical document, the administration is proposing to dramatically rewrite the federal health, safety and training standards it requires of fire departments — paid, volunteer and combined.

The new rules would address many aspects of fire department operations — if put into effect, fire departments would have to dramatically grow their training programs with many more one-time and annual trainings on how to handle specific emergency cases. Departments would also have to maintain much more detailed records and reports on their operations, from responses to training and maintenance.

The proposed rules would also require more strict standards for firefighter health and fitness, which would likely push some people out of the work and put more responsibility on departments to maintain health and fitness programs and monitor their firefighters.

Assembly members Scott A. Gray, R-Watertown, and D. Billy Jones, D-Chateaugay Lake, have both expressed worry over the impact these new requirements could have on the small and volunteer fire departments that provide emergency services to much of the north country.

“This will decimate rural firefighting departments,” Gray said. “This is extremely difficult to comply with. **Whoever wrote this does not understand rural fire departments.**”

Jones hosted a press conference concerning the proposed rules in Plattsburgh on Wednesday, and shared a press release after. **He said that north country volunteer departments are already struggling to find and keep enough volunteers to effectively respond to emergencies as things are now, and these proposed rules would likely drive more volunteers out.**

“These fire departments are already struggling to recruit and retain members on top of fundraising and applying for grants to update their equipment and their facilities,” Jones said. “They simply cannot afford more training requirements and regulations, and many will be forced to close.”

Gray agreed.

“They’re living on chicken barbeques,” he said. **“This document is not going to be supported by chicken barbeques.”**

In an executive summary of the regulations, OSHA officials said that fire departments are currently regulated under a wide range of “hazard-specific” standards and state-level regulations where the state has passed an OSHA-approved plan for regulations, which New York has done.

“All of the OSHA standards referred to above were promulgated decades ago, and none was designed as a comprehensive emergency response standard,” the summary reads.

The summary goes on to say that standards of nearly every aspect of emergency response have changed with time: protective clothing is better, equipment is much improved, and health and safety practices for first responders have changed dramatically.

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### **Pain Points to Address**

#### **PAIN POINT #1**

**OSHA's Proposed Rule:** All Emergency Service Organizations shall conduct a community or facility vulnerability and risk assessment for its service area, for the purpose of establishing its standards of response and determining the ability to match the community or facility's risks with available resources.

**The Pain Point:** Does your fire department conduct hazard assessments (or pre-plans) to all commercial businesses? Does your department conduct hazard assessments to all vacant structures? Does your department pre-plan facilities that are subject to reporting requirements under the Emergency Planning and Community Right-to-Know Act (EPCRA)? Does your department have an incident plan for each of the hazard assessments for an emergency incident? If not, then you will not be compliant with the OSHA Proposed Ruling.

**Tell OSHA:** This is economically infeasible and there is no local funding for the hazard assessments of all buildings in your area. Let OSHA know what the cost would be to add one or more employees to be able to comply with conducting the yearly assessments. Be blunt – tell them you have no administrative staff to do this.

#### **PAIN POINT #2**

**OSHA's Proposed Rule:** OSHA's inclusion of NFPA 1582: Standard on Comprehensive Occupational Medical Program for Fire Departments, which requires annual medical evaluations proving fit for duty.

**The Pain Point:** The pain point comes in finding a doctor who can perform and meet the requirements of the standard, the cost to the fire and emergency services department, extra time requirements for a volunteer, and the administrative burden of scheduling and tracking exams.

**Tell OSHA:** This is economically infeasible. Tell OSHA what your budget is and if you don't have administrative staff to schedule and track medical exams. Tell OSHA if you are in a rural area with poor access to occupational medical care or are unable to find a doctor who can perform all the requirements found in NFPA 1582 or that are willing to sign off. Tell OSHA about volunteer firefighters traveling hours out of their way to get the physicals or the added costs of having an organization come to the department to perform the physicals. The cost of a NFPA 1582 physical for each member can range from several hundred to several thousand dollars. Tell OSHA what this would cost your department. Tell OSHA about the time constraints with NFPA-compliant physicals – are they only available during the workday when volunteers are working their primary jobs?

#### **PAIN POINT #3**

**OSHA's Proposed Rule:** OSHA is seeking guidance on whether an action level of 15 exposures to combustion products within a year trigger medical surveillance consistent with NFPA 1582 is too high, too low, or an appropriate threshold.

**The Pain Point:** After each incident, in addition to an incident report, do you record what level of smoke or exposure to combustion products is experienced by every firefighter or officer who responded? If the number per year exceeds 15, or whatever number OSHA determines, are you prepared or capable of placing them under medical monitoring against a baseline physical also required meeting NFPA 1582?

**Tell OSHA:** There is no defined number of exposures that are determined to be the right number, so just as requiring annual exams is arbitrary and not based on science, so is the number of exposures. Tell OSHA that "exposure to combustion products" is not defined. Ask OSHA does it mean any smoke, such as from a brush fire or burnt bacon on the stove, or does it have to be an IDLH atmosphere?

#### **PAIN POINT #4**

**OSHA's Proposed Rule:** OSHA's Proposed Rule is seeking input on whether the proposed rule should specify retirement ages for personal protective equipment (PPE). Current NFPA standards call for 10 years.

**The Pain Point:** Are all your firefighters using gear under 10 years of age? Can you afford to replace gear older than 10 years of age?

**Tell OSHA:** While 10 years seems reasonable for firefighters actively engaged in structural firefighting, do we rule out or discard gear 11 years of age even though it shows minimal signs of wear? How about others who perform support functions, or extrication, etc.? Some firefighters wear the same structural fire helmet for their entire career spanning 20 – 30 years. Is there statistical evidence by OSHA that helmets over 10 years of age are causing head injuries or burns? Gear that is used to run 600 calls per year doesn't have the same wear and tear as gear that is used to run 85 calls per year.

#### **PAIN POINT #5**

**OSHA's Proposed Rule:** If approved, the new OSHA rules would require your fire department to conduct annual fitness for duty testing, essentially an annual physical ability test that includes dragging dummies, hitting targets with axes, and forcing a door or breaching a wall.

**The Pain Point:** Most small fire departments have no training props. They have no facility for conducting a fitness for duty test, especially one that meets many legal requirements of consistency and fairness for all participants. This means hiring vendors to do the test or having firefighters drive hours to a test.

**Tell OSHA:** If your fire department can conduct a physical ability test each year. Tell them how far away the nearest facility for a test is. Tell them what props or facilities you have and don't have. Tell them your budget and what this will cost.

#### **PAIN POINT #6**

**OSHA's Proposed Rule:** The proposed OSHA rules will require all personnel treating a patient in the back of an ambulance to wear a harness so they are belted and can move around.

**The Pain Point:** Harness systems for EMS in the back of the ambulance are rare. These systems have not been perfected and there is no standard for them. Ambulances would have to be retrofitted.

**Tell OSHA:** If you have an ambulance, tell OSHA if you have a harness system, or if your seatbelts don't allow for treating patients. Tell OSHA that there is no industry standard or agreed-upon technology for a harness that allows freedom of movement for treating patients. Tell OSHA how long it will be before you can purchase a new ambulance with a harness (when they become available), or what it would take to retrofit your current ambulances.

#### **PAIN POINT #7**

**OSHA's Proposed Rule:** At least 21 NFPA standards are incorporated in OSHA's proposed rules.

**The Pain Point:** While NFPA standards are available to view for free online, printed copies of these standards are not free. An \$11.99 a month NFPA membership would be required to print these standards, plus the cost of ink and paper. The NFPA also sells printed copies of their standards. For example, a printed copy of NFPA 1021 costs \$149.00. This limited access to printed NFPA standards is particularly problematic since many volunteer fire departments in rural areas lack reliable internet access or funding to purchase printed copies.

**Tell OSHA:** Let OSHA know what your department budget is and the burden it would be to purchase NFPA standards. Also let OSHA know if your department does not have reliable internet access to view these standards. It is wrong for OSHA to mandate standards that are not reasonably available to view for free.

#### **PAIN POINT #8**

**OSHA's Proposed Rule:** The proposed OSHA rules incorporate by reference 21 NFPA standards. This adds about 3000 pages of text to the rules.

**The Pain Point:** Small fire departments don't have the legal or administrative capabilities to read, interpret, and comply with this much new regulation.

**Tell OSHA:** Tell OSHA that there is no administrative or legal staff available at your fire department to read, interpret, and comply with 3000 pages of NFPA standards. Tell OSHA how small or non-existent your administrative staff and budget is.

#### **PAIN POINT #9**

**OSHA's Proposed Rule:** All fire officers/chiefs must be trained to NFPA 1021, Standard for Fire Officer Professional Qualifications.

**The Pain Point:** Much of the required information in NFPA 1021 courses is well beyond the scope of the small department. Can your fire department provide this level of training to all your current and future officers? Does your budget support this? Are there classes available on nights and weekends? How far will your officers have to travel?

**Tell OSHA:** This training is a one size fits all approach and contains material that is often not relevant to small volunteer fire departments. Due to the time constraints and pressures volunteers face, any additional training must be tailored to the risks small volunteer departments face. Additional training that is not relevant would create additional burdens on volunteers and additional barriers to joining and remaining in the fire service, exacerbating ongoing recruitment and retention issues in the fire service.

#### **PAIN POINT #10**

**OSHA's Proposed Rule:** All fire chiefs must receive NFPA 1021 Fire Officer III training.

**The Pain Point:** The Fire Officer III certification is only offered in approximately 25 states. Chief officers would face significant hardship in getting the required training and certification. Unpaid volunteer chiefs or part-time chiefs would be required to take classes on weekdays when they have to take time off from their full-time jobs, or they would have to travel long distances to night and weekend classes.

**Tell OSHA:** The cost of accessing NFPA 1021 Fire Officer III training will place a financial burden on volunteers. In most cases, this class is not offered on a schedule that is friendly for volunteers. Many volunteer officers will be required to travel to a state where they can receive training, taking time away from their primary job and requiring funds that are often not available. All required training must be widely accessible and, when possible, virtually available.

**5 MORE PAIN POINTS TO ADDRESS**

Let OSHA know how the proposed Emergency Response Standard will impact your department! Here are five 'pain points' that you can address in your comments.

**PAIN POINT #16**

**OSHA's Proposed Rule:** The proposed OSHA standard uses the 2022 Firehouse Magazine Run Survey as the basis for defining the scale and financial resources of the volunteer fire service.

**The Pain Point:** The Firehouse Magazine Run Survey data is not a proper reflection of the fire service because of its small sample size, and it likely presents an inflated view of the financial condition of the volunteer fire service because departments with the least resources are typically not the departments that are going to take the time to submit their budget data to a magazine. According to OSHA per the Firehouse Magazine Run Survey data, the average volunteer department's annual revenue is \$291,703.

**Tell OSHA:** Tell OSHA that its data about the size and financial resources of volunteer fire departments is wrong. Tell them about your department's budget, the size of your town, how many calls you go to. Be aware that comments you submit to OSHA are publicly available.

**PAIN POINT #17**

**OSHA's Proposed Rule:** OSHA estimates that the annual cost for a volunteer fire department to comply with this standard would be approximately \$14,000.

**The Pain Point:** Due to the costs of physicals, needed administrative staff, and equipment, among other provisions within the proposed standard, the NVFC believes the cost of compliance would be much greater.

**Tell OSHA:** What your department's budget is and whether you could absorb this expense. If possible, tell OSHA what you think it would cost your department to implement this proposed Emergency Response Standard. You can use this one pager to assist you in understanding some of the requirements in OSHA's proposed standard.

**PAIN POINT #18**

**OSHA's Proposed Rule:** In accordance with manufacturer recommendations for apparatus maintenance, personnel who are certified Emergency Vehicle Technicians would be required to perform daily, weekly, monthly, semi-annual, and annual inspections on apparatus. Annual inspections include weight verification, an inspection of all chassis components, and brake systems.

**The Pain Point:** Does your department have the personnel to adhere to manufacturer recommended daily, weekly, monthly, semi-annual, and annual inspections on apparatus. Do you have the capacity to take your apparatus offline for such inspections? Do you have access to equipment that could weigh your apparatus annually?

**Tell OSHA:** Explain to OSHA the apparatus and staffing that your department has and whether you have the capacity or access to equipment to comply with recommended manufacturer inspections, like annual truck weight verification.

**PAIN POINT #19**

**OSHA's Proposed Rule:** This proposed standard would require fire departments to create, annually review, and annually update a written community emergency response plan, pre-incident plans for all high or special risk properties, and a written risk management plan for the department. OSHA estimates that one-time setup of these various administrative requirements would take about 92 hours and an additional 43 hours to review annually.

**Pain Point:** The NVFC believes much more time would be needed to comply with these requirements. Additionally, does your department have the administrative capability and expertise to fulfill these requirements? Are OSHA's estimated hours needed for compliance correct?

**Tell OSHA:** Whether your department has any administrative staff. Explain to OSHA how many hours it would take your department to fulfill these administrative requirements and whether it would be possible for you to do so at all.

**PAIN POINT #20**

**OSHA's Proposed Rule:** The proposed standard would require the establishment of control zones at every emergency incident to identify the level of risk to team members and responders and the appropriate protective measures needed, including PPE. These zones should be no-entry, hot, warm, and cold. These zones would need to be marked in a conspicuous manner, with colored tape, signage, or other appropriate means, unless such marking is not possible.

Pain Point: The establishment and marking of control zones may not be possible at every incident due to the scope of the incident and the personnel available. According to OSHA, what would make such labeling impossible?

Tell OSHA: If it makes sense to establish and label control zones at every incident and if you have the available personnel to do so.

**PAIN POINT #21**

OSHA's Proposed Rule: OSHA expects that the affected community would be able to allocate the very small additional share of their revenue necessary to permit their fire department to comply with the proposed Emergency Response Standard.

Pain Point: Many departments won't have much of a budget available to comply with this standard. If the department is affiliated with a municipality, it would have to pay a large share of the compliance cost. Most volunteer fire departments serve rural communities with very small budgets that would lack the funds to assist their fire departments with compliance of this standard. Additionally, there are nonprofit departments and departments that self-fundraise that lack access to municipal funds.

Tell OSHA: What your department budget is and whether it would be feasible for your municipality to assist with the funding needed to comply with OSHA's proposed Emergency Response Standard. Explain to OSHA how your department is structured and funded and whether you are affiliated with a municipality.

**PLEASE FORWARD THE BELOW AND ATTACHED TO YOUR FIRE SERVICE CONTACTS AND ASSOCIATIONS TO DISTRIBUTE AND RESPOND.**

**THESE WOULD BE SOME OF THE NEW OSHA REQUIREMENTS FOR YOUR DEPARTMENT – WOULD YOUR DEPARTMENT BE ABLE TO COMPLY??????**

**"Have you had time to completely read and analyze the new proposed OSHA standard 1910.156 rule and the effects it would have on your organization? If not, click here and tell OSHA that 165 days has not been adequate to review a document that took them years to write."**

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"Do your captains and lieutenants hold Fire Officer I training? Do your assistant chiefs hold Fire Officer II training? The new proposed OSHA 1910.156 rule would require this. Click here and tell OSHA why this would be problematic for your organization."**

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**Does your fire department have an annual budget of less than 1.7 million dollars? OSHA is under the assumption that the average fire department budget for volunteer or combination depts is 1.7 million dollars. If your budget is less, click here, and tell OSHA what your budget is and that you believe their data is inaccurate."**

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**OSHA believes the impact of the proposed 1910.156 rule would be less than 1%. Is this true for you? Several fire departments have analyzed the proposal and this would increase their budgets by over 40%. Click here and tell OSHA why a substantial tax increase is not feasible"**

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"Does your organization do weekly vehicle inspections or within 24 hours of each run? That's what the proposed OSHA 1910.156 rule would require. Click here and tell OSHA why that is problematic for your organization."**

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**Commented [NJ6]:** Point 2 "Officer Certs" - Fire Officer 1 (for LT's): must have FF1,FF2, Fire Instructor 1 - 3 certs to qualify  
Fire Officer 2 (Capts): must have all of the above mentioned - 4 certs to qualify  
Fire Officer 3 (Chiefs): must have all the above - total of 5 certs to qualify

**Commented [PL7]:** To be consistent with NFPA I would use "Fire Officer I and "Fire Officer II"

**Commented [PL8]:** The fire chief in me dozed off during this one. Too wordy. I took a shot at more concise approach.

**Commented [PL9]:** Tried cleaning this one up too

**"Do you clearly mark control zones for every emergency incident to establish a cold zone, warm zone, hot zone and no entry zone? The proposed OSHA 1910.156 rule would require this. If this would be problematic for your organization, click here and tell OSHA why this is not feasible."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

Commented [PL10]: This one is not accurate so I cleaned it up

**"Do you provide annual physicals for your firefighters that include comprehensive behavioral health evaluations, skin cancer screenings, and bi-annual mammograms for firefighters over 40? The Incorporation of NFPA 1582 in the proposed OSHA standard 1910.156 rule would require this. If you are not currently performing physicals at this level, click here and tell OSHA why that would be problematic for your organization."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

Commented [PL11]: Not accurate re-worded it

**"Does your organization have \$620 per member for annual or bi-annual medical exams? If not, click here and explain to OSHA what your budget is for medical exams."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"Did you know the proposed OSHA rule incorporates by reference twenty-one NFPA standards, which are NOT free to comment on. Click here to tell OSHA to give free copies of these standards to the public."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"Have you read and understand the over 1500 "shalls" and "musts" in the incorporated by reference NFPA Standards? If not click here and tell OSHA why this is overwhelming for your department."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"OSHA estimates the proposed rule would require an additional 173 hours per year comply (We believe this is grossly underestimated) . Do you have someone in your organization with an extra 173 hours a year to comply? If not click here and tell OSHA this rule as written would overburden your staff."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

**"Do you weigh each of your vehicles on an annual basis? This would be required by the proposed rule. Click here and tell OSHA why this is not feasible."**  
<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

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### **LETTER FROM AFD-SNY 2<sup>ND</sup> VP DAVID DENNISTON TO DOUGLAS PARKER AT OSHA**

The Honorable Douglas L. Parker  
Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Avenue, NW  
Washington, DC 20210

Comments: Docket ID: "Emergency Response Standard" (Emergency Response) Rule [Docket No. OSHA-2007-0073] (RIN 1218-AC91)

Dear Assistant Secretary Parker,

The Association of Fire Districts State of New York represents over 850 fire districts across New York State. These districts are primarily all-volunteer or small combination departments in rural communities. We are attempting to read

and understand the proposed OSHA 1910.156 Emergency Response Standard and are concerned that this rule, as written, will have devastating effects on our member fire districts. While we are all for anything that can improve the safety of our firefighters, we honestly believe there are items in this document that are simply unobtainable and will cause many districts to ignore the rule or be forced to close their doors. Either of these options will have devastating effects on the communities that we are here to protect.

We are currently less than 30 days from the public comment deadline extended by OSHA until July 22, 2024. We are concerned with the current deadline as there are many unanswered questions on the proposal as written. This has made it difficult to offer meaningful comments and concerns in a timely fashion to meet the current deadline. The enormous complexity of this document and referenced standards and included documents, and the process used to write and distribute this document, have created a situation that is overwhelming for local fire districts to digest. OSHA took years to draft this proposal and given us only a few months to understand it with no help in answering questions that we have. Please allow me to share some of our pain points that are making it nearly impossible to comment within the current deadline. This becomes even more problematic for smaller organizations with volunteer staff donating their already limited time to do so.

1) New York State Office of Fire Prevention and Control (NYSOFPC) offers the bulk of firefighter training here in NYS. NYSOFPC has been unable to provide us with their interpretation of changes in training requirements and their ability to offer the required training in a specific timeline. They are currently working on their comments on the proposal. This makes it difficult, if not impossible, for us, as an Authority Having Jurisdiction, to understand the hours that would now be required to meet the proposed standard. How can we comment on the effects this would have on our department, if we don't even know the options being offered to us to do so? We need more time and clarification on what would be required.

2) We have reached out to several medical providers to get a cost for the physicals that would now be required and how this would change from what we are currently doing. We feel we offer all our members a comprehensive physical that uses NFPA 1582 as a guide, but may not cover all of the NFPA 1582 requirements such as chest x-rays, mammograms, mental health screening, etc. We currently pay around \$300 for our physicals. We are getting responses from providers ranging from "What we do is very good and no one else is asking for more", to "There is not a provider out there that currently offers a completely compliant NFPA 1582 physical". We are getting cost estimates of \$1,200-\$1,500 per physical to one quote of \$4,500 to completely meet the standard. What makes it even more confusing is that the Keene College OSHA Training Institute included NFPA 1582 as a standard incorporated by reference. On a following NVFC webinar one of your employees said that the NFPA documents, including NFPA 1582 were only using parts of the standard not the entirety of the "shalls" and "musts" in the document. That does not fit the OSHA 1910.6 definition of IBR. How do we make meaningful comments on this topic when it is not clear what is being required?

3) As mentioned above, the pure enormity of this proposed rule makes the comment process daunting if not impossible. Six hundred and eight pages of the OSHA document, plus around three thousand pages of NFPA IBR standards, plus hundreds of pages of manufactures recommendations that have been cited as need to be followed by this rule, all must be read and understood in order to comment on the feasibility and impact of the rule. The incorporated by reference NFPA standards and reference to following all manufactures recommendations need to be removed from the proposed rule. By incorporating these OSHA has left the door wide open to interpretation of what is required. Who will decide if the rule was met by the AHJ? An inspector? A lawyer? A jury? How do we make meaningful comments on something that is not clear on what is required?

4) The combination of WEREs, ESOs, and EMS all into one encompassing document make it confusing at best. Split these extremely different organizations into industry specific regulations that are able to be understood and followed. This is not an area where a one size fits all approach can be used.

There are some excellent safety measures in this proposed standard that can and should be implemented. Some of these measures will take an acceptable amount of effort and come at minimal or reasonable costs to the AHJ or employer. They should be highlighted and implemented by all emergency services organizations. There are many more

safety measures that would save lives and injuries that have not been included in this proposed rule. They include items such as coming to a complete stop at all negative right-of-way intersections with emergency vehicles, doing a complete 360-degree evaluation of all emergency scenes before beginning operations, using spotters while backing emergency vehicles, and several others. These could also be implemented with little or no cost and yet they have been left out of the document. Why have recognized safety measures that will have immediate impact on responder safety, at minimal cost to the AHJ or employer, been ignored and not included in this rule? Why have some NFPA standards been included by reference and other more impactful NFPA standards been left out? Did this panel understand the true day to day operations of an average fire and EMS department in this country? Was statically significant data used to understand the real concerns? Was the panel skewed with self-serving agendas that favored one side of those effected by this proposed rule? These are all questions that should be answered before this process moves forward.

Bottom line is that this current document, as currently written, places an enormous burden on emergency services organizations and is neither economically nor technically feasible. With some work, and by using the full negotiated rule-making process that OSHA fell short on with the current document, this rule could go from the current arbitrary and capricious standard to a meaningful, understandable, and achievable standard that will greatly improve responder safety.

We are asking OSHA to allow more time for comments and review. A September 21, 2004 extension for comments would be a good compromise. We are also asking that a blue-ribbon panel that truly represents all stakeholders be included in the process moving forward so that labor (both career and volunteer), employers, and the AHJ are all equally represented at the table. This was not the case with the panel that drafted the current proposal. We are asking that this process be far more transparent and communicated to all stakeholders as the document is refined. We need open and honest two-way communication in order to make this effective and achievable.

We do not disagree that changes are needed nor are we just kicking the can down the road. We are asking OSHA to work with us and produce a rule that we can all live with and be proud of. As written, the current proposed rule is not the answer and will have an insignificant result on improving responder safety. As written, the proposal comes at a cost that unobtainable without substantial government funding. By working together, we can produce a solution that is not only achievable, but one that comes at a cost that is economically feasible for both our organizations and communities.

Thank you,

David C. Denniston

Vice President

Association of Fire Districts State of New York

607-423-1636

ddenniston@afdsny.org

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**EDITORIAL: NO ONE IS GOING TO FEND OFF THE OSAH PROPOSED REGULATIONS UNLESS YOU GET OFF YOUR ASS AND DO SOMETHING!**

There are several people in this state that are working their asses off trying to soften the proposed OSHA regulations or at least slow down the implementation. But at this point there are only 1300 comments on the official OSHA web site and of course the IAFF is working hard to have them implemented as is. What they see is additional career firefighters in the system and of course paying dues.

While no one is against safety for all firefighters, implementing this massive change after doing nothing for 44 years is suspect.

New York has emerged as a leader in pushing back against these proposed changes. One of the main problems is they are assuming that all departments are alike and we all have the money and resources on hand to implement these new rules, far from reality. OSHA uses a figure of <\$1M average budget, which we know is far from reality!

The most onerous part of the proposed change is the adoption of several NFPA standards either whole or in part which could literally put departments out of business due to their inability of complying strictly with those standards.

Many chief officers will likely give up their positions due to the requirements and the liability of not being able to comply entirely with the proposed regulations.

The problem we seem to be having is #1. Not being informed as to the proposed new First Responder Standard and #2. Historically apathetic interest by many fire service members; let someone fight for me I don't know how or can't be bothered to get involved.

Well folks, if the federal government is allowed to implement these proposed standards, many of you will be hanging up your boots because in one way or another YOU won't be able to comply with the proposed standard and you will be out on the street AND you will be paying more in taxes to supplement career firefighters to take YOUR place. If they don't take your place right away, in the meantime it will cost you more to do business, for example a physical will cost approximately \$2,000 per firefighter in compliance with the NFPA 1582 Standard.

Take a moment, leave a comment on the OSHA website and let them know what the impact will be on **your** department's budget: cost to hire a full-time administrator, additional physical requirements & monitoring, additional training hours and the time needed to become familiar with the two dozen NFPA standards that will really test your ability to operate.

For God sake do something, if there ever was a time it's now. The IAFF wants your job and your tax money, which isn't practical in many parts of the country, but they are working hard to get this adopted, **what are you doing?**

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### **[Long Island \(NY\) Volunteer Firefighters Push Back on OSHA's New Regulations](#)**

LINK TO TV COVERAGE

<https://www.fireapparatusmagazine.com/fire-apparatus/long-island-ny-volunteer-firefighters-push-back-on-oshas-new-regulations/>

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### **[House Subcommittee Testimony](#)**

House Homeland Security Subcommittee on Emergency Management and Technology held a hearing on Tuesday morning (June 4, 2024, at 10:00 a.m. ET) on OSHA's proposed Emergency Response rule.

LINK TO THE TESTIMONY GIVEN BY THE WITNESSES HERE:

<https://cafda.net/wp-content/uploads/2024/06/2024-06-04-EMT-HRG-Testimony.pdf>

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### **[OSHA's Move to Improve Safety to Firefighters, EMS Providers, and Technical Search and Rescue Members](#)**

LINK TO MOST RECENT ARTICLE IN FIREHOUSE MAGAZINE:

[https://www.firehouse.com/safety-health/article/55056294/oshas-move-to-improve-safety-to-firefighters-ems-providers-and-technical-search-and-rescue-](https://www.firehouse.com/safety-health/article/55056294/oshas-move-to-improve-safety-to-firefighters-ems-providers-and-technical-search-and-rescue-members?o_eid=6778E0229656H9A&oly_enc_id=6778E0229656H9A&rdx.ident[pull]=omeda|6778E0229656H9A&utm_campaign=CPS240530030&utm_medium=email&utm_source=FH+Newsday)

[members?o\\_eid=6778E0229656H9A&oly\\_enc\\_id=6778E0229656H9A&rdx.ident\[pull\]=omeda|6778E0229656H9A&utm\\_campaign=CPS240530030&utm\\_medium=email&utm\\_source=FH+Newsday](https://www.firehouse.com/safety-health/article/55056294/oshas-move-to-improve-safety-to-firefighters-ems-providers-and-technical-search-and-rescue-members?o_eid=6778E0229656H9A&oly_enc_id=6778E0229656H9A&rdx.ident[pull]=omeda|6778E0229656H9A&utm_campaign=CPS240530030&utm_medium=email&utm_source=FH+Newsday)

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### **[An Additional Resources for the OSHA Proposed Emergency Response Standard](#)**

<https://afdsny.org/>

The Website for the Assoc. of Fire Districts of the State of New York

<https://www.nvfc.org/osha-standard/>

The National Volunteer Fire Council



### **[\\*\\*\\*Take the NVFC's Survey on OSHA's Proposed Emergency Response Standard](#)**

As you may have heard by now, the Occupational Safety and Health Administration (OSHA) is proposing an extensive new safety and health standard, titled "Emergency Response," to replace the existing "Fire Brigades Standard." While many of the proposed provisions would be helpful and improve health and safety, the standard as currently written would issue hundreds of new requirements that may be very burdensome, and in many cases impossible, for volunteer fire departments to comply with.

The public comment period is open until June 21. The National Volunteer Fire Council (NVFC) is formulating our comments to submit to OSHA and we want to hear from you. If you haven't already done so, please take 10 minutes to [fill out this survey](#) to help us best understand the impact the proposed standard would have on your fire department.

**TAKE THE SURVEY NOW AT THIS LINK:**

[https://gma5qspab.cc.rs6.net/tn.jsp?f=001hzbhdiUhfYDGCq-whFLi-ZGErPe2xYxFxshxkNHN3D0TLbkVd\\_VIFQsYQyL64YDI12QYeRBd6QVcq-XTUWGLfilvi7yRjw9gZXF4RvjX00LCyY0QhzC66-ldjp\\_oL2Wo1OsRSNoWnPzZ8tv9L8x8JJ3ZVOMMK47CXklwMV06Ls=&c=MX746IPd8xHyTIMLiqclTBaQM4ea6iTbPMR9ykgB564uNN1ihK\\_e4w==&ch=-00QWhpLmpkbPRDFXYPYfi2B4MCRjDLNIE9D3WNBA7soAvevnSgA==](https://gma5qspab.cc.rs6.net/tn.jsp?f=001hzbhdiUhfYDGCq-whFLi-ZGErPe2xYxFxshxkNHN3D0TLbkVd_VIFQsYQyL64YDI12QYeRBd6QVcq-XTUWGLfilvi7yRjw9gZXF4RvjX00LCyY0QhzC66-ldjp_oL2Wo1OsRSNoWnPzZ8tv9L8x8JJ3ZVOMMK47CXklwMV06Ls=&c=MX746IPd8xHyTIMLiqclTBaQM4ea6iTbPMR9ykgB564uNN1ihK_e4w==&ch=-00QWhpLmpkbPRDFXYPYfi2B4MCRjDLNIE9D3WNBA7soAvevnSgA==)

In addition, you can use the resources on the [NVFC web site](#) to learn more about the Emergency Response Standard and formulate your own comments to submit to OSHA by the JULY 21ST deadline.



### **NVFC CONTINUES TO SOUND ALARM ON PROPOSED OSHA STANDARD AND CLARIFIES IMPACT ON NON-OSHA STATES**

**May 21, 2024**

The National Volunteer Fire Council (NVFC) continues to raise awareness on the Occupational Safety and Health Administration's (OSHA) proposed Emergency Response Standard and offer resources to help first responders take action. On February 5, OSHA published a Notice of Proposed Rulemaking (NPRM) to replace the agency's "Fire Brigades" standard with a proposed new "Emergency Response Standard." This NPRM's publication triggered the beginning of a public comment period that is scheduled to conclude June 21, 2024.

While many of the proposed provisions would be helpful and improve the safety of emergency responders, the proposed standard contains multiple new requirements that would be very burdensome, and in many cases impossible, for volunteer fire departments to comply with. Nothing in this proposed standard is final and this public comment period is your opportunity to explain to OSHA what you believe should be changed in the proposed standard and why. The NVFC has launched a landing page to assist volunteers in understanding and commenting on this proposed standard, which can be accessed [here](https://www.nvfc.org/osha-standard/): (<https://www.nvfc.org/osha-standard/>)

In addition, the NVFC has held several webinars, including two over the past two weeks, to break down the concerns regarding the proposed standards and help responders formulate their comments. These webinars may be viewed [here](https://virtualclassroom.nvfc.org/webinars): (<https://virtualclassroom.nvfc.org/webinars>) The NVFC hosting a Roundtable Talk on May 23 at 2pm ET with the National League of Cities and the National Association of Counties to highlight areas of mutual concern and provide recommendations on how volunteer departments can collaborate with their local government to express these concerns to OSHA. [Register here](https://us06web.zoom.us/webinar/register/WN_JXLQL0c5S3acTz9c6US0dA#/registration): ([https://us06web.zoom.us/webinar/register/WN\\_JXLQL0c5S3acTz9c6US0dA#/registration](https://us06web.zoom.us/webinar/register/WN_JXLQL0c5S3acTz9c6US0dA#/registration))

The NVFC has also been raising attention for the proposed OSHA standard in Congress. During the last week, a letter supported by the NVFC has been circulating around the House of Representatives urging OSHA to consider exempting volunteer fire departments from some or all parts of the proposed standard, identify additional areas where financial and logistical burdens could be reduced, and extend the proposed standard's public comment period. The letter is expected to be sent tomorrow, and so far approximately 40 Members of Congress have signed it.

One of the most frequent questions the NVFC has received is how the proposed standard would impact non-OSHA states (refer to [this map](#): at this link <https://www.osha.gov/stateplans> to see which states are OSHA states). The answer is this proposed standard would impact non-OSHA states if adopted as written. The immediate impact on non-OSHA states would be related to volunteer fire departments that are nonprofits and unaffiliated with municipalities. Reading through the NPRM on this proposed standard, it appears OSHA is unaware that such departments exist. It is possible that firefighters in these departments would be covered by this standard if they receive any compensation, regardless of the state they live in.

***In addition to the immediate impact, the proposed standard would likely have secondary impacts on non-OSHA states. It could be used as a baseline of compliance for the purpose of seeking insurance and judgements in civil liability in every state.***

**Maine's Senator Collins Questions Acting Secretary of Labor Julie Lu on Proposed Changes to Volunteer Fire Dept. Standards**

Click [HERE](#) to watch and [HERE](#) to download.

Washington, D.C. – Last week at an Appropriations hearing, U.S. Senator Susan Collins questioned Acting Secretary of the Department of Labor (DOL) Julie Su on proposed [changes](#) by the Occupational Safety and Health Administration (OSHA) that, in current form, would be detrimental to volunteer fire departments in rural communities in Maine and throughout the country. Senator Collins is the Vice Chair of the Appropriations Committee.

**During Q&A, Senator Collins said:**

*I want to switch to another issue that I'm hearing a lot about in the State of Maine from our firefighters and our first responders, and that has caused me to focus on aspects of the new Emergency Response Standard proposed by OSHA in February.*

*When I talk to my small, rural volunteer fire departments, they have huge concerns about the compliance costs and the potential training requirements that this proposed standard would entail. And indeed, OSHA itself has estimated nationwide compliance costs could exceed \$100 million per year for volunteer fire departments alone.*

*When I talk to the larger cities in Maine, there are fewer problems with complying with the standards.*

*As your Department finalizes this standard, will you commit to working with small, rural volunteer fire departments to ensure that we don't, essentially, force them to close down, which would hurt public safety rather than help it?*

Acting Secretary Su:

*Yes, I will definitely commit to you that we will work with all stakeholders, but especially what you're saying, the voluntary and rural first responder forces that are so vital, both to make sure that we hear them, and that we produce a standard that keeps them safe as well.*

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**Letter from Congressman Jared Golden from the 2<sup>nd</sup> District, Lewiston, Maine**

*Presented if you wish to borrow any of the thoughts from this letter for your Comments to OSHA!*

May XX, 2024

The Honorable Douglas L. Parker  
Assistant Secretary of Labor for Occupational Safety and Health  
Occupational Safety and Health Administration  
U.S. Department of Labor  
200 Constitution Ave NW  
Washington, D.C. 20210

Dear Assistant Secretary Parker:

We are writing to share our strong concerns with the Occupational Safety and Health Administration's (OSHA) proposed rulemaking to replace the existing "Fire Brigades Standard." While we appreciate OSHA's efforts to improve the safety of our first responders, we have heard from small and rural fire departments in our districts that the new requirements proposed in the rule would result in their closure, undermining public safety and leaving many communities without essential emergency services.

Earlier this year, OSHA announced a Notice of Proposed Rulemaking (NPRM) that would update existing regulations for the safety and health of firefighters and other emergency responders, including municipal volunteer departments covered by OSHA-approved State Plan programs and potentially non-profit volunteer fire departments in non-State Plan states. **This new "Emergency Response" standard would impose new written emergency response plans, hazard vulnerability assessments, training, personal protective equipment, medical screening and behavioral health services, and other requirements. OSHA estimates that over one million emergency responders are anticipated to fall within the scope of the proposed rule, 331,472 of whom self-identify as volunteers.**

*As drafted, this rule fails to recognize the significant financial and personnel limitations that are unique to small and volunteer departments that serve our communities.* The vast majority of these departments

operate under very small budgets or self-fundraise. Volunteers donate their own time and resources to ensure that communities have readily available access to emergency services, often serving as the only source of emergency response within miles or hours of response time away. Under the proposed “Emergency Response” standard, small and volunteer departments would be required to implement additional requirements, including additional training and fitness standards for veteran first responders with years of experience, recordkeeping, and other activities. The rule would also require the incorporation by reference of over twenty industry consensus standards. While these are excellent as best practices, these departments lack the economic resources to carry them out as a requirement in statute.

These concerns were conveyed to OSHA by stakeholders participating in the agency’s Small Business Advisory Review (SBAR) panel in the fall of 2021. In their report, the SBAR highlighted that “concern about the economic feasibility of implementing these requirements in smaller, particularly volunteer, fire departments was common.” Alarming, the SBAR also received feedback from numerous emergency service organizations (ESOs) that, “given the limited resources of many volunteer fire departments, this standard, if promulgated, would force small ESOs to close.” ***It is clear that as proposed, this new standard imposes a significant unfunded mandate that is simply untenable for our small and volunteer departments.*** That is why the SBAR recommends that OSHA consider exempting these entities from some or all parts of the standard as well as identify additional areas where financial and logistical burdens can be reduced. We do not believe the proposed standard as written adheres to SBAR’s recommendation and we urge OSHA revisit this to ensure this proposed standard does not damage emergency response capabilities in our districts.

Additionally, we are hearing from small and volunteer fire departments that with the conclusion of the public comment period just over a month away, they do not have the time or the capacity to compile the necessary information to ensure that OSHA fully understands the impacts the proposed standard would have on them. We therefore also request that OSHA grant an additional 90-day extension to the public comment period so that your agency can receive a more accurate picture of the nation’s fire service.

We appreciate OSHA’s support for improving the health and safety of our first responders. However, as drafted we believe the new “Emergency Standard” would make both our departments and our communities less safe. It is our hope that your agency will consider the unique circumstances of small and volunteer departments to ensure that they can continue to operate and provide lifesaving services. Thank you for your attention to this important matter.

Sincerely,



As you may be aware, the Occupational Health and Safety Administration (OSHA) released a notice of proposed rulemaking in February for a proposed Emergency Response Standard. If adopted as written, this proposed standard could impose requirements that would be economically infeasible for small volunteer fire departments to implement and could cause these departments to shut down.

***Rep. Jared Golden (D-ME) and Rep. Anthony D’Esposito (R-NY) are circulating a letter addressed to OSHA for other Members of Congress to cosign expressing concern about their proposed Emergency Response Standard.*** The letter highlights the issues and economic burdens the proposed standard poses for volunteer departments. The letter also requests that OSHA consider exempting volunteer fire departments from some or all parts of the proposed standard, identify additional areas where financial and logistical burdens could be reduced and extend the proposed standard’s public comment period by an additional 90 days.

It’s crucial that as many Members of Congress as possible cosign this letter to OSHA. Please use the NVFC Action Alert below to contact your Representative and ask them to cosign this letter.

**CONTACT YOUR REPRESENTATIVE AT THIS LINK:**

<https://www.voterveice.net/NVFC/Campaigns/115571/Respond>

Additionally, the public comment period for OSHA's proposed standard is ongoing and concludes on June 21. The NVFC encourages all departments to submit comments. Please visit NVFC's OSHA landing page for guidance on submitting comments and other resources at this link: <https://www.nvfc.org/osha-standard/>.

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### **NVFC TACKLES OSHA PROPOSED STANDARD**

The National Volunteer Fire Council (NVFC) held its annual board of directors meeting on April 25-27 in Arlington, VA. Sixty-eight directors from 43 states were in attendance. The board conducted Council business, held committee meetings, heard from guest speakers, and honored its achievement award recipients. A pressing issue addressed during the meeting was the proposed OSHA Emergency Response Standard.

#### **Committees and Sessions**

Several of the NVFC's committees met on a range of issues including hazmat response, wildland, recruitment and retention, legislative, membership, and health, safety, and training. The EMS/Rescue Section also held its bi-annual meeting. In addition, general sessions were held with the full board to discuss matters of national and state interest, vote on issues before the board, and provide input and strategic direction for the organization.

#### **OSHA Task Force**

The NVFC board created a task force to address concerns around the Occupational Safety and Health Administration's (OSHA) proposed Emergency Response Standard, which is intended to replace the 44-year-old Fire Brigade Standard. If enacted in its current form, the standard will place new requirements on fire and emergency services that will be burdensome, and in many cases impossible, for volunteer departments to comply with. This would have a devastating impact on local volunteer departments, forcing many to close or else operate outside of the federal standard, leaving them open to fines, citations, and huge civil liability exposure.

The board adopted a "call to action" statement on the issue and directed the newly formed task force to create a landing page with resources and tools to help responders understand the issue and submit a comment to OSHA during the public comment period. The NVFC is also working on developing its comment prior to the June 21 deadline. Learn more, read the statement, and access the public comment guide at <https://www.nvfc.org/osha-standard>

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### **\*\*\*Important Update from Dave Denniston...Please Read...Please Act!!**

Extremely important status update. May 1, 2024: My friends through the hard work and dedication of several individuals and our friends in Congress, I am happy to report that we have put an initial knock on this fire and we ARE being heard. Having said that, ***we have a long hard fight ahead.***

***OSHA has now agreed to extend the comment period. Only 45 days, but it is a start. They have also agreed to in-person hearings. Virtual format, but it is a start. There will also be an additional written comment period after the hearings. It's a start.***

We have our seat at the table! We can now roll up our sleeves and eat this beast one bite at a time, or we can dribble gravy down the front of our shirts and look like idiots hoping someone else will do it for us, the choice is yours.

**This fire will quickly rekindle if we fail to do some immediate salvage and overhaul.**

- 1) We need to flood the portal! You need to read the rule and make meaningful comments. What is doable, what needs to be tweaked? You NEED to tell YOUR story. What will the cost be? What is not possible? Where are the pain points? What can and can't you do? June 21st is not far away. WE NEED YOUR HELP NOW!
- 2) We need to take a serious look at how we do business. We are doing stupid and dangerous things. The days of the "wild west" fire department are behind us. The days of misplaced pride, tradition, and sacred cows are over. Period. What can each of us do today to reduce injuries and deaths? Here is a novel idea, stop at negative right of way intersections. Stop driving these million-dollar rigs like they are stock cars. They are not! Grow the hell up and understand that. Sorry, I'll get off the soap box, but much more on that later.
- 3) *One message was clear from Congress and our state officials over the last 90 days. We heard over and over how we need to look at our structure. We need to offer alternatives and suggestions. We are not delivering fire service in a completely effective manner. I am not talking about closing firehouses and hiring all paid people. However, we do need to look at cases where we have 10 separate entities in one small town. Folks this is not effective, efficient, or sustainable. It's time to wake up and smell the coffee.*
- 4) We need to have uncomfortable conversations. We need to think outside of the way we have always done it. We need to, oh my god he is going to say it, "CHANGE".

Here we are kids. We raised our voices, and we were heard! This thing, however, is not going away. Be part of the solution. Roll up your sleeves and climb on board. Those just sitting in the corner throwing grenades are NOT the answer. We have gotten to this point, we are being heard, but we have so much work to do in a short period of time. We have never turned our backs and walked away from a fire, don't walk away from this. I hope you will join me in taking the next steps. If you're not willing to help, do us all a favor. Pop open a beer and go join your local cornhole league. Have fun and enjoy life.

**If you truly call yourself a firefighter, let's get in there and tackle this beast together. We have way too much invested to not finish this project!**

**Are you in? I am 110% invested. Are you willing to help? Please share with others.**

### **[Landing Page with Resources](#)**

The NVFC has created a landing to provide resources to help members of the fire and emergency services and the public better understand the issue and submit a public comment by June 21. This includes an outline of the proposed standard, comment guide, and recorded webinars. This page will be updated periodically with new resources and information.

#### **NVFC LANDING PAGE LINK HERE:**

[https://gma5gspab.cc.rs6.net/tn.jsp?f=001L6aLm-Ax7THBUrMdNSMphNIFj1WWWXRRzYxdUshoNVzVUkCq2FIyoxhE-Ayblw8OnamiNOBiBpzyC-pPzLiiYEvhxQ9sAxHOUIN-rMeW-UojESKwKkPDdMRzXK8VXBP-Sh4YQDWc0PJekSA9BGQCOh6lo\\_AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhqekGbW4yikuTH862UfuVJahY7FHeGI\\_qUJw==&ch=IefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xIkZP-JITscwLK8iGsQ==](https://gma5gspab.cc.rs6.net/tn.jsp?f=001L6aLm-Ax7THBUrMdNSMphNIFj1WWWXRRzYxdUshoNVzVUkCq2FIyoxhE-Ayblw8OnamiNOBiBpzyC-pPzLiiYEvhxQ9sAxHOUIN-rMeW-UojESKwKkPDdMRzXK8VXBP-Sh4YQDWc0PJekSA9BGQCOh6lo_AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhqekGbW4yikuTH862UfuVJahY7FHeGI_qUJw==&ch=IefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xIkZP-JITscwLK8iGsQ==)

### **POSITION PAPER AND FORMAL RESPONSE TO OSHA FROM THE SOUTH CAROLINA STATE FIREFIGHTER'S ASSOCIATION: CLICK THE LINK HERE:**

<https://cafda.net/wp-content/uploads/2024/04/Final-Draft-SC-FF-Assoc-OSHA-Response-Letter.docx>

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## **Federal Legislation Introduced Mandating a Phased In Approach**

### **A BILL**

To amend the Occupational Safety and Health Act of 1970 to clarify the clarify the process that the Secretary shall use in promulgating and implementing regulations containing more than five individual directives and govern fire or emergency services.

**Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,**

#### **SECTION 1. SHORT TITLE.**

This Act may be cited as the "Emergency Response Standard Implementation Reform Act of 2024."

#### **SEC. 2. PHASED IN IMPLEMENTATION OF STANDARDS WITH FIVE OR MORE DIRECTIVES GOVERNING FIRE OR EMERGENCY SERVICES.**

Section 655(b) of the Occupational Safety and Health Act of 1970 (29 U.S.C. § 655) is amended –

(1) By designating paragraph (5) as subparagraph (5)(A);

(2) By inserting, in paragraph (5), after subparagraph (A), as so designated, the following:

“(B) In promulgating any standards amending five or more sections of a regulation governing fire or emergency services, the Secretary shall utilize a phased-in implementation of such standards, based on prioritization schedule of such sections issued by the Secretary, under which the effective date of each successive section of a regulation shall not take effect until at least 180 days after the effective date that such previous standard took effect. Further, and in furtherance of the above, the Secretary shall conduct an assessment of the systems and resources in place at federal, state and local government levels, including funding programs, to determine the level of preparedness of subject agencies to comply with any such promulgations, and shall base the prioritization schedule provided for herein upon the finding of such assessment.”

**Hopefully this will be passed quickly by the House and the Senate, but the speed of legislation in Washington lately will make a snail blush!**

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### **Meeting with NYS-DOL/PESH**

Dave Denniston Writes: We had a great meeting with PESH at the end of last week. They are willing to work with us, but admit that their hands are tied some. The NY PESH Officials have stated we have to get in front of OSHA and get a seat at the table. They could not stress enough that the head of OSHA needs to know our names and concerns.

I have also been contacted by one of our congressional friends that said they are behind us, but we have to get in front of OSHA and a seat at the table. They fear legal options are our only other remedy. NVFC is looking at that angle now. I have attached my comment to OSHA that will be submitted today. **Along with this one we are going to have an online petition with a goal of 50K signatures. More details to follow. SEE DAVE's LETTER AT THIS LINK** :[<https://cafda.net/wp-content/uploads/2024/04/OSHA-1910.156-REQUEST-FOR-ACTION-1.docx>]

Lee and I will be doing a more detailed bulleted dive of the specifics of 29CFR 1910.156 on Thursday night at 7 PM. The good news, as of this morning Zoom has us up to 1000 log in capacity. Over half of that is registered now, but let's fill it up. Most webinars have a about 60% hit ratio. These OSHA ones have been exceeding that hit ratio which is awesome. Please share the registration link with your email lists and organizations. There is also a link for one more geared to Ohio in a couple weeks.

This is being run as a ESIP webinar on **Thursday 4/4 at 7pm**. Here is the registration link, **PLEASE SHARE:**

[https://archcapgroup.zoom.us/webinar/register/WN\\_9GtqnblySa-WTKII-F5Sqw](https://archcapgroup.zoom.us/webinar/register/WN_9GtqnblySa-WTKII-F5Sqw)

Tom Miller and I are doing a similar webinar on **Wednesday Dec. 10<sup>th</sup> for the Ohio State Firefighters**. All are welcome to that one if the date is better. That one is a little more geared to a state where the volunteers are not "employees" but the main message is the same.

Register for OHIO Webinar Here: [https://archcapgroup.zoom.us/webinar/register/WN\\_ae-TdGcUR3SDQJzuEaG\\_aQ](https://archcapgroup.zoom.us/webinar/register/WN_ae-TdGcUR3SDQJzuEaG_aQ)

*We cannot stress enough, our message is not that we oppose changes, and that in fact the fire service needs to embrace this and make serious changes in how we do business for firefighter safety. This has been our message since day 1, and some continue to ignore it. We need change and we need to do better for our people. What we do want is a seat at the table and some simple tweaks in the logistics of how this should be delivered, so it is in fact usable and will save lives and reduce injuries. WE CAN DO BETTER! There are still folks out there claiming we are trying to kill this thing. That could not be further from the truth, and we need to make sure that message is heard loud and clear.*

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## **Some Facts About the NFPA Standards Adopted as Part of The OSHA Emergency Response Standard**

7 Page analysis of the NFPA Standards Included in the Proposed Emergency Response Standard

- [NFPA 1910/2024 \(263 page document\)](#)

**Standard for the Inspection, Maintenance, Refurbishment, Testing and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels.**

- This standard defines the minimum requirements for establishing inspection, maintenance, refurbishment, retirement and testing program for in-service emergency vehicles and marine firefighting vessels.
- This standard shall provide minimum requirements for marine firefighting vessels.
- This standard also identifies the minimum job performance requirements (JPRs) for emergency vehicle technicians.
- The purpose of this standard is to specify the minimum requirements for the construction of new marine firefighting vessels or for the conversions of existing vessels to become marine firefighting vessels and...
- To specify the minimum JPRs for service as an emergency vehicle technician.
- 106 additional reference standards
- This standard establishes a check list of items to be checked and maintained by the personnel placed in charge of said equipment.

- [NFPA1001 \(35 page document\)](#)

**Standard for Fire Fighter Professional Qualifications**

This standard identified the minimum job performance requirements for FF 1 & FF 2 professional qualifications. [references 9 additional standards]

List of skills needed in Chapter 4 also refer to Table C.1 *Overview of JPRs for Fire Fighters*.

- AHJ shall have written policies and procedures in compliance with the standard and distributed to all, with instructions on execution.
- *Prior to entering training to meet the requirements of Chapters 4 & 5 of this standard the candidate shall meet the following requirements:*
- *Minimum educational requirements established by the AHJ*
- *Age requirements established by the AHJ*
- *Medical requirements of NFPA 1582 (106 page document) (this standard clearly references a career FF setting, job duties and performance)*

- [NFPA1407 \(23 page document\)](#)

**Standard for Training Fire Service Rapid Intervention Crews**

This standard specifies the basic training procedures for fire service personnel to conduct firefighter rapid intervention operations as specified in 1710 and 1720. [references at least 7 additional NFPA standards, in part.]

- Program shall be developed for all suppression personnel
- Written policies which shall address entry level requirements for crew members, training objectives, basic skills, equipment and training evolutions contained in the standard.
- Comprehensive training program
- Requirements for instructors
- Training shall be documented
- All RIC leaders shall be minimal Fire Officer 1
- AHJ shall have written policies and procedures in compliance with the standard and distributed to all, with instructions on execution.

- [NFPA 1002 \(30 page document\)](#)

#### **Standard for Fire Apparatus Driver/Operator Professional Qualifications**

- Outlines requisite skills and knowledge
- References in part 16 other NFPA standards.
- AHJ shall have written policies and procedures in compliance with the standard and distributed to all, with instructions on execution.
- **While not specifically stated, is it the intent that this standard applies to volunteer fire Drivers, it is not stated in the Scope nor in the Explanatory Material.**

- [NFPA 1021 \(41 page document\)](#)

#### **Standard for Fire Officer Professional Qualifications**

- References 10 other NFPA Standards in part.
- 17 Pages of requirements
- Requisite skills and knowledge for Fire Officer 1 through Fire Officer 4
- **While not specifically stated, is it the intent that this standard applies to volunteer fire Officers, it is not stated in the Scope nor in the Explanatory Material.**

- [NFPA 1140 \(124 page document\)](#)

#### **Standard for Wildland Fire Protection**

Purpose is to specify the minimum requirements for fire protection and emergency services infrastructure in wildland, rural and suburban areas; wildland fire management practices and policies; methods of assessing wildland fire ignition hazards and job performance requirements for wildland fire positions.

- 44 pages of requirements
- 30 referenced NFPA publications in part, plus 12 ASTM standards in part, plus others.
- **While not specifically stated, is it the intent that this standard applies to volunteer fire fighters who occasional respond to wildland fires, it is not stated in the Scope nor in the Explanatory Material.**

- [NFPA 1006 \(171 page document\)](#)

#### **Standard for Technical Rescue Personnel Professional Qualifications**

- This standard references in part 10 additional NFPA Standards.
- The Scope of this Standard identifies the minimum job performance requirements for technical rescue personnel. The intent is to ensure that individuals serving as technical rescue personnel are qualified.
- There are 92 pages of requirements including several specialty rescue scenarios.
- **While not specifically stated, is it the intent that this standard applies to volunteer fire fighters who occasional respond to Technical Rescues, it is not stated in the Scope nor in the Explanatory Material. Would those occasional volunteers have to be trained to the entire standard or to a portion of the standard?**

- [NFPA 1005 \(28 page document\)](#)

#### **Standard for Professional Qualifications for Marine Fire Fighting for Land Based Fire Fighters**

- The purpose is to specify the minimum job performance requirements for Land-Based Fire Fighters operating at marine fire-fighting incidents.
- There are an additional 7 NFPA standards reference in part.
- There are 11 pages of requisite skills.
- To meet the requirements for Marine Fire Fighter, the Fire Fighter II shall meet the JPRs in Sections 4.1 through 4.5 of this standard and the requirements defined in Chapter 5 of NFPA 1001 or Chapters 5 & 6 of NFPA 1081
- **While not specifically stated, is it the intent that this standard applies to volunteer fire fighters who occasional respond to Marine Fires, it is not stated in the Scope nor in the Explanatory Material. Would those occasional volunteers have to be trained to the entire standard or to a portion of the standard?**

- [NFPA 1951 \(68 page document\)](#)

#### **Standard on Protective Ensembles for Technical Rescue Incidents**

Scope: minimum design, performance, testing and certification requirements for technical rescue protective ensembles for use by emergency services personnel during technical rescue incidents.

Shall also specify the minimum requirements for various elements of the technical rescue protective ensembles, including garments, helmets, gloves, footwear and eye and face protection.

This standard shall apply to the design, manufacturing, testing and certification of new technical rescue protective ensembles and new ensemble elements. i.e. for the manufacturer of such equipment.

Deals with: certification, inspection and testing, annual verification of product compliance, manufacturers' QA program.

- References 44 other technical documents.

**The job of the AHJ is to perform a risk assessment to identify the hazards present and to determine the suitability of protective ensembles specified by this standard.**

**The AHJ would need to create a matrix and document the evaluation of such equipment.**

- [NFPA 1952 \(76 page document\)](#)

#### **Standard on Surface Water Operations Protective Clothing and Equipment**

Scope: Shall specify the minimum design, performance, testing and certification requirement for protective clothing and equipment items, including full body suits, helmets, gloves, footwear and personal flotation devices designed to provide limited protection from physical, environmental, thermal and certain common chemical and biological hazards for emergency services personnel during surface water operations.

Purpose: to **establish minimum levels of protection** for emergency services personnel assigned to or involved in surface water and rescue operations or other surface water incident operations.

- References 38 additional technical standards

Mostly for the manufacturer of such equipment, **the job of the AHJ is to perform a risk assessment to identify the hazards present and to determine the suitability of protective ensembles specified by this standard. The AHJ would need to create a matrix and document the evaluation of such equipment.**

- [FPA 1953 \(59 page document\)](#)

#### **Standard on Protective Ensembles for Contaminated Water Diving**

Basically, this standard shall specify requirements for protective clothing and protective equipment used during operations in contaminated water dive operations. The purpose of this standard shall be to establish minimum levels of protection for emergency service personnel assigned to or involved in performing search and rescue activities in and below the surface of contaminated water. This standard shall apply to the design, manufacture, and certification of new contaminated water dive operations protective clothing and equipment.

This standard applies to the manufacture of such equipment and not to the persons, using the equipment or the operations related to the equipment.

- References 33 additional technical standards

- [NFPA 1971 \(198 page document\)](#)

#### **Standard on Protective Ensembles for Structural Firefighting and Proximity Firefighting**

This standard shall specify the minimum design, performance, testing and certification requirements for structural fire fighting protective ensembles and ensemble elements that include coats, trousers, coveralls, helmets, gloves, footwear, and interface components.

The purpose of this standard shall be to establish minimum levels of protection for fire fighting personnel assigned to fire department operations including but not limited to structural firefighting, proximity firefighting, rescue, emergency medical and other emergency first responder functions.

In Chapter 8, 8.1.12 there are **procedures to be followed** for Washing And Drying Procedures For Garment, Gloves And Glove Pouches.

*This standard applies to the manufacture of such equipment and not to the persons, using the equipment or the operations related to the equipment, except for **Chapter 8** which includes procedures for washing and drying protective equipment.*

- 74 additional reference technical documents.

- [NFPA 1977 \(118 page document\)](#)

#### **Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting**

This standard shall specify the minimum design, performance, testing and certification requirements for items of wildland firefighting and urban interface fire fighting protective clothing and equipment, including protective garments, helmets, gloves, footwear, goggles and protective chain saw protectors; and for load-carrying equipment.

*This standard shall establish minimum standards for the equipment used by wildland and urban interface firefighters and does not apply to the personnel themselves or the operations of said firefighters.*

- 45 additional referenced technical standards.

- [NFPA 1981 \(81 page document\)](#)

#### **Standard on Open-Circuit Self-Contained Breathing Apparatus for Emergency Services**

This standard shall apply to all open-circuit SCBA and combination SCBA/SARs used by emergency services organizations for respiratory protection of its personnel during firefighting, rescue, hazardous materials, terrorist incident, and similar operations where products of combustion, oxygen deficiencies, particulates, toxic products or other IDLH atmospheres exist or could exist at the incident scene.

This standard establishes minimum standards for the design, performance, testing and certification of new SCBA and SCBA/SARs and for the replacement parts, components and accessories for these respirators.

- 22 additional referenced technical standards

[NFPA 1982 \(70 page document\)](#)

#### **Standard on Personal Alert Safety Systems**

This standard shall specify minimum requirements for the design, performance, testing and certification for all personal alert safety systems (PASS) for emergency services personnel.

Shall apply to the design, performance, testing and certification of PASS or RF PASS devices certified to an earlier edition of this standard that incorporate replacement parts, components and or software to be certified to this edition of the standard. PASS should be worn on protective clothing or protective equipment, or as an integrated part of another item of protective clothing or protective equipment and used whenever the member is involved in fire suppression or similar activities, regardless of whether SCBA is worn.

Note that NFPA 1500 requires that each person involved in rescue, firefighting or other hazardous duties be provided with and use a PASS.

*This standard applies to the manufacturer of PASS devices.*

- 18 additional referenced technical standards.

- [NFPA 1984 \(39 page document\)](#)

#### **Standard on Respirators for Wildland Firefighting Operations and Wildland Urban interface Operations**

This standard shall specify the minimum design, performance, testing and certification requirement for respirators to provide protection from inhalation hazards for personnel conditioning wildland firefighting and or wildland urban interface operations.

This standard shall apply to the design, manufacturer, testing and certification of new wildland firefighting or wildland urban interface operations respirators.

This standard does not mandate the use nor prescribe the use of approved respirators for use by firefighting personnel.

- 12 additional referenced technical standards

- [NFPA 1986 \(70 page document\)](#)

#### **Standard on Respiratory Protection Equipment for Tactical and Technical Operations**

This standard shall specify the minimum requirements for the design, performance, testing and certification of (1) new compressed breathing air open-circuit self-contained breathing apparatus (SCBA) and compressed breathing air combination open-circuit self-contained breathing apparatus and supplied air respirator (SCBA/SAR) and (2) replacement parts, components and accessories for those respirators.

This standard does NOT deal with the used of such respirators by emergency personnel.

- 17 additional referenced technical standards

- [NFPA 1987 \(98 page document\)](#)

#### **Standard on Combination Unit Respirator Systems for Tactical and Technical Operations**

- 71 additional referenced technical standards

This standard shall specify the minimum requirements for the design, performance, testing and certification of new combination unit respirator (CUR) systems and for the replacement parts, components and accessories for such respirators.

This standard is for the design and manufacture standard for such respirators NOT with the use by personnel.

- [NFPA 1990 \(152 page document\)](#)

#### **Standard for Protective Ensembles for Hazardous Materials and CBRN Operations**

- 59 additional reference technical standards

This standard shall specify the minimum design, performance, testing, documentation, and certification requirements for the following PPE which is used by emergencies and CBRN terrorism incidents:

1. Vapor protective ensembles and ensemble elements for hazardous materials emergencies and CBRN terrorism incidents.
2. Liquid splash-protective ensembles and ensemble elements for hazardous materials emergencies.
3. Hazmat/CBRD protective ensembles and ensemble elements for hazardous materials emergencies and CBRN terrorism incidents.

The purpose of this standard shall be to establish a minimum level of protection for emergency responders during hazardous materials emergencies and CBRN terrorism incidents.

The standard deals with the equipment not the operations by personnel.

- [NFPA 1999 \(94 page document\)](#)

#### **Standard on Protective Clothing and Ensembles for Emergency Medical Operations**

- 60 additional referenced technical standards

The purpose of the this standard shall be to establish a minimum level of protection from contact with blood and body fluid-borne pathogens for personnel performing patient care during emergency medical operations.

Shall specify the minimum design, performance, testing, documentation and certification requirements for new single-use and new multiple-use emergency medical operations protective clothing, including garments, helmets, gloves, footwear and face protection devices used by emergency medical responders prior to arrival at medical care facilities during emergency medical operations and used by health care workers providing medical and supportive care.

The Standard deals with the equipment not the operations by personnel.

- [ANSI 107 High-Visibility Safety Apparel](#)

- Performance requirements of high-visibility safety apparel, or HVSA, help with providing visibility to the user under any light conditions by day or night. This is particularly crucial for hazardous conditions, as well as any situation where threats can be presented. The performance requirements include color, retroreflection, the recommended configuration of the materials, and more. Please note that ANSI/ISEA 107-2020's specifications may be applied to many occupational HVSA, but it is not for firefighter turnout gear.
- The updated ANSI/ISEA 107-2020 standard includes changes vs. the 2015 edition such as:
  - Removing the criteria for high-visibility accessories in favor of continuing to emphasize the configurations and design requirements that contribute to the Type-Performance Class designation.
  - Adding accommodating scenarios since garments can become soiled easily because of the work environment. This edition includes specific criteria for a single-use disposable coverall, which complies with the requisite minimum material amounts and color requirements imposed on all compliant HVSA, and emphasizes that the associated material integrity requirements are only applicable to single-use disposable coveralls, for which unique marking is applied.

- Updates to the tests methods in an effort to align more closely with other material integrity tests and to recognize current versions used for evaluating the materials.
- Introducing the concept of measuring the overall nighttime luminance of a garment by including optional language that allows a manufacturer to test a garment according to ASTM E1501.

*In Total that is more than 1838 pages of additional document pages not including the thousands of pages of referenced documents within the NFPA Standards which the emergency response services would be legally liable for.*

### **OSHA's Proposed Emergency Response Standard Presents Challenges to Fire Departments**

The Occupational Safety and Health Administration (OSHA) is proposing an extensive new safety and health standard, titled "Emergency Response," to replace the existing "Fire Brigades Standard." The Notice of Proposed Rulemaking for the "Emergency Response Standard" was [published in the Federal Register](#) on February 5, with the public comment period open until May 6.

This proposed updated standard would issue hundreds of new requirements that may be very burdensome, and in many cases impossible, for volunteer fire departments to comply with. The National Volunteer Fire Council (NVFC) encourages volunteer departments and associations to [submit comments](#) on this proposed rule and request a public hearing so OSHA can have the best possible understanding of how this proposed rule would impact volunteer departments. We also encourage you to send a letter to OSHA requesting a 90-day extension to the public comment period on this proposed rule.

Additionally, please [fill out this survey](#) to assist the NVFC in collecting department data as we formulate our own comments on the proposed rule.

To assist you in developing your comments and public comment period extension letters, the NVFC has put has assembled [this comment guide](#). This guide provides guidance on:

- Where to find the text of the proposed standard
- Where and how to submit your comments on the proposed standard
- How to evaluate if your department is covered by the proposed standard
- How to develop your comments
- What part of the proposed standard will impact volunteer departments the most

The NVFC's comment guide also links you to a map of states with OSHA plans, a template for your comment extension letter, and webinars to further assist you in understanding whether or how the proposed rule would impact your department.

The NVFC recently hosted a Roundtable Talk on this issue, which you can watch [here](#). View some of the questions and answers resulting from the live discussion [here](#).

The NVFC has also put together [this outline of the proposed standard](#) to further highlight important language and provide additional context to the comment guide.

### **\*\*Paperwork Nightmare? OSHA Inks Emergency Response Proposal That Piles It On!**

JJ Keller Compliance Network

**[EDITOR'S NOTE: REMEMBER THAT JJ KELLER MAKES A LIVING OFF OF TRAINING FOR FIRE DEPARTMENTS AND INDUSTRIAL CUSTOMERS, THIS CHANGE WILL PROVIDE MORE BUSINESS OVER A LONG PERIOD OF TIME FOR THEM!]**

If you like paperwork, you'll "love" the upcoming Emergency Response proposed rule. According to the fine print, OSHA proposes to toss out three paperwork burdens. Yet, it will tack on over 25 new ones! While the proposal is not in the *Federal Register* yet, you can read the unofficial version on OSHA's website. Be sure to peek at the "Proposed Information Collection Requirements" starting on page 544.

**NEWS UPDATE:** The ["Emergency Response Standard" proposed rule](#) appeared in the February 5, 2024, *Federal Register*, on pages 7774 to 8023 of the pdf version. The "Proposed Information Collection Requirements" section of the preamble to the proposal begins on page 7999 in the third column. OSHA seeks comments on the proposed rule by May 6, 2024, for [Docket No. OSHA-2007-0073](#). The agency also says it will schedule an informal public hearing on the proposal if requested during the comment period, and, if such a hearing is requested, further notification will be announced in the *Federal Register*.

On December 18, the Office of Management and Budget gave OSHA the green light to publish the proposal in the *Federal Register*. Days later, OSHA issued a news release announcing that the proposal would appear in the *Federal Register* in January. At the same time, the agency posted a pre-publication version of the proposed rule on its ["Emergency Response Rulemaking"](#) webpage.

Stakeholders will have 90 days to comment in [Docket No. OSHA-2007-0073](#), when the proposal appears in the *Federal Register*.

**SCOPE OF PROPOSED 29 CFR 1910.156**

"Emergency responders are critical workers in all of our communities, and they deserve protections that keep up with today's industry practices," said OSHA head Doug Parker. "We are proposing much-needed updates that will expand protections for emergency workers and bring our standards closer to common industry procedures."

The proposal, if finalized, would modernize [1910.156](#), Fire Brigades. The standard would be renamed "Emergency Response" and expand coverage to emergency responders, such as:

- Firefighters,
- Emergency medical service providers, and
- Technical search and rescue workers.

The new 1910.156 would not apply to:

- Employers performing disaster site cleanup or recovery duties following natural disasters;
- Activities covered by [1910.120](#), Hazardous Waste Operations and Emergency Response (HAZWOPER); or
- Activities covered by [1910.146](#), Permit-Required Confined Spaces.

The scope of OSHA's standard would:

- Be expanded to include a range of hazards that emergency responders encounter,
- Align the standard with the Federal Emergency Management Agency's (FEMA's) National Response Framework, and
- Modernize the standard to bring it in line with consensus standards issued by the National Fire Protection Association (NFPA).

For more background, please see our earlier article, "[OSHA's Responder Proposal May Pop Up by End of January](#)," dated November 17, 2023.

**OTHER REGULATIONS IMPACTED**

In addition, the proposal pulls other regulations into the fold:

- [1910.6](#), Incorporation by Reference;
- [1910.120](#), Hazardous Waste Operations and Emergency Response;
- [1910.134](#), Respiratory Protection;
- [1910.155](#), Scope, Application and Definitions Applicable to This Subpart;
- [1910.157](#), Portable Fire Extinguishers;
- [1910.158](#), Standpipe and Hose Systems; and
- [1910.159](#), Automatic Sprinkler Systems.

**PAPERWORK BURDENS**

Despite concerns raised years ago by small business about the cost and time commitments of the *draft* standard, the latest proposal would remove three but add over 25 new "information collection requirements." Specifically, OSHA proposes to eliminate existing language under:

- [1910.156\(b\)\(1\)](#) that requires employers to develop and maintain an organizational statement;
- [1910.156\(b\)\(2\)](#) that requires employers to obtain a physician's certificate of certain employees' fitness to participate in fire brigade emergency activities; and
- [1910.156\(c\)\(4\)](#) that requires the employer to inform fire brigade members about special hazards to which they may be exposed during fire/emergencies.

In place of these information requirements, OSHA's proposed rule builds in collections for:

Category:	Paperwork:
Emergency/risk planning	<ul style="list-style-type: none"> <li>• A facility vulnerability assessment</li> <li>• A written emergency response program</li> <li>• An annual evaluation of the emergency response program</li> </ul>

	<ul style="list-style-type: none"> <li>• Keeping previous versions of emergency response programs</li> <li>• A written comprehensive risk management plan</li> <li>• Identifying the location of each fire hose valve</li> </ul>
Vehicle procedures	<ul style="list-style-type: none"> <li>• Policies and procedures for operating certain vehicles</li> <li>• Policies and procedures if responders cannot be seat belted in a vehicle</li> <li>• A procedure for vehicle operator training</li> </ul>
Incident planning	<ul style="list-style-type: none"> <li>• Pre-incident plans for locations within the facility</li> <li>• Pre-incident plans for the facilities where incidents may occur</li> <li>• Pre-incident plans for each facility subject to EPA 40 CFR 355 within the primary response area</li> <li>• A comprehensive and ongoing size-up of an incident scene</li> <li>• A risk assessment for an incident scene</li> <li>• An incident action plan</li> <li>• Established, marked, and communicated control zones</li> <li>• Standard operating procedures for emergency events</li> <li>• Post-incident analyses</li> </ul>
Medical/health records	<ul style="list-style-type: none"> <li>• Minimum medical requirements for team members and responders</li> <li>• Keeping confidential records for each team member and responder related to duty restrictions, work illnesses and injuries, and exposures</li> <li>• A medical evaluation program</li> <li>• A record of each responder's exposure to combustion products</li> <li>• Behavioral health and wellness resources</li> <li>• A health and fitness program</li> </ul>
Other	<ul style="list-style-type: none"> <li>• Team members and responders to report safety and health concerns</li> <li>• Posting your procedures for reporting safety and health concerns</li> <li>• A hazard assessment for personal protective equipment selection</li> </ul>

OSHA estimates that the proposed paperwork burdens will: **[EDITOR'S NOTE: IT IS GENERALLY FELT THAT THIS IS A SERIOUS UNDERESTIMATE, BUT REAL NUMBERS NEED TO BE DEVELOPED, REASON MORE TIME BEYOND THE 90 DAY COMMENT PERIOD IS NEEDED.]**

- Impact 22,551 entities,
- Take 3,896,719 hours in total each year to complete, and
- Cost a total of \$106,502,463 annually.

That averages to 173 hours and \$4,723 per year for each entity.

**KEY TO REMEMBER**

***OSHA proposes to remove three but add over 25 paperwork burdens amounting to 173 hours per year per entity. The move is part of an upcoming Emergency Response proposal.***

**[EDITOR'S NOTE: NATIONAL STUDIES HAVE PREVIOUSLY FOUND THAT THE ONE THING VOLUNTEER FIREFIGHTERS DON'T HAVE IS TIME. IS THIS NEW IMPOSITION BEING DONE ON PURPOSE TO SATISFY UNION ACTIONS TO CRIPPLE THE VOLUNTEER FIRE SERVICE? IF THEY WOULD BE PATIENT THE IAFF WILL GRADUALLY MAKE IN ROADS AS THE VOLUNTEER FIRE SERVICE CONTINUES TO ERODE. REMEMBER THE IAFF PROVIDES CONTRIBUTIONS TO A SLEW OF POLITICIANS THROUGH THEIR CAMPAIGN PACS, VOLUNTEERS PROVIDE VERY LITTLE CAMPAIGN FUNDING.]**

## **Formal Comment Submitted by CAFDA on Your Behalf!**

<https://cafda.net/wp-content/uploads/2024/03/Extension-Request-from-CAFDA.docx>

Posted to the CAFDA.net website.

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## **OSHA Takes Action To Limit Emergency Responder Injuries And Fatalities**

Michael Fraley – Fire Rescue One

The Occupational Safety and Health Administration (OSHA) recently announced plans to update the outdated and scope-limited Fire Brigades Standard, 29 CFR 1910.156. The proposed new standard will be titled “Emergency Response” and aims to include emergency responders, including fire departments, EMS agencies, and technical search and rescue teams. It will also govern responders who work other jobs in commercial or industrial settings but are activated as part of a Workplace Emergency Response Team when an incident occurs in the facility.

This article is a brief overview of many of the standards mentioned in the proposed rule and is not meant to be an exhaustive analysis of each section. The highlighted segments are included to portray the variety of areas the rule would cover and the significant work that may be required of some services to comply.

This article also will not explore the details of who is legally obligated to comply with OSHA standards. This varies from state to state and is complicated by a variety of factors. It should also be noted that in some circumstances, volunteer agencies may be covered by OSHA standards. Regardless of whether OSHA has legal authority over a particular state or service, there is an argument that they set a standard that could be indirectly applied to everyone. This may be particularly true after an incident has occurred and no other standard exists.

The general purpose of the proposed rule is to reduce emergency response team member injuries and fatalities. The NPRM document begins with an impressive section of statistics highlighting the dangers emergency responders face and the need for standards to reduce the impact of these injuries and deaths. The rule is specific to protecting responders and does not directly apply to medical care, outcomes or safety as they relate to patients.

### **SOME OF THE SPECIFIC SECTIONS OF THE PROPOSED STANDARD INCLUDE:**

- **Emergency response plan (ERP).** Agencies *will be required* to have a *written* program to ensure they are prepared to respond to, and operate safely in, the emergency and non-emergency situations that are likely to occur in their primary response area. The ERP is intended to provide for the occupational safety and health of team members and encompass all aspects of emergency response, many of which are outlined below.
- **Vulnerability assessment of hazards.** Agencies *must assess* their primary response area *to identify the types calls they may respond to*. Resources in the plan must be matched to these hazards and the plan should identify mutual aid resources to be called when the agency cannot mitigate a particular hazard.
- **ERP tiers, types and levels.** The agency must identify the various tiers, types and levels of responders covered by the ERP. *Several sections of the proposed standard require the agency to identify training, evaluation, qualifications, duties and capabilities of responders based on these terms*. One size does not fit all.
- **Team involvement with the plan.** The Emergency Response Plan should be developed, implemented, reviewed and updated with involvement from team members. OSHA identifies that front-line responders have valuable insight into the work process particularly as it relates to safety.
- **Medical and physical requirements.** The proposed standard specifies that ***responders will be required to meet medical and physical requirements based on their type and level of service***. This section is extensive and pays particular attention to cardiovascular health.
- **Behavioral health and wellness resources.** Agencies *would be required* to offer team members services that include diagnostic assessment, short-term counseling, crisis intervention and referral to additional resources. Records arising from any use of these resources must be kept confidential.
- **Health and fitness program.** Team members should have access to health and fitness programs that help them maintain fitness for duty and to prevent work-related illness.
- **Training program.** *A comprehensive training program must be in place* to include initial and ongoing training as well as *skills checks* at appropriate intervals. All training and assessments will be based on tiers, types and levels of providers employed. The program must detail instructor qualifications, member evaluation methods,

and assurances that team members will not be tasked with duties until they demonstrate the skills and abilities to safely complete them.

- **Facility safety.** OSHA understands that fire and EMS responders spend significant time in stations between calls and requires that these facilities also be safe. The section details the need to provide adequate spaces to decontaminate, maintain and store PPE and other equipment separate from living quarters. It also lists requirements for fire alarms, sprinkler systems, carbon monoxide detectors and equipment to prevent vehicle exhaust from entering sleeping and living areas. And yes, they even set standards for fire pole safety.
- **Personal protective equipment (PPE).** Significant attention is paid to the provision of PPE to responders as well as training, testing, maintenance, cleaning and disposal of the supplies and equipment.
- **Vehicle safety.** Highlighting the high numbers of fire and EMS responders injured and killed in vehicle crashes, OSHA proposes broad-reaching standards related to maintenance, inspection and testing of vehicles. The standards also outline important benchmarks in training and operation of vehicles, and the policies that should be in place to cover both. OSHA even settles the debate about the proper name of a legendary fire prevention character when it highlights the need for procedures to ensure the safety of occupants that are not able to be belted in a seat. OSHA notes that mascots such as *Smokey Bear* may not be able to be seat belted in when riding on a vehicle in a parade! (Note they did not call him Smokey the Bear?)
- **Incident Management System.** To align with the National Response Framework, OSHA will expect Emergency Response Plans to contain language about implementation, training and use of the Incident Management System. An emphasis is placed on provider safety monitoring and reporting during incidents.
- **Respiratory protection.** Training, equipment and policies related to responder respiratory protection have long been a major area of concern for OSHA and the proposed Emergency Response standard will continue that emphasis.
- **Communication.** Language in the proposed rule encourages reliable communication between dispatch centers and responders including monitoring of on-scene radio transmissions to maintain safety and respond to any on-scene responder emergencies. The rule also calls for interoperability between mutual aid resources.

#### TWO OPPORTUNITIES

EMS agencies and fire departments have two important opportunities right now.

- Review the proposed standard, whether OSHA rules directly apply to you or not, and provide comments to help shape the document into something that will improve safe practices in our industry.
- Review your department's current responder safety program and take steps to build the program so it will meet or even exceed the standard that this rule will bring.

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#### **Tailboard Talk: The OSHA Fire Brigade Standard from Fire Engineering**

[https://www.fireengineering.com/podcasts/tailboard-talk-the-osha-fire-brigade-standard/?utm\\_medium=email&utm\\_source=fe\\_daily\\_newsletter&utm\\_campaign=2024-02-26](https://www.fireengineering.com/podcasts/tailboard-talk-the-osha-fire-brigade-standard/?utm_medium=email&utm_source=fe_daily_newsletter&utm_campaign=2024-02-26)

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#### **OSHA Proposes Major Changes to Regulations for the Fire Service**

Insight from Curt Varone

<https://www.firelawblog.com/2024/02/15/osha-unveils-major-changes-it-proposes-for-the-fire-service/>

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#### **OSHA'S EMERGENCY RESPONSE STANDARD UPDATE THREATENS VOLUNTEER FIRE DEPARTMENTS**

National Vol Fire Council

On December 21, the Occupational Safety and Health Administration (OSHA) announced that it will issue a Notice of Proposed Rulemaking (NPRM) to modernize the agency's "Fire Brigades" standard. This standard was first published and last updated in 1980.

This proposed updated standard would issue several new requirements that would be very burdensome, and in many cases impossible, for volunteer fire departments to comply with. Specifically, there would be prohibitively restrictive standards on physical exams, the purchase of new equipment, and the formation of emergency plans that exceed the staffing capabilities of many volunteer departments.

The proposed updated standard was published in the Federal Register on February 5, and public comments are being accepted until May 6. The National Volunteer Fire Council will be filing comments on this proposed rule and encourages members of the volunteer fire service community to submit their own comments and request a public hearing on this proposed standard.

Access the text of this rule and instructions on how to file comments [here](#). Additionally, OSHA Region 1 Training Institute Education Center recently conducted a [webinar](#) providing an overview of what's in the standard and some of the impacts it would have on volunteers.

***We all know that whatever a bunch of bureaucrats in Washington put on paper will make all the difference in the world, this is the same federal government that told us everything was safe after the Twin Towers fell.***

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**LINK TO THE PROPOSED OSHA STANDARD, NO FLUFF:**

<https://cafda.net/proposed-changes-to-the-osa-standard-comment-period-opens-february-5th/>

Here are the links for the resources as Dave promised:

1. [Webinar: Emergency Response Rule | Oshaedne](#)
  2. [OSHA's NEW Proposed Rule 1910.156 Emergency Response rule on Vimeo](#)
  3. [Microsoft PowerPoint - 1910.156 Webinar 1-31-2024 draft 2.pptx \(oshaedne.com\)](#)
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**OSHA PROPOSED UPDATE TO THE BRIGADE STANDARD COMPLETE TEXT:** <https://cafda.net/wp-content/uploads/2024/01/ER-NPRM-Unofficial-WORD-VERSION.docx>

**LINK TO MY SYNOPSIS OF THE PROPOSED UPDATE:** <https://cafda.net/wp-content/uploads/2024/01/SYNOPSIS-OF-THE-PROPOSED-UPDATED-OSHA-FIRE-BRIGADE-STANDARD-1.docx>