



CAPITAL AREA FIRE DISTRICTS ASSOCIATION



# BULLETIN

NOVEMBER 2, 2024

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Serving the fire service community since 2004

## CAPITAL SHORTS:

- NEW OSHA INFORMATION IS PRECEDED BY THE **RED ARROW**
- WE ARE NOW OPERATING ON STANDARD TIME, YOU SHOULD HAVE TURNED YOUR CLOCKS BACK 1 HOUR.
- **I have signed up to testify before OSHA in November, WHAT POINTS WOULD YOU LIKE ME TO MAKE DURING MY 5 MINUTE TESTIMONY? NOTIFY ME AT TOM@RINALDI1.COM**
- News for those who intend to testify on the OSHA proposed standard, See the OSHA Supplement Section for updates.
- Rumor has it that OSC is turning its attention to performing audits of fire districts and fire companies and away from school districts in the coming year.
- Congratulations to Vischer Ferry Fire District on their new fire station and their new heavy rescue.
- We can't be happier with the turnout for our Workshop at the Verdooy fire station. The presenters were well received, the food was good, the facility served us well and the attendees were very pleased. We have requested the use of Verdooy's facility for the 2025 Workshop.

## CAFDA NEWS AND OPPORTUNITIES:

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

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

**NEXT DINNER MEETING AND ELECTION THURSDAY NOVEMBER 14<sup>TH</sup>, Dinner at 6, meeting starts promptly at 7PM**

**Letters due for nominations for the November Election including all officers and 5 directors.**

Printable 24/25 Activity 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.

### **ZOOM MEETING LINK FOR NOVEMBER 2024:**

Topic: CAFDA Membership Meeting Time: Nov 14, 2024 07:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us06web.zoom.us/j/82585732921?pwd=aJOla49nx7ichi2RgnlXABjTXRSqfl.1>

Meeting ID: 825 8573 2921

Passcode: 464618

Dial by your location

- 646 558 8656 US (New York)

### **Prelude to the CAFDA 2025 Elections, Nominations**

Nominations were held at the October 2024 Meeting and Elections will be held at the November 2024 Meeting. Nominations resulted in the following: Tom Rinaldi – President, John Meehan – 1<sup>st</sup> Vice President, Art Hunsinger – 2<sup>nd</sup> Vice President, **Directors:** Joyce Petkus, Ed Woehrl, Les Bonesteel, Fred Richards, Ellen Martin and Skip Smith. Because there are only 5 director positions and 6 nominations there will have to be a run off at the November election.

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### [Planning for CONFERENCE '25 – Lake George](#)

The Education Committee has begun planning for the 2025 Conference to be held in April at the Fort William Henry Conference Center in Lake George. Are there any topics you would like to hear about? Please let John Meehan know at [jmeehanafd@gmail.com](mailto:jmeehanafd@gmail.com)

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### **WORKSHOP 24 REGISTRATION FORM AT THIS LINK**

<https://cafda.net/wp-content/uploads/2024/09/2024-Fall-Workshop-Registration.pdf>

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## **Upcoming CAFDA Educational Event for Fire District Officials**

**Save the Date: Thursday March 13<sup>th</sup> and Friday March 14<sup>th</sup>, 2025**

Fire District Financial Training  
Presented by the NYS-Office of the State Comptroller  
To be held at Fulton Montgomery Community College, Johnstown, New York  
Supported by Mohawk Fire District  
Commissioners, Treasurers and Chiefs are cordially invited to attend  
*More Information to Follow*

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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)

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### **Fire District Election Schedule 2024**

**October 10th, 2024** Last day to adopt resolution permitting absentee ballots at the Annual Election. Absentee ballots are optional for fire districts. If previously approved, does not have to be redone. TL§175b(1).

**October 31st, 2024** Request County Board of Elections to provide a list of registered voters as of November 18th and to provide the list to the district by November 22nd and order voting machines or other equipment and telephone coverage for the night of the election, if desired and available. EL§5-612(6).

**October 31st, 2024** Last day to adopt resolutions designating Fire District Board of Elections, including Chairman and Election Inspectors and/or Ballot Clerks, fixing compensation of the individual members of the District Board of Elections TL§175-a(6).

**November 6th - 13th, 2024** Publish Notice of Election (and publicly post) in district newspaper stating the date, place and hours of election; listing offices and propositions, if any, on the ballot; whether candidate petitions are required; the last day for voter registration; the procedure for absentee ballots, if any, and optionally designating the date(s) on which the Inspectors of Election will meet to prepare the register, where the meeting will be held, and the hours of such meeting TL§175(1).

**November 18th, 2024** Last day to register at County Board of Elections to be Eligible to vote on December 10th, 2024 in Annual District Election TL§175-a (2) (a).

**November 19st, 2024** County Board of Elections to mail lists of registered voters to Fire District Secretary. EL§5-612(c).

**November 20th, 2024** If absentee voting is permitted, mail absentee ballots to any registered voter whose registration record is marked "permanently disabled" on receipt of list from County Board of Elections. Ballot must be finalized to complete this task. TL§175-b(2)(g)

**November 20th, 2024** Last day to file petitions for candidates for office, if required, or notify secretary in writing of intent to run for office if petition not required. TL§176(7).

**November 20th – November 25th, 2024** Post Notice of Election on district website and signboard, if any, at least 15, but not more than 20 days before date of election. Remains on website until December 10th, 2024. TL§175-c (1).

**November 20th - November 25th, 2024** Copy of Notice of Election to town clerk for posting on municipal website, if any, bulletin board and signboard, if any, at least 15, but not more than 20 days before date of election. TL§175-c(2) These notices [for websites, signboards and bulletin boards] must include time and place of election, officers to be elected, term of office and any other details regarding matters to be voted on as well as hours of polls being open for balloting. Suggest using regular Notice of Election published in district newspaper. TL§175-c(3).

**November 25th, 2024** Suggested meeting date for Fire District Board of Elections to prepare register. Can be any other date you choose after receiving registration books. TL§175-a(3).

**December 3rd, 2024** If absentee voting is permitted, last day to receive application for absentee ballot if the ballot is to be mailed TL§175-b(2).

**December 9th, 2024** Last day to receive application for absentee ballots if it is delivered personally to the voter or his/her agent. TL§175-b(2).

**December 10th, 2024 Election Day- 6:00 p.m. to 9:00 p.m.** minimum may be additional consecutive hours prior to 6:00 p.m. TL§175

**December 13th, 2024** File results (Canvass of Election) with Town Clerk. TL§175.

**December 17th, 2024** Secretary to deliver a report to the County Board of Elections indicating the persons on the list of registered voters labeled "inactive" who voted at the fire district election.

## 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.

### Help is On the Way in New York State

Robert Harding – The Citizen

A Cayuga County fire department is getting state help to replace its aging station.

The New Hope Fire Department is one of seven volunteer fire companies in New York to receive \$1 million grants. The funding was awarded through the state Division of Homeland Security and Emergency Services' Volunteer Fire Infrastructure and Response Equipment Grant Program.

Jackie Bray, commissioner of the state Division of Homeland Security and Emergency Services, told The Citizen that New Hope will use the funding for a new fire station. The current station on New Hope Road in the town of Niles is 80 years old.

Locke Fire District 1 is also receiving \$190,000 to build a storage facility for equipment.

**Overall, \$25 million will be provided to 88 fire departments in 35 New York counties. Bray said that her agency received more than 500 applications worth over \$240 million.**

*The Volunteer Fire Infrastructure and Response Equipment Grant Program, known as V-FIRE, was created to assist volunteer departments with annual budgets under \$250,000.*

"New York state, particularly our rural communities but even our suburban communities, is so reliant on the volunteer fire service," Bray explained. "These are folks that go out night after night, show up with skill, with empathy, with professionalism and they don't get paid for it. It's part of the fabric of the community."

**But many of the departments with smaller budgets can face challenges when making larger purchases, such as a new fire truck, or investing in infrastructure improvements.** The V-FIRE program, according to Bray, is designed to help modernize the departments.

While announcing a \$1 million grant for another fire department, **Gov. Hochul committed to continuing the V-FIRE program.**

**"I just want to tell you that we're going to keep this up** because firefighters should not have to wait for updated equipment, new (personal protective equipment), fresh spaces for training programs, learning and for renovated spaces — you deserve better than that," Hochul said.

Bray told *The Citizen* that she is excited V-FIRE will be an annual program. The goal next year is to provide more grants to support volunteer firefighters.

"These are not wealthy departments," she said. "Not only do tens of thousands of dollars help, but when we're talking about hundreds of thousands of dollars, it makes a real big difference."

**THIS IS A LINK TO THE RECIPIENTS AND GRANT AMOUNTS:**

<https://www.dhSES.ny.gov/volunteer-firefighter-grant-awards>

## OTHER FIRE SERVICE ORGANIZATION NEWS



### ResponderStrong Mental Health Curriculum Train the Trainer Workshop

Monday, Dec. 9th, 2024 , 0900-1700 EST

Sullivan County Emergency Services Training Center  
615 Old White Lake Turnpike,  
Swan Lake, NY 12783  
(Virtual Option Available)



Emergency Response work has always presented unique mental, emotional and physical challenges. Over the past few years, stress levels among all those who protect and support our communities have escalated to unprecedented levels, driving demand for solutions like ResponderStrong's Mental Health Curriculum. Created for Responders by Responders, this highly regarded program is being implemented across the nation to bolster resiliency, erode stigma, and decrease stress injury: burnout, compassion fatigue, anxiety, depression, and suicidality. Recognizing that budget constraints often hinder access to content like this, we are proud to offer this workshop FREE to Responders through generous support from our sponsoring partners.

The **Train the Trainer workshop** is based upon a detailed instructor manual designed to support facilitators, provides on-line access to updated materials, and allows for deeper discussion of the:

- research and data regarding prevalence of stress injury among our population
- stress injury model and cumulative stress
- suicidality- how it develops and how to create effective intervention and prevention
- impacts of the job on families and ways to mitigate
- proven practices to improve resilience and better manage stress
- additional resources and solutions to supplement local options

**REGISTER NOW**



Offered to all those working in Emergency Response, including: Law Enforcement, Fire, EMS, Dispatch, Healthcare, Patrol, Coroner, Wildland, Disaster Response, Mental Health Clinicians, and others trained to serve our communities. Career or volunteer, current or former- all are welcome. Our content supports the human behind the badge, uniform, and scrubs. Through this Train the Trainer model, we empower YOU, the local wellness champions with vetted, relevant, and useful material to integrate within your agency and share with your community. **Or, register by clicking [HERE](#)**

This training is sponsored by:



### ***Save The Date: 1st Annual FASNY Training & Educational Weekend***

**May, Friday the 16<sup>th</sup> through Sunday the 18<sup>th</sup>, 2025**

Fort William Henry , Lake George, NY

An array of Speakers on many subjects including Chief Tom Richardson, Chief Tom Basher, D/C Tim Cowan, Brian McQueen, Chief Stefano Napolitano, Chief Doug Cline, Chief Justin Bailey and Ed Mann..

More information to come.

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

Coming Attractions:

- Mini Summit in White Plains, Sonesta Hotel, **March 28 & 29 2025**
- **October 2-4, 2025**, Annual Meeting and Vendor Expo at the Saratoga Hilton and City Center, Saratoga Springs
- **October 8-10, 2026**, Annual Meeting and Vendor Expo at the Saratoga Hilton and City Center, Saratoga Springs



### ***Regional Hands-On Training – Fire Behavior From the Outside***

#### **Two-Hour Program Overview**

Understanding fire behavior and building construction as it relates to the fire service is arguably the most important aspect of our job. In this program, firefighters will observe changes in fire behavior from the outside while typical fireground actions are simulated. Firefighters will recognize the vast difference in fire dynamics with the synthetic fuels used in homes today versus the fuel the fire service is using in training towers. This two-hour training includes a classroom presentation, followed by an interactive demonstration using a 10-square-foot dollhouse prop. The unit provides a safe, inexpensive way to discuss fireground strategies/tactics to improve firefighter safety and victim survivability.

#### **Course Prerequisites (or Equivalent)**

None

#### **PPE Requirements**

None. Members of the fire suppression team designated by the host agency must wear OSHA compliant full PPE with SCBA.

#### **UPCOMING PROGRAMS:**

*Programs are open to host organization's members and invited guests only.*

**November 19, 2024 – 9:00 a.m.**

#### **Saratoga County**

Host: Round Lake Volunteer Fire Department

**November 19, 2024 – 7:00 p.m.**

#### **Fulton County**

Host: Berkshire Fire District

**November 21, 2024 – 7:00 p.m.**

#### **Saratoga County**

Host: Round Lake Volunteer Fire Department

**March 3, 2025 – 7:30 p.m.**

#### **Rockland County**

Host: Hillcrest Fire Company/Moleston Fire District

**April 28, 2025 – 7:00 p.m.**

#### **Sullivan County**

Host: Roscoe Rockland Fire Department

#### **How to Host a Program in Your Region**

Complete and submit a [Regional Hands-On Training – Fire Behavior From the Outside Request Form](#), which outlines all host responsibilities. This course can be delivered on any day of the week at any time and is ideal for a fire department drill. Training will be provided in New York state only. Programs will be scheduled throughout the year based on availability of NYS AFC instructors. [Email](#) NYS AFC with questions regarding Hands-On Training.



**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 - So You're a Training Officer: Now What? Incorporating Adult Learning Theory into FD Training Programs](#)**

**WEDNESDAY, NOVEMBER . 13 AT 2PM ET PRESENTER: RACHEL BUCZYNSKI**

**REGISTER AT THIS LINK:**

[https://us06web.zoom.us/webinar/register/WN\\_ilTmPyf-S8qeMO\\_-3YEIFA#/registration](https://us06web.zoom.us/webinar/register/WN_ilTmPyf-S8qeMO_-3YEIFA#/registration)



**[Situational Awareness: Not Just for Crime Calls Anymore ESIP WEBINAR SERIES](#)**

Every day crews respond to all manner of requests for help. We are finding, that on every call for service, we need to maintain an awareness of the risks and hazards when we arrive and while we are on the scene. We will discuss what some of those hazards are and how we can maintain an awareness to improve safety for us and all others around us.

**Wednesday, 11/6/24. 7PM**

**REGISTER AT THIS LINK:**

<https://mcneilandcompany.us8.list-manage.com/track/click?u=03596f243a9d922954ebaf15e&id=923d4947ef&e=781e9a2c81>

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

## THE LATEST FROM WASHINGTON

Now we can't wait until the election is over. Please Vote, not for the party but for the person who will lead America into the future for next four years with strength, honesty and dignity.

For information only and not for the purpose of providing legal advice. The opinions expressed are the opinions of the individual author at the time the facts were presented and based on the law then applicable. The information contained in these opinions is not guaranteed to be up to date. The information provided is not 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

**[Register "NYS GOVBUY 2024" events@ogsgovbuy.info](#)**

**SAVE THE DATE: NOVEMBER 21-22, 2024 EMPIRE STATE PLAZA CONVENTION CENTER REGISTER NOW AT THIS LINK:**

[https://eventdex.my.site.com/BLN\\_RegistrationDym?id=a19Nt000001xfZdIAI](https://eventdex.my.site.com/BLN_RegistrationDym?id=a19Nt000001xfZdIAI)

**[FIRE DISTRICT BUDGET CALENDAR FOR 2024 CAN BE FOUND AT THIS LINK ON THE CAFDA WEBSITE:](#)**

**On or before November 4th** (October 15th to November 4<sup>th</sup>) - Subject to certain restrictions, make changes, alternations and revisions to proposed budget. (TL§181[3][b]).

- Before adopting Fire District Annual Budget determine if the tax levy will exceed tax levy cap and if so the Fire District must pass a resolution by a 60% vote of its board to override the tax cap (GML§ 3-c(5))

**On or before November 4th** - Before passing any resolutions necessary to override the tax cap levy and adopting the Fire District Annual Budget "submit" the Fire District budget/ tax cap form to the New York State Comptroller's Office on the form prescribed by them. (GML3- c(7)) -

- Adopt fire district annual budget (TL§181[3][b]).

**On or before November 7th** - Fire district secretary delivers two (2) certified copies of fire district annual budget for 2025 to town clerk of towns in which district is situated, (TL§181[3][c]) and obtains receipt.

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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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**SHIFTING FIRE DISTRICTS**

**Town of Vestal Comes to Unanimous Vote to Dissolve Existing Fire District**

Michael White

The Town of Vestal board came to a unanimous 5-0 decision to go through with the proposed dissolution of the existing fire district to implement the new district.

The new district formation gives vestal fire district independence, allowing them to now have their own governing body and elect their own appointed officials.

The Town of Vestal Fire Department is 100% volunteer and under the existing fire district, the town board was the fire commissioners.

***The new district will now be in compliance with New York State. A dissolution of the existing district was needed to implement the new district.***

"We are the last town that had a volunteer fire department and had the town board as fire commissioners. So it wasn't allowed, but it took a lot of work from all the members of the governance committee who were all volunteers who stepped up and helped us make this day possible," Town of Vestal Supervisor Maria Sexton said. "So they're becoming independent, but they're still our volunteer fire department, which we much appreciate, and we could not do anything without them."

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**Fire Millage in Woodhaven (MI) Could Transform Service Into Full-Time Department**

The News Herald, Southgate, Mich.

Woodhaven city officials organized a thorough information campaign to inform residents of a public safety millage proposal that will be on the Nov. 5 ballot. A series of videos were posted on social media involving Mayor Patricia Odette and fire personnel discussing what the millage could do for the city if passed.

The question on the ballot asks if the charter should be amended to permit ***the levy by the city of an additional tax in an amount not to exceed 3 mills for five years to be used for providing emergency services for the Fire Department, dispatch, and protection from July 1, 2025, through June 30, 2030.***

*If successful, the city's proposal will replace the expiring 3 mills for debt consolidation and road improvement millage with the new public safety millage. Therefore, the millage would not come at an additional cost to taxpayers.*

The city outlined for residents what the proposal would do to fire services and those receiving service, such as:

- More than double CPR survival rates
- Double cardiac arrest save rates
- Cut 911 response times
- Reduce dispatch cost by more than 60%
- Provide eight new full-time firefighters that are trained paramedics
- ***Establish a full-time fire department***

"I hope the citizens of Woodhaven go to the polls and vote yes," Mayor Patricia Odette said. "It will make the city much safer than it already is. This is long overdue. There are 30,000 to 40,000 people who travel through the city every day." She singled out having a full-time fire department as one of the most attractive aspects of the millage.

Staff levels are a point of concern in Woodhaven. Currently, there is one person taking all 911 calls. Woodhaven is one of 14 cities in Michigan operating as a single-seat dispatch.

The Fire Department has eight full-time employees and 17 part-time employees. That level of staffing allows for only two firefighters to be on staff per station at the same time. As a solution, the city is asking voters to pass the millage to

consolidate dispatch services with Trenton and Brownstown. Officials have been explaining to residents that this is how the department could provide greater coverage and lower response times.

Another problem pointed out by officials through the various informational meetings is the fact that over the past 30 years, the senior population in Woodhaven has doubled, and the retail and industrial industries have soared in growth. Officials have told residents that although this is a “good problem” to have, **it has led to a 400% increase in 911 calls and the city can no longer cover the needs with a part-time fire department.**

The actual ballot language is as follows:

*City of Woodhaven City Charter Amendment For Emergency Services, Dispatch and Protection Millage Shall Article 11 of the Charter of the City of Woodhaven, Michigan, be amended so as to permit the levy by the City of an additional ad valorem tax in an amount not to exceed three (3) mills for five (5) years, for such millage to be used for providing Fire Department emergency Services, dispatch and Protection from July 1, 2025 through June 30, 2030?*

*[Millage is a tax rate that determines how much is assessed for each \$1,000 of a property's value. It's also known as mills, which is one-thousandth of a dollar.*

*To calculate property taxes, multiply the taxable value of the property by the millage rate. For example, if a property has an assessed value of \$100,000 and the millage rate is 25 mills, the property tax would be \$1,000.*

*Millage rates are set by governing authorities, such as county commissioners or boards of education. They can be used to fund a variety of things, including schools, townships, cities, and counties.]*

## STEP INTO THE CHIEF'S OFFICE

### **\*\*Ruthless Repetitions**

Frank Viscuso

Imagine you could be a fly on the wall when an Army colonel speaks to new company commanders at the Infantry and Armor School in Fort Benning about the importance of establishing a proper command climate and enhancing a team's ability to perform effectively when confronted with challenging situations. What do you think he would say? Perhaps he would explain why they should harshly discipline soldiers who make mistakes in such a way that they would be afraid to step outside the established action plan. Maybe he would tell them that they absolutely must obey every single order they are given regardless of what their personal experience, training, and instincts are telling them. Or would he empower them to make educated decisions, take deliberate action, adapt when necessary, and train the men and women they are leading to do the same?

Colonel Thomas M. Feltey would know exactly what that man would say because he is the person who gives that talk every year. Feltey enlisted in the New Jersey Army National Guard in February 1988 and served as an infantryman in C/2-113 Infantry (Mechanized), 50th Armored Division. He is a graduate of Rutgers University, where he earned his distinguished military degree before being assigned with the 1st Brigade, 2nd Armored Division/4th Infantry Division at Fort Hood, Texas. Feltey 's deployments include Cuba, Germany, and Afghanistan. Most recently, he served as the senior advisor to the Ministry of Peshmerga for the Office of Security Assistance-Iraq at the United Consulate General Erbil (July 2015 to June 2016).

#### **LEADERSHIP PRINCIPLES**

I recently sat down with Colonel Feltey to discuss the techniques he uses to establish, prepare, and lead effective teams. During our conversation, I mentioned the late Harold Gregory “Hal” Moore, Jr., who was a United States Army lieutenant general; a recipient of the Distinguished Service Cross; and the first of his West Point class to be promoted to brigadier general, major general, and lieutenant general. The movie “*We Were Soldiers*,” which was based on his combat experience in Vietnam, starts off with Moore moving his family to Fort Benning, Georgia, where he takes command of the 2nd Battalion, 23rd infantry out of 2nd infantry division. It was a new battalion designated as an experimental unit for our Army. Their intent was to use enhanced air tactics to achieve success. The plan was to use helicopters to move infantrymen from one place to a point of advantage over the enemy.

Years later, that same battalion would be commanded by Feltey, which inevitably led us into a discussion about Moore's four principles for leaders conduct in battle (see sidebar), which I often reference during my leadership seminars.

#### **HAL MOORE'S FOUR PRINCIPLES FOR LEADERS' CONDUCT IN BATTLE**



1. Three strikes and you're not out.
2. There is always one more thing you can do to influence the situation in your favor; and after that, one more thing; and after that, one more thing, etc.
3. When there is nothing wrong, there's nothing wrong—except that there's nothing wrong.
4. Trust your instincts.

The last of the four principles—trust your instincts—is the one I wanted to explore with the colonel. Our instincts are the product of our education, reading, personality, and experience. Since people come from different backgrounds that provide them with a variety of life experiences that shape who they have become, it's obvious that no two people will have the same level of awareness. Firefighters, like soldiers, need to enhance their situational awareness so they can identify bad things before they happen. With that thought in mind, I asked Feltey to talk about how the Army helps soldiers develop their instincts, and this is what he said:

"There is a methodology to it. We develop our subordinates through ruthless repetitions under varying conditions. That's what ultimately builds proficiency. Especially when you come into close contact with the enemy (which in a firefighter's case could be a structure fire). It's really pattern recognition. Over time, experience allows you to see a lot of different patterns. These are complex patterns. These aren't simple patterns."

#### **PRACTICE, PRACTICE, PRACTICE**

When a firefighter walks into a room, for example, he will immediately recognize things like smoke, heat, and the glow of an incipient fire the same way a soldier would walk into a certain area and recognize where the enemy's machine or rifle is. These are simple patterns to recognize; however, with continuous training and experience, we can begin to recognize more complex patterns in varying conditions of terrain that will help enhance our ability to recognize bad things before they happen.

By using the term varying conditions in terrain, Feltey explained, the Army wants its soldiers to be able to recognize patterns in a wooded area, in the nighttime, in a wide-open area, in an urban area, in the summer, in the winter, in high visibility on a clear day, and in low visibility because of fog. To get soldiers to perform effectively, regardless of their environment, the key is exposing them to different conditions and constantly getting in their repetitions during training. If training is done correctly, when the time comes that a soldier must perform, he will think, "Hey, wait a minute, I recognize this pattern." The question I pose to you is, Is your team training this way?

In a recent self-study program, the National Fallen Firefighters Foundation provided a list of contributing factors to firefighter fatalities. The five reasons listed included the following:

1. Culture and peer pressure.
2. Complacency.
3. Insufficient safety policies and protocols.
4. Acceptability of "accidental success" and behaviors.
5. Situational awareness/curiosity.

How many times after a multiple-alarm structure fire have you heard a group of firefighters defend poor performance by saying something like, "What's the big deal? The fire went out and nobody was hurt"? This mindset does nothing to help a team improve. All it does is lead to complacency and the acceptance of accidental success. As leaders in the fire service, we need to adopt the ruthless repetition philosophy described above, analyzing our performance and focusing on ways we can make progress by talking about how we can achieve a higher level of success.

#### **AAR AND PIA**

Another method Feltey uses to help do this comes in the form of the after-action review (AAR). The AAR is a structured review or debriefing method for analyzing what happened, why it happened, and how things can be done better. The basic idea of the AAR is to discuss what happened. The objective is to determine what the team was supposed to do and compare that to what ended up happening. During the AAR, Feltey says it's important to talk about what you did well during the planning, preparation, and execution phases of the operation so you can talk about how to sustain the correct activity. Then move into areas where the team can make improvements.

The formal AAR was originally developed by the United States Army and is an extension of the "hot wash," which is a brief discussion that occurs immediately after a significant action. The concept works and has been adapted by many nonmilitary organizations, both domestic and international. The fire service has also come to know the AAR by another

term, the post incident analysis (PIA), which we typically conduct after each significant incident. The PIA can be done simply by asking these four questions:

1. What was our overall mission?
2. What did we do well?
3. What could we have done better or differently?
4. Who do we need to inform?

The fact that both the AAR and the PIA are remarkably similar is no coincidence. Many of the leadership and team development methods we use in the fire service are modeled after those that our military institutions have been using for years; however, Feltey's perspective on the AAR helped me have a greater understanding of the purpose. For example, if you discover a problem with the technique, systems, or performance of your team during an AAR or PIA, you need to pin that rose on someone to fix the issue of concern; otherwise, you are just admiring the problem. Therefore, he believes there needs to be an emphasis on *who*, *how*, and *when* to fix the problem.

#### **TAKE RESPONSIBILITY**

"You have to assign responsibility," he said, before adding, "We also need to focus on what went right. If something good happened, how do we sustain that? What actions do we need to take? What training did what to drive that positive outcome? If you don't take steps to nurture, continue to grow that, we can move in the wrong direction."

Ultimately, it's all about finding better ways to improve. If you are not discussing ways to improve, you are not leading a team. In fact, if you are not focused on finding ways to prepare and improve, you are failing in the role as a team leader. Continuous improvement is what every high-performance organization strives for.

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

### POSITIVE OUTCOMES

#### FIRE SERVICE CHALLENGES

##### [Officials Approve \\$450,000 More to Pay Staff Salaries at Three MD Fire Stations](#)

Carroll County commissioners unanimously approved transferring funds Thursday to give up to an additional \$450,000 to the Carroll County Volunteer Emergency Services Association. The money will be doled out to three fire stations to keep them staffed with emergency workers until full-time career staff can be hired.

## RECRUITMENT AND RETENTION

### [Your Volunteer Recruitment Playbook: How To Develop The Plan And Execute](#)

Dan Rogers

It starts with getting real about why people aren't joining the department.

Staffing deficiencies are plaguing the fire service. The first step to finding a solution is the same as so many other challenges – acknowledging the problem. We can't pride deter us from doing what is right for the community and our brother and sister firefighters. Increasing personnel brings significant increases in firefighter safety metrics and fireground effectiveness.

What makes this first step so difficult is the number of stubborn, salty veteran firefighters who deplore change. But we must move past the "this is how we've always done it" mindset if we're going to be successful in solving our staffing challenges. It won't be easy, but it is absolutely necessary if you want to boast a full roster of committed firefighters. With the total number of volunteer firefighters declining more than 12% in the last decade, it's past time that we consider new recruitment tactics that will bring fresh blood inside the station doors.

#### **THE PERCEPTION PROBLEM**

For years we have seen a sharp decline in the membership numbers of volunteer fire departments. Too often we recruit members, outfit them and train them, only to see their attendance slowly taper off until we send them a termination letter. Why does this happen? Why have people quit coming around?

Here are some reasons I commonly hear:

- The younger generation is constantly glued to their phones, have never had to do any manual labor; therefore, volunteering on a fire department is probably too much work.
- We used to have people show up to the station all the time and ask to join. No one stops now because there's no sense of community.
- Recruiting members cost too much. Once you get them in the door, you have to train them and outfit them with gear, pagers and clothing. It's too expensive.
- New members are too much drama.

Are these fair characterizations of our staffing situation?

Sorry to burst your bubble, but none of these are actual proven reasons for lack of recruitment and retention among volunteer departments.

The National Volunteer Fire Council published a [Volunteer Retention Report](#) in August 2020. They polled volunteers who had recently left the fire service, current volunteers, and current leadership on why members joined, and why members left. The key takeaway: The reasons that we, as officers, think people join the department are simply inaccurate. I was astonished, being a contributor to this survey myself.

Leadership was a top issue that emerged in the study results, followed closely juggling busy lives with volunteering, and lack of clear expectations from the beginning on the commitment of volunteer.

#### IMAGINE THE POSSIBILITIES

Another NVFC study surveyed 1,224 random people between the age of 18 and 65 about their beliefs around volunteering for the fire department. The findings:

- 29% had high or moderate interest in joining a volunteer department.
- 40% indicated they would be open to helping in a non-operational way.
- 77% reported they had a desire to be involved in their community but weren't sure how.
- 80% responded they did not know their department needed volunteers.

Wow! Nearly 30% (335 people) said they had high interest in volunteering on their local fire department. Those numbers are great – simply unbelievable. Think about it, most of our district's populations are at or above that 1,224 mark. And what if in our district we could garner interest by even just 10% of those who showed high interest? That's 33 people right there. And if you add 10% of the folks who showed interest in the non-operational side, that's another 49 volunteers.

Here is the question: What have you done to reach these potential members in your district? Have you reached out to every household? Have you expressed your need for help? Have you explicitly asked them to join? If you can answer yes to all of these questions, for every person in your district between the ages 18-65, then bravo, you have done everything. But for the rest of us, we need to sharpen our pencils and get to work – and it all starts with a recruitment plan.

#### DEVELOP A RECRUITMENT PLAN

Tackling this issue within your department requires some real time and effort from you and your officers.

I am a huge proponent of creating committees, and this is the perfect place to start. By establishing a recruitment committee, you can spread out the responsibility and give members some stake in the department. You'll want to assign a recruitment coordinator to head the committee and report back to you as needed.

Task this committee with developing a complete recruitment plan. This plan should include how many members you need to meet NFPA 1720, what methods you plan to employ to recruit them, and how you will train them once recruited.

Take the time, discuss it with your officers, and take the leap to ensure your department continues to operate with a full roster for years to come.

#### YOUR RECRUITMENT PLAYBOOK

There are multiple ways to recruit within your district, many of which requires little budgetary support.

**Word of mouth:** This is by far the most relied upon method in today's volunteer fire service. When people join a department, it's usually because they have a buddy who is an active member that invited them. This method works very well in small towns, at least every couple of months. Current members should be reminded that the need for volunteers remains paramount and to please spread the word.

**Mailed brochures:** 1,500 recruitment brochures can be purchased for as little as \$200. Mailing a brochure to households within your district will allow you to reach every single person in your district for \$200 plus postage. Some websites offer free printable recruitment flyers, reducing costs to postage only.

**Social media:** If you have a need for volunteers but don't express that need all the time on your department page, you have no one to blame but yourself. It takes 10 seconds to copy and paste a message, and you never know when the right person will see that post. Take the 10 seconds. Social media is the #1 recruitment tool at our disposal. For a few extra bucks, you can boost the post to target a specific audience within your service area.

**Recruitment events:** Do you hold an annual fundraiser? Do you have a table dedicated to recruitment? Why not? If you don't want to host an event dedicated primarily to recruitment efforts, then piggyback off your own fundraiser or grab a truck and set up a table at a community event. People are already there to support the community. Strike up a conversation about the need for volunteers.

**Event crashing:** Same as the previous but at someone else's event – all you need is a simple request to set up a table, and it only costs a few hours of the day. Consider having your apparatus close by to garner attention. Again, strike up some conversation, work in the need for volunteers. People, especially kids, are attracted to big red trucks. When they wander over, talk to their parents about their interest in volunteering.

**Outdoor signage:** If you have an outdoor sign with a message board, post your need for volunteers. This is a 100% proven method at my department. Six members to date have seen our sign and stopped in to talk. Note: Four of the six members remain active firefighters who are considered assets to the department and community. Two moved out of district.

**Recruitment videos:** Recruitment videos can be homemade or professionally done and posted on a website or social media. A video on social media is likely to get three times as many views as a text-heavy post.

**Explorer program:** By allowing teenagers (ages 14-18) to join the department as an Explorer, you can begin teaching them the fundamentals of the fire service. You can also use this time to weed out those who cannot commit to the life of a volunteer firefighter. Having members who know and understand department protocols and expectations join at a young age are more likely to remain long-term members of the department. Explorer Programs can produce a steady flow of one to three new members each year. Programs like the Boy Scouts of America can aid in assisting with this program.

**Radio/newspaper messages:** Many rural community members still get their news from the local newspaper and radio station each day. It's a great way to reach them – and it's easy. Most of us have been contacted by the local newspaper reporter requesting information on a recent incident response. Newspapers around the country are hurting for quality media to fill their pages. Work out a deal with them, provide them with the details of the recent call in exchange for the opportunity to share your need for volunteers in print or a 20-second radio spot that could be heard by hundreds within your district several times per day.

**Door hangers:** This one requires a little funding and some work; however, 1,200 door hangers can be purchased for as little as \$200. Break into groups and walk the town, hang these slips on doors or hand them to folks you see out and about. Use fire trucks to hold the spares so you'll have them on hand when you talk with people out in the community. This is also a good place to get members' families involved. Placing your department, positively, in the eye of the public is one of the best unwritten recruitment tools out there. A bright smile and friendly conversation can result in an informal and subtle invitation to join without even asking the question.

**Website:** Find the most tech-savvy person on your department and have them create a website. You can learn anything on YouTube, including how to create, design and update a quality department webpage. High school and college students in computer classes are always looking for projects and typically jump at the opportunity to use fire department help for a class project. Make sure your membership application is available on the website.

## **FIRE DEPARTMENT CULTURE**

The next phase in the quest for quality recruits is to ensure that your agency requirements are hospitable enough for new recruits to have a fighting chance of getting accepted to join the department. What I mean is this: Are your requirements so tight that only CrossFit champions, the town's financially elite or active/retired career firefighters would be invited to join?

Remember, there are likely multiple people in your district who are willing to volunteer with your department, but likely only a small number will be ideal candidates. Take a quick look around your current membership and consider how many members could perform 50 pushups, 50 jumping jacks, and run a mile, all within the next hour? Probably not many (and that's an article for another day).

It's important that we be realistic about our expectations while not compromising the ability to serve our community. Some of the best members on my department aren't necessarily the most fit or drive the top-of-the-line vehicles. I recognize though these members don't have any less of a drive than the member who can rip out 75 pushups in a 5-minute span. We must judge these folks on what they can do for our community, not how they look or whether they hang out at the local country club. Consider their value only in the number of lives and property that could be saved with them as a member. Otherwise, why are we here?

Once they are inside the door, ensure that your culture is one of listening to understand, not listening to respond. Hear what they are saying with the intent to understand where they are coming from and what they need from you. Give them the time of day and your attention and they will return the favor by giving commitment and respect in return. Different perspectives are the drivers that steer the "this is how we've always done it" bus away from your agency.

Remember, our duty as chief officers doesn't end when we retire; it's our duty to set up our departments so that it can continue to provide quality services well after our departure. If you want to change the future, you must change what you're doing in the present. Be the change.

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

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### *IN 2024 WE HAVE EXPERIENCED 51 FIRE FIGHTER LODD'S*

*According to FirefighterCloseCalls.com\**

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

#### **DOES'NT HAVE TO BE A FATALITY-JUST A DIBILITATING INJURY!**

- A 29-year-old, Northern Kentucky volunteer firefighter with the Northern Pendleton Fire District was seriously hurt in an on-duty crash and flown to the University of Cincinnati Medical Center via AirCare, according to officials at the scene, the tanker truck he was driving appeared to have rolled off a small bridge and into a creek.
- A Dublin, Indiana Volunteer Fire Department tanker truck crashed after returning from responding to a field fire Saturday, Oct. 26 injuring one firefighter. The driver of the tanker got out on his own and was later taken to the hospital with multiple injuries.
- Botsford, Connecticut Fire Rescue Assistant Chief Peter Blomberg was killed while crossing the street on his way to a fire commission meeting.
- An Albuquerque, NM Fire Rescue lieutenant was taken to a local hospital in serious condition with "serious injuries" after being struck by a vehicle while returning to their truck during a call on I-26. The 24-year-old female driver has been charged with great bodily harm by vehicle (driving while under the influence) careless driving and open container.
- A Chicago firefighter was injured by a tree limb during a fire on the city's South Side, according to the fire department. The injured firefighter was transported to the University of Chicago Hospital in serious to critical condition, according to department officials.
- Recently an Ocean City, NJ firefighter was briefly trapped as flames engulfed the second floor of an Ocean City home, flames encroach on the firefighter as he waited for a ladder to be thrown to the second story. According to fire officials a propane tank failed, exploded, and intensified the flames as the firefighter waited for help.

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## THE ATTORNEY'S OFFICE

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### ***Glenmont Residents Angered Over Plans To Build A Cell Tower In A Residential Area, Citing Safety Concerns***

Ashley Soebroto – Albany Times Union

Glenmont residents are protesting plans for a cell tower to be built on the property of an Elsmere Fire District's firehouse, citing concerns about safety and how the project doesn't meet town zoning laws.

Telecommunications company Verizon applied to build a 5G cell tower at the 578 Feura Bush Road firehouse in August, stating it was a public necessity to help improve emergency and non-emergency communications. But the 114-foot-tall project doesn't fit zoning regulations for residential neighborhoods and requires a special permit and zoning variances.

As a result, the town held a public hearing Sept. 18 and plans to hold more as the proposal waits to get approved, said Robert Leslie, the town's director of economic planning and development. He said property owners within 200 feet of where the cell tower will be built will be notified of the meetings.

However, Wemple Road resident Jessica Dively alleged that only three households were notified of the project and the September public hearing. She said she only found out about the cell tower on Sept. 19, a day after the public hearing, when she received a notice about the meeting.

"We're asking our town government for better, stronger laws to keep us safe," Dively said. "We just need better zoning laws."

Now, residents have organized a petition asking for the town to not approve the project and move plans for the cell tower elsewhere. So far, the petition has received more than 200 combined online and in-person written signatures.

Brightonwood Road resident Lisa Irving said many are concerned about the placement of the cell tower being constructed in a residential area where pedestrians and homeowners would be affected; she said **she has concerns if the cell tower catches on fire???** or falls down from turbulent winds.

"The property that (the fire district) owns is very small ... so lots of sort of safety fall zone issues," Irving said. "So it's very interesting to me that the fire department would choose to put something unsafe on their property."

Many times public concerns about cellphone towers center around questions concerning the electromagnetic radiation the towers emit. But many agencies and experts have said "the frequency in which electromagnetic radiation starts to ionize" is nowhere near enough for it to be a public health concern, according to an article in Forbes.

**Robert Webster, fire commissioner for the Elsmere Fire District, said Verizon approached the fire department about building on the firehouse's property a year ago, stating that the area has poor cellular service, which is a public safety issue. But he said the fire department has nothing to do with Verizon's proposal and refused to comment on why the department agreed to have the cell tower on their property.**

Dively said a cell tower being put up in a residential neighborhood also creates an obstruction that would negatively impact the property value of her home.

"I understand we need better cell service, that there are pockets of not great service, and if they need that for the EMT," Dively said. "But there's a better way to do that."

Dively said the town should go about another way of improving cell service in the area, such as how Colonie put up cell nodes to increase cell service in dead zones.

"Good towns make good decisions based on planning, and they take everything into consideration," Irving said. "We need to carve out some safe zones for telecommunication towers that will be able to serve our communities but won't harm or be a safety health hazard to the residents who live there."

Leslie did not comment on residents receiving public hearing notices late, but said that the town will continue to send out notices to residents for upcoming hearings and meetings involving the cell tower.

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### **LSP Arrests 2 Shreveport Firefighters On Theft Charges**

Two Shreveport firefighters arrested Tuesday night are now being held in Bossier Parish on theft charges.

State police say the arrests of Kadarrus Cole, 27, and Trayvious Johns, 23, both of Shreveport, are part of an ongoing investigation.

Cole and Johns were booked into Caddo Correctional Center Tuesday night as in-state fugitives. This morning, Bossier Parish sheriff's deputies picked them up and booked them into Bossier Max. Both are charged with theft. Their bonds are set at \$30,000 each. Details of the investigation have not been provided by state police. Troop G PIO Eddie Thomas said LSP's investigative team is "diligently working" on the case. Thomas said more information will be provided once it's available.

The Shreveport Fire Department released a statement Tuesday night saying it's fully cooperating with the investigation. Fire Chief Clarence Reese Jr. said in the statement: "This situation is deeply concerning and does not reflect the values and dedication of our department. We are committed to upholding the highest standards of integrity and professionalism. Our firefighters are not above the law and I will work with Louisiana State Police to ensure that we are in full cooperation with their ongoing investigation." Cole and Johns have been employed with the fire department since 2022. SFD is working to confirm the employment status of the two firefighters.

**BUILDING CODE ISSUES AND REPORTED FIRE FATALITIES**

**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!!**

HOME FIRE FATALITIES REPORTED BY THE MEDIA FROM THE US FIRE ADMINISTRATION	
Fire Deaths in 1&2 Family Dwellings in NYS	53
Last fire death 10/28 Queens, Queens Co. Female, 61	
Fire Deaths in any type of Dwelling in NYS	100
Fire Deaths in 1&2 Family Dwellings Nationally	1010
Top 3 States with the greatest 1&2 Family Deaths	#1 PA/ 76
	#2 TX/ 61
	#3 CA/NY 53
There has been a total of 1643 civilian home fire fatalities in 2024	
There were a total of 2127 residential fire fatalities reported in 2023 in the US media.	
We are in Week 43 of 2024, fire has claimed on an average 37 lives PER WEEK, perhaps OSHA should examine that death toll.	
Both the states of Maryland and California as well as Wash. DC require sprinklers in residential dwellings	

**GREEN TECHNOLOGY & THE FIRE SERVICE**

**Lithium-Ion Batteries Causing Fires, Dangers on CA Freeways**

Clara Harter – LA Times

For more than two days, a vital shipping passageway in the Port of L.A. was shut down, and the cause was surprising to some. A big rig overturned, sparking a fierce lithium-ion battery blaze that spewed toxic gases, snarled port traffic and resulted in what one official said was massive economic losses from delayed shipments. The incident focused new attention, and fears, on the fuel cells helping drive the state’s clean energy transition. But how dangerous are these batteries really? And should you be scared of your e-bike, vape pen or electric car? Here is what you need to know.

**SAFETY BASICS**

These batteries are generally safe with proper care and storage, said Robert Rezende, San Diego Fire-Rescue Department battalion chief and the region’s first lithium-ion battery safety coordinator. **But there is serious reason to**

worry about a crash involving a truck transporting these batteries or a battery storage facility catching fire — two types of incidents that can generate massive blazes, emitting toxic gases for several days, he said.

#### **PROBLEMS ON ROADWAYS**

In May, the San Diego Fire-Rescue Department spent 14 days battling a hazardous fire that ignited at a lithium-ion battery storage facility in Otay Mesa. And a smaller fire was sparked in September 2023 at a battery storage unit in Valley Center in San Diego County, prompting evacuation orders.

In July, a lithium-ion battery fire set off by an overturned truck on Interstate 15 near Bakersfield left drivers trapped for hours in 109-degree heat. Then in last month's incident, a fire in an overturned big rig carrying the batteries by way of the Vincent Thomas Bridge caused millions of dollars in shipping delays, according to L.A. City Councilmember Tim McOsker.

#### **THE CAUSE OF FIRES**

Lithium-ion batteries are widely used in portable electronic devices and electric vehicles, including cellphones, e-bikes, laptops, wireless headphones, scooters, trucks and cars.

Fires can be caused by overcharging, overheating, physical damage or product defects, which trigger a process known as thermal runaway — where excessive heat inside a battery creates a self-sustaining chemical reaction that can then easily spread to adjacent batteries.

The best way to stay safe is to purchase devices only from reputable manufacturers, store them in a cool, dry place and use a charger with the correct voltage, Rezende said.

Once thermal runaway starts, the process cannot be stopped, and batteries will continue to burn for hours. In the case of large, multiple-battery fires, they can burn for days, all the while releasing toxic gases such as hydrogen fluoride, hydrogen chloride, carbon monoxide and carbon dioxide.

#### **GROWING DEMAND**

Fueled in part by a desire to transition away from fossil fuels, the use of lithium-ion batteries has skyrocketed over the last two decades — but so too has the number of battery fires and, as a result, the number of people calling for safety solutions.

In San Diego, Rezende says his department responds to an average of two to three lithium-ion battery fires a week. After the Otay Mesa incident, he took on a newly created role, studying how best to respond to lithium-ion fires and other alternative-energy safety risks.

"We realized we needed [to devote] a lot more attention to the challenge, because it was moving, and still is moving, very fast," he said. "It's moving at a rate that regulatory frameworks and permits and municipalities can't keep up with."

Assemblymember Tom Lackey (R-Palmdale) said he was alarmed by the impact of July's I-15 fire, which took place in his district. Shortly thereafter, he and several Republican colleagues sent a letter to Gov. Gavin Newsom urging him to hit the brakes on his Advanced Clean Fleets rule, which requires large trucking fleets be all-electric by 2045 and most trucks at state ports to be all-electric by 2035.

First, Lackey wants safety regulations to be implemented statewide and fire departments to be educated on how to combat these blazes.

"I have no beef with moving toward electric vehicles," Lackey told The Times. "But I say let's put everything on hold for a few minutes until we know that we're being able to implement this policy in a safe, nonthreatening manner."

Councilmember McOsker, for his part, doesn't want to put a pause on the rollout of electric vehicles but agrees that the state needs legislation guiding the safe storage and transport of these batteries.

"I do not want to slow down the efforts we have made to decarbonize," he said. "I want us to use all of our ingenuity and all of our lessons learned to make sure that we keep moving as quickly, but as safely, as possible."

#### **SAFETY INSPECTIONS THE ANSWER?**

McOsker supported a bill introduced this year by Assemblymember Mike Gipson (D-Carson) that would have required a basic safety inspection of all trucks before they leave port terminals; the bill, however, died in the Assembly. After the September big-rig fire, McOsker introduced a City Council motion to explore the feasibility of implementing such a policy at the Port of L.A.



Currently, the only trucks that are required to do safety inspections before departing a terminal are those that have bargaining agreements with the International Longshore and Warehouse Union, he said. Independent or privately-owned truck operators have an incentive to depart and deliver their goods as quickly as possible, he said.

"I don't think we should depend upon the free market system to ensure the safety of our traveling public and our neighborhoods," said McOsker. "I think that a local rule would be very important, but I would really prefer a statewide rule, and I think ultimately federal legislation on how to transport and utilize these batteries across the nation would be very important."

#### **IMPROVING SAFETY**

**Rezende said there were several things that could be done to increase transportation safety. They include using lowboy trailers that are at a lower risk of tipping over, as well as adhering to the recommendation that batteries should be transported at a 30% charge — which is already a requirement for batteries shipped by air — and reduces the chance of a fire.**

In addition, manufacturers are working to develop newer, safer batteries and storage systems. For example, they are enclosing batteries in thicker cases and increasing the space between batteries to lower the risk of fires spreading, Rezende said.

"Over the course of 10 years, we've improved our safety standards significantly," he said. "So the new systems that are going into place are like apples and oranges compared to the old systems."

Still, people should be wary of older batteries in the resale market or sitting in storage facilities, he cautioned.

But with a combination of improved technology, new regulations and more fire department education, he believes California can meet the challenge of safely managing these powerful batteries.

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#### **Battery Plant Fire in Fredericktown, MO, Leads to Evacuations**

Susan Nicol

A fire and explosions at a battery plant in Fredericktown forced evacuations Wednesday afternoon.

When heavy smoke emerged from the Critical Mineral Recovery battery processing plant Madison County 9-1-1 posted a message on its Facebook page for certain residents to evacuate immediately.

The 75 employees evacuated safely and there were no injuries reported in the fire that remains under investigation.

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

#### **Gansevoort Fire Department Breakfast**

Sunday **November 17th** at the Gansevoort Fire Station 1870 Route 32N, Gansevoort, NY

All you can eat, these folks provide a great breakfast, something for everyone!!

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

**There's nothing scarier than that split second when you lose your balance in the shower and you think, "They are going to find me naked."**

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#### **A MOMENT TO REFLECT**

#### **What To Do When Your Community Stakeholders Know Little About Fire Department Operations**

Leonard N. Chan

Strategic planning and decision-making processes for fire departments often require the participation of stakeholders that lack subject-matter expertise. This may be frustrating at times, but it's reality, and ***the fire service has a***

**responsibility to educate these stakeholders so they can become contributors to the strategic planning process.**  
Let's dig into why and how.

#### **WHY IT MATTERS**

Regardless of governance and administrative structure, fire departments exist to serve the safety needs of their respective communities. Fire departments depend on their financial support, let alone their permission to operate. The communities served have the right to determine the strategic direction and the scope of services of their fire departments. This often occurs through the community's representation via its elected officials. While incredibly essential and meaningful, the views of elected officials should be complemented by the perspectives of other community organizations and members. This includes members of the fire department itself.

Casting a wide net in collecting stakeholder feedback in a strategic planning process carries multiple advantages. A broadened approach allows for an increased likelihood in recognizing potential opportunities and emerging threats to the community. Common goals and objectives may be identified among various stakeholders, even those that seemingly have a tangential connection to the fire service. In addition, involvement in the planning process incentivizes stakeholders to support the actual execution and implementation of a strategic plan.

#### **ROOTED IN DATA**

A strategic planning process must anchor stakeholder input in facts and data. **Television and movies have warped perceptions on how fire sprinklers work, which have hamstrung efforts to expand their use.** The frequency of motor vehicle collisions and extreme heat have desensitized the masses. This has led to risk acceptance as proposals to mitigate these risks are met with an attitude of defeatism. Recency bias from a natural disaster may warp the sense of danger that a community experiences.

**Members of the public typically lack knowledge of the number and type of emergency incidents responded to by fire departments. This results in stakeholders clamoring for additional resources in specific areas when other needs should be prioritized.**

Stakeholders, internal and external, also struggle in understanding the costs to operate a fire department, including the salaries, equipment, tools and vehicles. The need for new apparatus may have been demonstrated yesterday, testing the patience of firefighters. A deliberative process, however, is required in its financing, design and build to meet operational needs while exercising fiscal responsibility. Budgetary constraints can place inconvenient limits on what is possible – but that cannot be ignored.

#### **STRATEGIC PLANNING**

Developing a fire department strategic plan does not require choosing between a stakeholder-driven or a data-driven approach. An effective strategic plan development process entails following both paths in parallel.

The fundamental first step is to equip the facilitators of the strategic planning process with the necessary qualitative and quantitative data. Even the most acclaimed and qualified individuals will struggle in collecting stakeholder feedback without demonstrating cultural literacy of a given profession and community. The chapter on industry-specific knowledge in the recently published NFPA 1022: Standard for Fire and Emergency Services Analyst Professional Qualifications provides a basic framework in learning the basics of the fire service.

Along with reviewing demographic data, meeting people is the means to understand a community. **Fire departments should also regard interaction with stakeholders in the strategic planning development process as an opportunity to increase awareness and education.** As part of the dialogue, fire departments should discuss subjects such as the regulatory requirements, services provided, peer comparisons, industry-accepted standards, and financial obligations. The depth of detail in these discussions depends on the audience. Stakeholders have varying levels of existing knowledge and different sets of needs.

#### **FINAL THOUGHTS**

The community serves as the ultimate decision-maker in establishing the mission, goals and objectives for a fire department. Quality decision-making often relies on the information available. **Thus, fire departments have an obligation to lend their subject-matter expertise to ensure that decision-making is anchored in reality.**

## **CAFDA OFFICERS AND DIRECTORS**

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Legal Council: Greg Serio, Safety Officer, Verdoy Fire District

*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:*

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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)*

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

# CAPITAL AREA BUSINESS PARTNER'S

½ Tables available at no charge at Workshop '24, Sat November 2<sup>nd</sup> at Verdoj, FD

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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*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@rinaldi.com](mailto:tom@rinaldi.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</b>				
<b>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</b>				
<b>NO MEETING</b>				
<b>2025</b>				
Saturday, January 4, 2025	9:00 AM	General Membership Mtg.	Clifton Park	Organizational/Morning Meeting

**2025 CAFDA CALENDAR**

Capital Area Meetings/Seminars/Trainings/Conference Dates (As of 9/12/2024 - 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	
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 6, 2025	7:00 PM	General Membership Mtg.	Clifton Park	
Thursday, March 13, 2025	8:00 AM	Financial Training for Fire District Officials	Fulton-Montgomery College	The Allen House
Friday, March 14, 2025	5:00 PM			
Saturday, March 29, 2025	8:00 AM	Commissioner Training	Berkshire FD	Snowdate - Sunday, March 30, 2025
Thursday, April 3, 2025	7:00 PM	Board of Directors Meeting	Clifton Park	
Saturday, April 5, 2025	8:00 AM	Commissioner Training	Warrensburg FD	Snowdate - Sunday, April 6, 2025
Thursday, April 10 - Saturday April 12, 2025	All Day	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	General Membership Mtg.	Clifton Park	
<b>Thursday, July 10, 2025</b>				
<b>NO MEETING</b>				
Friday, August 8, 2025	1:00 PM	Membership Activity	Saratoga Race Course	NYRA Day at the Races!
Thursday, August 14, 2025	7:00 PM	Board of Directors Meeting	Clifton Park	
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	
Thursday, November 13, 2025	7:00 PM	General Membership Mtg.	Clifton Park	Officer/Director Elections
<b>DECEMBER</b>				
<b>NO MEETING</b>				
<b>2026</b>				
Saturday, January 3, 2026	9:00 AM	General Membership Mtg.	Clifton Park	Organizational/Morning Meeting
Thursday, April 23 - Saturday April 25, 2026		CAFDA Conference	Fort William Henry Conference Center	Lake George



# 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**

- There are 29 pages of names of those who are going to participate in the virtual public hearings.
- 4,000 comments have been entered in the OSHA Comment Portal to date.
- The last 40 pages is the meat and potatoes of the proposed federal standard.

On July 22, OSHA concluded the public comment period on their proposed Emergency Response Standard. This proposed standard would impose numerous requirements that would be infeasible for many volunteer fire departments to comply with and could cause these departments to shutdown.

Don't worry if you did not submit a public comment on how damaging this standard would be before the July deadline! **There are still two very important things you can do to make your voice heard right now. The first, is to use this Action Alert to tell your Member of Congress and Senators about OSHA's proposed Emergency Response standard and how it will harm volunteer fire departments.**

**The second and most important thing you can do is submit a notice of intention to appear (NOITA) before OSHA's virtual public hearing regarding the proposed Emergency Response Standard, taking place in November. Anyone can submit an NOITA and submitting one does not require you to testify at the public hearing.**

**CONTACT YOUR MEMBER OF CONGRESS AND SENATORS AT THIS LINK:**

<https://www.votervoice.net/NVFC/Campaigns/118064/Respond>

## News For Those Who Intend To Testify

On behalf of OSHA's Emergency Response rulemaking team, thank you for expressing an interest in testifying at the upcoming hearing, which is **scheduled to begin on November 12, 2024. We anticipate that this hearing will last between 2 and 4 weeks, with no planned testimony occurring during the week of Thanksgiving.**

At the time of registration closure, **OSHA received more than 500 registrations but has since received feedback that not everyone who registered intends to provide testimony.** If you intend to testify at the hearing, you do **NOT** need to reply to this email. **However, if you do not intend to testify, please reply to this email at [osha.emergency.Response@dol.gov](mailto:osha.emergency.Response@dol.gov) so that we do not add you to the schedule as a speaker.**

If you would prefer to provide a written comment or additional information on the proposed rule without providing spoken testimony, this option will be made available to all interested members of the public following closure of the hearing.

**In the coming weeks, OSHA will be sending out the hearing schedule with your appointed date and time to provide testimony, as well as additional instructions for hearing participants.**

Thanks,  
Katy

## Company Commander Blog Entry

Fighting fires has evolved, but federal safety regulations haven't changed for nearly half a century. Now the Occupational Safety and Health Administration has proposed new safety standards. It's great news for professional firefighters, but volunteer departments say the new rules could bog them down with expensive and irrelevant regulations.

Hundreds of US firefighters die every year, and job-related cancer is far and away the biggest killer, according to Sean DeCrane with the International Association of Fire Fighters union. He places some of the blame on outdated federal safety rules that protect firefighters, enacted in 1980. **[EDITOR'S NOTE: ANNUALLY THE LODD RATE IS LESS THAN 100 AND THE NUMBER 1 CAUSE IS HEART RELATED INCIDENTS ACCORDING TO THE STATISTICS FROM THE US FIRE ADMINISTRATION, UNFORTUNATELY CANCER IS NOT COUNTED]**

"It's long past due that the firefighters that are out there responding every day are provided some protection by the federal government when it comes to workplace safety," said DeCrane.

That protection could come in the form of the Occupational Safety and Health Administration's new Emergency Response standard, a proposal still under review.

"If these regulations had been in place 40 years ago, we would have saved hundreds, if not thousands, of firefighter lives," DeCrane said. "Just from early detection of cardiovascular disease, or understanding of exposure to toxins and carcinogens, proper training, proper equipment."

But while all of that sounds great to the professional firefighters DeCrane represents, **most fire departments in the U.S. are not professional**. According to the National Fire Department Registry, more than 4 out of 5 departments are all volunteer, or mostly volunteer.

And for volunteer firefighters, the added money and time necessary to comply with OSHA's new proposals are not welcome.

OSHA's proposal is huge — 608 pages. **The agency wants to increase training requirements, require more pre-planning for emergency situations, set stricter limits on the lifespan of some firefighting equipment, and impose more rigorous health screenings for firefighter firefighters.** Most of it would be expensive for volunteer fire departments to implement.

Take training: the proposed regulations demand 80 hours of training for firefighters. For volunteers, that means two full weeks of work, squeezed in here and there, for no money.

"If I tell some of them younger guys that, 'Hey, you can't spend the night with your wife and kids. You got to go to training tonight,' they might tell me to go pump sand," said Joel Cerny, chief of the Linwood, Nebraska, volunteer fire department.

The stepped-up inspections OSHA proposed would mean that all of Cerny's 20-year-old fire trucks would need an annual checkup from a certified mechanic. Another big problem.

"That means I have to take the fire truck out of my district because we don't have anybody living in our district that's a certified mechanic. So then I'm taking the truck out of the district for the whole day, leaving my district unprotected," said Cerny.

Many volunteer departments use old "turnout gear" — the helmets, jackets, pants, and boots that firefighters use — and, depending on how often a particular volunteer shows up to fight fires, that gear may not get much use. But OSHA's proposed rule would require replacing that \$4,000 suit every 10 years.

Replacing all that gear would take half a year's budget, said Cerny.

"There's some of them guys that maybe only put that gear on once a year and, for small towns like ours, it just doesn't make sense," he said.

OSHA is also calling for extensive annual physicals for firefighters, the kind that include thousands of dollars' worth of tests, according to Dave Denniston, chief of the Virgil Fire Department in upstate New York.

Add up all the costs, and Denniston figured the new regulations would require a 42% budget increase for his volunteer department. He said if the rules take hold some fire departments will fold.

"There's a lot of folks that have said we'd have to close our doors," said Denniston. "We've looked at it and said we would have to do one of two things: We would either have to greatly increase our taxes, or we would have to ignore it and just hope that something didn't happen."

Denniston believes that if any volunteer fire departments end up governed by OSHA's proposed regulations, trial lawyers will argue that all volunteer departments should be governed by it, and small departments will be exposed to litigation.

"There's a ton of confusion," said Denniston. "But that all goes, again, to the 608-page document that they put out," he said. "One of our fears is where these things are going to get decided — they're going to get decided in courtrooms further down the road when someone gets injured or killed."

*OSHA officials have said they never intended the proposed regulations to cover all volunteer fire departments.* And, after some bi-partisan pushback led in part by Kansas Republican Sen. Jerry Moran, the agency has promised to revisit the proposal with an eye toward protecting volunteer departments from burdensome or superfluous regulations. But Denniston is still anxious about the sweeping proposal. And volunteer firefighters aren't the only ones concerned. ***Some larger professional departments will spend hundreds of thousands of dollars to comply with the new OSHA standards, and Yucel Ors, with the National League of Cities, said municipalities and counties will have to pick up the bill.*** *"In a nutshell, they are an unfunded mandate on local governments,"* Ors said. The forced spending, he noted, could come just as the House of Representatives passed legislation that would lop 10% off federal grants for local fire departments.

---

### **[OSHA Issued The Following Statement Regarding Its Emergency Response Rulemaking And Volunteer Emergency Responders:](#)**

OSHA's rulemaking on Emergency Response is focused on providing long overdue protections to emergency responders. The agency has tremendous respect for both the work that emergency responders do and their unique role providing essential public safety services to every community in America. This statement describes the rulemaking's applicability to volunteer responders.

On February 5, 2024, OSHA published the Notice of Proposed Rulemaking (NPRM), Emergency Response Standard. ***While OSHA does not directly cover volunteer emergency responders, some OSHA State Plans treat volunteers as employees under state law, which is how a federal proposed standard could affect volunteer responders in those State Plan states.***

In the NPRM, OSHA preliminarily determined, based on the limited evidence available to it at the time, that the proposed rule would be economically feasible for volunteer organizations. *OSHA had sought information about the potential impact of the rule on volunteer organizations, but it did not have sufficient evidence to show that the rule would be infeasible for these organizations.*

Therefore, in accordance with the requirements of the Occupational Safety and Health Act of 1970, the proposal did not provide special allowances for the volunteer organizations that could be affected in some states. At the same time, the agency requested commenters' input on whether the proposed rule would be feasible for these entities. OSHA received that input during the extended comment period from February 5, 2024 through July 22, 2024.

***OSHA has received comments in response to the NPRM from many stakeholders, including volunteer emergency responders, fire chiefs, trade organizations, and members of Congress, which raise serious concerns about the economic feasibility of the proposed standard for volunteer fire departments.*** OSHA takes these concerns seriously. The comments submitted to the rulemaking docket provide crucial information that the agency did not have earlier in the rulemaking process. This new information will help the agency make the necessary determinations about whether the proposed standard is feasible for volunteer organizations.

OSHA is committed to taking steps in any final standard, consistent with the rulemaking record, to assess and minimize detrimental effects on volunteer fire departments. ***If supported by the record, this may include excluding voluntary emergency response organizations entirely based on these feasibility concerns.***

**[\[EDITOR'S NOTE: IN OTHER WORDS, YOU STILL NEED TO MAKE THE CASE AS TO WHY THIS PROPOSED STANDARD WILL NEGATIVELY AFFECT YOUR FIRE DEPARTMENT OPERATION!!!!\]](#)**

While the initial comment period has closed, OSHA strongly encourages stakeholders to continue to provide information and data relevant to this question at the public rulemaking hearing scheduled to begin on November 12, 2024, and during the post-hearing comment period. Instructions for how to participate in the hearing are available on the Emergency Response rulemaking webpage, [www.osha.gov/emergency-response/rulemaking](http://www.osha.gov/emergency-response/rulemaking). Once the rulemaking record is complete, OSHA will review all the information received and determine the appropriate approach to take with respect to volunteer organizations.

OSHA created an advisory committee working group to help the agency craft a proposed standard so that stakeholders would have a direct hand in the process. That working group included representatives from labor and management; career, volunteer and industrial responders; as well as several other important stakeholder communities. OSHA included both career and volunteer responders in the working group because some OSHA State Plans treat volunteers as employees under state law, and a federal proposed standard could affect both groups in those states. The agency's intention has always been to work collaboratively with the emergency response community to find win-win solutions that ensure both responder safety and public safety.

**[EDITOR'S NOTE: ALTHOUGH THE NVFC WAS REPRESENTED ON THE WORKING GROUP MANY OF THE PROPOSED CHANGES CAME FROM INDUSTRY AND LABOR, WITH MANY OF THE SUGGESTIONS BY OTHER MEMBERS OF THE GROUP BEING DISCARDED OR IGNORED! TIME FOR YOU TO GET ANGRY AND SPEAK UP.]**

### **Statement from Dave Denniston on OSHA's Latest Response as Printed Above**

As you may have seen, OSHA issued an unusual statement on Monday about the proposed 1910.156 rule. Many are asking what this all means. Having been involved in this process now for months, I offer my opinion on the statement. This is purely my opinion and may not reflect that of any organizations that I am currently working with.

OSHA is feeling a great deal of pressure from our elected officials. They have been questioned on their process, their proposal as written, and their understanding of what they have created. **OSHA is attempting to defend what they have produced and preparing for the battle ahead. They have basically thrown down the gauntlet here and challenged us to engage. They will use this to either make the needed changes in the proposal, or to defend that they have asked us for details, and we have failed to deliver.**

Please sign up to testify. We have got to deliver on this. Every department that will be impacted by this needs one person to tell your story. It is easy to tell your story and we can help you with that.

- Tell why the standard as written is economically infeasible.
- Tell them to remove the incorporated NFPA standards and replace them with plain text that we can follow and understand.
- Tell them your officers will no longer meet the qualifications to be officers.
- Tell them that weekly and 24 hours following a run truck checks are difficult for our organizations.
- Tell them NFPA 1582 physicals are concerning in price.
- Tell them you don't have qualifications for physical trainers.
- Tell them you don't have time to complete the required documentation, preplans, and community assessments.
- Tell them there is a lot we can do to provide emergency responder safety, which they have failed to even address.
- Tell them they failed to use the full negotiated rulemaking process.
- Tell them our communities cannot support or afford this proposal as written.
- Tell them we are willing to work with them to develop a standard that will be good for all of us.

There are many organizations working overtime to get this message across, but OSHA needs to hear from **YOU**.

**There are also organizations lined up to tell OSHA why this is the greatest thing since sliced bread. They have already provided both written and verbal testimony. If we fail to tell our story, theirs will overshadow us.**

We are all for reasonable, necessary, well negotiated, changes to emergency service. It is time we roll up our sleeves, do some serious work, and make things safer for everyone. What is currently on the table is a good foundation to start from, but it needs modifications to have the desired outcome.

We cannot stress the importance of taking this opportunity to be heard.

The deadline to sign up to testify during the OSHA informal hearing in November is quickly approaching. You only have until September 27<sup>th</sup> to reserve your spot. Many concerns have been expressed by the nearly 4000 written comments that were submitted during the written comment period. So, if the concerns are already on the table in writing why is it important for us testify virtually? It is important because written words are just that, written. **We now have the opportunity to add faces and emotions to the words. We need OSHA to look us in the eyes and understand we are real humans, and these are real concerns. We are asking every fire department, EMS agency and municipality to sign**

**up at least one person to give either 5 or 10 minutes of testimony.** Surely each of us has one person in our organization that is well spoken and can speak on your behalf. Find that person and get them registered. We will be hosting a number of webinars prior to November to help them organize their thoughts, but they can't testify if they don't sign up by September 27<sup>th</sup>.

Here are some major concerns:

1. OSHA believes this will have limited impacts on the volunteer fire service. That is not true.
2. OSHA feels this will have only minor financial impacts on local organizations. That is not true.
3. OSHA feels incorporating the NFPA standards by reference is necessary, Again, not true.
4. OSHA believes all the stakeholders had adequate representation during the process. Were you represented?
5. OSHA feels the one size fits all approach is reasonable. Do you operate like all other emergency response organizations?
6. OSHA believes their data sources were statistically significant. They were not.
7. OSHA feels each item in the proposal is attached to significant risk. They are not.
8. OSHA feels the recommendations are technologically feasible. This is not true for all of them.
9. OSHA feels they have covered all significant risks faced by emergency responders. Many risks have been left out of this proposal.
10. OSHA feels this process is fair and lets us voice our concerns. Yet major concerns that have been voiced all the way back to 2016 have not even been acknowledged, let alone addressed.

**Please sign up to testify and let OSHA know that we are we are 100% in favor of emergency responder safety, but we feel that as written, this proposal is not the answer and we are willing to help produce a better alternative,**

**SIGN UP AT THIS LINK:**

<https://forms.office.com/pages/responsepage.aspx?id=GpBvzoA6h0mmhZ1NlvHxgMQsVuNB08VPk33J3ZMRGTZUMEoMDIIWJFSMVRGNEIKRzZTTIixOVFBTi4u>

### **Notice in the Federal Register Regarding the Public Hearing-Your Opportunity to Testify!!**

DEPARTMENT OF LABOR Occupational Safety and Health Administration 29 CFR Part 1910 [Docket No. OSHA-2007-0073] RIN 1218-AC91 Emergency Response Standard

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

**ACTION:** Proposed rule; notice of informal hearing.

**SUMMARY:** OSHA is scheduling an informal public hearing on its proposed rule "Emergency Response Standard." The public hearing **will begin November 12, 2024, at 9:30 a.m. Eastern Time (ET)**. The proposed rule was published in the Federal Register on February 5, 2024.

**INFORMAL PUBLIC HEARING:**

**The hearing will be held virtually and will begin November 12, 2024, at 9:30 a.m. ET. If necessary, the hearing will continue from 9:30 a.m. until 4:30 p.m., ET, on subsequent weekdays.**

**Additional information on how to access the informal hearing will be posted 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) on or before September 27, 2024.**

**In addition, those who request more than 10 minutes for their presentation at the informal hearing and those who intend to submit documentary evidence at the hearing must submit the full text of their testimony, as well as a copy of any documentary evidence, no later than October 18, 2024.**

**ADDRESSES:**

Notice of Intention to Appear (NOITA). A NOITA must be submitted electronically at: <https://www.osha.gov/emergency-response/rulemaking>. Follow the instructions online for making electronic submissions.

Those who file NOITAs must also submit electronic copies of all documents that they intend to use or reference during their testimony.

Information about how and when to submit these materials will be provided at the time of registration.

**Instructions:** All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA-2007-0073). All comments, including any personal information you provide, are placed in the public docket

without change and may be made available online at [https:// www.regulations.gov](https://www.regulations.gov). Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security Numbers and birthdates.

**[NOTE: YOU CAN TESTIFY VIRTUALLY AS AN INDIVIDUAL, AS A DEPARTMENT, OR AS AN INTERESTED ORGANIZATION]**

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### [Tell Congress About Your Concerns Regarding OSHA's Proposed Emergency Response Standard](#)

**August 27, 2024**

The effort to spread awareness about how the Occupational Safety and Health Administration's (OSHA) proposed Emergency Response Standard could harm volunteer fire departments continues. In addition to encouraging volunteer responders to submit public comments and testimony to OSHA regarding this standard, the National Volunteer Fire Council (NVFC) has been active in alerting Congress to the issues.

With the NVFC's support, Congress has taken a number of actions to weigh-in on the proposed standard, including the following:

- The House Homeland Security Committee's Subcommittee on Emergency Management and Technology held a hearing on OSHA's proposed Emergency Response Standard on June 4. The NVFC had a witness testify at this hearing.
- The House Education and Workforce Committee's Subcommittee on Workforce Protections held a hearing on OSHA's proposed Emergency Response Standard July 24. The NVFC had a witness testify at this hearing.
- In May, Rep. Golden and Rep. Desposito co-led a letter with 40 other members of Congress (29 Republicans, 13 Democrats total) asking OSHA to make the proposed standard more scalable for volunteer firefighters.
- In June, Education and the Workforce Committee Chairwoman Foxx led a letter with 23 other Republican Members of Congress asking Acting Secretary of Labor Julie Su to exempt volunteers from the emergency response standard.
- In July, the Senate and House Members from the Arkansas Congressional delegation sent a letter to Acting Secretary Su requesting that OSHA rescind the proposed rule.
- In August, Sen. Moran and Sen. Coons led a letter with 7 other Senators (7 Republicans, 1 Democrat, 1 Independent total) asking Acting Secretary Su to exempt volunteers from the Emergency Response Standard.
- Senator Boozman sponsored an amendment that was included in the mark-up of the Senate's FY 25 Labor, Health, and Human Services Appropriations Bill that encourages OSHA to conduct listening sessions and outreach with stakeholders to fully understand the impact of new requirements on volunteer fire departments.

Though OSHA's proposed Emergency Response Standard is an Executive Branch action and Congress does not vote on the adoption of the final standard, it is important to continue to make Congress aware of the potential negative impacts of this standard due to their function of overseeing and funding OSHA. [Share the NVFC's advocacy one-pager with your Senators, Representative, or their staff so that they understand the issues and impact.](#)

Visit the NVFC's [OSHA Standard landing page](#) for additional resources to assist you with understanding the proposed Emergency Response Standard and information about testifying during OSHA's November public hearing.

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### [NEW WEEK OF AUGUST 24TH!!](#)

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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#### **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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#### **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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**[Excellent Docket Response from South Carolina Firefighters Association](https://cafda.net/wp-content/uploads/2024/07/Docket-Comment-7-8-SCSFA-Response.docx)**

**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](https://cafda.net/wp-content/uploads/2024/07/NYCOMNYSACAOTjointletter.pdf)**

**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:**

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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

**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

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

Commented [PL5]: Not accurate re-worded it

## **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 fire 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.

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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-members?o\\_eid=6778E0229656H9A&oly\\_enc\\_id=6778E0229656H9A&rdx.ident\[pull\]=omedal6778E0229656H9A&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]=omedal6778E0229656H9A&utm_campaign=CPS240530030&utm_medium=email&utm_source=FH+Newsday)



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## **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/j/84411111111): (<https://us06web.zoom.us/j/84411111111>)

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](https://www.osha.gov/stateplans): 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.*

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### **CONTACT YOUR REPRESENTATIVE AT THIS LINK:**

<https://www.votervoice.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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### **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://gma5qspab.cc.rs6.net/tn.jsp?f=001L6aLm-Ax7THBUrMdNSMphNIFj1WWWXRzYxdUshoNVzVUkCq2FlyoxhE-Ayblw8OnamjN0BiBpzyC-pPzLiiYEvhxQ9sAxH0UJIN-rMeW-UoiESKwKkPDdMRzXK8VXBP-Sh4YQDWcOPJekSA9BGQCOh6lo AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhqekGbW4yikuTH862UfuVJahY7fFHeGl qUJw=&ch=lefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xlkZP-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>

**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.*

**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, accept 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 firefighting 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.*

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

<https://cafda.net/proposed-changes-to-the-osha-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>