



CAPITAL AREA FIRE DISTRICTS ASSOCIATION



# BULLETIN

NOVEMBER 9, 2024

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Serving the fire service community since 2004



## CAPITAL SHORTS:

- ONLY OUR INDIVIDUAL FAITH IN FREEDOM CAN KEEP US FREE, Dwight D. Eisenhower
- NEW OSHA INFORMATION IS PRECEDED BY THE **RED ARROW**
- News for those who intend to testify on the OSHA proposed standard, See the OSHA Supplement Section for updates.
- We can't be happier with the turnout for our Workshop at the Verdoj 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 Verdoj's facility for the 2025 Fall Workshop. The Directors did a great job creating the content, obtaining the speakers, performing the sign in duties and a special thanks to Ellen Martin and Skip Smith for their contributions.
- The Bulletin is sent out through Constant Contact, because the email comes from Constant Contact, at times it may go into your Spam folder. The originating email recently changed to: [tom@capitalareafiredistrictsassociation.ccdn.com](mailto:tom@capitalareafiredistrictsassociation.ccdn.com), which may be causing your Bulletin to be filed in your SPAM folder. If you having received your Bulletin in the last 3 or 4 weeks check SPAM for your copy. Thanks
- Congratulations to Terry Hannigan for being named fire educator of the year by the New York State Association of Fire Chiefs, well deserved.
- **FY 2024 AFG Grant Application Period - Opens Nov. 12** The FY 2024 Assistance to Firefighters Grant (AFG) Application period **opens Nov. 12, 2024 at 9 a.m. ET and closes Dec. 20, 2024 at 5 p.m. ET**. Plan your FY 2024 AFG application by reviewing the FY 2024 AFG NOFO today at [AFG Grant Documents | FEMA.gov](#).

## 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=aJOla49nx7ichi2RgnIXABjTXRSqfl.1>**

Meeting ID: 825 8573 2921

Passcode: 464618

Dial by your location

- 646 558 8656 US (New York)

### [Prelude to the 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 Woehrle, 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 two more fire service related bills that passed the Assembly and Senate to be signed by the Governor.

## FIRE SERVICE EDUCATIONAL OPPORTUNITIES

### **Webinar: Lithium-Ion Battery Safety: Educating Your Crew And Community**

The latest research promoting firefighter safety

**Tuesday, Nov. 12, at 10 a.m. PT / 1 p.m. ET by completing the “Register for this FireRescue1 Webinar” SEE LINK BELOW:**

***Can't make the date? Register anyway and we'll send you a recording after the event.***

Join this webinar to learn how UL's Fire Safety Research Institute (FSRI) is translating fire safety research related to lithium-ion batteries into firefighter training and public education campaigns. As important as it is for the fire service to know how to prevent and mitigate these fires, it is even more important for the public. Tune in to hear about their latest resources and ways you can Take C.H.A.R.G.E. of Battery Fire Safety.

**REGISTER AT THIS LINK!**

<https://lexipol.brightspotcdn.com/dims4/default/ef10cb6/2147483647/strip/true/crop/1918x1080+1+0/resize/1000x563!/format/webp/quality/90/?url=https%3A%2F%2Fk1-prod-lexipol.s3.us-east-2.amazonaws.com%2Fbrightspot%2F7a%2F1f%2F67dc747f44dc9c22dd2678540bdc%2Ffr1-fsri-li-ionbatterywebinar-1920x1080.png>

### **NYS Volunteer Firefighter and Ambulance Worker Benefits Law Seminar**

***A recommendation for Fire District Officials and Chief Officers***

**What:** Join Attorney Alex Dell from the Law Firm of Alex Dell, PLLC for a complimentary seminar to learn about the above benefits and Workers' Compensation, Social Security Disability, Public Safety Officer, and Veterans Affairs benefits.

**When:** Tuesday December 19<sup>th</sup>, 2024 at 7PM

**Where:** Hillcrest Fire Department 145 Pruyn Hill Road Mechanicville, New York 12118

**Who:** The Law Firm of Alex Dell, PLLC

## RESPONDERSTRONG™ INDRIVE VENTURES

### 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: 1<sup>st</sup> 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 NYSAFC instructors. [Email](#) NYSAFC 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)

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

## THE LATEST FROM WASHINGTON

With the change of administration we will now look forward to January 20<sup>th</sup>, Inauguration Day and from there see what changes will take place.

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:](#)**

**What ever needed to be done should have been completed by now!!**

**[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

## A LEGAL QUESTION

**[\\*\\*This Week's Burning Question Is, Do Female FFs Earn LOSAP Points While On Maternity Leave?](#)**

### **LOSAP & PAID FAMILY LEAVE**

New York state established the paid family leave program (PFL), with benefits beginning effective January 1, 2018. The program provides employees paid time off to bond with a new child, care for a family member with a serious health condition, or assist loved ones when an immediate family member is deployed abroad on active military service. Most often, PFL is used by mothers and fathers when a new baby is born, adopted, or fostered.

**The question was recently raised if a pregnant mother takes a medical leave from her duties as a volunteer firefighter, could she receive LOSAP points for this period of leave?** The thought process was that the mother was going to receive PFL benefits for her leave from her employer, so could points also be awarded for LOSAP purposes?

The short answer is no. There is no PFL equivalent in the New York state LOSAP statute.

It may be natural to extrapolate that the LOSAP statute should be amended to include a quasi-PFL provision. However, it is critical to remember two important facts about PFL:

- While PFL is mandatory for private employers, public employers have to opt-in for this coverage. In plain English, PFL it is not mandatory for public employers.
- Typically, PFL benefits are paid by employee contributions, though an employer does have the option to pay for the benefit. Those contributions are used to pay the insurance premiums for the policy that actually provides the PFL benefit. Generally speaking, an employee’s contribution for New York state PFL in 2024 will be 0.373% of gross wages up to a maximum of \$333.25.

There is a common misconception that PFL benefits are mandatory or a “free” benefit. In reality, unless the employer has elected to pay for coverage, employees are paying the premiums required to provide the PFL benefit.

It is important to remember that LOSAPS are non-contributory plans by design, and so the participating volunteer does not have the ability to contribute to a LOSAP. This is a necessary distinction from other benefit programs. As a result, there isn’t a direct line to apply the literal concept and parameters of the NYS PFL law to LOSAP.

The original question was regarding a pregnancy leave. If we ignore the other eligible qualifying events that are covered by PFL and focus just on granting points for a pregnancy leave, the legislature must decide if it should be an optional point system category or a mandatory provision like military leave points. Then parameters such as documentation requirements and the number of points to award, and for how long, would need to be determined.

The information provided herein about paid family leave in New York is general and not meant to be legal advice. Please speak to your attorney or insurance agent for more information about PFL. Firefly does not provide legal advice or sell insurance policies.

## STEP INTO THE CHIEF’S OFFICE

### ***Good Leaders Know The Power Of Good Policy***

Jon Dorman

The What Firefighters Want in 2024 survey revealed some concerning stats about the state of leadership in the American fire service. The good news: There are also many bright spots that deserve a further drilldown – one such spot involving the priorities and values of fire chiefs and direct supervisors.

***Approximately 76% of the respondents agree that their fire chief prioritizes and values firefighter safety.*** An additional 10% neither agreed nor disagreed, leaving about 13% who disagreed. We see similar results related to chiefs prioritizing training.

So, what’s the secret that most chiefs are implementing? It’s really no secret at all. ***Chiefs who prioritize firefighter safety and training are generally doing so through strong policy and procedure implementation.*** They see the value in encouraging their personnel to attend training outside the department to gain different perspectives. They recognize that meaningful training leads to a safer environment on the emergency scene and in the station. They understand that budget funds must be earmarked for training and safety initiatives.

However, the chief can only do so much. ***Policies and procedures are only useful if they are followed.*** That’s where the supervisors come into the picture. The good news here is that 83% of the respondents report that their immediate supervisor prioritizes firefighter safety, and 73% agree their supervisor prioritizes firefighter training. In many cases, the supervisor is the most influential person in the firehouse. Based on these responses, it appears as though supervisors are doing their jobs and projecting that influence in a positive manner.

We also see high scores in the categories of fire chiefs exhibiting competence in their position, remaining calm under pressure, and treating members with respect. Likewise, the percentages for direct supervisors are high in those same categories. Again, these traits have a trickle-down effect. Personnel who see their leadership as knowing their jobs well, remaining calm on emergency scenes and treating members with respect are much more likely to mirror that behavior.

So, where do policies and procedures fall into these things?

#### **Training time**

When most personnel think about training, they don’t put too much thought into policy. But policy plays a vital role. ***A solid training policy lays out the plan for the year. It will also clearly indicate the “who” and “what” of the training program. When things like this are laid out well, they tend to instill confidence in the personnel.***

Beyond the “big picture” annual training plan, modern training policies allow for personnel to attend training that is not directly sponsored by the department but is approved by department leadership. This type of training is critical in

two ways. First and foremost, it helps expose personnel to different ideas, techniques and ways of thinking. There are several versions of an old saying that goes something like, “You’re never an expert within 20 miles of home.” *If personnel only attend training close to the house, they’re likely to miss out on some really interesting and helpful topics, or even just being exposed to a little different method of instruction or seeing how others are successfully or even unsuccessfully navigating various challenges.*

That being said, it is crucial the training is approved by department leadership. Leaders should vet any training that is not sponsored by the department before signing off on attendance by personnel. The last thing leaders want is to have personnel attend some new-fangled training that puts the members at undue risk or is not going to be beneficial to the department’s mission.

Beyond creating training opportunities, true fire service leaders are cultivating a training culture. Those who are successful most often find that department leaders can’t take a “do as I say, not as I do” stance when it comes to training. While we don’t have concrete numbers, it’s safe to assume that most of those department leaders and officers who make safety a priority are doing so through training. Here’s the caveat, though. They aren’t just scheduling training. ***They’re active participants in that training. If you’re a fire service leader and you haven’t been in a training class with your personnel in some time, there’s a good chance you’re going to teeter between that 23% of leaders that aren’t seen as prioritizing safety.***

The good news is there is a quick fix. Get out of the office once in a while. Put on your gear and head to the training ground. Attend a classroom course the department is sponsoring. Show your personnel that training on safety topics is important to you. A positive attitude can be infectious.

#### **CAREER ADVANCEMENT**

Career advancement is another one of those areas that doesn’t always make people think about policy. But consider some additional statistics from the survey. Nearly 60% of the respondents agree that their chief exhibits competence in their position. Close to another 14% are on the fence. **However, only about 28% disagree that their chief is competent.** The overwhelming story here is that for every respondent who doesn’t have faith in their chief’s competence, there are two others that are comfortable with the aptitude of their department’s leader.

The numbers are even more compelling when we look at fire service supervisors. Over 71% of the respondents agreed that their immediate supervisor exhibits competence in their position. About 12% neither agreed nor disagreed. Only 15% reported that they disagree that their supervisor is competent. So, at this lower level of department leadership, for every one respondent who was not confident in their supervisor’s competence, we saw five that believe their supervisor has the necessary abilities to do the job.

Looking at these percentages, we’re seeing that fire service leadership is in a solid position when it comes to competence with the necessary job functions. So, what does that have to do with policy? Well, we need to consider a few things.

First is the correlation between career advancement policies and leader competence. Departments that develop competent leaders generally have several policies in place, including those dealing with the agency’s performance evaluation and promotional processes as well as detailed position descriptions and career tracks for aspiring leaders to follow. Policies regarding officer development, educational incentives and tuition reimbursement are also powerful tools to engage personnel throughout their climb up the proverbial career ladder.

Next, **we need to contemplate enforcement of those policies.** Granted, when most of us consider “enforcing” policies, the first thing that comes to mind is some type of corrective action. While that can be true for many policies, those that address career advancement should be regarded a bit differently. **When it comes to enforcement of these policies, we’re talking about consistency.**

***Take a career track policy, for instance. Let’s say the department has adopted a set of requirements to be eligible for promotion to a company officer position. These are usually going to include various course or education prerequisites and time in grade obligations. Enforcing those minimum requirements builds consistency and trust. Allowing some candidates to bypass some of the eligibility conditions because they are “so close” destroys that trust of other personnel.***

So, what’s the correct answer when someone is a day short of the minimum time in grade to qualify? That person isn’t eligible for promotion. How about when someone is in the process of completing a prerequisite certification but hasn’t finished the course? Again, that person shouldn’t be eligible for promotion. But what if the chief thinks that person is



a great candidate? Well, they'll still be a great candidate the next time around, as long as they meet all the requirements.

This discussion brings us to another bright point in the What Firefighters Want in 2024 Survey.

#### **HONESTY, HUMILITY, FAIRNESS AND RESPECT**

Over a decade ago, the National Society of Executive Fire Officers published the [Firefighter Code of Ethics](#) (USFA, 2012). While the document encourages fire service members to pledge several points, three of them stick out as relevant for this discussion:

- **Accept responsibility for my actions and for the consequences of my actions.**
- **Support the concept of fairness and the value of diverse thoughts and opinions.**
- **Be respectful and conscious of each member's safety and welfare.**

These statements have had an impact on fire service leadership over the years, as evidenced by the responses concerning direct supervisors. Survey participants overwhelmingly agreed that their supervisors exhibit humility, and treat members with fairness and respect.

This is great news for the future of the fire service. As previously stated, direct supervisors, who often hold the rank of a company officer, are often the most influential people in the department. Seeing the vast majority of survey participants agreeing that their supervisors exhibit these tenets means they are likely influencing their subordinates to demonstrate those same principles. Likewise, a company officer who conveys these traits is prone to taking them on their career journey to higher positions within the department.

Just as training and career advancement fall under the policy umbrella, we see a policy correlation to these personal attributes as well. Policies that specifically address uniform regulations, use of various types of leave, conduct and behavior, and grievances encourage fairness. Supervisors who exhibit fairness among their subordinates are more likely to be respected. This tends to become a two-way street at that point, with supervisors returning that respect to their personnel.

The trait of honesty can also be enhanced by solid department policies. Agencies that have a policy that prescribes an oath or affirmation of office put members on notice from the start that honesty is a requirement of the department. Policies explaining the department's stance on conflicts of interest, petty cash and physical asset management can help reinforce honesty expectations among the members. As we continue to evolve technologically, policies concerning drones, body-worn cameras and helmet cameras can help encourage honest interactions between department members and the public.

While creating policies that require humility among department members probably isn't practical, it's possible to develop policies that encourage this trait. Policies that explain ADA compliance and services available for people who are limited in their English proficiency, while required for FEMA grant compliance, can help members understand more vulnerable populations. This is especially true if these policies are required reading for a promotional exam. The same is true of policies related to line-of-duty deaths, funerals and department liaisons to family members during those events.

Believe it or not, a policy on post-incident analysis (PIA) can help encourage humility among the members of the department. PIAs should be designed to identify both strengths and weaknesses that occur during an operation. These events can help members understand they might not be the most important person in the room.

#### **FINAL THOUGHTS**

While the What Firefighters Want survey revealed concerning statistics, it also highlighted great news related to the positive personality traits and attitudes that so many members see in their immediate supervisors. That group of personnel can influence their peers and their subordinates. They are also the future upper echelon of the fire service. As long as they keep honing their skills and encouraging others to do the same, the future of the fire service looks bright.

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

#### **POSITIVE OUTCOMES**

##### **Joliet (IL) FD Sells Three Ambulances for \$1 Each to Communities in Need**

The Joliet Fire Department held a ceremony recently to acknowledge the official transfer of several ambulances to two nearby departments in need of emergency vehicles. According to Deputy Chief of Health Services Aaron Kozlowski, the

recipients of the vehicles will be the communities of Robbins and Ford Heights. The ceremony was attended by Joliet Fire Chief Jeff Carey, Deputy Chief Kozlowski, Robbins Fire Chief Nic Malley, Ford Heights Assistant Fire Chief Lawrence Ewan, members of the Joliet Fire Department, and community stakeholders.

The Joliet Fire Department recently purchased new ambulances, and rather than selling the older vehicles or retiring them at auction for minimal financial return, Fire Chief Carey approached the City Council about assisting nearby departments in need.

"These departments need to establish their own ambulance services because their current provider no longer services the area," explained Chief Carey. "With the withdrawal of private ambulance services from these communities, response times have increased, putting lives at risk."

The Robbins Fire Department (RFD) will acquire one ambulance for \$1, according to Kozlowski. This ambulance is a 2002 International Model #4700 with approximately 79,000 miles. Although it is older, Kozlowski stated that the vehicle has been well maintained by the city of Joliet fleet technicians. The ambulance is sent to safety inspections twice a year, with any issues promptly addressed. It also undergoes an annual inspection by the Illinois Department of Public Health (IDPH), and any findings are resolved by the fleet or the Joliet Fire Department.

"This particular ambulance has always been stored in an engine house or other climate controlled JFD facility," noted Kozlowski. "It will come equipped with a cot, stair chair, and backboards upon transfer to Robbins."

Robbins Fire Chief Nic Malley Sr. expressed gratitude to the city for facilitating this transfer. "We are thankful to receive such a well-maintained ambulance along with the added equipment from the Joliet Fire Department and are excited to add it as the newest member of our fleet. The addition of this ambulance will allow us to rotate our other 2 ambulances every 4 months as opposed to 6 months, allowing us to better serve our community," explained Malley.

"We began running our own ambulance last year after many decades of utilizing a private ambulance service, and we are grateful to have this type of relationship with the City of Joliet Fire Department and are excited for what the future holds," added Malley.

The Village of Ford Heights Fire Department (FHFD) also received two ambulances at a cost of \$1 each. FHFD acquired one International Model #4700 ambulance, a 2002 model with 104,000 miles, and one 1997 Wheel Coach ambulance with 126,000 miles.

Like the RFD vehicles, these ambulances have been well maintained by Joliet's fleet technicians, receiving biannual safety inspections and annual IDPH inspections, with all issues addressed. Both vehicles have been stored inside one of the engine houses.

As for equipment, both ambulances will also include a cot, stair chair, and backboards.

"We are incredibly grateful to the Joliet Fire Department for their generous donation of two used ambulances," stated Lawrence Ewan, Assistant Fire Chief of the Ford Heights Fire Department. "These vehicles will enhance our emergency response capabilities and provide critical support to the Ford Heights community. This contribution exemplifies the spirit of collaboration and mutual support between departments, ensuring that we can continue to serve and protect our residents effectively," added Ewan.

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### **[St. Thomas \(PA\) FD Donates Pumper to TN FD Recovering from Hurricane Helene](#)**

St. Thomas Fire and Rescue in Pennsylvania has donated a 1997 pumper to the Limestone Cove Volunteer Fire Department in Tennessee, which is still recovering from Hurricane Helene.

The donated rig is an E-ONE pumper with a 1,500 gallon-per-minute pump and carries 750 gallons of water. St. Thomas and other fire agencies donated between \$10,000 and \$20,000 worth of gear and equipment along with the apparatus, the report said.

"Tomorrow morning engine 18-1 ships out for Limestone Cove Tennessee," St. Thomas Fire and Rescue said in a Facebook post. "We absolutely want to give a huge thank you to everyone that made this possible as well to all the departments that donated equipment. We hope (Limestone Cove) has many more years of use out of it."

A Franklin County, Pennsylvania trucking company drove the donation to Tennessee, the report said.

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### **[Detroit Fire Department Turning to Technology to Curb Number of Crashes](#)**

Sue Nicol

*The #2 Cause of firefighter LODDs is motor vehicle accidents!*

Detroit Fire Department is turning to technology in hopes of reducing the number of crashes involving apparatus. WDIV reporters who have been tracking collisions for months learned many involved injuries. On Sunday, a responding rig and a van collided. Seven civilians were transported to a hospital. All were later released. Fire Commissioner Charles Simms said the department is in a pilot program using Safety Cloud by HAAS Alert. ***The alert system on a fire engine can send a signal to Stellantis vehicles by turning down the stereo and putting a message on the driver's phone.*** "We're hoping that that would help curb some of those accidents and alert people before we get to some type of intersection or street," he said.

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## **FIRE SERVICE CHALLENGES**

- GoveeLife and Govee are recalling 512,000 smart electric space heaters across the U.S. in response to a risk the devices could overheat. Owners of the recalled heaters "should immediately stop" using them, according to the CPSC recall alert. The recalled heaters include model numbers H7130, H7131, H7132, H7133, H7134, and H7135, according to the CPSC. Sales of the recalled heaters occurred over a three-year period, from September 2021 to 2024, the CPSC said. They were available through the Govee website and app, plus Amazon and TikTok Shop.

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## **FDNY: Plumber's SUV Explodes in Queens, Damages Houses**

A plumber's SUV exploded on a quiet Queens block early Friday, damaging nearby homes and cars and rattling neighbors, officials said.

The Infiniti QX56 blew up on 133rd St. near 131st Ave. in South Ozone Park about 6:45 a.m. — just minutes before the plumber and his family were about to get into the vehicle. **FDNY officials believe a ruptured gas-powered torch that plumbers use to sweat and solder pipes sparked the blast.** The massive explosion rocked 133rd St., witnesses said. It turned the SUV into a mangled piece of melted metal, damaged two cars it was parked next to, blew out windows and damaged the exteriors of six nearby homes, an FDNY spokesman said.

## **RECRUITMENT AND RETENTION**

### ***5 Signs Of Toxic Culture That Impact Fire Department Retention***

Tony Haden

I previously shared a three-step model for culture change called "Un-Re-New," which can be used by leaders to identify and correct issues in their organization's culture:

- The "Un" phase involves identifying and addressing any negative attributes like an unhealthy work environment, untrusting relationships, an uninformed workforce or an unforgiving atmosphere.
- The "Re" phase centers on ideas like reviewing, reestablishing, reevaluating and restoring.
- The final step in the process is to actively make things new. This may involve implementing new commitments, creating additional policies and establishing innovative processes that align with the desired cultural shift.

Let's now take a deeper look into what we can glean from research about organizational culture, specifically when culture fails. These are the environments where a culture change plan, like Un-Re-New, is needed the most.

#### **YES, WE CAN LEARN FROM OTHER INDUSTRIES**

A significant amount of research on organizational culture has been conducted in other industries, and while some may argue that corporate models don't align with fire service life, the fact is that so many of the lessons learned in other settings can absolutely apply to our culture challenges. Fire service leaders must be open to heeding the lessons learned from other industries as we work to make our departments and stations healthy places for our crews to work and live. Let's start by evaluating the formative work conducted by CultureX researchers Donald Sull, Charles Sull and their team (MIT Sloan, 2022), then applying it to the fire service. The CultureX studies focus on toxic elements in organizational culture and how they contributed to attrition during the Great Resignation that began in 2021. The research can provide fire service leaders important insights as to why individuals become dissatisfied with their employer and offer some key areas of improvement for fire department culture.

#### **TOXIC CULTURE AND THE GREAT RESIGNATION**

In America, more than 24 million people quit their jobs between April and September 2021. While the fire service was not affected as much as many other industries, the fire service has experienced an unprecedented staffing crisis over the past few years. So, what drives resignations across industries? Toxic culture.

This is not new information. Decades ago, *Harvard Business Review* published "Skills of an Effective Administrator," which focused on the need for administrators to address human skills in themselves and their teams. This is all about the ability to work well with others. It requires leaders to understand the relationships that exist with their peers, supervisors and subordinates. This, I believe, is the foundation of trust and a healthy culture.

Furthermore, while many of us believe the fire service to be the best job in the world, we must remember that an individual's personal commitment to service alone is not enough to prevent a department from losing good firefighters. We cannot assume we know what is driving members away. For example, some firefighters may identify pay as the main reason for employee dissatisfaction; however, compensation ranked 16 in the list of reasons individuals reported for leaving a job. In fact, employees are more than 10 times more likely to resign due to a toxic culture than they are for pay and benefits.

#### **FIVE TOXIC TRAITS**

Many of us have witnessed firsthand the saying "firefighters hate two things – change and the way things are." There will always be rules or policies that not everyone in your department likes, but that is not a culture issue.

What makes a culture toxic? CultureX reviewed negative comments employees gave for leaving their job. These five toxic attributes, which fit into the "Un" part of the Un-Re-New model, will destroy morale and sink your culture: disrespectful, non-inclusive, unethical, cutthroat and abusive.

1. **Disrespect:** *In your culture, at the department or crew level, respect is needed up and down the chain of command to build trust.* A disrespectful culture has the highest negative impact on how your employees feel about where they work. As leaders, we need to make sure we create relationships that show genuine respect for our teams.

2. **Non-inclusive:** The Equal Employment Opportunity Commission (EEOC) is in place to prevent discrimination because of race, color, religion, sex, national origin, disability, age or genetic information. *Non-inclusive actions toward these groups not only negatively impact the individual harmed but also every member of your department when they see the unfair treatment.* In the fire service, we also must be aware of non-inclusive actions like the creation of cliques that exclude others and officers playing favorites in the selection of members for teams or promotions rather than selecting the most qualified candidates. As leaders, we need to include everyone on our team and make them feel welcome in our departments.

3. **Unethical:** *We all hope that fire service leaders consider ethics in their decision-making.* However, in reading the keywords that were identified in the unethical category, I can see how a typical fire department culture could be deemed unethical based on the actions of some members. Words like "shady" and "dishonest" are often heard in the fire service when communication models fail. Even though there may be no intent to be deceptive or to mislead, if your firefighters feel like you lack transparency, you could be facing a workforce that perceives an unethical element in the department culture. As leaders, we must be careful to avoid actions that can be seen as unethical and explain why we cannot discuss certain items at times (legal issues, HR matters, etc.) to avoid this critical issue.

4. **Cutthroat:** *A cutthroat culture is typically described very vividly by employees when they see it with phrases like, "thrown under a bus," "stabbed in the back" or "sabotaged."* They are describing an unfair culture. Be aware of anyone in your organization that actively undermines people on your team. This is more than just the occasional uncooperative individual in a committee, or a single failure of a department initiative due to poor coordination. As leaders, we need to be aware of environments that allow people to work the system to harm others.

5. **Abusive:** *Abusive management is sustained hostility, not a one-time issue the employee has with their management.* It's unprofessional. Not every conversation will be good, and issues need to be resolved by officers at all levels in a department. Abuse behaviors that impact culture includes bullying, yelling at and belittling subordinates. As leaders, we need to make sure we handle personnel items professionally and refuse to allow abusive actions to be used in discipline.

If we fail to address these five toxic traits, then we should expect issues with attrition. We can also expect greater difficulties in finding new firefighters, as the department will likely develop a reputation for being toxic.

The firefighters who stay may experience lasting issues with trust in your department, even when the culture is corrected. Tax dollars keep our departments running. A toxic culture has financial implications in the hiring and training of new firefighters and in increased healthcare costs for members that struggle with stress, anxiety, depression or even physical disease from the cultural issues.

#### **SOLUTIONS**

Changing culture is a big, challenging task, so where can you start? Start with the leader. To improve department culture, leaders must hold themselves accountable. This includes both chief officers and the frontline officers who handle day-to-day issues. Identify and review (the “Re” part of the Un-Re-New model) the social norms in place in your department or crew. What types of activities and behaviors are accepted in your social interactions? Do you talk about respect in your department but then allow members of the team to be ignored or pushed to the side? Our actions as leaders create these social norms for our teams. Model the new (“New”) behaviors you expect to see from your department, coach other leaders in healthy leadership methods, and hold your department to the standard you set. Australian Army Lieutenant-General David Morrison gave a speech on unacceptable behavior. The speech captures the ownership of leadership and the understanding of social norms well with the key point to the audience: “The standard you walk past is the standard you accept.” As leaders, we need to be like Lieutenant-General Morrison when we address our culture.

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### ***The Retention and Recruitment Officer’s Role in Organizational Success***

**DECEMBER 7<sup>TH</sup> & 8<sup>TH</sup> 8:30AM TO 4:30PM Brighton Fire Department, Monroe Co.**

The challenges of recruitment and retention have never been greater, requiring a full team effort to sustain and grow our fire and emergency services organizations.

While recruitment marketing efforts tend to get all the hype as that’s typically the most visible part of a membership effort, the relationship between retention and recruitment is so interdependent that it is difficult, if not impossible, to discuss one without the other. Being successful at member retention can reduce the need to recruit as often, and when you do recruit, there’s no more powerful marketing tool than happy members. Successful recruitment can also improve morale and reduce individual burnout and attrition.

This two-day workshop takes a retention-first approach to help the participants evaluate the type of environment they’re inviting potential members into and offers keen insight and process improvement from the moment of inquiry, to application and acceptance, through the onboarding phase, to becoming contributing members with the ultimate goal of maximizing each member’s legacy of service.

This immersive learning experience offers real-world experiences and solutions from leaders and subject matter experts working in your field. It shares processes and best practices that can increase your success at generating prospective volunteer interest, identifying and screening quality candidates; closing the deal on your next recruit committing themselves to serving in your Fire/EMS organization, and keeping them supported and engaged once you’ve got them hooked. This interactive encounter will identify and help address barriers to recruitment and retention in your volunteer agency.

This comprehensive and impactful training will be accomplished through participation in a three-hour pre-course live webinar conducted with our team, followed by this exercise-focused, instructor-facilitated, in-person workshop.

#### **CLASS OBJECTIVES :**

- Participants will collaborate to outline the reasons people join, don’t join, stay, and don’t stay in their Fire/EMS organizations.
- Participants will gain an understanding of the need for, and opportunities to create a cohesive and collaborative environment in and outside the firehouse.
- Students will learn and exercise proven processes for conducting needs assessments, environmental evaluations, stakeholder meetings, and action plans for effecting change in their organizations.
- Students will learn validated and emerging strategies and tactics for identifying target audiences and attracting prospective members through in-person recruitment interactions and relevant marketing channels.
- Participants will develop a cohesive recruitment and retention action plan customized for implementation in their home agency.

#### **Please Note :**

**Departments are Limited to two (2) attendees.**

**Department Representatives:** Please fill out the information for both attendees when booking the event.

Please Sign Up at This Link:

<https://missioncit.com/events/the-retention-and-recruitment-officers-role-in-organizational-success-fasny-dec/>

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

*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 Chicago firefighter is in serious condition after falling from a roof while at an apartment fire on the city's Northwest Side, officials reported.
- A FDNY firefighter suffered serious injuries, but miraculously survived, after falling 40 feet down a building shaft while battling a five-alarm blaze in Harlem on Friday.
- Firefighter John Anderson 50, was more than the fire station chef, he assumed a father-figure role. He was at a fire scene in late October when a large object fell and struck him. He suffered a catastrophic injury that has left him paralyzed below the waist
- Marcelo Garcia, 42 years old and had served with the Houston Fire Department for a decade died after sustaining injuries while battling a warehouse fire near the Greater East End after a wall collapsed on him.

## THE ATTORNEY'S OFFICE

### **Pa. EMT Fired Over Private Facebook Post About Orphan Choir**

Bill Carey

A Ford City EMT has been fired after allegedly **sharing a Facebook post with an inappropriate comment about a visiting orphan choir from Liberia.**

Ford City Ambulance Service Executive Director David Dunmire confirmed to WPXI that a longtime EMT shared a photo on the private Ford City Ambulance Employees Facebook page, showing a group of kids from the Matsiko World Orphan Choir entering the First Church of Ford City. The post was captioned, "Please make sure all doors are closed and locked. This is what we have next to the station."

"They are an amazing group of kids. They are orphans from Liberia, Africa, and they come over and put on a wonderful concert," Pastor Rany Herbe told WPXI. "They needed a place to stay for two days. We opened our church up for them to sleep in the basement of our church."

Dunmire said the EMT removed the post and was immediately fired. He also mentioned that the employee, also a volunteer fire chief for Manor Township, has since stepped down from that role.

## 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	102
Fire Deaths in 1&2 Family Dwellings Nationally	1027
Top 3 States with the greatest 1&2 Family Deaths	#1 PA/ 80
	#2 TX/ 61
	#3 CA/NY 53
There has been a total of 1702 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	

**New York State Builders Association Challenges Proposed Fire Sprinkler Mandate**

The New York State Builders Association (NYSBA) recently released a study assessing the feasibility and cost of installing automated fire suppression systems, or fire sprinklers, in new 1- and 2-unit homes in the state. In 2021, New York passed a bill requiring home builders to provide prospective purchasers with an estimate for installing an automatic fire sprinkler system in 1- and 2-unit homes. This year, there has been significant discussion about mandating the systems in new homes.

[EDITORIAL NOTE: FIRST OF ALL, NO ONE HAS CHECKED TO SEE IF THE BUILDERS HAVE BEEN PROVIDING ESTIMATES, SECOND I CAN ASSURE YOU THOSE ESTIMATES ARE INFLATED AND THIRD SPINKLERS FOR 1 & 2 FAMILY HOMES AND TOWNHOMES HAS BEEN IN THE ICC CODE SINCE AT LEAST 2009, INFLUENCE BY THE BUILDERS HAS RESULTED IN NYS OFFICIALS REMOVING THE CODE PROVISION!]

The National Fire Sprinkler Association (NFSA) and the U.S. Fire Administration (USFA) promote fire sprinkler systems in residential homes, noting that the systems are inexpensive and **will save the lives of occupants and firefighters, reduce injuries, and mitigate property damage.**

To stay ahead of a proposed mandate, the NYSBA commissioned Asterhill Research Company to conduct a housing study to assess the feasibility and impact of requiring fire sprinklers in newly constructed 1- and 2-unit residential dwellings in New York State (excluding New York City). The study analyzed population, housing and economic trends with current market data to evaluate the practicality of mandating automatic fire sprinkler systems in new residential homes.

In a review of fire fatalities in New York between 2019 and 2023, the mean dwelling was built around 1932. No residential fire fatalities occurred between 2019 and 2023 in 1- and 2-unit homes built after 2000. [EDITOR'S NOTE: ARE WE TO ASSUME HOMES BUILT AFTER 2000 DON'T BURN AND HAVE NO FATALITIES. I KNOW BETTER!] The Federal Emergency Management Agency (FEMA) reported that only 33% of dwellings in residential fire fatalities in New York state had smoke alarms and that not all of them were functional. Additionally, carbon monoxide poses a greater threat to civilian and firefighter lives in residential fires.

It is commonly represented that a fire sprinkler system costs \$1.30 to \$3 per square foot, but the average cost in New York state is between \$8.42 and \$10.47 per square foot. This extra cost raises the price of new homes by \$20,000-\$30,000 (3%-5%), which does not include the cost of maintenance and other charges by local municipalities and water providers.

According to the study, the proposed mandate would pose unique challenges for those in rural communities because many homes are not connected to municipal water systems. The mandate would require additional costs, such as expensive equipment like pumps and water storage, that add to the already significant financial burden to rural homeowners and logistical hurdles for contractors. [AND THESE RESIDENTS WOULD ALWAYS HAVE 250 GALLONS OF WATER IN THE CASE OF DISASTER OR POWER INTERRUPTION.]

In a letter from the NYSBA to the New York State Fire Prevention and Building Code Council, Executive Director Michael Fazio wrote, "While we fully support efforts to enhance safety, this mandate would impose significant financial burdens on home buyers and disproportionately affect rural and low-income communities when New York is in the midst of a severe housing affordability and supply crisis, which shows no signs of ending any time soon."

The country is facing a housing affordability crisis, and New York is no different. The cost of single-family homes in the state has risen more than 41% between 2019 and 2023, and mortgage rates have increased 200% since 2020. More than 75% of families in

New York cannot afford a new home, so mandates on new construction requiring features such as fire sprinkler systems are only going to make it even more difficult for families to afford new homes.

In its statement, the NYSBA urged the council to reject the proposed mandate and instead focus “on improving existing fire safety standards — such as enforcing the installation and maintenance of smoke and carbon monoxide detectors — while providing incentives for homeowners who wish to enhance their fire protection.”

**[EDITOR'S NOTE: I GUESS THE 53 NEW YORK STATE RESIDENTS WHO DIED IN 1&2 FAMILY DWELLINGS SO FAR THIS YEAR ARE EXPENDABLE. THE HOMES BEING BUILT TODAY WILL BE OLD IN ?? YEARS, AND NEW HOMES BURN FASTER AND WITH MORE FURY. GOVERNOR DO THE RIGHT THING, ALLOW THE SPRINKLER CODE TO REMAIN!!]**

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### **Couple Dies In Cluttered, Illegally Converted NYC Garage Fire**

Rocco Parascandola, Theodore Parisienne - New York Daily News

Investigators determined the fire that killed two people living in a Queens garage was arson. A man and woman found dead after a fire ripped through the cluttered Queens garage where they were living are victims of arson, police said Monday. No arrests have been made but the deaths have been deemed homicides by cops. Cops are investigating if the fire may have been set by a woman who knows the man who died.

“I was sleeping and suddenly I woke up. I heard someone yelling, ‘Get out! Get out!’” Faim Shorom, 28, a second-floor resident of the home, recalled. “I looked outside. I saw a lot of smoke from the garage.” “I was in the house,” said a man who lives on the first floor. “Everybody went to the back [to the garage] to try to get them out and couldn’t. We didn’t have a chance. The fire was too huge to get in. My other friend... he went in, he tried to get him and get him out. He couldn’t.” Firefighters brought the flames under control by 7:30 a.m., officials said. The two victims died at the scene. The names of the victims have not yet been released.

**[DEMONSTRATES THE IMPORTANCE OF CODE ENFORCEMENT]**

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## **GREEN TECHNOLOGY & THE FIRE SERVICE**

### **Nearly 3 Miles Of Dead Fish Found In Fredericktown After Battery Plant Fire, Official Says**

Hunter Bassler

"Holy cow...that's a lot of dead fish."

That's the one thought Dave Knuth, a fisheries biologist with the Missouri Department of Conservation, said he had when approaching the site of a 2 1/2-mile-long fish kill Friday near Fredericktown.

A massive effort was launched on Oct. 30 to extinguish a fire at a local lithium battery plant. Two days later, locals reported thousands of dead fish washing up on the shorelines of the nearby Village Creek and St. Francis River.

MDC officials are performing necropsies on the dead fish and Missouri Department of Natural Resources (MoDNR) officials are testing water samples from the area. **Officials aren't sure what the cause of the fish kill was, but they hypothesized firefighting foam used to extinguish the industrial fire was the main cause. 5 On Your Side crews at the scene observed white foam-like substances on the creek's surface on Friday.**

Certain firefighting foams and retardants have previously been found to contain "forever chemicals," or PFAS, which are linked to harmful effects on humans and animals, according to the U.S. Fire Administration. Potential impacts include groundwater, surface water, and potential drinking water contamination.

However, drinking water is not expected to be impacted, since virtually all of the community's water comes from City Lake, which is north of where the fish kill happened. Officials urged no one to use the water from Village Creek as investigations continue.

The boundary of the fish kill starts near the confluence of Village Creek and a wet-weather creek that runs alongside Highway OO and ends near the confluence of Village Creek and the St. Francis River, according to Knuth.

MDC expected to have testing results from the fish by Friday. MoDNR expects to have water testing results by next week.

**CMR, the owner of the battery plant, released the following statement:**

*CMR learned of a fish kill on Village Creek Friday and has engaged the service of a local contractor to provide independent water for livestock located in the vicinity of the affected creek. State and federal agencies are still working to determine the cause and extent of the fish kill. Surface and groundwater monitoring continues. There remains no indication that the city or county drinking water has been impacted. Testing of the water is ongoing as well.*



Yesterday afternoon, CMR expedited the delivery by CMR's CEO of emergency cash funds for immediate distribution to displaced families. The funds were distributed by Sheriff McCutcheon without condition and without release requirements and without expectation of repayment.

Local law enforcement has been requested to continue to provide secondary services to secure the CMR site, an undertaking for which local law enforcement was contracted by CMR prior to the fire.

Evaluation of and investigation into the cause of the fire continues.

Collaborative undertakings by CMR with federal and state regulators, city first responders and law enforcement, environmental experts and contractors continue.

Air monitoring continues at the site, site perimeters, neighboring community and throughout Fredericktown. Air quality remains good.

The remaining fire embers continue to be monitored and addressed by expert firefighters.

**EPA continues to perform air monitoring around the site and in the community. EPA has established a website relating to their involvement in this response with a map of air monitoring locations. EPA's response page is available at <https://response.epa.gov/cmfire>.**

Hotline calls are being received and responses are being given to community questions.

As a clarification of yesterday's release, out of the abundance of caution we recommend that water not be utilized from Village Creek from the Route 00 bridge north of the CMR facility to the intersection of Village Creek and the Little St. Francis River until further notice.

## 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!!

## LAUGH OUT LOUD!!

**Young boy says to his dad, "Did you know that in other countries you don't know who  
your wife is until you get married?"  
His father answers, "It's like that everywhere son!!"**

## CAFDA OFFICERS AND DIRECTORS

*President, Tom Rinaldi, Commissioner, Stillwater Fire District*

*1<sup>st</sup> Vice President, John Meehan, Commissioner West Crescent Fire District*

*2<sup>nd</sup> Vice President, Art Hungsinger, Commissioner Clifton Park Fire District*

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*Sargent at Arms: Tom Wood, Commissioner, Northumberland Fire District*

*Chaplain: Fred Richards, Commissioner, Harmony Corners Fire District*

*Legal Counsel: 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:*

**CAFDA PO Box 242 East Schodack, NY 12063**

**[EMAIL TREASURER: TREASURER@CAFDA.NET](mailto:TREASURER@CAFDA.NET)**

**518-407-5020**

EMAIL SECRETARY: SECRETARY@CAFDA.NET

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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 Verdox, 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/>

# CAPITAL AREA FIRE DISTRICTS ASSOCIATION SAVE THE DATES!

CAFDA has been busy, and 2025 is shaping up to be a great year!

## COMMISSIONER TRAINING

AVERRILL PARK FIRE DISTRICT	Saturday, February 1, 2025	Snow Date: Sunday, February 2, 2024
CLIFTON PARK FIRE DISTRICT	Saturday, March 1, 2025	Snow Date: Sunday, March 2, 2024
BERKSHIRE FIRE DISTRICT	Saturday, March 29, 2025	Snow Date: Sunday, March 30, 2024
WARRENSBURG FIRE DISTRICT	Saturday, April 5, 2025	Snow Date: Sunday, April 6, 2024


## MISCELLANEOUS TRAINING

FINANCIAL TRAINING FOR FIRE DISTRICT OFFICIALS	Fulton-Montgomery Community College Johnstown	Thurs – Fri. March 13-14, 2025
FINANCIAL TRAINING FOR FIRE DISTRICT OFFICIALS	Stay tuned for a second 2025 date!	
CAFDA CONFERENCE	Fort William Henry Hotel & Conference Center, Lake George	Thurs – Sat. April 10-12, 2025
ANNUAL FALL WORKSHOP	Verdoy Fire District, Latham	Saturday, November 1, 2025

## SOCIAL EVENTS

OFFICER INSTALLATION DINNER	Century House, Latham	Saturday, March 8, 2025
DAY AT THE RACES!	Saratoga Race Course, Saratoga Springs	Friday, August 8, 2025

## MEETINGS – CLIFTON PARK FIRE DISTRICT & ZOOM

General Membership Meeting	Saturday, January 4, 2025	
General Membership Meeting	Thursday, February 13, 2025	
General Membership Meeting	Thursday, March 6, 2025	
Board of Directors Meeting	Thursday, April 3, 2025	
General Membership Meeting	Thursday, May 8, 2025	
General Membership Meeting	Thursday, June 12, 2025	
Board of Directors Meeting	Thursday, August 14, 2025	
General Membership Meeting	Thursday, September 11, 2025	
General Membership Meeting	Thursday, October 9, 2025	
General Membership Meeting	Thursday, November 13, 2025	

## VISIT OFTEN FOR MORE INFORMATION

Website	<a href="http://www.CAFDA.net">www.CAFDA.net</a>	23   Page
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# 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.voterve.net/NVFC/Campaigns/118064/Respond>

## ***Latest News for Those Who are Testifying***

Thank you for registering to testify at OSHA's upcoming Emergency Response Rulemaking hearing. If you plan to use materials, such as a PowerPoint presentation, during your testimony, you must send an electronic copy of those materials to this email address ([OSHA.Emergency.Response@dol.gov](mailto:OSHA.Emergency.Response@dol.gov)) by Wednesday, November 6, at 5 p.m. ET. Please note that OSHA will be managing all presentation materials during the hearing. If, for example, you provide a PowerPoint presentation, you will be able to move through this presentation during your testimony by telling OSHA that it's "time for the next slide." You will not be permitted to display and manage reference materials on your end while you are providing testimony. If you do not intend to provide additional reference materials to be used during your testimony, or if you have already submitted your hearing presentation materials to OSHA, then you do not need to reply or resend. **If OSHA does not receive any materials from you by Wednesday, November 6, at 5 p.m. ET, then we will assume that you have nothing to send in.**

## ***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

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### ***[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 fighter fighters***. 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.

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### **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.]**

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### **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=GpBvzoA6h0mmhZ1NlvHxgMQsVuNB08VPk33J3ZMRGTZUMEpOMDIiWJFSMVRGNEIKRzZTlIxOVFBT14u>

### **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>. 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



Illinois 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>

**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***

***Open the Document at This Link:***

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

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

***Open the Document at This Link:***

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

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***What Are Your Pain Points***

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

***OSHA's Proposed Rule:***

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

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

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

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

***OSHA PAIN POINTS – ADDITIONAL, OSHA'S PROPOSED RULE:***

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

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

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

**OSHA's Proposed Rule:**

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

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

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

**OSHA's Proposed Rule:**

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

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

Tell OSHA: Tell OSHA that before they close the comment period and make these standards law, OSHA needs to provide free copies of 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 its 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."
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 [PL1]: To be consistent with NFPA I would use "Fire Officer I and "Fire Officer II"

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

Commented [PL3]: Tried cleaning this one up too

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

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 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)



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

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.*

**CONTACT YOUR REPRESENTATIVE AT THIS LINK:**

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

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

**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-Ax7THBUrMdNSMphNIFj1WWWXRRzYxdUshoNVzVUkCq2FlyoxhE-AybLw8OnamjNOBiBpzyC-pPzLiiYEvhxQ9sAxH0UIN-rMeW-UoiESKwKkPDdMRzXK8VXBP-Sh4YQDWc0PJekSA9BGQCOh6lo\\_AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhgekGbW4yikuTH862UfuVJahY7fFHeGl\\_qUjw=&ch=IefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xlkZP-JITscwLK8iGsQ==](https://gma5qspab.cc.rs6.net/tn.jsp?f=001L6aLm-Ax7THBUrMdNSMphNIFj1WWWXRRzYxdUshoNVzVUkCq2FlyoxhE-AybLw8OnamjNOBiBpzyC-pPzLiiYEvhxQ9sAxH0UIN-rMeW-UoiESKwKkPDdMRzXK8VXBP-Sh4YQDWc0PJekSA9BGQCOh6lo_AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhgekGbW4yikuTH862UfuVJahY7fFHeGl_qUjw=&ch=IefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xlkZP-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***

[:\[https://cafda.net/wp-content/uploads/2024/04/OSHA-1910.156-REQUEST-FOR-ACTION-1.docx\]](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-WTKIL-F5Sqw](https://archcapgroup.zoom.us/webinar/register/WN_9GtqnblySa-WTKIL-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, except for **Chapter 8** which includes procedures for washing and drying protective equipment.*

- 74 additional reference technical documents.
- [NFPA 1977 \(118 page document\)](#)

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

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

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

- 45 additional referenced technical standards.
- [NFPA 1981 \(81 page document\)](#)

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

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

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

- 22 additional referenced technical standards
- [NFPA 1982 \(70 page document\)](#)

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

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

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

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

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

- 18 additional referenced technical standards.
- [NFPA 1984 \(39 page document\)](#)

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

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

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

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

- 12 additional referenced technical standards
- [NFPA 1986 \(70 page document\)](#)

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

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

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

- 17 additional referenced technical standards
- [NFPA 1987 \(98 page document\)](#)

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

- 71 additional referenced technical standards

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

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

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

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

- 59 additional reference technical standards

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

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