



CAPITAL AREA FIRE DISTRICTS ASSOCIATION



BULLETIN

SEPTEMBER 7, 2024

EDITOR - TOM RINALDI tom@rinaldi.com
Serving the fire service community since 2004



CAPITAL SHORTS:

- NEW OSHA INFORMATION IS PRECEDED BY THE **RED ARROW**
- MORE NEW OSHA INFORMATION THIS WEEK – PUBLIC HEARING ANNOUNCEMENT

CAFDA NEWS AND OPPORTUNITIES:

WWW.CAFDA.NET

General Membership Meetings - - In person and Zoom

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

Zoom Meeting Link:

Topic: CAFDA Membership Meeting

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

Join Zoom Meeting

<https://us06web.zoom.us/j/81009751918?pwd=Nb2E6D5GwOxTIAAEWbbmRPkVHEgoM.1>

Meeting ID: 810 0975 1918

Passcode: 902311

Dial by your location

- +1 646 558 8656 US (New York)

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

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

WORKSHOP '24

SATURDAY, NOVEMBER 2ND

VERDOY FIRE STATION, 988 Troy Schenectady Road, Latham

Per-Attendee Cost is \$20 for Member Districts, \$30 for non-Members

7:00-8:00 Registration & Continental Breakfast

8:00-8:10 Pledge to the Flag & Welcome: Capital Area Association Officers

8:10-9:15 Presentation Topic: Media Relations for Fire Districts Having a Bad Day – Art Hunsinger

9:15-9:30 Networking Break

9:30-10:15 Presentation Topic: OSHA Proposed Standard Update – Dave Denniston

10:30-11:45 Human Resource Challenges for the Volunteer Fire Service – Past Chief, Greg Serio

12:00-2:00 Lunch with the Experts – A panel of experts has been assembled to answer your questions about a broad range of important topics. Joining us will be Attorney, Alyssa Snyder, CPA, Bob Gramuglia, VFBL & LOSAP, Keith Brandstedter, Insurance, Pat Daglio, Apparatus Maintenance & Refurbishing, Marc Mazza.

Everyone is Invited to Attend, not limited to Commissioners

ADVANCE REGISTRATION IS VERY HELPFUL FOR PLANNING PURPOSES

HELP US PLAN - Please Respond by Friday, October 25th, 2024

Return to:

CAFDA

PO Box 242

East Schodack, NY 12063
Or by email to secretary@CAFDA.net

WORKSHOP 24 REGISTRATION FORM AT THIS LINK

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

WORKSHOP 24 SCHEDULE AT THIS LINK:

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

REGISTRATION IS NOW OPEN!!!

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
Financial issues should be addressed to: TREASURER@CAFDA.NET

THE LATEST FROM THE STATE CAPITAL

ScoreCard

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

OTHER FIRE SERVICE ORGANIZATION NEWS

ASSOCIATION OF FIRE DISTRICTS OF THE STATE OF NEW YORK

2024 Annual Meeting and Leadership Expo

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

REGISTRATION IS NOW OPEN AT THIS LINK:

https://mms.afdsny.org/members/evr/reg_event.php?orgcode=FDNY&evid=40809591

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

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

Reservation deadline: September 18, 2024

IF NOTHING ELSE READ THE ARTICLES PRECEDED BY **

THE LATEST FROM WASHINGTON

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

RETENTION AND RECRUITMENT

****How To Hire New, 'Nontraditional' Volunteer Firefighters**

Jason Caughey

We all have a picture in our mind of a volunteer firefighter – what they look like, where they live, why they serve. During my childhood, the volunteer firefighters I saw serving our community in the suburbs of St. Paul, Minnesota, were hard-working blue-collar older men who would leave their “primary” work to serve our community – and they had been doing this for decades. Many of the members had military experience, and they carried the honor and tradition of the fire service with dignity and pride. When I became a volunteer firefighter myself, I quickly recognized that their culture was not exactly welcoming to me and other new members. I expected that I had to earn my right into their club.

Fast forward to today, after serving 20 years as a fire chief in both volunteer and combination fire departments, I recognize that I am now the “old guy.” (It happens.) But now I ask myself, do the new young members feel the same way I did about our culture, rules and behaviors? Have we kept pace with cultural changes to be welcoming of the new members?

As I reflect on organizations and the need to continually evolve to meet the needs of both our members and community, I recognize that a new nontraditional volunteer firefighter is emerging to fill our ranks. With some reflection and surveying some of our members, I identified a few questions that organizational leaders should ask themselves:

- **Do our current rules and policies negatively impact our ability to attract new members?**
- **Do we have a “good ol’ boy club” that deters new members from staying on the job?**
- **Do our traditions and culture serve as a deterrent to community members?**

Let’s consider each question.

RULES AND POLICIES

Think about your rules and policies. What purpose do they serve? Why were they created? We must reassess our standard operating guidelines and procedures (SOGs and SOPs) to ensure that they exist for the right reasons and they serve our members. After all, we cannot effectively lead an organization centered on policies and regulation without also focusing on empowering our members through coaching and mentorship. *Yes, we need SOGs or SOPs, but they should not be so burdensome that we can’t do what’s right for our members or community.*

For example, do we need a rule that prevents members from having tattoos? I have had the good fortune to be a fire chief for 20-plus years, and I have never received a complaint from Mrs. Smith regarding tattoos, piercings or hair color.

If your members are courteous, nice and proficient in their skills, the community will remember those things far more than whether your member had a full arm of tattoos. Where a policy would be important here is to specify that members cannot have visible tattoos of an offensive nature, with “offensive” being clearly defined.

Furthermore, be careful not to fall into the trap of writing rules or policies based on an isolated incident, emotional reaction or mere perception of what others do. Many organizations’ rules are rooted in a single mishap and therefore fail to capture the true need for a new policy. Yes, an incident can serve as a prompt, highlighting where an important policy was missing, but it must be broad enough to apply to a variety of situations to ensure your members are clear on expectations.

Also, do not write policy simply out of fear of litigation. Yes, it is important to be mindful of legal issues, but we too often draft a policy thinking we are protecting the organization, but we are actually hurting it. I’ll come back to the no-tattoo policy – one that could hurt the organization by preventing us from hiring highly qualified individuals who just happen to have non-offensive tattoos.

Other factors or policies that could limit a new member from joining:

- *A lack of organized onboarding process for new members. We need to provide some structure or a road map for new members to envision what’s ahead.*
- ***A probation system. Making the new member “earn their stripes” is a deterrent for new members who want to be part of the family. Don’t make them wait!***
- *Too restrictive or too demanding of policies can hinder participation of volunteers.*
- *Mandated policies or procedures, anything labeled mandated is a deterrent and should be reassessed*
- *Hours, availability, pager response – do you provide flexibility for volunteers to flex their availability but still meet training requirements and response requirements?*

“GOOD OL’ BOY CLUB”

This topic is a little harder to see from inside the organization and might require more reflection and investigation from community members outside the organization. General indicators that you might have a good ol’ boy club include having a small but dedicated core group of members who do everything and limits anyone else from participating or taking ownership. Another indicator is that new members come and go like a revolving door. This is a sign that they found it difficult to engage with the insular members. Furthermore, this revolving door fuels the belief by the core group that “the new generation is the problem.” The core group focuses on building its strength and passively keeping everyone new outside the group.

As leaders, we need to break up the good ol' boy club and foster an environment of inclusion. Some organizations have found it difficult to move past this roadblock, but through strong leadership – and possibly dismissal of a core member having a negative impact on the organization's mission – it is possible to move the organization forward.

TRADITIONS AND CULTURE

The fire service is steeped in tradition, and we as leaders should honor many of those traditions; however, we also need to assess the impact of tradition on our members and our service to community. Traditions should be an honor not an anchor.

Which traditions are important to your community? Don't let your ego drive the traditions you maintain; let the value of the tradition be your guide. Too often we forget that our most important traditions should represent the character, integrity, compassion and commitment of past members – not just a perceived image of the organization or past members. Focus on the traditions that highlight your people. As Chief Alan Brunacini once said: ***"Don't be afraid to make change. If something has been done a particular way for 20 years, that alone is often a sign that is being done wrong."***

In the business world, "cash is king." In the fire service, "culture is king." Your organizational culture will trump individual performance. Who you are, what you stand for and how you live your organizational culture will determine your success.

Remember, these three key components of culture:

1. Your culture must match the community identity and needs;
2. Your culture must be owned by the entire membership, not just the core group; and
3. Your culture must be fostered, nurtured and supported.

All too often, I see struggling organizations that have cultures that fail to match their community or organizational needs. In most cases, it's an organization that is attempting to adopt an image or philosophy of another organization. Culture is local and should be built locally, not copied from another organization because of an image or a perceived "coolness." Culture is king! New volunteers want a healthy, inclusive culture. Image is paper thin, but healthy culture is resilient.

FINAL THOUGHTS

The new volunteer members seek leadership, support and involvement. Your leadership should strive to be inclusive and supportive. Provide a system of value to your members. Value comes in many forms beyond monetary, specifically empowerment, ownership, training, praise, organizational pride and self-satisfaction. And remember, leadership is not just from the chief; it must be found at all levels of the organization. Provide opportunities for informal leaders to develop and grow in your organization.

As the world continues to evolve, the choice to hold a death grip on traditional policies, cultures and leadership principles will negatively impact your ability to attract community members who seek opportunities to volunteer in your organization but don't fit the traditional image of the volunteer firefighter. Leadership, culture, self-assessment and a desire to evolve without sacrificing the mission will provide a foundation for you to attract the new volunteer member.

Remember, people are volunteering in your community. Why aren't they volunteering with you?

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

*****Know Your Legal Terminology-[every commissioner, driver, training officer, and chief needs to read this!!***

Mike Wilbur

As a group, we firefighters enjoy a good deal of community support, both locally and nationally. The public that we protect and serve views us as this nation's bravest. Back when I started to drive fire apparatus over 40 years ago, there was a period of time when this stature of high regard translated into a public opinion that we could basically do no wrong. We were viewed as white knights slaying the preverbal dragon. Whatever shortcomings we may have had behind the wheel or on the fireground were overlooked. We were that valuable to the community. ***Well, that was then and this is now. A lot has changed in the last 40 years as it relates to emergency vehicle driving.***

Although firefighters are still held in high regard, our shortcomings are no longer ignored. This paradigm shift, in large part, is societal. We have become a very litigious society. At the same time, the public has learned that many fire departments are taxpayer-supported entities with perceived “deep pockets.” Unfortunately, there is a public perception that there are endless supplies of money that can be used to pay off lawsuits brought against these public entities.

LEGALESE MATTERS

With this in mind, there are several guidelines and legal terms that you need to know in order to protect you and your organization from this kind of legal exposure.

There are three types of regulations you must follow:

- Motor vehicle and traffic laws enacted by state and provincial governments
- Local ordinances
- Your department policies

There are three principles of safe emergency vehicle operations:

- *Emergency vehicle operators are subject to all traffic regulations unless a specific exemption is made* (i.e., “The driver of an authorized emergency vehicle may exceed the maximum posted speed limit so long as he or she does not endanger life or property).
- *The exemptions are legal only in emergency mode* (emergency lights and siren).
- **Even with this exemption, the operator can be found criminally and/or civilly liable if involved in an accident.**

Should an accident occur requiring an analysis of your driving by legal authorities, your actions will be judged by those authorities, who will consider at least two points:

- **Were you responding to a true emergency?**
- **Were you driving with due regard for the safety of others?**

According to the U.S. Fire Administration Emergency Vehicle Safety Initiative (2014), **a true emergency is defined as, “A situation in which there is a high probability of death or serious injury to an individual, or significant property loss, and actions by an emergency vehicle operator may reduce the seriousness of the situation.”**

Does every response to which you drive your emergency vehicle rise to the definition of a “true emergency”? No. In fact, **a majority of your responses are not true emergencies.** If you choose to drive to a non-emergency response with emergency lights and sirens activated and there is an accident, you and your organization could be held civilly and/or criminally liable.

Further, what is *due regard* for the safety of others? Due regard is based on the circumstances. For example, did you as the emergency vehicle operator give enough notice of your approach? “Enough” is very difficult to define, of course. If a civilian motorist has the windows rolled up, the radio blaring and the air conditioner on, they may take a long time to react to you.

Another example: Did you use the appropriate emergency signaling equipment in accordance with the law? In judging due regard in the use of that emergency signaling equipment, **the court will consider the following:**

- Was it necessary to use the signaling equipment?
- Were you going to a true emergency?
- Was the signaling equipment actually used?
- Was the signaling equipment audible and/or visible to other motorists and pedestrians?

A common question used to judge due regard is, “Would a reasonably careful man, performing similar duties and under similar circumstances, act in the same manner?” For example, would a reasonably careful man take a 30-ton fire truck through a red light exceeding the posted speed limit and with the risk of striking another vehicle regardless of what the response was for? The answer is an overwhelming no, of course, and the driver could be held legally and/or civilly liable.

The last term or definition that you must be aware of is **negligence**, which, according to the Massachusetts municipal law, is the **“failure to exercise the degree of care expected of a person of ordinary prudence in like circumstances in protecting others from a foreseeable and unreasonable risk of harm in a particular situation.”** Negligence is also considered a violation of a state-level statute specifically designed to protect the public safety.

There are four elements of negligence:

- **Duty:** Did you as the emergency vehicle operator have a duty? It is spelled out pretty clearly in the law that you have a duty to drive with due regard for the safety of all the other drivers.

- Breach: Breach of the duty is why you now find yourself in a court of law.
- Causation: Did your driving cause the accident?
- Damages: When you take a 60,000-pound fire truck and hit a 2,000-pound car, we generally cause some damage.

YOU ARE NOT EXEMPT

As a driver operator and a member of the fire department, you never want to end up in a court of law and, therefore, you can never let it get this far. If you or your fire department do end up in a court of law, you can see that any kind of success for the driver operator or the fire department will be minimal at best. These rules are critical to how you will be judged in a court of law. Unfortunately, it has been my experience that a majority of driver operators do not even know that these laws exist, and those who are aware of these rules do not believe that they apply to them or that they are somehow exempt. **Make no mistake about it, regardless of whether you are a career or volunteer firefighter, you are not exempt.**

What can you do as a chief officer, training officer or driver operator to manage this type of risk? This article should be the subject of your next company drill. Make everyone aware of the rules, and have meaningful discussions about them. You will find that ignorance of the law is no excuse.

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](mailto: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

WHAT YOU WILL LEARN

New York State's annual GOVBUY conference catalyzes the growth of centralized contracts by fostering collaboration among stakeholders and driving sustainable procurement practices that benefit the citizens of New York State. Over 30 sessions and workshops will explore:

PURCHASING IN NEW YORK STATE

Learn about the procurement methods available to state agencies and when to use them.

GO GREEN! SUSTAINABLE PROCUREMENT USING OGS CONTRACTS

Learn about the latest green purchasing options available through OGS contracts, including green cleaning products, recycled copy paper, EPEAT computers, electric vehicles (EVs), EV charging stations and more.

PROCUREMENT RULES FOR LOCAL GOVERNMENTS/FIRE DISTRICTS AND SCHOOL DISTRICTS

Overview of the exceptions to competitive bidding under General Municipal Law, Section 103, including professional services, emergency contracts, and "piggybacking" on certain other governmental contracts, as well as a discussion of contracts below the statutory dollar threshold.

PREFERRED SOURCES BUYING STRATEGIES

Learn how to procure goods and services from Corcraft, NYSPSP and NYSID.

PBITS, HBITS, AND UMBRELLA CONTRACTS: THE CONTRACT TRIFECTA FOR OPTIMIZING YOUR IT SERVICE PROCUREMENTS

Learn the most efficient way to procure IT Services using Project-Based IT Services (PBITS), Hourly Based IT Services (HBITS), and the Umbrella Manufacturer and Distributor contracts.

CONTRACT MANAGEMENT

What happens after the solicitation is over and the contract is approved? Contract management is a key and time-consuming part of the overall contract life cycle. Whether it's contract assignments, price changes, or holding the vendor accountable, contract management activities ensure the contract continues to work for the program and the organization. OGS experts will share some contract management activities and other strategies for effectively overseeing contracts after they have been awarded.

MORE DETAILED INFORMATION IS AVAILABLE AT THE OGS.GOV 2024 WEBSITE

[FIRE DISTRICT BUDGET CALENDAR FOR 2024 CAN BE FOUND AT THIS LINK ON THE CAFDA WEBSITE:](https://cafda.net/fire-district-budget-calendar-for-2024/)

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

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

Fiscal Oversight Responsibilities of the Governing Board

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

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

Local Government and School Accountability Contact Information:

Phone: (518) 474-4037; Email: 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

FIRE SERVICE APPARATUS-WHAT TO KNOW

****The Apparatus Architect: New Apparatus Purchasing—Five Mistakes to Avoid**

Tom Shand & Mike Wilbur

No one should be in a hurry to buy a \$1M complex piece of equipment!

We always have emphasized the importance of defining the mission of an apparatus prior to the development of specifications and to apparatus committee meetings with manufacturer representatives.

Beyond the importance of being able to justify the financial expense, we must ensure that, when the final product is placed into service, it meets the operational needs of the fire department—not just simply be the new vehicle to replace the oldest unit in the fleet.

In today's difficult financial climate, it is more important than ever to specify apparatus that meet the needs of the response area while enhancing the safety and operation of the vehicles. Designing apparatus that serve the department and community into the future with a developed apparatus replacement program makes the procurement process go smoothly. Along the way, there are five gaffes that should be avoided.

ACCORDING TO PLAN

Lack of planning isn't a strategy for success. Departments that rely on municipal funding—in whole or in part—must be in a position to justify their budgets, particularly with respect to capital purchases for new apparatus. **Any department, regardless of the size of its apparatus fleet, should have a documented replacement plan for all vehicles.**

The plan should include initial vehicle cost, maintenance, fuel and insurance costs, vehicle usage, mileage, age and condition. Using this data, the department should be able to develop a profile of actual vehicle expenses to determine the annual cost of ownership for each vehicle that's in the fleet.

Several fleet management software packages provide modules that can produce the information that's needed to assist department personnel to quantify vehicle performance and life-cycle costing. The data then can be utilized to determine the appropriate time frame for apparatus replacement.

The program should be reviewed and approved by whomever controls the financial resources in the community. In this manner, there should be no surprises when requesting funding for new or replacement apparatus during the budget process.

Hiring a third-party expert to conduct an independent fleet evaluation might offer some value to your department.

COMMITTEE MEMBERS

The expression “too many cooks spoil the broth” is appropriate with respect to personnel who serve on the apparatus committee. Too many personnel on the committee can make achieving consensus on major issues difficult. The committee should consist of four to seven personnel. They should represent a cross section of department members and should include: company officers, drivers or engineers who will operate the vehicle; department maintenance personnel; and at least one member who has experience in apparatus procurement. Fleet managers or personnel who have an automotive or heavy-truck background can be beneficial.

The inclusion of this cross section of department members paves the way for detailed follow-up conversations and preconstruction meetings after contract.

PUNITIVE CONSTRAINTS

Don't rely on a single source for technical information.

It isn't unusual for a department to choose one vendor as the preferred vendor out of the several prospective vendors with which it meets. The department then utilizes the preferred vendor's specifications as the bid specifications for the new apparatus. However, virtually all apparatus manufacturers employ technical writers and engineers to ensure that some of their proprietary designs are incorporated and described in their specifications. So, using one manufacturer's specifications—for example, requiring a 4,200-square-inch windshield as a “no exception” component, or detailing compartment depth of 25.88 inches—would be difficult to defend when reviewing other competitive proposals.

Whether your department chooses to use a manufacturer's specification or develop its own for use in the bidding process, instances in which alternative components or design criteria can be proposed should be defined clearly. “Exceptions” should be noted in the bidder's proposal that details what is at variance with the department's specifications and why the requested component can't be supplied. Where necessary, supporting technical information should be supplied for evaluation by the apparatus committee. The number of exceptions that a vendor might need to take with respect to the department's specifications should be of lesser concern. The emphasis should be placed on the quality of the supporting technical information.

The apparatus committee should develop a detailed tool and equipment inventory, including size and weight of each item, along with the auxiliary appliances and hose load. Included with the bid specifications, this information helps to reduce the opportunity to have an overweight or out of balance apparatus once the apparatus is placed into service.

Don't buy the hype

A former retail clothing store chain's slogan was “An educated consumer is our best customer.” This is most appropriate with respect to fire apparatus marketing and sales. For example, a department develops specifications for a single-axle, 75-foot, rear-mount quint and receives multiple proposals from vendors that offer 75-, 77- and 79-foot models. Each vendor claims that its vehicle(s) meets the intent of the department's specifications, but what is the difference among these aerial devices other than the rated vertical height? For the answer to that question, you can ask: What is the operating range of the device from above to below the horizontal? How was the vertical height measured? What is the rated tip load of the aerial device, and is this unrestricted at any elevation? What is the outrigger stance, and what are the operational limits when the outriggers are short-jacked? What is the flow rate on the aerial waterway, and what is the operating range of the aerial monitor?

Each of these operational issues has much more influence on how the aerial device can be set up and deployed at an incident—and probably more important—than the claimed vertical reach. Don't always assume that the greater number, claimed weight loads or performance characteristics will prove to be reality.

After the bid proposals are opened, the apparatus committee should develop a comprehensive spreadsheet to identify, compare and contrast the major components and features that are on the apparatus. During the bid review process, it might be difficult to determine how a spread of, let's say, \$60,000–\$80,000 can exist between bidders. Unless you read all of the details in each vendor's proposal, you easily might be misled into thinking that each bidder is supplying exactly what your specifications requested.

PRECONSTRUCTION CONFERENCE

The preconstruction engineering conference is where all of the details of the vehicle are reviewed. It provides the opportunity to determine final design configurations for dashboard instrumentation, cab seating, pump panel and body compartment layouts, etc. Committee members who attend the preconstruction conference should be limited to the four or five who worked through the entire process and are in a position to make decisions on final configuration.

When possible, the department should conduct the preconstruction conference at the manufacturer's plant. Members' ability to tour the facility provides access to the various applicable engineering disciplines. Each discipline should provide a business card, so if issues arise during the build, you can contact the engineering segment that's responsible for those issues. In the case of the department placing an order from a manufacturer for the first time, allow a minimum of two days on site.

Although some in the department might view the preconstruction trip as a destination vacation, nothing could be further from the truth. From personal experience assisting at hundreds of engineering conferences, an 8- to 10-hour day isn't uncommon. At least one person should document the various discussions. Notations should be made both within the specifications and the blueprints to indicate changes and modifications that are made during the meetings. During the preconstruction conference, there should be technical documentation that was required as a part of the department's boiler plate, including a weight analysis, an electrical load analysis, an engine performance scan and vehicle turning radius charts. The layout of adjustable shelves, trays, tool boards and other compartment accessories requires each of these to be located within a specific compartment during the meeting. If the department desires to duplicate an existing layout or observes a specific arrangement that it favors, digital images and dimensions of the compartment and equipment mounting locations assist the sales and engineering personnel. Any modification to the specifications—whether it affects the final cost or not—should be documented in a change order for approval by the department.

NO SHORTCUTS

Well-designed fire apparatus requires planning and dedicated input from each member of the apparatus committee. Departments' satisfaction with their new vehicle(s) is the result of hard work to develop the specifications and to work with the manufacturer's sales and engineering personnel to review and detail all aspects of the apparatus. Changing things after a unit is built incurs considerable cost. Spending time upfront pays big dividends.

STEP INTO THE CHIEF'S OFFICE

*****Discharging Discipline: An Officer's Guide To Employee Counseling***

Trevor Frodge

Every fire officer wants to lead that perfect crew – the crew that always does the right thing, never causes issues, and never had any disciplinary problems. The problem with the perfect crew is that it doesn't exist. Even for the best crews, there will likely be a disciplinary issue. Perhaps a firefighter will say something stupid on a run, or maybe they run a red light in the apparatus. It could be that a member shows up late to work, or maybe they get a little bit heated at the kitchen table about that other unit or the underperforming firefighter at the other station.

These types of issues occur in every firehouse across the country, but little time is actually devoted to training the fire officers who have to manage various administrative issues and discharge discipline. I've found that it is easy to follow the three Ds – Document, Discover and Discharge.

Before we dive into the general principles of discipline, followed by a review of the three Ds, it should be noted that each situation is different because we are all different. We are human beings, and as such, we are going to bring very human emotions and ideas to various situations. As officers, it would be amazing if we could just simply ride the right front seat of the rig, give size-ups and lead crews on the fireground all day long. And while we have those days, we also have the responsibility to lead our team and uphold our department's standards, policies, rules and regulations – and to keep order in the firehouse. The company officer must be the constant leader, and it is what we tolerate that will ultimately shape the crew.

GENERAL PRINCIPLES OF DISCIPLINE

There are some general principles to discharging discipline that officers, especially new officers, should know:

- **Understand the overall purpose of the discipline process.** The process is not to simply yell or berate a subordinate for a decision that they made but rather to correct a behavior. For whatever reason, our firefighter has strayed from the normal course of action and violated some type of rule or standard. Yelling does little to solve the problem. Therefore, discipline is always aimed at correcting the issue, not to exude power over our firefighters.
- **Keep your emotions in check.** When officers react emotionally to a situation, it can be very easy to stop thinking strategically on how to correct the issue. Emotions are inevitable during a discipline process, but when you as an officer are angry and upset, the strategic goal of correcting behavior turns more into a personal attack, leaving you as the officer open for liability and perhaps a hostile work environment claim. Conversations are rarely productive when tempers flare, not to mention that points and counterpoints are missed. Simply put, when emotions are high, we stop listening. Regardless of how angry or upset you are, you must control your emotions and calm down, consider the situation, and work the process.
- **Check your ego.** Just because you have been promoted does not make you automatically right. Ego can be a powerful motivator and an even greater destroyer. Discharging discipline requires empathy, which runs counterintuitive to arrogance and ego-driven behavior. It is not the job of the company officer to humiliate or prove that they are better than anyone, but rather to show the offending firefighter the error of their ways and walk hand in hand to bring them back on track.

Now let's dig into the three Ds – Document, Discover and Discharge.

DOCUMENT

One of the biggest drawbacks to the discipline process in many organizations is the lack of documentation. If you counsel an employee, even informally for something, write it down. This may seem counterintuitive to the brotherhood and sisterhood of the fire service, and I'll admit it even sounds somewhat sneaky. But the truth is, similar to an EMS patient care report, if you don't write it down, it didn't happen. Take for instance an example of a firefighter speeding while driving non-emergent. You tell the firefighter to slow down, they do, and then several shifts later they do it again. At what point does the discipline process progress? The allegations of policy violations carry more weight when it shows that you have warned the firefighter two or three times before writing them up. Documentation can also be positive. When one of your firefighters does something well, write it down. If they perform an action that is above and beyond their normal job duties, such as going out of their way for public education or showing the truck, write it down. Perhaps they did a superb job on a run – write that down. In this way we have a running document of positive and negative experiences that will help to shape our annual employee evaluations. The likelihood of anyone remembering what occurred at the beginning of the year versus the end of the year with all of the other stuff that occurs in the fire department is a heavy lift for any officer; therefore, the more you document, the more you have to reference.

Informal documentation does not have to go beyond the company officer's desk. A simple running word document or journal is all that is necessary to record conversations and a brief synopsis of the topic. It also serves as a layer of protection for the officer to show when and what was discussed if any legal issues were to ever arise.

DISCOVER

Once an offense has occurred, it is up to the company officer to do some digging into the alleged offense. The first step is to determine if a rule or policy was even broken. In some organizations, the discipline process can fall flat because of a lack of documented policies and procedures. It would be very difficult, if not foolish, to write somebody up for a rule that doesn't exist.

Simultaneously, you must gather the facts. If you witnessed the offense directly, write down what you observed. Note the date, time, other parties involved, and what was said or what occurred. This helps to keep emotions out of the decisions and to channel normal emotions such as frustration into a factual accounting. If there were witnesses to the offense, note that as well. Sources to check facts include run logs, time logs, schedules and dispatch notes. Sometimes the offense is simply a rumor – the proverbial firefighter A told firefighter B about what happened to firefighter C. This is where the officer has to dig deep and discover fact from fiction. Do not be lazy during the discovery time. Reflect on the offense and what you would do in a similar circumstance. Consider the firefighter's experience level, training, circumstances, and policies to make an informed and fair judgment.

You may have to do some research back on your existing documents to see if the firefighter has been breaking the same rules. This helps to establish a pattern of behavior that may be the cause of the issues. For instance, if you've documented that a firefighter has been late three times in the last six months, you'll want to know why. Perhaps the firefighter has a newborn child at home, or maybe they have a sick relative they are caring for. While the firefighter should be at work on time and ready to go every shift, there could be a reasonable and human element as to why that isn't occurring. Similarly, if a firefighter is having angry outbursts at work, when normally they are a highly productive, responsible and respectable subordinate, that should cause you to ponder what is going on. Could they be going through marital or financial issues? Could there be stresses from the department or outside of the firehouse causing problems? Could the firefighter simply be burned out and need a reset?

DISCHARGE

Once all facts have been gathered and examined, it is your duty to discharge just and appropriate discipline. This is the least fun part about being a fire officer but it's one of the most important aspects of the job. Similar to parenting, no father or mother wants to discipline their kids, but eventually it is inevitable. It is how you react that your children, and your subordinates, will remember.

Most departments have some type of formal progressive discipline process. It is imperative that you understand that process and what authority you actually hold as a fire officer. For instance, company officers in my organization cannot suspend a firefighter; they can only recommend higher discipline to the chief officer to discharge. If you are unfamiliar with your discipline process, consult your policies and procedures or speak with a chief officer. Also, you must know what the discipline process looks like with collective bargaining agreements to ensure that you are not discharging discipline against the union contract.

Set up a time and place to discharge discipline. Call your employee into the office and have a private meeting. Remember, praise in public and discipline in private. Eliminate distractions such as emails and cell phone calls, and give your full attention to your firefighter. This is a sign of respect and goes a long way in achieving trust, collaboration and a willingness to correct poor performance or behavior.

You as the officer control the meeting. Identify the policies violated, how you reached your conclusions, and what you recommend. Allow the firefighter to speak, but do not let them derail your judgment. If there were extenuating circumstances, then that should have been uncovered in your discovery portion of your investigation.

Keep in mind that not all discipline has to involve written reprimands and suspensions, and that not all discipline has to be equal. A firefighter who is chronically late or is a sick time abuser should not be treated the same as a firefighter who overslept one time in 10 years. The punishment must be fair. Use good judgment and temper favoritism. If your best firefighter is late multiple times, then they are late multiple times and must be treated as such. [Read next: [Disciplining 'similarly situated' members in the fire service.](#)]

For "lesser" issues, one option for discipline is to assign a job that nobody wants to do. Scrubbing showers, dusting cobwebs or similarly "messy" jobs are good tools to motivate a firefighter to not re-offend. Another option is to assign a teaching topic to them based on what they did wrong. For instance, if a firefighter is habitually speeding when driving non-emergent, assign them to lead a company training on the vehicle operations policy. This is an effective tool to educate them on the policy while simultaneously being productive for everyone.

We want the best for our firefighters, and we are simply holding them to that standard. Ensure that they know the consequences for further poor performance and that progressive discipline can warrant suspensions, reassignments, demotions and perhaps termination in extreme circumstances. If you have a culture of trust built into your crew, then the likelihood of re-offense is low.

Conclude your discipline on a positive note. While nobody likes being disciplined, your firefighters should be affirmed that the purpose of discipline is to curtail poor performance and to correct bad behavior. End the meeting with a firm shake and agreement to be better. This is a relationship, in that the firefighter will follow the established rules and the officer will monitor their progress and the progress of other firefighters to ensure that rules are applied consistently and fairly.

FINAL THOUGHTS

Disciplining our firefighters is not a fun job but it is a necessary one. Our firefighters take on a tremendous responsibility every day, and sometimes they mess up. As officers we cannot fly off the handle at every inconvenience or minor screw up; we must remain a calm and consistent voice of reason. Pursue official discipline

when it is necessary, and understand that discipline is not a power trip but rather an opportunity to coach, mentor and direct a firefighter back onto the correct path. That, in itself, is leadership.

OUR CHANGING FIRE SERVICE –CHALLENGES & POSITIVE IDEAS!

POSITIVE OUTCOMES

FIRE SERVICE CHALLENGES

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

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

LINK TO THE VIRTUAL CLASSROOM: https://virtualclassroom.nvfc.org/featured_courses



Webinar - Finding Future Firefighters: Recruiting and Retaining Gen Z

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

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

REGISTRATION FEES:

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

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

REGISTER HERE:

https://r20.rs6.net/tn.jsp?f=001QZWPfjYZRP6tAYnVrgg36Z_YE6vp89dymWfQQD1d7q4ZRwVDbNdE8ByVmF5_856f_UrB-yGihYJigwEPzCbQfCvEoeEALHRXrk_M-dbDWBRYRtKiko1vLice_oi1AFseMKfN01xTmCmizyMWYur-39p1T1V2_vChO2C2F1_fJn94LviwvZ3Aag==&c=AmhECQ6uFruSlwrKRKspNlivj3NWEIzhZOrf3KrFnUis83Dp1Q1jdQ==&ch=AqMwftSnQqSSjoeldoQJ-cfc_GyhBFLqV23YaEp7HU-kR9WoEr9kSg==

7:00pm **STARTING TIME**

Fulton (Tuesday, September 10)

Otsego (Wednesday, September 25)

Rensselaer (Tuesday, October 29)



NYS AFC Hands on Series

FIRE BEHAVIOR ON THE INSIDE

- **Schenectady County – October 19-20**, East Glensville Fire District #3 **REGISTRATION:** <https://www.nysfirechiefs.com/firebehavior>

FLASHOVER

- **Saratoga County – September 14-15**, Jonesville Fire District, **REGISTRATION:** <https://www.nysfirechiefs.com/flashover>



The fall leg of the 2024 Seminar Series kicks off in September!

Searching tactics are primarily thought of as an offensive action – moving in, checking behind doors, in closets, and numerous other areas. As we search, our concerns are focused on the search. Defensive tactics involve our escape plans, which are needed as we complete our search, but more importantly under extreme or emergency conditions. To make these tactics work, we must always have our strategy front and center. Both sides of the coin are in play all the time. In this three-hour program, students will examine strategy and tactics to gain a more concise understanding of the training necessary for search.

SEMINARS ARE COMING TO THESE COUNTIES (7:00 P.M. STARTING TIME):

Cortland (October 22) • **Erie** (September 18) • **Fulton** (September 10) • **Jefferson** (October 1) • **Monroe** (November 5) • **Oneida** (October 23) • **Otsego** (September 25) • **Rensselaer** (October 29) • **St. Lawrence** (September 4)

REGISTRATION:

\$35 – NYS AFC members • **\$50** – non-members (per person)

Pre-registration encouraged!

REGISTER AT THIS LINK:

https://ygc8ha5ab.cc.rs6.net/tn.jsp?f=001kuqLgpLbccSUrIvWbOM--WOyxcGN33wsn9CB40zBMzH5JRQ8kdAu-U9rcq0HazSAzEMaxVMNEpSigloNLWx_FYDCKrLQIQfAwRv9fZGoCA39a8F854FdGooPPW5nhlimjwY_z-Ppvs9xlbWg4t2soeB2xbgSHSWBkR3FQNgfUCMou6eD6ReaQ==&c=6nGkXVEGAjcnabshBE8sbLM6Gn8YA1sFFRufb2MsAKCEPvxSmObRg==&ch=ZRLEy5qUdq74vNpCsQnMdYy3z1L5PpLyYSA1u3R47oxFRQnYmdcSRQ=

VFIS[®] University Provides a Wealth of Training Opportunities UPDATED FOR 2023

VFIS TRAINING AND RESOURCE CATALOG 2023

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

VFIS UNIVERSITY – USERS GUIDE

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

VFIS TRAINING OFFICER USERS GUIDE

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

VFIS RESPONDER HELP FLYER

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

FF HEALTH AND SAFETY – TAKING CARE OF OUR MEMBERS!

*****Seat belts in the fire service: No excuse for noncompliance***

Jon Dorman

We’ve all heard it over and over again: *Seat belts make a difference. Seat belts save lives.* Most of us have probably preached those exact phrases during public education presentations. Why do we constantly harp on seat belts? Because they work and because we’ve all seen what happens when people don’t wear them.

At some point in their careers (most likely many times), *first responders will encounter a scene where seat belt use may have made the difference between life and death, or between a full recovery and a life-altering injury.* Have you ever pulled up on a rollover with obvious signs of an ejection in the middle of the night and had to go looking for the victim? Maybe you pulled out the thermal-imaging camera to try to find the heat signature of a human body. Maybe you had to call for more personnel to adequately search the area. When incidents like that occur, we often find ourselves working them into pub-ed talks and general safety conversations with the public that we serve.

It’s great that we educate people on the positive impact seat belt use has on the overall safety of the motoring public. The public is listening and paying attention to the message. It probably doesn’t hurt that seat belt use is the law, with limited exceptions. ***But unfortunately, we see in the headlines nearly every month that seat belt use is a “do as I say, not as I do” situation in the fire service.***

How many articles or NIOSH line-of-duty death reports have you read that are related to apparatus accidents? How many of them involved at least one person being ejected or falling out of the vehicle? The answer to both questions is *too many*. **While we can never eliminate all apparatus accidents, we can eliminate accidents where a family is forever changed because a firefighter wasn't wearing a seat belt.** Here's how.

POLICY

One of the first things department leadership can do is implement a seat belt policy. A simple example: The rigs don't move unless everyone is in a seated position with their seat belt fastened. Policy content should also prohibit tampering with or disabling any lights, alarms or other warning devices that indicate a seat is occupied but the seat belt isn't latched. I'm willing to bet most departments already have a policy like this. Yet we still see our personnel not wearing seat belts. So, what else can department leadership do?

TRAINING

Like every other policy in the rule book, a seat belt policy must be included in regular department training. It should begin when recruits first start their training. It should be included as part of apparatus operator training. Officers should be tested on the policy as part of the promotional process. **Finally, seat belt policy training should be included as part of the dreaded and mandatory annual training program.**

To be effective, seat belt policy training must go beyond the boring and mundane reading of the policy. The internet is a vast resource for training ideas. Seek out case studies, NIOSH reports and fire service testimonials. Set up a department account and have your members sign the [Seatbelt Pledge](#). Put reminder stickers where they can be seen from every riding position in the apparatus cab.

If your apparatus has SCBAs mounted in the cab, have your personnel practice putting them on while secured by the seat belt. If they argue that they can't put on their turnout coats while wearing the seat belt, set up a quick training program that shows them how to do it.

Concentrate on the seat belt-related safety systems that are incorporated into the apparatus and ensure personnel know how to inspect them for effectiveness. While newer apparatus have many features built in to encourage proper seat belt use, older rigs may have only basic controls. I'm sure all the more veteran members have been on a rig that had a light on the dash or the ceiling of the cab that is supposed to indicate a seat belt isn't fastened. How often has that mechanism malfunctioned? When it doesn't work correctly, does it get fixed right away? Personnel, especially apparatus operators and officers, should be trained to take that unit out of service due to a critical safety issue. Unfortunately, those lights and buzzers are usually considered a mere nuisance and the rig is left in service, maybe with the wire to the buzzer disconnected or a medical glove or tape wrapped around the light to keep it from flashing in the driver's eyes.

ENFORCEMENT

There must be a system in place to enforce the seat belt policy and, unfortunately, it needs to include penalties for violations. While most of us are willing to follow rules, there are always those who want to rebel or are just not aware. These are the personnel who may benefit from understanding the ramifications, beyond personal injury, that come along with not wearing a seat belt in the fire apparatus.

Enforcement of the policy should begin within the company. **The apparatus operator should make a habit of not moving the rig until all members are seated and belted. Likewise, the officer should make sure everyone is following the seat belt policy.** If a member is not in a seated position with the seat belt fastened after the apparatus is in motion, the rig should be stopped as safely as possible and remain that way until everyone is properly secured in the cab.

Officers need to remain vigilant about their assigned members' seat belt usage. As soon as an officer sees a violation, the member should receive a verbal warning. The discipline should progress from that point, according to the department's schedule of penalties. To encourage policy compliance, some departments go as far as defining what benefits may be lost in the event of an injury that occurred while a member was in an apparatus and not properly wearing a seat belt.

Officers also need to talk to each other. In career departments, when you send one of your members to another station for a shift, let that officer know if the member hasn't been complying with the seat belt policy. Likewise, if you're the officer with a fill-in for the shift, be sure to let the member's regular officer know if there was an issue with seat belt compliance.

In volunteer departments, the line officers should talk to each other, send an email, or leave a note to make others aware of any seat belt compliance issues. If I have Firefighter Smith riding with me today and I have to stop the rig and require FF Smith to use the seat belt properly, I need to let the other officers know. Maybe this isn't the first time FF Smith has failed to comply with the seat belt policy. Or maybe FF Smith is new to the department and could benefit from a few friendly reminders from the officers to avoid progressive discipline that might cause an otherwise productive member to lose interest in the department.

FINAL THOUGHTS

Would you put your small child in the front seat of the car, hop in the driver's seat and take off to the store without buckling them in? I sure hope the answer is a resounding "no." Why is that? Is it because you've experienced, firsthand, what happens when an unrestrained child is involved in a motor vehicle accident? Or is it because you understand the mechanics of the situation and know that a properly restrained child has the best chance of surviving a crash without life-altering injuries? The same is true for personnel who ride and operate fire apparatus. Being able to ride fire apparatus is a great privilege that many people never get to enjoy. As we know, along with that privilege comes great responsibility. We can't always control how the rig is operated or how the public reacts on the roadways. But we can always control how we conduct ourselves in the cab by properly fastening our seat belts. **At the end of the day, stop making excuses and just wear the seat belt every time you are in a vehicle.**

IN 2024 WE HAVE EXPERIENCED 39 FIRE FIGHTER LODD'S

*According to FirefighterCloseCalls.com**
in 2023 we experienced 82 LODDs reported nationally.

YOU NEVER KNOW!

- Deaths from 9/11 related illnesses just in the FDNY have exceeded 360 individuals!! More than 3,500 of those suffering from some type of 9-11 illness have some form of cancer!!
- Jefferson County Tennessee Rescue Squad Assistant Chief Jeremy Sutton was killed when a tractor-trailer struck the ambulance he was riding. The ambulance, which had its emergency lights activated, turned in front of the tractor-trailer as it tried to access I-40 East at a small interchange, according to the preliminary report by the Tennessee Highway Patrol
- CAL FIRE Firefighter/Engineer Christopher Ward, 47, suffered a medical emergency while on duty last week.
- Greene County Georgia, Fire Rescue Battalion Chief Chris Eddy was killed in an explosion while battling a truck fire the morning of 9/4/24. Eddy's death is under investigation by troopers with the Georgia State Patrol post in Madison.
- FF Darrell Helton, 49 died of a heart attack while operating a water tender at the scene of a mutual aid structure fire.

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

Deaths of 72 in UK Grenfell Tower Blaze 'All Avoidable,' Report Says

Luke O'Reilly

A fatal fire at a London housing block in 2009 should have alerted the [London Fire Brigade \(LFB\) to the "shortcomings"](#) in its ability to fight blazes in high-rise buildings, the final report of the inquiry into the Grenfell Tower disaster has found.

The report found that the Lakanal House fire in Camberwell, south London, "foreshadowed" the 2017 Grenfell Tower blaze, which left 72 people dead.

It concluded that the LFB failed to "implement any effective response" to the fire in July 2009, which claimed six lives, despite understanding its lessons.

The report identified several key measures that should have been implemented by the LFB following that incident.

These included making better use of the knowledge it had gained of the dangers posed by modern materials and methods of construction, and providing regular training for its control room operators on handling many fire survival guidance calls at the same time.

"The tragic conclusion is that the Lakanal House fire in July 2009 forewarned the LFB about the existence of the shortcomings which revealed themselves once more on the night of 14 June 2017," the report said.

"Those shortcomings could have been avoided if the LFB had been more effectively led in a number of respects, particularly in its response to the Lakanal House fire, and if use had been made of its knowledge of the dangers flowing from modern materials and methods of construction.

"On any view, that is a serious indictment of an organisation whose principal purpose is to protect the public, and of the quality of its leadership."

Laying the blame at the feet of the LFB's senior leadership, the report said this failure had many causes:

- including a "chronic lack of effective leadership"
- combined with "undue emphasis on process and
- a culture of complacency".

It named former LFB commissioners Roy Dobson and Dany Cotton as bearing "ultimate responsibility for the LFB's inability to take effective action after the Lakanal House Fire".

During the first phase of the inquiry, Ms Cotton said she would change nothing about her team's response on the night of the Grenfell Tower fire.

Ms Cotton, who was the first female commissioner of the LFB, later stepped down in December 2019 in the wake of criticism over the service's response.

- The report also addressed the issue of the "stay put strategy" used during the Grenfell Tower fire.

The Grenfell Inquiry's final report found that the strategy is only acceptable "if there is negligible risk of fire escaping into and spreading through the external wall".

Calculating the risk of fire spread and the time needed for evacuations is a matter for a qualified fire engineer, the report added.

The report made a number of recommendations regarding the LFB in light of its findings:

- These include establishing a College of Fire and Rescue to train firefighters
- providing firefighters with digital radios, and
- training on how to respond appropriately to the loss of communications.

The report also recommended that His Majesty's Inspectorate of Constabulary and Fire and Rescue Services carry out inspections on the LFB's training of incident commanders, its operational planning, its arrangements for implementing change, and its use of control rooms.

The Fire Brigades Union (FBU) called for the Government to go further than its recommendations. General secretary Matt Wrack said the deregulation of recent decades must be "comprehensively reversed". He added: "The systems for delivering building safety must be brought under public ownership and must be given the resources they need." The London Fire Brigade said it was now "better prepared" to respond to high-rise fires but would not be "complacent". Commissioner Andy Roe said the brigade accepted every recommendation from the phase one report, and has since implemented "significant changes".

These changes include new equipment, improved training, and better ways of responding to fires in high-rise residential buildings.

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

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

Residential sprinklers are a component of the plumbing system, with approximately 1 head per room. The purpose of residential sprinklers is to allow time for the occupants to escape. Residential sprinklers are designed for quick response and only one at the most two heads may be triggered. With residential sprinklers present, the civilian death rate is 89%

LOWER. Residential sprinklers will assist responding firefighters to do their jobs and save firefighters lives also, especially since everyone is short staffed!!

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

HOME FIRE FATALITIES REPORTED BY THE MEDIA FROM THE US FIRE ADMINISTRATION	
Fire Deaths in 1&2 Family Dwellings in NYS	37
Last fire death 9/6/24 Yorkshire, Cattaraugus Co., 4 fatalities from one family	
Fire Deaths in any type of Dwelling in NYS	74
Fire Deaths in 1&2 Family Dwellings Nationally	854
Top 3 States with the greatest 1&2 Family Deaths	#1 PA/69
	#2 TX/56
	#3 CA/43
There has been a total of 1384 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 29 of 2024, fire has claimed on an average 26 lives PER WEEK, perhaps OSHA should examine that death toll.	
Both the states of Maryland and California require sprinklers in residential dwellings	

LIVING WITH NEW GREEN TECHNOLOGY

CA Firefighters Battle Fire in Train Car Carrying Lithium-Ion Batteries

Marcus D. Smith – The Sacramento Bee

A train car caught fire near Marysville early Monday morning and caused road delays on Highway 99 near Live Oak Boulevard, Sutter County authorities said.

The Sutter County Office of Emergency Management in posts to its Facebook page around 1 a.m. and just after 10 a.m. said Live Oak Boulevard, between Highway 99 and Eager Road, will remain "closed for most of today." Authorities encourage the public to avoid the area for safety reasons.

The agency said there were initially concerns about "potentially hazardous materials" which included lithium-ion batteries. But in the 10 a.m. update, authorities confirmed that small quantities of hazardous materials, such as vehicle batteries, were on board. They concluded there was "nothing of significant concern."

The Sutter County and Yuba City fire departments were on the scene, joined by the Sutter County Sheriff's Office, Sutter County OEM and Union Pacific, which will oversee the circumstances and address any further issues.

"We want to extend our sincere thanks to all the responding agencies for their swift and coordinated assistance during the train car fire incident in Sutter County," Sutter County OEM posted to Facebook. "Union Pacific Railroad has taken over the management of the situation and will address any ongoing issues throughout the day."

Lithium-Ion Battery Plants Sparking New Concerns Around The State*

Lauren Rosolen bought her dream home in Putnam County, about an hour's drive north of New York City. But like many communities, a planned battery project near her home is sparking new concerns. "There's nothing more important than protecting the safety of your family and that's what this is about," said Rosolen. A power company wants to install what's called a battery energy storage system or "BESS" facility on a piece of property that butts up to her backyard. "You're talking about tractor-trailer size containers of lithium ion," said Rosolen. They're lithium-ion batteries inside metal containers and they're popping up in places from New York City, to the suburbs and beyond. The batteries store energy during off-peak hours and feed it back to the grid when it's needed most. They range in size and dozens have already been installed across the state, including the Bronx and Staten Island.

Consumers have seen what smaller, store-bought batteries can do on e-bikes and scooters. The FDNY responds to a battery fire on one of those devices almost every other day. Some homeowners are now worried that something similar could happen with the new BESS facilities.

There have been three battery plant fires in New York since last summer. From one upstate in Jefferson County, to another in East Hampton, to a fire in Warwick that smoldered for days.

"My biggest fear would be the unknown," said Rosolen. "The facilities are quite new, they could be quite dangerous," she said. It's part of a push for more green energy and advocates say it can be a renewable safe energy source to help power the grid. "To make a stronger more resilient grid and to hopefully minimize power outages and stabilize prices as well," said Barry Wygel with Alliance for Clean Energy New York. [\[ACCORDING TO THEIR PLAY BOOK, THEY DON'T LIVE NEXT TO A BESS!\]](#)

However, after the most recent fires, the state released a taskforce report with numerous recommendations to change the state fire code to help improve safety. The recommendations include requiring all sites to put safety signs around the property, to install a fire detection and alarm system, and to have experts that are able to respond to the fire in a timely manner. The public has until the end of September to give input on the recommendations. While the state is looking to set safety standards, it's up to local cities and towns to decide where BESS facilities can or cannot be placed. After residents in Rosolen's community expressed concerns at public meetings, the council voted to pause any plans until next year. "I know the story doesn't end here," said Rosolen. "Even if we're successful in Mahopac, I know this is a broader issue."

An East Point Energy spokesperson sent Eyewitness News a statement in regards to the proposed project in the community stating: "*East Point Energy is assessing the moratorium approved by the Town of Carmel town board to determine the next steps for the Union Energy Center project. We appreciate the concerns raised by local residents and remain committed to continued engagement with stakeholders throughout the community to ensure the project's safety.*"

[\[SIGNS AREN'T GOING TO STOP THE HAZARDOUS ATMOSPHERE CREATED WHEN THEY BURN AND THE RECOMMENDED EVACUATION IS ½ MILE!\]](#)

Fire Ignites Lithium-Ion Batteries At Calif. Storage Facility

Karen Kucher-San Diego Union Tribune

A fire inside a San Diego Gas & Electric battery storage facility in Escondido on Thursday ignited lithium-ion batteries in a storage container, **prompting the evacuation of about 500 businesses and classes to be canceled Friday at nearby schools.**

Firefighters responded to a ringing alarm and report of smoke shortly before 12:10 p.m. at the facility on Enterprise Street near Commercial Street, Escondido Fire Division Chief Tyler Batson said. They found a fire burning in one of the battery storage units, which he described as being about the size of a trailer.

After consulting with SDG&E's fire coordinator and the company's contracted fire agency, as well as San Diego city and county hazardous materials officials, firefighters decided to let the batteries burn themselves out. Crews sprayed water on neighboring storage containers to keep them cooled down and to prevent the fire from spreading, Batson said.

"The unit with the batteries on fire, it is best to let those burn," Batson said. "We don't want to introduce water to the battery fire. It creates a much bigger problem, and it doesn't ultimately put it out anyway."

HUMAN RESOURCES FOR THE FIRE SERVICE

****Implementing a Stay Interview Program in Your Fire Department**

Tom Hardy

The past three years saw an upheaval in traditional workplace attitudes and practices. The fire service is no different. From the Great Resignation to quiet quitting, no department is immune to staffing crunches, mental health issues and turnover.

Fire departments, and government overall, have seen a dwindling number of applicants. Those who are hired often leave, which can cost departments upward of \$70,000 to fill each vacancy. Furthermore, ***morale continues to sink, as generational divides and expectations drive wedges between new employees and management.***

Perhaps your department invested in employee assistance programs, pay raises, wellness incentives and/or expanded leave opportunities. Why, then, would employees continue to leave or remain dissatisfied?

Ask yourself how much communication happens up and down the hierarchy. Too often, I observed officers who utterly failed to build relationships with their firefighters. This includes company officers to the fire chief. Therein lies one of the most intractable and complicated issues with the retention discussion. How do we cross generational norms

to build professional working relationships? Simultaneously, how do we keep the tenured employees in times of change?

One solution that's gaining popularity is the stay interview. Whereas traditional exit interviews probe employees' thoughts upon their departure, **a stay interview engages a current employee**. Informal and periodic, these discussions allow management to extract what Stacey Cunningham of Aegis Performance Solutions calls buried treasure out of their ranks. Richard Finnegan, who is a human resources scholar, has observed a 20 percent reduction in turnover, all without spending a penny.

YOUNGER GENERATIONS

Millennials and Gen Zs have been labeled the "why" generations. They unceasingly, often to the point of madness (I can say this, because I am one), ask why every order is to be carried out. Conflict is inevitable, as continual questioning is at odds with traditional bureaucratic authority.

However, this thinking has tremendous potential when utilized constructively. ****Millennial employees have deep insight into what's effective and what's superfluous.** They also want to share those insights. When was the last time that you sat down with a 20-something and asked for that individual's input? If these members don't understand the reasoning behind decisions or believe that they don't have any say, good luck getting them to champion your initiatives. Millennials desperately want to support a cause. They intertwine their public and private lives.

Mission and vision statements often are seen as mere jargon.

Many senior members express hesitation around interactions with younger people because of a perceived or, often, legitimate fear of offending them. Silence is the result. There are no relationships, no sense of community.

SENIOR MEMBERS

****On the flip side, high-performing senior employees offer a wealth of organizational and technical knowledge that's waiting to be tapped.** Many of them, frustrated with the current state of affairs, are counting down the days.

Losing productive senior members is the death knell for the fire service. You simply can't replace a firefighter who has 20-plus years on the job. Of course, there are exceptions, but **senior firefighters are your best instructors and protectors**. They know when a roof isn't safe, when conditions are deteriorating and when someone isn't coping well with a difficult run. The value that they provide to the organization is priceless.

Adversarial relationships add no value. Both groups have value to offer, have different solutions to the same problem and/or find different problems that are worth fixing. They both want to be heard. You must work with both of them. Optimally, you must harmonize the two.

COMMUNICATION SKILLS

COVID brought about remote work and schooling. In the blink of an eye, we lost the ability to communicate as a society. Without seeing each other face to face, we can't decipher body language, inflection or other nonverbal cues that encompass communication. Stay interviews provide a formal process to relearn the diminishing art of face-to-face communication.

Think of your most memorable boss or leader. My elementary school principal still stands out. In a school of more than 700 students, he knew every student, teacher and parent by their first name. Years later, I saw him at a high school football game, and he still remembered both my father's name and mine. I have no doubt that he'd remember me today. The fact that my elementary school was the best performing school in the county was of no surprise to anyone. That principal was doing stay interviews long before we attributed academic lingo.

That said, many of us lost the art of communication. Just like we must train to fight fires, **we must constantly exercise our communication skills**. After years of Zoom meetings, we can't expect to jump into easy and flowing conversations (although some extroverts might disagree). Stay interviews provide a framework to build relationships, increase communication and extract valuable information.

THE PROCESS

Stay interviews are conversations that occur between supervisors/upper management and employees. "Skip levels" are a variation, where an interview is held between an employee and their boss' boss. Alternatively, in smaller organizations, the chief executive is the one who conducts stay interviews.

Interviews should be conducted annually at the most, although there's potential in scheduling them according to a strategic planning process. This entails that every employee is interviewed once in the 3–5-year planning cycle.

Information that's gleaned during this process is particularly useful when crafting strategic outlooks. Be sure to communicate to your interviewers what information is sought and repositories for storage.

Stay interviews are relatively informal. They should never be tied to annual performance evaluations. Try to get out of the office to meet employees in a common area, park or local coffee shop.

Ask such questions as, "Why do you stay?" "Why did you leave previous jobs?" "What can we do better or differently to support your role?"

Determining questions ahead of time gives you ideas for where to steer the conversation during awkward pauses.

Most importantly, be sure to restate employees' answers back to them in your own words. You want to be sure that you understand their attitudes and opinions. **With active listening, you show your employees that their contributions are vital while you solidify the information in your own head.** This disciplined and focused approach lays the foundation for enduring relationships.

BEFORE IT'S TOO LATE

If the thought of interviewing every employee is too daunting, reach out to high-performers initially.

Ask department heads and division or battalion chiefs to submit names of individuals who they believe are high-performers.

Generally, you can figure out who these individuals are rather easily. Price's Law holds that roughly 50 percent of the work is done by the square root of the total number of employees. This is confirmed over various industries. Building relationships with the individuals who are the backbone of an organization is imperative to continued success.

One organization that I worked with wanted to capture and build relationships with new employees. We were able to design a program by which supervisors held stay interviews at 30, 60 and 90 days into members' employment. The organization combined this with a program to interview high-performers to boost their communication. All of this was recommended without requesting a single purchase. **There is no more cost-effective tool to reduce turnover than communication that's generated via a stay interview.**

Often, the answers to our problems are where we least want to look. Exit interviews capture information too late, but stay interviews extract that information before a resignation.

Wading into the ranks might not be your idea of fun, but it's necessary if you want to earn the trust of your subordinates. Whether you are a company officer or the fire chief, you must build relationships with your people. You must talk with them. Stay interviews offer the blueprint to restore organizational communication. The longer that you put them off, the more necessary they will become.

[EDITOR'S NOTE: ONE REASON YOU MAY NOT IMPLEMENT THIS OBJECTIVE IS BECAUSE YOU FEAR THE TRUTH ABOUT YOUR OPERATION!]

****How Old Is Too Old In The Fire Service?**

Billy Goldfeder

I recently received these warm and fuzzy emails following the deaths of older firefighters:

"C'mon chief, when are we gonna learn? We're killing our own by allowing these senior members respond to incidents. I think that the NFPA can set the precedent and MANDATE a retirement age for ALL firefighters, both career and volunteer. We worry about cancer killing us, but what about old age? Anyone?"

And this one:

"How old was this brother of ours? Past Chief, 32 years on the job. When is someone going to do something about US? We're our own worst enemy! We're killing our most experienced members by putting them at risk and in danger by allowing them to participate in ACTIVE FIRE SUPPRESSION ACTIVITIES. There MUST be a mandatory retirement age for ALL firefighters. PERIOD. Just how many senior members have we lost in the past year alone? One is too many. I'm calling for the NFPA to set forth a mandate to propose a ruling on this! If they can tell us it's not safe to wear our damn helmets while responding on a call, they can certainly do THIS to save our brain trusts. These senior firefighters are our educators for our younger members. They belong in the classrooms, NOT on the fireground!"

So, how old is too old for the fire service?

How many times have we heard (or said), "This is a young person's job"? While this issue primarily applies to the volunteer fire service, there are communities with career members that have no age limit. But is age really the issue?

STATS DON'T LIE

According to the NFPA, 50% of American firefighters are between 30 and 49 years old, 17% are 50-59, and 10% are 60 and over. Of course, age is a factor, but it isn't the *only* factor. For example, would you rather work with a fit firefighter (one who passed a physical) who is 60 years old, or would you rather work with an obese firefighter who is 30 years old? *I'll take the 60+-year-old every time.* HOWEVER, there are far more overweight young firefighters than there are fit older firefighters. It's just the reality of our profession.

What does science tell us?

Being a very active member of AARP, I read their materials. According to AARP, by the time you reach your 50s, your strength, balance and endurance are already beginning to wane, much earlier than previously thought. Researchers with Duke University's School of Medicine suggest that physical decline begins in the 50s and worsens as we age, especially for those who don't exercise. Specifically, both men and women in their 50s began saw declining ability to stand on one leg and rise from a chair. Declines became more evident in the 60s and 70s. More physical activity was associated with less physical decline, especially in ages 60 to 79.

The findings suggest that functional tests should be conducted long before people reach their 70s and 80s, said co-author Miriam Morey, with Duke's Center for the Study of Aging and Human Development. By waiting too long, doctors miss "40 years of opportunities to remedy problems."

SO WHY NOT FIX IT?

On the career side, usually, labor and labor laws will manage this issue with mandatory physicals and retirement ages. Not always, but that is the norm. On the volunteer side, however, there aren't always rules or laws on this issue. Some states DO have mandatory physicals for volunteers, and some states have defined interior vs. exterior volunteer firefighters. Here's one job description as an example:

Exterior volunteer firefighter: Performs limited firefighting duties such as drives fire apparatus, deploys & connects hoses, raises ladders, uses other firefighting techniques such as ventilating burning buildings from outside, rescuing trapped occupants of a motor vehicle accident, sets up scene lighting, performs rehab operations, assists interior firefighters with air bottle changes and filling of air bottles, assists incident commanders with scene safety, personnel accountability and communications, and responds and performs emergency medical assistance to the level of certified training.

You'll see that there are strenuous duties assigned even to their exterior volunteers – duties that could bring on medical or traumatic injuries. The fact is that every aspect of what we do is strenuous. Even just [tones awakening us from a deep sleep has proven to impact us negatively.](#)

The solutions appear to be simple, but the reality in the volunteer fire service is not that simple. After decades of service, one would think that their services are no longer needed, but as we see with volunteer fire departments struggling to provide service, 70-year-old Mike might be your only daytime driver. I didn't say you have to like it, but that's the way it is. Without Mike and a handful of 17-year-old kids leaving high school when their pagers go off, there would be no local response. High risk? Predictable? Absolutely – for both the young and the old. Is that the way it should be? No. But we don't live in a perfect world.

PREDICTABLE MAY NOT ALWAYS BE PREVENTABLE

Clearly, a 70+-year-old trained driver creates a higher medical risk than a 30-year-old trained driver. The proof is simply due to age. But eliminate that volunteer, and that fire department may be out of business. ***Should a fire department be reliant upon one old member who has been volunteering for 40 years? They shouldn't be, but they are!***

Understand that throughout North America, some suburban and most rural areas are "protected" by the above model – some retired members who are "around" if there is a run and staffing from the local schools where young firefighters can respond. And it works ... until it doesn't. It is a known risk that communities, departments and the members themselves are willing to accept. As one senior volunteer firefighter said to me when discussing this issue: "I am around, I can help out as our company needs help; besides, the local community is not willing to give us the tax funds to hire career folks, so we do what we can."

So, while it is predictable, and eventually something might go terribly wrong with an engine company having a 70+-year-old driver and the rig filled with high school student firefighters, the fact is that for the most part, the public will get the service they called for, or at least the service they assumed will respond.

OUR OWN WORST ENEMY

We never say no. When the career side sees budget cuts, we will give it our all to make up the difference. When the volunteer side is in trouble, we sometimes end up with elderly and juvenile firefighters as the response.

WHY?

Because we know that what we do matters. We have been there/done that, so no matter the cuts and related issues, we understand that when someone needs help, we will give it our all. We give it our best even though we know it can be done better, even though we are at even greater risk.

On the other hand, there is also an element of selfishness and/or false pride in the mix. "We are volunteers and will always be volunteers no matter what! That statement often misses a part two that sounds something like "regardless of whether or not the public suffers." Sounds brutal? Yeah, it sounds brutal – and it is brutal – but we do not always do what's best for the public. And we know it.

Many years ago, one of our volunteer chiefs threatened me when I was proposing a large budget item that included hiring dozens of county career firefighters – firefighters that the stats proved were needed, as the 20+ volunteer fire rescue companies in our county were simply failing to respond. The threat sounded like this:

"Billy, if you propose hiring all those paid firefighters, we are going to surround the courthouse with all of our apparatus that day at noon in protest" to which I responded, "If you can staff all your apparatus next week at noon to protest my actions, do it every day, around the clock, and I won't have to hire any career firefighters."

While my friend was self-focused, the fact is that if the service can be done better/faster and the public is willing to pay, we owe it to the public to provide what the local economy will support. On the other hand, ***if the local community is not willing to fund better service, then they will get what can be afforded*** – and in many communities, that's the old-timer with high school kids responding from wherever they are when the tones go off. It's a crapshoot that the public, tossing the dice, doesn't always understand until it's after the emergency.

WHAT'S THE SOLUTION?

It is probably time that the NFPA take another look at this issue of age, where it is legal and appropriate. Currently, they have excellent, applicable standards that cover everything *but* age, such as physical fitness, and if those standards would just be applied, with physicals, no tobacco use, things like that would be part of the equation and age wouldn't be as applicable as we currently think.

There is also a local, personal factor where members of many decades want to stay involved. It is a love for the job of belonging. As my email buddies above suggested, there are roles in volunteer departments for people to serve but in a lower-risk manner. Consider the value of that senior member at the command post as an aide/advisor. How about managing accountability? And certainly as qualified, helping mentor newer members.

A PRETTY SIMPLE EQUATION

We must also be honest with the community we serve – and ourselves. Let the community know what they will actually get (use real stats) when they dial 911 (day, night, weekends; who, how long, etc.) and the reasons for that response. Good, bad or whatever. If they don't like it, they should be encouraged to join. If they don't have the time or desire, then raise taxes. If they don't like that, then we are running out of options, and they will get what they support. Pretty simple equation.

Regardless of what is done, and how we feel emotionally about this issue, every firefighter who actively responds to emergencies should have an annual firefighter physical (NFPA) and related screenings (cancer, etc.) to evaluate their health and ability to do the job. The cost of physicals should be considered as important as fuel for the apparatus. It is non-negotiable. And that's probably a good start to the worries of age.

HAPPEN'N IN THE NEIGHBORHOOD

Gansevoort Fire Department Breakfast

Sunday September 15th at the Gansevoort Fire Station 1870 Route 32, Wilton, NY
All you can eat, these folks provide a great breakfast, something for everyone!!

Perth Volunteer Fire Department Cornhole Tournament

Perth Fire Station, 4080 State Highway 30, Amsterdam, NY
Saturday, September 21st.

Text or Call 518-866-1606 To Register

Airmail Challenge!!

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

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

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

NASCAR First Responder Appreciation Day at Watkins Glen International

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

LEARN MORE AND PURCHASE TICKETS AT THIS LINK:

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

LAUGH OUT LOUD!!

A young woman with a salad walked past me in the restaurant and said you know a cow died so you could eat that steak. I said if you weren't eating its food it might have lived!!!!

THE LIGHTER SIDE

The History Of Dalmatians In The Fire Service

Sarah Calams

Just like German Shepherds are often associated with law enforcement, the same can be said for Dalmatians and their association with firefighters.

But how did Dalmatians become the mascot of the fire service? The answer might surprise you.

DALMATIANS: A HISTORY LESSON

Dalmatians are known for their physical nature — most can run long distances without tiring — and guarding instinct. In the 1700s, Dalmatians were found to have a calming effect on horse and used to run alongside horses pulling English stagecoaches. When other dogs would run out and try to scare the horses, the Dalmatians would chase them away. So, during the era of horse-drawn fire apparatus, Dalmatians would run alongside the horses to make sure they weren't spooked or slowed down by pedestrians in the road. It has been said they acted as "sirens," barking to alert pedestrians that the fire brigade was en route.

While on scene, the horses were not comfortable being near fire, so the Dalmatians would stay with the horses to keep them calm. The dogs also deterred thieves from stealing anything from the apparatus while firefighters were busy on scene. Soon, Dalmatians were a commonplace addition in firehouses and became a symbol of the fire service.

MODERN-DAY DALMATIANS

Obviously, horse-drawn apparatus were eventually replaced by motorized fire trucks. There's no longer a need for Dalmatians to keep horses calm or run ahead of the trucks to alert pedestrians.

Today, the presence of Dalmatians in firehouses is more symbolic than functional. These dogs are now primarily beloved mascots, representing the history and camaraderie of the fire service. Nowadays, Dalmatians can be seen riding inside a fire truck to a call, tagging along with firefighters to teach kids about fire safety, guarding firefighters' possessions and they are even known to catch and kill rats inside firehouses.

Twenty, a Dalmatian given to [FDNY firefighters after 9/11](#), was oftentimes seen riding up front, sticking her head out the window and barking as crews were heading to a call.

It's no surprise to see that Dalmatians love the fast firefighting lifestyle. The breed is not for everyone — they're described as having non-stop energy and need a way to release it. If not, they can become bored and quite destructive. They require a lot of attention but they're hard workers — something firefighters are also known for.

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

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

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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

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

CAPITAL AREA BUSINESS PARTNER'S

PLEASE SUPPORT THOSE WHO SUPPORT US!!

Business Partner Applications Available At: WWW.CAFDA.NET

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@rinaldi1.com for comments or content contributions are always welcome.

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

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

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

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

MEMBERSHIP IN THE CAPITAL AREA FIRE DISTRICTS ASSOCIATION (CAFDA)

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

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

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

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

Business Partners: \$100.00 annual member fee

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

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

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

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

CAFDA UPCOMING TRAINING AND MEETING CALENDAR

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

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

CURRENT CAFDA CALENDAR

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

2025 DRAFT CAFDA CALENDAR

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

OSHA INFORMATION SUPPLEMENT

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

NEWEST INFORMATION ALWAYS AT THE TOP WITH RED ARROW

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

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

- 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.

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 VERTUALLY AS AN INDIVIDUAL, AS A DEPARTMENT, OR AS AN INTERESTED ORGANIZATION]

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.

NEW WEEK OF AUGUST 24TH!!

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

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

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

1. The process was flawed in how it was conducted and communicated.
2. The rule is arbitrary and capricious, convoluted, and exhaustive. Therefore, it is not understood.
3. THE NFPA standards should not be incorporated by reference.
4. Large, **Unfunded mandates.**
5. Not economically or technically feasible.
6. **Overreach by OSHA.**
7. Did not follow the full negotiated rule making process.
8. **Will have several legal challenges.**

9. Will treat workers differently because of geographic location instead of common hazards faces.
- 10. Process was unfairly supported and driven by organized labor groups**
11. Will force some organizations to close their doors leaving the community at risk.
- 12. Is primarily supported by those that will benefit financially from it.**
13. The consensus is that we applaud the efforts of improving safety but the current document, as written, is not the answer.
14. We would be stronger as one voice moving forward.



NYS Homeland Security.pdf



Illionois Fire Dsistricts.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-safetecosystem>) 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.

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

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

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

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

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.

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

Bill Carey

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

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

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

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

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

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

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 1st AT 12pm. By then we should have a good feel for what the public comment response looked like.

****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>

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.**

Iowa Fire Chiefs Worry About The Impact Of Proposed OSHA Standards

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

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

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

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

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

Closely tied to available funding is the amount of time that departments will have to reach compliance with the proposed rules. Silvis Fire Chief John Winters said his department would have trouble immediately meeting the standards as they’re currently written. “They can’t implement all these at once,” Winters said. “If they put it all out at once that’s going to be devastating to the fire service. If they bring it out in small, little packets and keep adding to this over the next 20, 30 years to get to that point, fire departments may be able to adapt to that.” Winters, Hicks and Swan all said that they support the effort and idea behind the rule change, but are wary of the demands that could be placed on their volunteer departments.

[Today’s Zoom Meeting July 11, 2024](#)

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

[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>

[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>

[What Are Your Pain Points](#)

[PAIN POINT FINANCIAL...](#)

OSHA’s Proposed Rule:

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

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

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

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

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

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

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

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

OSHA’s Proposed Rule:

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

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

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

OSHA’s Proposed Rule:

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

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

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

OSHA’s Proposed Rule:

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

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

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

OSHA’s Proposed Rule:

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

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

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

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

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

OSHA’s Proposed Rule:

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

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

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

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

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Commented [PL3]: Tried cleaning this one up too

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Commented [PL5]: Not accurate re-worded it

NY Lawmakers: Proposed OSHA Rules Could Destroy Volunteer Fire Departments

Alex Gault – Watertown Daily Times

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

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

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

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

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

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

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

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

Gray agreed.

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

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

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

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

Pain Points to Address

PAIN POINT #1

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

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

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

PAIN POINT #2

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

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

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

PAIN POINT #3

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

The Pain Point: After each incident, in addition to an incident report, do you record what level of smoke or exposure to combustion products is experienced by every firefighter or officer who responded? If the number per year exceeds

15, or whatever number OSHA determines, are you prepared or capable of placing them under medical monitoring against a baseline physical also required meeting NFPA 1582?

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

PAIN POINT #4

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

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

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

PAIN POINT #5

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

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

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

PAIN POINT #6

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

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

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

PAIN POINT #7

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

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

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

PAIN POINT #8

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

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

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

PAIN POINT #9

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

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

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

PAIN POINT #10

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

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

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

5 MORE PAIN POINTS TO ADDRESS

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

PAIN POINT #16

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

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

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

PAIN POINT #17

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

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

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

PAIN POINT #18

OSHA's Proposed Rule: In accordance with manufacturer recommendations for apparatus maintenance, personnel who are certified Emergency Vehicle Technicians would be required to perform daily, weekly, monthly, semi-annual, and

annual inspections on apparatus. Annual inspections include weight verification, an inspection of all chassis components, and brake systems.

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

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

PAIN POINT #19

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

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

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

PAIN POINT #20

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

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

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

PAIN POINT #21

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

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

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

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

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

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

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

"Do your captains and lieutenants hold Fire Officer I training? Do your assistant chiefs hold Fire Officer II training? The new proposed OSHA 1910.156 rule would require this. Click here and tell OSHA why this would be problematic for your organization."
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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."
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<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

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

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

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

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

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Commented [PL11]: Not accurate re-worded it

“OSHA estimates the proposed rule would require an additional 173 hours per year comply (We believe this is grossly underestimated) . Do you have someone in your organization with an extra 173 hours a year to comply? If not click here and tell OSHA this rule as written would overburden your staff.”

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

“Do you weigh each of your vehicles on an annual basis? This would be required by the proposed rule. Click here and tell OSHA why this is not feasible.”

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

LETTER FROM AFD-SNY 2ND VP DAVID DENNISTON TO DOUGLAS PARKER AT OSHA

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

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

Dear Assistant Secretary Parker,

The Association of Fire Districts State of New York represents over 850 fire districts across New York State. These districts are primarily all-volunteer or small combination departments in rural communities. We are attempting to read and understand the proposed OSHA 1910.156 Emergency Response Standard and are concerned that this rule, as written, will have devastating effects on our member fire districts. While we are all for anything that can improve the safety of our firefighters, we honestly believe there are items in this document that are simply unobtainable and will cause many districts to ignore the rule or be forced to close their doors. Either of these options will have devastating effects on the communities that we are here to protect.

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

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

2) We have reached out to several medical providers to get a cost for the physicals that would now be required and how this would change from what we are currently doing. We feel we offer all our members a comprehensive physical that uses NFPA 1582 as a guide, but may not cover all of the NFPA 1582 requirements such as chest x-rays, mammograms, mental health screening, etc. We currently pay around \$300 for our physicals. We are getting responses from providers ranging from “What we do is very good and no one else is asking for more”, to “There is not a provider

out there that currently offers a completely compliant NFPA 1582 physical". We are getting cost estimates of \$1,200-\$1,500 per physical to one quote of \$4,500 to completely meet the standard. What makes it even more confusing is that the Keene College OSHA Training Institute included NFPA 1582 as a standard incorporated by reference. On a following NVFC webinar one of your employees said that the NFPA documents, including NFPA 1582 were only using parts of the standard not the entirety of the "shalls" and "musts" in the document. That does not fit the OSHA 1910.6 definition of IBR. How do we make meaningful comments on this topic when it is not clear what is being required?

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

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

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

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

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

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

Thank you,

David C. Denniston

Vice President
Association of Fire Districts State of New York
607-423-1636
ddenniston@afdsny.org

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

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

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

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

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

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

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

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

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

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

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-osha-new-regulations/>

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>

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

<https://afdsny.org/>

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

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

The National Volunteer Fire Council



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

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

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

TAKE THE SURVEY NOW AT THIS LINK:

https://gma5qspab.cc.rs6.net/tn.jsp?f=001hzbdlUhfYDGcg-whFLi-ZGErPe2xYxXshxkNHNe3D0TLbkVd_VIFQsYQyL64YDI12QYeRBd6QVcq-XTUWGLfilyi7yRJw9gZXF4RvjX00LCyY0QhzC66-ldJp_oL2Wo1OsRSNoWnPzZ8tv9L8x8JJ3ZVOMMK47CkklwMVo6Ls=&c=MX746IPd8xHyTIMLiqiTBaQM4ea6iTBpMR9yqkqB564uNN1ihK_e4w==&ch=-00QWhpLmpkbPRDFsXPYtFj2B4MCRjDLNIE9D3WNBAt7soAvevnSgA==

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



[NVFC CONTINUES TO SOUND ALARM ON PROPOSED OSHA STANDARD AND CLARIFIES IMPACT ON NON-OSHA STATES](#)

May 21, 2024

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

While many of the proposed provisions would be helpful and improve the safety of emergency responders, the proposed standard contains multiple new requirements that would be very burdensome, and in many cases impossible, for volunteer fire departments to comply with. Nothing in this proposed standard is final and this public comment period is your opportunity to explain to OSHA what you believe should be changed in the proposed standard and why.

The NVFC has launched a landing page to assist volunteers in understanding and commenting on this proposed standard, which can be accessed [here](https://www.nvfc.org/osha-standard/): (<https://www.nvfc.org/osha-standard/>)

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

(https://us06web.zoom.us/webinar/register/WN_JXLQL0c5S3acTz9c6US0dA#/registration)

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.

[Maine's Senator Collins Questions Acting Secretary of Labor Julie Lu on Proposed Changes to Volunteer Fire Dept. Standards](#)

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

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

During Q&A, Senator Collins said:

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

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

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

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

Acting Secretary Su:

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

[Letter from Congressman Jared Golden from the 2nd District, Lewiston, Maine](#)

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

May XX, 2024

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

Dear Assistant Secretary Parker:

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

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

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

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

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

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

Sincerely,



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

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

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

CONTACT YOUR REPRESENTATIVE AT THIS LINK:

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

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

NVFC TACKLES OSHA PROPOSED STANDARD

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

Committees and Sessions

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

OSHA Task Force

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

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

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

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

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

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

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

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

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

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

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

Landing Page with Resources

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

NVFC LANDING PAGE LINK HERE:

https://gma5qspab.cc.rs6.net/tn.jsp?f=001L6aLm-Ax7THBUrMdNSMphNIFj1WWWXRRzYxdUshoNVzVUkCq2FlyoxhE-AybLw8OnamjN0BiBpzyC-pPzLiiYEvhxQ9sAxH0UIN-rMeW-UojESKwKkPDdMRzXK8VXBP-Sh4YQDWc0PJekSA9BGQCOh6lo_AGJ2vqw1b4iSBqWLS=&c=LauWWHLcf9ha42GymhqekGbW4yikuTH862UfuVJahY7FHeGI_qUJw==&ch=IefmM7sGv75CYvgpTK9dENyqA1Rv5PwzXZ1xikZP-JITscwLK8iGsQ==

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

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

Federal Legislation Introduced Mandating a Phased In Approach

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
SECTION 1. SHORT TITLE.

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

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

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

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

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

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

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

Meeting with NYS-DOL/PESH

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

I have also been contacted by one of our congressional friends that said they are behind us, but we have to get in front of OSHA and a seat at the table. They fear legal options are our only other remedy. NVFC is looking at that angle now.

I have attached my comment to OSHA that will be submitted today. ***Along with this one we are going to have an online petition with a goal of 50K signatures. More details to follow. SEE DAVE's LETTER AT THIS LINK***

:<https://cafda.net/wp-content/uploads/2024/04/OSHA-1910.156-REQUEST-FOR-ACTION-1.docx>

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

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

https://archcapgroup.zoom.us/webinar/register/WN_9GtqnblySa-WTKil-F5Sqw

Tom Miller and I are doing a similar webinar on **Wednesday Dec. 10th 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

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

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

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

- **[ANSI 107 High-Visibility Safety Apparel](#)**
 - Performance requirements of high-visibility safety apparel, or HVSA, help with providing visibility to the user under any light conditions by day or night. This is particularly crucial for hazardous conditions, as well as any situation where threats can be presented. The performance requirements include color, retroreflection, the recommended configuration of the materials, and more. Please note that ANSI/ISEA 107-2020's specifications may be applied to many occupational HVSA, but it is not for firefighter turnout gear.
 - The updated ANSI/ISEA 107-2020 standard includes changes vs. the 2015 edition such as:
 - Removing the criteria for high-visibility accessories in favor of continuing to emphasize the configurations and design requirements that contribute to the Type-Performance Class designation.
 - Adding accommodating scenarios since garments can become soiled easily because of the work environment. This edition includes specific criteria for a single-use disposable coverall, which complies with the requisite minimum material amounts and color requirements imposed on all compliant HVSA, and emphasizes that the associated material integrity requirements are only applicable to single-use disposable coveralls, for which unique marking is applied.
 - Updates to the tests methods in an effort to align more closely with other material integrity tests and to recognize current versions used for evaluating the materials.
 - Introducing the concept of measuring the overall nighttime luminance of a garment by including optional language that allows a manufacturer to test a garment according to ASTM E1501.

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

[OSHA's Proposed Emergency Response Standard Presents Challenges to Fire Departments](#)

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

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

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

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

- Where to find the text of the proposed standard
- Where and how to submit your comments on the proposed standard
- How to evaluate if your department is covered by the proposed standard
- How to develop your comments

- What part of the proposed standard will impact volunteer departments the most

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

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

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

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

JJ Keller Compliance Network

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

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

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

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

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

SCOPE OF PROPOSED 29 CFR 1910.156

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

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

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

The new 1910.156 would not apply to:

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

The scope of OSHA's standard would:

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

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

OTHER REGULATIONS IMPACTED

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

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

PAPERWORK BURDENS

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

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

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

Category:	Paperwork:
Emergency/risk planning	<ul style="list-style-type: none"> • A facility vulnerability assessment • A written emergency response program • An annual evaluation of the emergency response program • Keeping previous versions of emergency response programs • A written comprehensive risk management plan • Identifying the location of each fire hose valve
Vehicle procedures	<ul style="list-style-type: none"> • Policies and procedures for operating certain vehicles • Policies and procedures if responders cannot be seat belted in a vehicle • A procedure for vehicle operator training
Incident planning	<ul style="list-style-type: none"> • Pre-incident plans for locations within the facility • Pre-incident plans for the facilities where incidents may occur • Pre-incident plans for each facility subject to EPA 40 CFR 355 within the primary response area • A comprehensive and ongoing size-up of an incident scene • A risk assessment for an incident scene • An incident action plan • Established, marked, and communicated control zones • Standard operating procedures for emergency events • Post-incident analyses
Medical/health records	<ul style="list-style-type: none"> • Minimum medical requirements for team members and responders • Keeping confidential records for each team member and responder related to duty restrictions, work illnesses and injuries, and exposures • A medical evaluation program

	<ul style="list-style-type: none"> • A record of each responder’s exposure to combustion products • Behavioral health and wellness resources • A health and fitness program
Other	<ul style="list-style-type: none"> • Team members and responders to report safety and health concerns • Posting your procedures for reporting safety and health concerns • A hazard assessment for personal protective equipment selection

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

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

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

KEY TO REMEMBER

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

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

Formal Comment Submitted by CAFDA on Your Behalf!

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

Posted to the CAFDA.net website.

OSHA Takes Action To Limit Emergency Responder Injuries And Fatalities

Michael Fraley – Fire Rescue One

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

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

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

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

SOME OF THE SPECIFIC SECTIONS OF THE PROPOSED STANDARD INCLUDE:

- **Emergency response plan (ERP).** Agencies *will be required* to have a written program to ensure they are prepared to respond to, and operate safely in, the emergency and non-emergency situations that are likely to occur in their primary response area. The ERP is intended to provide for the occupational safety and health of team members and encompass all aspects of emergency response, many of which are outlined below.
- **Vulnerability assessment of hazards.** Agencies *must assess* their primary response area to *identify the types calls they may respond to*. Resources in the plan must be matched to these hazards and the plan should identify mutual aid resources to be called when the agency cannot mitigate a particular hazard.
- **ERP tiers, types and levels.** The agency must identify the various tiers, types and levels of responders covered by the ERP. *Several sections of the proposed standard require the agency to identify training, evaluation, qualifications, duties and capabilities of responders based on these terms.* One size does not fit all.
- **Team involvement with the plan.** The Emergency Response Plan should be developed, implemented, reviewed and updated with involvement from team members. OSHA identifies that front-line responders have valuable insight into the work process particularly as it relates to safety.
- **Medical and physical requirements.** The proposed standard specifies that *responders will be required to meet medical and physical requirements based on their type and level of service.* This section is extensive and pays particular attention to cardiovascular health.
- **Behavioral health and wellness resources.** Agencies *would be required* to offer team members services that include diagnostic assessment, short-term counseling, crisis intervention and referral to additional resources. Records arising from any use of these resources must be kept confidential.
- **Health and fitness program.** Team members should have access to health and fitness programs that help them maintain fitness for duty and to prevent work-related illness.
- **Training program.** *A comprehensive training program must be in place* to include initial and ongoing training as well as *skills checks* at appropriate intervals. All training and assessments will be based on tiers, types and levels of providers employed. The program must detail instructor qualifications, member evaluation methods, and assurances that team members will not be tasked with duties until they demonstrate the skills and abilities to safely complete them.
- **Facility safety.** OSHA understands that fire and EMS responders spend significant time in stations between calls and requires that these facilities also be safe. The section details the need to provide adequate spaces to decontaminate, maintain and store PPE and other equipment separate from living quarters. It also lists requirements for fire alarms, sprinkler systems, carbon monoxide detectors and equipment to prevent vehicle exhaust from entering sleeping and living areas. And yes, they even set standards for fire pole safety.
- **Personal protective equipment (PPE).** Significant attention is paid to the provision of PPE to responders as well as training, testing, maintenance, cleaning and disposal of the supplies and equipment.
- **Vehicle safety.** Highlighting the high numbers of fire and EMS responders injured and killed in vehicle crashes, OSHA proposes broad-reaching standards related to maintenance, inspection and testing of vehicles. The standards also outline important benchmarks in training and operation of vehicles, and the policies that should be in place to cover both. OSHA even settles the debate about the proper name of a legendary fire prevention character when it highlights the need for procedures to ensure the safety of occupants that are not able to be belted in a seat. OSHA notes that mascots such as *Smokey Bear* may not be able to be seat belted in when riding on a vehicle in a parade! (Note they did not call him Smokey the Bear?)
- **Incident Management System.** To align with the National Response Framework, OSHA will expect Emergency Response Plans to contain language about implementation, training and use of the Incident Management System. An emphasis is placed on provider safety monitoring and reporting during incidents.
- **Respiratory protection.** Training, equipment and policies related to responder respiratory protection have long been a major area of concern for OSHA and the proposed Emergency Response standard will continue that emphasis.
- **Communication.** Language in the proposed rule encourages reliable communication between dispatch centers and responders including monitoring of on-scene radio transmissions to maintain safety and respond to any on-scene responder emergencies. The rule also calls for interoperability between mutual aid resources.

TWO OPPORTUNITIES

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

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

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

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/>

OSHA'S EMERGENCY RESPONSE STANDARD UPDATE THREATENS VOLUNTEER FIRE DEPARTMENTS

National Vol Fire Council

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

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

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

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

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

LINK TO THE PROPOSED OSHA STANDARD, NO FLUFF:

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

Here are the links for the resources as Dave promised:

1. [Webinar: Emergency Response Rule | Oshaedne](#)
2. [OSHA's NEW Proposed Rule 1910.156 Emergency Response rule on Vimeo](#)
3. [Microsoft PowerPoint - 1910.156 Webinar 1-31-2024 draft 2.pptx \(oshaedne.com\)](#)

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>