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Occupational Safety and Health Administration

U.S. Department of Labor

200 Constitution Avenue, NW

Washington, DC 20210

Follow-up Proposal: Docket ID: “Emergency Response Standard” (Emergency

Response) Rule

[Docket No. OSHA-2007-0073] (RIN 1218-AC91)

Highlights of this proposal:

1. Remove the incorporated by reference NFPA standards. Place appropriate wording directly into the rule itself. Reference the NFPA (and other) standards as industry best practices and encourage their use in the required AHJ policies and procedures.
2. Use the proposed rule below for combination and career departments with populations greater than 25,000.
3. For populations greater than 100,000 use the current OSHA proposal, the proposed standard below or a combination of the 2.
4. Develop a reasonable timeline to phase in the new rule
5. Require a periodic review of the new standard to ensure current best practices and technologies are incorporated.

**Draft Proposed OSHA 1910.156 for Emergency Response Standard for departments with a population base of 25,000 to 100,000.**

**(a)** Scope.

**(1)** This section applies to:

**(i)** Employers that are emergency service organizations as defined in paragraph (b) of this section, that provide one or more of the following emergency response services as a primary function; or the employees perform the emergency service(s) as a primary duty for the employer: firefighting, emergency medical service, and technical search and rescue. For the purposes of this section, this type of employer is called an Emergency Service Organization (ESO), and the employees are called responders.

**(2)** This section does not apply to:

**(i)** Employers performing disaster site clean-up or recovery duties following natural disasters such as earthquakes, hurricanes, tornados, and floods; and human-made disasters such as explosions and transportation incidents.

**(ii)** Activities covered by 29 CFR 1910.120 (Hazardous Waste Operations and Emergency Response (HAZWOPER)), 29 CFR 1910.146 (Permit-Required Confined Spaces in General Industry).

 **(b)** Definitions.

**Combustion product** means the heat, volatized liquids and solids, particulate matter (microscopic and small unburned particles), ash, and toxic gases released as a result of combustion (fire).

**Community** means a state, region, municipality or portion thereof, such as a village, town, township, borough, city, county, or parish.

**Community vulnerability assessment** means the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the overall community that may require emergency service from the ESO, including the community’s structures, inhabitants, infrastructure, organizations, and hazardous conditions or processes. The assessment is intended to include both human-created vulnerabilities and natural disasters.

**Control zone** means an area at an incident that is designated based upon safety and the degree of hazard to team members and responders. A control zone may be designated as cold, warm, hot, or no-entry.

**Cold zone** means the area immediately outside the boundary of the established warm zone where team members and responders are not exposed to dangerous areas or contaminants from fire, toxic chemicals, or carcinogens. The cold zone typically contains the command post and such other support functions as are deemed necessary to control the incident. It may also be known as the support zone.

**Warm zone** means the area immediately outside the boundary of the hot zone that serves to transition to the cold zone. The warm zone typically is where team member and responder and equipment decontamination and hot zone support take place. It may also be known as the contamination reduction zone.

**Hot zone** means the area including and immediately surrounding the physical location of a fire or other hazardous area, having a boundary that extends far enough away to protect team members and responders outside the hot zone from being directly exposed to the hazards present in the hot zone.

**No-entry zone** means an area designated to keep out team members and responders, due to the presence of dangers such as imminent hazard(s), potential collapse, or the need to preserve the scene.

**Emergency Medical Service (EMS)** means the provision of patient treatment, such as basic life support, advanced life support, and other pre-hospital procedures, and may include transportation to a medical facility. It does not include the provision of first aid within the scope of 29 CFR 1910.151, Medical services and first aid.

**Emergency Response Program (ERP)** means a written program, developed by the ESO, to ensure that the ESO is prepared to safely respond to and operate at emergency incidents and non-emergency service situations, and to provide for the occupational safety and health of team members and responders. The ERP shall be composed of at least the information and documents required in this section.

**Emergency Service Organization (ESO)** means an organization that provides one or more of the following emergency response services as a primary function: firefighting, emergency medical service, and technical search and rescue; or the employees perform the emergency service(s) as a primary duty for the employer. Personnel (called responders in this section), as part of their regularly assigned duties, respond to emergency incidents to provide service such as firefighting, emergency medical service, and technical search and rescue. It does not include organizations solely engaged in law enforcement, crime prevention, facility security, or similar activities.

**Facility** means a structure or structures and surrounding locations, including industrial, commercial, mercantile, warehouse, power plant (utility), assembly occupancy, institutional or similar occupancy; and public and private as well as for-profit, not-for- profit, and governmental location, campus, compound, base, or similar establishment.

**Facility vulnerability assessment** means the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the entire facility, including the facility’s structures and surrounding locations, inhabitants, infrastructure, and hazardous conditions or processes.

**Gross decontamination** means the initial phase of the decontamination process, during which the surface contaminants and foreign materials on a team member’s or responder’s skin, clothing, personal protective equipment (PPE), and equipment are removed or significantly reduced, such as by brushing, rinsing, wiping, use of detergents, and use of personal hygiene wipes.

**Immediately dangerous to life or health (IDLH)** means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual’s ability to escape from a dangerous atmosphere.

**Incident** means any situation to which an ESO responds to perform services, such as firefighting; emergency medical service; technical search and rescue; other situations such as responses to downed electrical power lines, and outside propane or natural gas leaks.

 **Incident action plan (IAP)** means the incident objectives, strategy, and tactics necessary to manage an incident. The IAP is developed at the incident site and provides essential information for actionable incident organization, work assignments, management of resources, risk management, and team member or responder safety when operating at an incident.

**Incident Commander (IC)** means the team member or responder who fulfills the incident command function of the Incident Management System; who is responsible for the overall management of an incident and the safety of all team members or responders involved in the response; and who is responsible for all incident activities, including the development of strategies and tactics, the direction and control of all team members and responders at the incident, and the ordering and release of resources.

**Incident Management System (IMS)** means a system used for managing and directing incident scene operations and activities. It includes establishing functions for managing incidents, describes the roles and responsibilities to be assumed by team members and responders, and standard operating procedures to be utilized. Incident command is a function of the IMS.

**Incident Safety Officer (ISO)** means the team member or responder at an incident scene who is responsible for monitoring and assessing safety hazards and unsafe situations and for developing measures for ensuring team member and responder safety.

**Incident scene** means the physical location where activities related to a specific incident are conducted. It includes nearby areas that are subject to incident-related hazards or used by the ESO for team members, responders, and equipment.

**Living area** means the room(s) or area(s) of the ESO’s facility where responders may cook, eat, relax, read, study, watch television, complete paperwork or data entry, and similar daily living activities. Examples include day room, kitchen/dining area, classroom, office, and TV room. Areas such as maintenance shops, utility and storage areas, and interior vehicle parking bays are not considered living areas.

**Mayday** means an emergency procedure term used to signal that a team member or responder is in distress, needs assistance and is unable to self-rescue; it is typically used when safety or life is in jeopardy.

**Mutual aid agreement** means a written agreement or contract between WEREs and ESOs, or between ESOs, that they will assist one another upon request by furnishing personnel, equipment, materials, expertise, or other associated services as specified.

**Non-emergency service** means a situation where an ESO is called upon to provide a service that does not involve an immediate threat to health, life, or property, such as assisting law enforcement with equipment and scene lighting; removing people from a stuck elevator; resetting an accidentally activated fire alarm system; or assisting a mobility-challenged person downstairs during an elevator outage.

**Personal protective equipment (PPE)** means the clothing and equipment worn and utilized to prevent or minimize exposure to serious workplace injuries and illnesses. Examples include gloves, safety glasses and goggles, safety shoes and boots, earplugs and muffs, hard hats and helmets, respirators and Self-Contained Breathing Apparatus (SCBA), protective coats and pants, hoods, coveralls, vests, and full body suits.

**Physician or other licensed health care professional (PLHCP)** means an individual whose legally permitted scope of practice (i.e., license, registration, or certification) allows the individual to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by paragraph (g) of this section.

**Pre-incident plan (PIP)** means a written document developed by gathering general and detailed data about a particular facility or other location that is used by team members or responders in effectively and safely managing an emergency incident there. It is developed before an incident occurs and is intended to be used during an incident to aid in the safe mitigation of hazards.

**Rapid intervention crew (RIC)** means a group of team members or responders dedicated solely to serve as a stand-by rescue team available for the immediate search and rescue of any missing, trapped, injured or unaccounted-for team member(s) or responder(s).

**Responder** means an employee or member of an ESO who is, or will be, assigned to perform duties at emergency incidents.

**Size-up** means the observation and evaluation of the influencing factors at an incident used to determine the scope of the incident and to develop strategic goals and tactical objectives.

**Skilled support worker (SSW)** means an employee of an employer whose primary function is not as an emergency service provider and who is skilled in certain tasks or disciplines that can support an ESO. Examples include operators of heavy-duty wrecker/rotator tow vehicles, mechanized earth moving or digging equipment, or crane and hoisting equipment; utility service employees (gas, water, electricity); public works employees; and technical experts.

**Sleeping area** means designated room(s) or area(s) of the ESO’s facility where responders sleep in beds.

 **Standard operating procedure (SOP)** means a written directive that establishes a course of action or administrative method to be followed routinely and explains what is expected of team members or responders in performing the prescribed action, duty, or task.

**Technical search and rescue/Technical rescue** means a type of service that utilizes special knowledge and skills and specialized equipment to resolve complex search and rescue situations, such as rope, vehicle/machinery, structural collapse, trench, and technical water rescue.

**Unified command (UC)** means a structure for managing an incident that allows for all agencies with jurisdictional responsibility for an incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies.

**ESO Establishment of ERP and Emergency Service(s) Capability.**

In each of the following requirements the ESO should encourage responder participation and allow any responder that expresses interest in participating in the process the right to do so without fear of any type of retaliation.

**(1)** The ESO shall develop and implement a written ERP that provides protection for each of its responders who is designated to operate at an emergency incident.

**(2)** The ESO shall perform a community or facility vulnerability assessment of hazards within the primary response area where the emergency service(s) it provides is/are expected to be performed.

**(3)** shall identify structures, facilities, and other locations where PIPs are needed.

**(i)** The assessment shall identify each vacant structure and location that is unsafe for responders to enter due to conditions such as previous fire damage, damage from natural disasters, and deterioration due to age and lack of upkeep.

**(ii)** The ESO shall provide a means for notifying responders of the vacant structures and locations identified in the ERP.

**(4)** All facilities within the ESO’s service area that are subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to- Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. § 11001 et seq.), shall be included in the ESO’s community vulnerability assessment.

**(5)** The ESO shall evaluate the resources needed, including personnel and equipment, for mitigation of emergency incidents identified in the community or facility vulnerability assessment, and establish in the ERP the type(s) and level(s) of emergency service(s) it intends to perform.

**(6)** In the ERP the ESO shall establish tiers of responders based on responsibilities, qualifications and capabilities for the type(s) and level(s) of service it intends to perform. Note to paragraph (d)(7): Examples of tiers include, but are not limited to:

• For firefighting types of operations, tiers such as: trainee, basic firefighter, advanced firefighter, officer/crew leader, command officer, pilot, support.

• For technical search and rescue types of operations, tiers such as: awareness, operation, technician, support.

• For emergency medical types of services, tiers such as: EMR, EMT, advanced EMT (EMT-A), paramedic, nurse, pilot, support.

**(7)** In the ERP the ESO shall define the service(s) needed that the ESO is unable to provide, and develop mutual aid agreements with WEREs or other ESOs as necessary to ensure adequate resources are available to safely mitigate foreseeable incidents.

**(8)** The ESO shall make available for inspection by responders, their representatives, and OSHA representatives.

**(c)** Team Member and Responder Participation.

**Each ESO shall establish and implement a process to:**

**(1)** Allow team members and responders to participate in developing and updating the ERP if they desire.

**(2)** Allow team members and responders to help in implementing and evaluating the ERP, and in the review and change process if they desire.

**(3)** Allow team members and responders to participate in walkaround inspections, inspections conducted in response to a health or safety concern raised, and incident investigations at the WERE and ESO’s own facility(ies);

**(4)** Encourage team members and responders to report safety and health concerns, such as hazards, injuries, illnesses, near misses, and deficiencies in the ERP;

**(d)** ESO Risk Management Plan.

**(1)** The ESO shall develop and implement a written risk management plan (RMP), based on the type and level of service(s) established in the ERP.

**(i)** Covers, at a minimum, risks to team members and responders associated with the following:

**(A)** Activities at ESO facilities;

**(B)** Training;

**(C)** Vehicle operations;

**(D)** Operations at emergency incidents;

**(E)** Non-emergency services and activities; and

**(F)** Activities that lead to exposure to combustion products, carcinogens, and other incident-related health hazards.

**(ii)** Includes, at a minimum, the following components with respect to hazards faced by team members and responders operating at incidents:

**(A)** Identification of actual and reasonably anticipated hazards;

**(B)** Risk control techniques for elimination or mitigation of potential hazards, and a plan for implementation of the most effective solutions; and

**(iii)** Includes, at a minimum, the following:

 **(A)** A personal protective equipment (PPE) hazard assessment that meets the requirements of 29 CFR 1910.132(d);

**(B)** A respiratory protection program that meets the requirements of 29 CFR 1910.134;

**(C)** An infection control program that identifies and limits or prevents the exposure of team members and responders to infectious and contagious diseases; and

**(D)** A bloodborne pathogens exposure control plan that meets the requirements of 29 CFR 1910.1030.

**(2)** The RMP shall include a policy for extraordinary situations when a team member or responder, after making a risk assessment determination based on the team member or responder’s training and experience, is permitted to attempt to rescue a person in imminent peril, potentially without benefit of, for example, PPE or equipment.

**(3)** The ESO shall review the RMP when review is required by paragraph (r) or (s) of this section, but not less than annually, and update it as needed.

(e) Medical and Physical Requirements.

**(1)** ESO medical requirements.

**(i)** The ESO shall establish the minimum medical requirements for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section. The medical requirements will differ based on the tiers of team members and responders.

**(ii)** The ESO shall maintain a confidential record for each team member and responder that records, at a minimum, duty restrictions based on medical evaluations;

occupational illnesses and injuries.

**(iii)** The ESO shall ensure that medical records are maintained and made available in accordance with 29 CFR 1910.1020, Access to employee exposure and medical records.

**(iv)** Medical evaluations, tests, and laboratory analysis required to comply with paragraph (g) shall be provided at no cost to team members or responders.

**(2)** ESO medical evaluation and surveillance.

**(i)** The ESO shall establish a medical evaluation program for team members and responders, based on the type and level of service(s),

**(ii)** Prior to performing emergency response duties, each team member and responder shall be medically evaluated to determine fitness for duty by a physician or other licensed health care professional (PLHCP). The ESO must make medical surveillance required by this paragraph available at no cost to the team members and responders, and at a reasonable time and place, to each team member and responder;

**(iii)** All medical evaluations must include the following to detect any physical or medical condition(s) that could adversely affect the team member or responder’s ability to safely perform the essential job functions:

 **(A)** Medical and work history with emphasis on symptoms of cardiac and respiratory disease;

**(B)** Physical examination with emphasis on the cardiac, respiratory, and musculoskeletal systems;

**(C)** Spirometry; and

**(D)** An assessment of heart disease risk including blood pressure, cholesterol levels, and relevant heart disease risk factors.

**(iv)** Additional screening shall be provided as deemed appropriate by the PLHCP;

**(v)** The medical evaluation shall be repeated annually.

**(A)** For responders who, either immediately or subsequently, exhibit signs or symptoms which may have resulted from exposure to combustion products, medical consultation shall be provided and, if medically indicated by the PLHCP, ongoing medical surveillance.

 ESO behavioral health and wellness.

**(vi)** The ESO shall provide awareness level training on behavioral health and wellness to all responders upon entry and on a periodic basis.

**(vii)** The ESO shall provide, at no cost to the team member or responder, behavioral health and wellness resources for team members and responders, or identify where such resources are available at no cost in the community;

 **(viii)** The WERE and ESO shall ensure that if there are any records of team member or responder use of these resources in possession of ESO, the records are kept confidential.

**(3)** WERE and ESO fitness for duty.

The WERE and ESO shall establish and implement a process to evaluate and re-evaluate annually the ability of team members and responders to perform essential job functions, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section.

**(f)** Training.

**(1)** Minimum training. The ESO shall:

**(i)** Establish the minimum knowledge and skills required for each team member and responder to participate safely in emergency operations, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section;

**(ii)** Provide initial training, ongoing training, refresher training, and professional development for each team member and responder commensurate with the safe performance of expected duties and functions based on the tiers of team members and responders.

**(iii)** Restrict the activities of each new team member and responder during emergency operations until the team member or responder has demonstrated to a trainer/instructor, supervisor/team leader/officer, the skills and abilities to safely complete the tasks expected;

**(iv)** Ensure each instructor/trainer has the knowledge, skills, and abilities to teach the subject matter being presented.

**(v)** Ensure training is provided in a language and at a literacy level that team members and responders understand, and that the training provides an opportunity for interactive questions and answers with the instructor/trainer.

**(vi)** Provide each team member and responder with training that covers the selection, use, limitations, maintenance, and retirement criteria for all PPE used by the team member or responder

**(vii)** Train each team member and responder in the selection, proper use, and limitations of portable fire extinguishers provided for employee use in the or ESO’s facility and vehicles, in accordance with 29 CFR 1910.157;

**(viii)** Train each team member and responder in the incident management system in order to operate safely within the scope of the IMS system.

**(ix)** Ensure training for each team member and responder engaged in emergency activities includes procedures for the safe exit and accountability of team members and responders during orderly evacuations, rapid evacuations, equipment failure, or other dangerous situations and events.

**(x)** Ensure each team member and responder is trained to meet the requirements of 29 CFR 1910.120(q)(6)(i) (HAZWOPER), First Responder Awareness Level.

**(xi)** Ensure each team member and responder who is not trained and authorized to enter specific hazardous locations (e.g., confined spaces, trenches, and moving water) is trained to an awareness level (similar to the requirements in 29 CFR 1910.120(q)(6)(i)) to recognize such locations and their hazards and avoid entry;

**(xii)** Train each team member and responder to perform cardiopulmonary resuscitation (CPR) and use an automatic external defibrillator (AED).

**(2)** Vocational training. The ESO shall:

**(i)** Ensure each ESO responder who is designated to perform interior structural firefighting duties is trained to safely perform the duties assigned.

**(ii)** Ensure each team member and responder who is designated to perform interior structural firefighting duties is trained to safely perform search and rescue operational capabilities.

**(iii)** Ensure each team member and responder who is a vehicle operator is trained to safely operate the vehicle at a level that is at least equivalent Emergency Vehicle Operator qualifications based on the type of vehicle the team member or responder operates;

**(iv)** Ensure each team member and responder who is a manager/supervisor (crew leader/officer) is trained to safely perform their duties.

**(v)** Ensure each wildland ESO responder is trained to safely perform their duties.

**(vi)** Ensure each technical search and rescue team member and responder who is designated to perform a technical rescue is trained to safely perform.

**(vii)** Ensure each firefighting team member and responder who operates in a marine environment is trained to safely perform.

**(viii)** Ensure, based on the type and level of service(s) established in paragraphs (c) and (d) of this section, that each EMS team member and responder possesses the relevant professional qualification, certification, or license required in ESO’s jurisdiction.

**(3)** Proficiency. The ESO shall provide annual skills checks to ensure each team member and responder maintains proficiency in the skills and knowledge commensurate with the safe performance of expected duties and functions, based on the type and level of service(s) established in paragraphs (c) and (d) of this section.

 **(g)** ESO Facility Preparedness.

**(1)** General requirements. The ESO shall comply with all current local and state building and fire prevention codes and the following:

**(i)** Ensure each ESO facility complies with 29 CFR 1910 Subpart E – Exit Routes and Emergency Planning;

**(ii)** Provide facilities for the decontamination, disinfection, cleaning, and storage of PPE and equipment. If PPE is to be decontaminated off-site, the ESO must provide for bagging and storage of contaminated PPE while it is still at the ESO facility;

**(iii)** For fire poles, slides and chutes;

**(A)** Ensure each responder using a fire pole maintains contact with the pole using all four extremities and does not hold anything other than the pole;

 **(B)** Ensure each fire pole has a landing cushion that is at least 30 inches in diameter, has a contrasting color to the surrounding floor, and has impact absorption to reduce the likelihood and severity of injury;

**(C)** Ensure each floor hole with a fire pole, chute, or slide that provides rapid access to a lower level is secured or protected in accordance with 29 CFR 1910 Subpart D –Walking-Working Surfaces to prevent unintended falls through the floor hole; and

**(iv)** Ensure fire detection, suppression, and alarm systems, and occupant notification systems are installed, tested, and maintained in accordance with manufacturer’s instructions and 29 CFR 1910 Subpart L – Fire Protection.

**(2)** Sleeping and living areas. The ESO shall:

**(i)** Ensure smoke alarms with battery back-up are installed inside each sleeping area, and outside in the immediate vicinity of each opening (door) to a sleeping area, and on all levels of the facility, including basements;

**(ii)** Ensure each new ESO facility with one or more sleeping area(s) (approved for construction, as determined by building permit, after [final rule will insert date 2 years after final rule is published]) is protected throughout by an automatic sprinkler system, installed in accordance with 29 CFR 1910.159, Automatic sprinkler systems;

**(iii)** Ensure each sleeping and living area has functioning carbon monoxide alarms installed;

**(iv)** Prevent responder exposure to, and contamination of sleeping and living areas by, vehicle exhaust emissions; and

**(v)** Ensure that contaminated PPE is not worn or stored in sleeping and living areas.

**(h)** Equipment and PPE.

**(1)** Equipment needed for emergency operations. The ESO shall:

**(i)** Provide or ensure access to the equipment needed to train for and safely perform emergency services, at no cost to team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section;

**(ii)** Ensure newly purchased or acquired equipment is safe for use in the manner the ESO intends to use it;

**(iii)** Inspect, maintain, functionally test, and service test equipment as follows:

**(A)** At least annually;

**(B)** In accordance with manufacturer’s instructions and industry practices; and

**(C)** As necessary to ensure equipment is in safe working order; and

**(iv**) Immediately remove from service equipment found to be defective or in an unserviceable condition.

**(2)** Personal protective equipment (PPE). The ESO shall:

**(i)** Conduct a PPE hazard assessment for the selection of the protective ensemble, ensemble elements, and other protective equipment for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section;

**(ii)** Provide, at no cost to team members and responders, protective ensembles, ensemble elements, and protective equipment designed to provide protection from the hazards to which the team members and responders are likely to be exposed and suitable for the task the team members and responders are expected to perform, as determined by the PPE hazard assessment in (k)(2)(i) of this section;

**(iii)** Ensure PPE complies with 29 CFR 1910 – Subpart I, Personal Protective Equipment;

 **(iv)** Ensure existing PPE complies with the requirements of the edition of the respective standard, listed in (k)(2)(v), that was current when it was manufactured;

**(v)** Ensure air-purifying respirators are not used in IDLH atmospheres and are only used for those contaminants that NIOSH certifies them against;

**(vi)** Ensure each team member and responder properly uses or wears the protective ensemble, ensemble elements, and protective equipment whenever the team member or responder is exposed, or potentially exposed, to the hazards for which it is provided;

**(vii)** Ensure protective ensembles, ensemble elements, and protective equipment are decontaminated, cleaned, cared for, inspected and maintained in accordance with the manufacturer’s instructions;

**(viii)** Immediately remove from service any defective or damaged protective ensembles, ensemble elements, or protective equipment;

**(ix)** Ensure, when a ESO permits a team member or responder to provide their own protective ensemble, ensemble element, or other protective equipment for personal use, the requirements of the AHJ are met.

**(3)** Protection from contaminants. To the extent feasible, the ESO shall:

**(i)** Ensure contaminated PPE and non-PPE equipment undergo gross decontamination or are separately contained before leaving the incident scene; and

**(ii)** Ensure team members and responders are not exposed to contaminated PPE and non- PPE equipment in the passenger compartment(s) of vehicles.

**(i)** Vehicle Preparedness and Operation.

**(1)** To ensure vehicles are prepared for safe use by team members and responders, the ESO shall:

**(i)** Inspect, maintain, and repair each ESO provided vehicle operated by team members and responders, as specified by the manufacturer; and all vehicles shall be inspected in accordance with appropriate state level DOT requirements.

**(ii)** Provide a system to inspect vehicles on at least a monthly basis and following any major emergency.

**(iii)** Immediately remove from service any vehicle with safety-related deficiencies;

**(iv)** Ensure each riding position is provided with a seat and functioning seat belt or vehicle safety harness that is designed to accommodate a team member or responder with and without heavy clothing, unless the vehicle is designed, built, and intended for use without seat belts or vehicle safety harnesses;

**(v)** Inspect, maintain, and service test aerial devices on vehicles, to ensure they are safe for use, as specified by the manufacturer.

**(vi)** Inspect, maintain, and service test vehicle-mounted water pumps as specified by the manufacturer.

**(2)** To ensure vehicles are operated in a manner that will keep team members and responders safe, the ESO shall:

 **(i)** Ensure each vehicle is operated by a team member or responder who has successfully completed a training program commensurate with the type of vehicle the team member or responder will operate, or by a trainee operator who is under the supervision of a qualified operator;

**(ii)** Ensure each vehicle is operated in accordance with SOP developed in paragraph (q)(2)(iv) of this section;

**(iii)** Ensure the team member or responder operating the vehicle does not move the vehicle until all team members or responders in or on the vehicle are seated and secured with seat belts or vehicle safety harnesses in approved riding positions.

**(iv)** Ensure team members and responders remain seated and secured any time that the vehicle is in motion, except when standing as permitted in paragraphs (l)(2)(vii) and (viii) of this section, and that seat belts and vehicle safety harnesses are not released or loosened for any purpose while the vehicle is in motion, including the donning or doffing of PPE;

**(v)** Ensure team members and responders actively performing necessary emergency medical care while the vehicle is in motion are secured to the vehicle by a seat belt, or by a vehicle safety harness designed for occupant restraint, to the extent consistent with the effective provision of such emergency medical care;

**(vi)** Establish and implement a procedure for operator training on vehicles with tiller steering that ensures when the instructor and trainee are both located at the tiller position, they are adequately secured to the vehicle whenever it is in motion;

 **(vii)** Provide a vehicle safety harness designed for occupant restraint to secure the team member or responder in a designated stand-up position during pump-and-roll operations;

**(viii)** Establish and implement policies and procedures that provide alternative means for ensuring the safety of team members and responders when the ESO determines it is not feasible for each team member, responder, or person to be belted in a seat, such as when reloading long lays of hose, standing as honor guards during a funeral procession, and for vehicles without seat belts;

**(ix)** Establish and implement policies and procedures for operating vehicles not directly under the control of the ESO (i.e., privately owned/leased/operated by team members and responders), when the ESO authorizes team members or responders to respond directly to emergency incident scenes or ESO facilities when alerted for an emergency incident response; and

**(x)** Ensure, where equipment or respiratory protection are carried within enclosed seating areas of vehicles, each is secured either by a positive mechanical means of holding the item in its stowed position or by placement in a compartment with an effective latching closure.

**(xi)** The ESO shall have written procedures for the safe operation of all vehicles during emergency response.

**(xii)** THE ESO shall establish written polices directing that all vehicles should follow state laws when being driven in non-emergency mode.

**(j)** ESO Pre-Incident Planning.

**(1)** The ESO shall determine the locations and facilities where responders may be called to provide service that need a PIP, based on the community or facility vulnerability assessment and the type(s) and level(s) of service(s) established.

**(2)** The ESO shall prepare a PIP for each facility within the ESO’s primary response area that is subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act and/or any facility that is determined to present a significant risk to responders and/or has characteristics uncommon for facilities within the response area.

**(3)** The ESO shall ensure facility personnel consulted are knowledgeable about the facility’s use, contents, processes, hazards, and occupants.

**(4)** The ESO shall ensure the responder(s) responsible for PIP preparation are knowledgeable in identifying the information to be collected and included in the PIP.

**(5)** The PIP shall have a level of detail commensurate with the facility’s complexity and hazards.

**(6)** PIPs shall include actions to be taken by responders if the scope of the incident is beyond the capability of the ESO.

**(7)** The ESO shall ensure that the most recent versions of PIPs are disseminated as needed and are accessible and available to responders operating at emergency incidents.

**(8)** PIPs shall be reviewed annually and updated as needed.

**(k)** Incident Management System Development.

**(1)** The ESO shall utilize the FEMA National Incident Management System. The system shall be deployed at a scalable level at each planned or emergency event within the response area.

**(i)** Ensure that, in the absence of a dedicated Incident Safety Officer (ISO), the Incident Commander (IC) assesses the incident scene for existing and potential hazards and oversees incident safety;

**(ii)** Include a means for team members and responders to notify the ISO, IC or Unified Command (UC) of unsafe conditions and unsafe actions on the incident scene; and

**(iii)** Consist of collaborative components that provide the basis for clear communication and effective operations.

**(2)** The ESO shall designate the responsibilities of the IC. The IC shall be responsible for, at least:

**(i)** Front-line management of the incident;

**(ii)** Overall incident safety;

(iii) Tactical planning and execution; and

(iv) Determining whether additional assistance is needed and relaying requests for internal resources, mutual aid, and skilled support assistance through the communications or emergency operations center, as appropriate.

(3) The ESO shall ensure the IC has the training and authority to perform the assigned duties.

**(l)** Emergency Incident Operations.

**(1)** Incident command and management. The ESO shall ensure that:

**(i)** NIMS is utilized at each emergency incident;

**(ii)** Each emergency incident has an IC or a UC;

**(iii)** The task of overseeing incident safety is addressed, or an ISO is assigned and designated to monitor and assess the incident scene for safety hazards and unsafe situations and develop measures for ensuring team member and responder safety;

**(iv)** If an incident escalates in size and complexity, the IC divides the incident into strategic or tactical-level management components;

**(v)** A UC structure is utilized on incidents where the complexity requires a shared responsibility among two or more WEREs, ESOs, or other agencies; and

**(vi)** The IC(s), team members, and responders are rotated or replaced during complex or extended operations, as determined by the ESO.

**(2)** Incident Commander. The ESO shall ensure that:

**(i)** A team member or responder is assigned as the IC;

**(ii)** The identity of the IC and the location of command post are communicated to other team members or responders who are on the incident scene or responding to it;

**(iii)** A complete 360-degree size up is completed prior to the initiation of any activities at an emergency scene when possible.

**(iv)** The IC conducts a comprehensive and ongoing size-up of the incident scene that places life safety as the highest priority;

**(v)** The IC conducts a risk assessment based on the size-up before actively engaging the incident;

**(vi)** The IC coordinates and directs all activities for the duration of the incident; and

**(vii)** The IC develops an Incident Action Plan (IAP) that prioritizes life safety for each incident, updates it as needed during the incident, and utilizes the information contained in the PIP.

**(3)** Control zones. The ESO shall ensure that:

**(i)** Control zones are established at every emergency incident to identify the level of risk to team members and responders and the appropriate protective measures needed, including PPE;

**(ii)** Only team members and responders with an assigned task are permitted in the hot zone;

 **(iii)** Where a no-entry zone is designated, team members and responders are prohibited from entering the zone; and

**(iv)** The designation of appropriate protective measures, including PPE, is commensurate with the hazards in the zone the team member and responder will be operating in, and that each team member and responder appropriately uses the protective measures for that zone.

**(4)** On-scene safety and health measures. The ESO shall:

**(i)** Identify minimum staffing requirements needed to ensure incidents are mitigated safely and effectively;

**(ii)** Ensure operations are limited to those that can be safely performed by the team members and responders available on the scene;

**(iii)** Ensure at least two team members or responders enter the structure or enclosed area with an IDLH atmosphere as a team and remain in visual or voice contact with one another and Incident command at all times.

**(iv)** Ensure each team member and responder in the IDLH atmosphere uses positive- pressure SCBA or a supplied-air respirator in accordance with the respiratory protection program specified in paragraph (f)(1)(iii)(B) of this section;

**(v)** Ensure each supplied-air respirator used in an IDLH atmosphere is equipped with a NIOSH-certified emergency escape air cylinder and pressure-demand facepiece; and

**(vi)** Ensure each team member and responder uses NIOSH-certified respiratory protection during post–fire extinguishment activities, such as overhaul and investigation.

**(5)** Communication. The ESO shall:

**(i)** Ensure, to the extent feasible, adequate dispatch and monitoring of on-scene radio transmissions by an emergency communications and dispatch center;

**(ii)** Ensure effective communication capability between team members or responders and the IC; and

**(iii)** Ensure that communications equipment allows mutual aid team members and responders to communicate with the IC and other team members and responders.

**(6)** The ESO shall ensure a personnel accountability system is utilized at each emergency incident.

**(7)** The ESO shall implement the traffic safety procedures, as needed, in accordance with the organizational SOP.

**(8)** Use of skilled support workers (SSW). Prior to participation by SSWs at an emergency incident, ESO shall ensure that:

**(i)** Each SSW has and utilizes PPE appropriate to the task(s) to be performed;

**(ii)** An initial briefing is provided to each SSW that includes, at a minimum, what hazards are involved, what safety precautions are to be taken, and what duties are to be performed by the SSW;

**(iii)** An effective means of communication between the IC and each SSW is provided;

**(iv)** Where appropriate, a team member or responder is designated and escorts the SSW at the emergency incident scene; and

**(v)** All other appropriate on-scene safety and health precautions provided to team members and responders are used to ensure the safety and health of each SSW.

**(m)** Standard Operating Procedures.

**(1)** The ESO shall develop and implement SOPs for emergency events that ESO is reasonably likely to encounter.

 **(2)** The ESO shall establish SOPs that:

**(i)** Describe the actions to be taken by team members and responders in situations involving unusual hazards, such as downed power lines, natural gas or propane leaks, flammable liquid spills, and bomb threats;

**(ii)** Address how team members and responders are to operate at incidents that are beyond the capability of the ESO.

**(iii)** Provide a systematic approach to team member and responder protection from contaminants, and for decontamination of team members, responders, PPE, and equipment.

**(A)** Proper techniques for doffing (removing) contaminated PPE;

**(B)** On-scene gross decontamination, and decontamination at the ESO’s facility, of PPE, equipment, and team members and responders;

**(C)** Encouraging team members and responders to shower with soap and water, as soon as reasonably practicable, and change into clean clothing; and

**(D)** Protecting team members and responders from contaminated PPE after an incident;

**(iv)** Meet the requirements for vehicle operation and include procedures for safely driving vehicles during both non-emergency travel and emergency response; criteria for actions to be taken at stop signs and signal lights including using reasonable vehicle speed appropriate for conditions; driving on the opposite side of the road with oncoming traffic; use of cross-over/turnaround areas on divided highways; traversing

railroad grade crossings; the use of emergency warning devices; and the backing of vehicles. For backing vehicles with obstructed views to the rear, the SOP shall require use of at least one of the following: a spotter, a 360-degree walk-around of the vehicle by the operator, or a back-up camera;

**(v)** Provide for the use of standard protocols and terminology for radio communication at all types of incidents;

**(vi)** Establish procedures for operating at structures and locations that are identified as, or determined to be vacant, structurally unsound, or otherwise unsafe for entry by team members and responders;

**(vii)** Establish a system for maintaining personnel accountability and coordinating evacuation of all team members and responders operating at an incident that includes periodic accountability checks and reports; procedures for orderly evacuation of team members and responders; and procedures for rapid evacuation of team members and responders from escalating situations, such as rapid growth of fire, impending collapse, impending explosion; in case of PPE or equipment failure; and acts of active violence against team members and responders;

**(viii)** Establish procedures for Mayday situations, such as when a team member or responder becomes lost, trapped, injured, or ill, including the use of the radio’s emergency alert button and implementation of a RIC for immediate deployment to search and rescue any missing, disoriented, injured, ill, lost, unaccounted-for, or trapped team members or responders. The SOP shall specify the minimum number of team members or responders needed for the RIC, based on the size and complexity of potential incidents; and a standard list of equipment to be assembled by the RIC, for foreseeable incidents; and

**(ix)** Establish a systematic approach to provide team members and responders with medical monitoring and rehabilitation at emergency incidents as needed, such as rest, medical treatment, rehydration (fluid replacement), active warming or cooling, and protection from extreme elements.

**(3)** The ESO shall establish SOPs that:

**(i)** Establish procedures for protecting responders from vehicular traffic while operating at an emergency incident on, or adjacent to, roadways and highways, including setting up a safe work zone beginning with proper placement of the first arriving ESO vehicle and subsequent ESO vehicles, a means of coordination with law enforcement and mutual aid WERTs or ESOs, and use of safety vests that have high visibility and are reflective;

(**ii)** Establish procedures for operating at incident scenes that are primarily related to law enforcement, such as crime scenes, active shooters, and civil disturbances; and

**(iii)** Establish procedures for incidents where responders are called upon to conduct non- emergency services, including a requirement for responders to present themselves in uniforms, PPE, vests, or other apparel that clearly identifies them as fire/rescue/EMS responders and a requirement that responders wear ballistic vests, if provided by the ESO and appropriate for the type of incident.

**(n)** Post-Incident Analysis.

**(1)** The ESO shall promptly conduct a Post-Incident Analysis (PIA) to determine the effectiveness of the ESO’s response to an incident after a significant event such as a large-scale incident when appropriate.

**(o)** Program Evaluation.

**(1)** The ESO shall evaluate the adequacy and effectiveness of the ERP at least annually, and upon discovering deficiencies, and document when the evaluation(s) are conducted.

**(2)** Review of the ERP shall include determining whether the ERP was implemented as designed and whether modifications are necessary to correct deficiencies.

**(3)** The ESO shall identify and implement recommended changes to the ERP, with written timelines for correcting identified deficiencies as soon as feasible, based on the review of the program, giving priority to recommendations that most significantly affect team member or responder safety and health.

**(p)** Severability.

Each section of this standard, and each provision within those sections, is separate and severable from the other sections and provisions. If any provision of this standard is held to be invalid or unenforceable on its face, or as applied to any person, entity, or circumstance, or is stayed or enjoined, that provision shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from this standard and shall not affect the remainder of the standard.

The AHJ shall document any necessary deviation from this standard due to economical or technical feasibility and include a complete evaluation of means and measures taken by the AHJ to provide protection to responders that is just as effective as the requirements of this standard. Documentation of deviation shall be maintained on file for a minimum of 10 years.

The AHJ shall adhere to all state and local laws that are designed to protect the safety of the responders and the community they protect. The AHJ shall reference available resources in the development of their Emergency Response Plan. It is recommended that the AHJ reference the state or nationally recognized consensus standards in the development of their plan. These standards include, but are not inclusive of:

NFPA – (current edition or updated number upon NFPA revisions)

1001,1002,1005,1006,1021,1081,1140,1407,1500,1582,1910,

1951,1952,1953,1971,1977,1981,1982, 1984,1986,1987,1990,1999

ANSI/ISEA 207

Additional references can be found in:

NFPA

10,600, 1021,1451,1500, 1521,1561,1581, 1660,1700, 1710, 1720, 1851, 2500