



OREGON STATE SHERIFFS' ASSOCIATION

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June 25, 2024

Occupational Safety and Health Administration
US Department of Labor
200 Constitution Ave NW
Washington D.C. 20210

The Oregon State Sheriffs' Association (OSSA) is a 501(C)(3) non-profit public benefit corporation that has been in operation since 1916. The Board of Directors for this organization are the 36 Oregon county Sheriffs, and the mission of OSSA is to provide organization, equipment and education to each of the 36 Sheriff's Offices in Oregon. OSSA has various subgroups dedicated to specific functions of the Office of Sheriff, and we have one subgroup that is responsible for search and rescue operations.

OSSA leadership has reviewed RIN 1218-AC91, the proposed changes to 29 CFR 1910 which OSHA has titled Emergency Response Standard. OSSA appreciates the opportunity to respond to these proposed changes and hereby submits the following comments.

Oregon search and rescue is divided into two clear branches – county search and rescue (county SAR), which is the responsibility of the county Sheriff (ORS 404.110), and urban search and rescue operations, which are under the control of the State Fire Marshal (ORS 476.615). Notably, urban search and rescue is specifically defined by Oregon law as technical rescue services involving location, extrication and initial medical stabilization of victims trapped in an urban area, including from structures and trenches. We express no opinion on whether the proposed Emergency Response Standard is appropriate for urban search and rescue.

As to county SAR under Oregon Sheriffs, we believe that this proposed rule would effectively end these search and rescue operations across the state of Oregon. This would be a catastrophe for those people camping, hunting, fishing, hiking, skiing, bicycling or otherwise using the approximately 32 million acres of public lands in Oregon who are unfortunate enough to get injured, sick, lost, or otherwise need assistance. We believe that rural SAR operations should be exempt from this proposed rule.

As background, Oregon has a total area of about 63 million acres; national forest lands take up approximately 16 million acres and Bureau of Land Management another 16 million acres. **The public lands in Oregon make up 55% of the entire state and are just a bit bigger than the entire state of New York.** Oregon averages over 1000 county Search and Rescue Missions annually. These missions are conducted by a few dozen employees and about 1733 SAR volunteers. Of Oregon's 36 counties, 18 of them contain over 50% public lands, with six of those having in excess of 70% public lands in their borders. A significant portion of these public lands are not accessible by ambulance and have no cell phone coverage. There are several million acres that are either wilderness or roadless areas, where vehicles are either prohibited by federal law or impractical.

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We will highlight the county SAR operations of two Oregon counties, as we believe that this will best illustrate the impacts of this proposed rule on county Search and Rescue operations.

Union County

This county is the 16th largest county in Oregon, at 2036 square miles (1.305 million acres). Approximately 49% of the total acreage in the county is public land (1000 square miles). The county had a total population in 2022 of just over 26,000 people.

The Union County SAR program currently has 39 volunteers and one SAR Coordinator who also serves as the county emergency manager. The SAR Coordinator role is not a full-time position, it is an additional duty to their primary job as county emergency manager. There are no other employees to do administrative work. **These forty individuals are responsible for search and rescue operations for a 1000 square mile area of public land, as well as huge tracts of private forest land.** The public land alone in Union County is about the size of Rhode Island, and has mountains that are as high as 9,500 feet above sea level.

To carry out these duties, Union County SAR has an annual budget for fiscal year 2023/2024 budget of \$10,350 dollars, which comes from the Sheriff's Office. They also seek grants and donations from the community. Most of that budget is taken up with vehicle fuel and maintenance. They use this budget for both training and vehicle and equipment costs, so they are constantly trying to maintain a balance between providing training and keeping equipment operational. SAR operations are housed in a pole building that was built by the volunteers using donations and grants for materials.

Currently, training is paid for almost exclusively by the volunteers themselves. The Sheriff's Office and a non-profit help with paying for more advanced training courses as funds are available. SAR loses on average 5 volunteers per year, and they struggle to find new members to replace those who leave. Three out of four of the initial applicants drops out before being certified due to the training and certification requirements. The initial training for volunteers is a 36-hour course. In 2023, they had 35 active members who accrued an average of 56 training hours each. Volunteers also engage in various fundraising events to raise money for SAR needs. Due to the lack of money, volunteers are not given any type of physical or medical screening.

In terms of equipment, Union County SAR has four pickups, all of which were surplus vehicles from public agencies and range in age from 11 to 16 years old. They also have two snowmobiles, a rescue sled, a UTV, four ATVs, two inflatable kayaks, a rescue boat, a whitewater oar raft, and two trailers. Personal vehicles are often used to transport SAR equipment or personnel or to tow SAR trailers. They have radios that were surplus property from the Sheriff's Office, and these radios are past end of life support by the manufacturer for repairs and service. Their biggest equipment needs are new radios (approximately \$60,000) and two newer pickups that are large enough to tow trailers (\$100,000). These items represent about sixteen years of the annual SAR budget, and are completely out of reach.

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Union County SAR averages between 25 to 35 calls each year, with 29 calls in 2023. 16 of the 29 calls in 2023 were for rescue, and 13 were for searches for people who were lost or were overdue returning. A routine call usually generates about 8 of the 39 volunteers showing up.

DOUGLAS COUNTY

Douglas County is in western Oregon and is the 5th largest county in Oregon in size, with an area of just over 5000 square miles (3.2 million acres) and a population of just over 110,000 people. 52% of Douglas County is public land, and there are huge tracts of commercial timber.

County SAR in Douglas County has 95 volunteers, 2 full time SAR coordinators, and 7 deputies trained in SAR mission management. There are no administrative staff for SAR. **Just over 100 SAR representatives are responsible for about 2.6 million acres of public land and huge tracts of private timber.** The public land in Douglas County is a bit bigger than the entire state of Connecticut and has two notable mountains, Mt. Theilsen at 9,182 feet and Mt. Bailey at 8,376 feet. Notably, Douglas County also has several hundred miles of rivers, including the Rogue, Clearwater and Umpqua. The county has over 100 square miles of water within its borders.

The annual budget for Douglas County SAR is just over \$115,000, which comes from the County general fund. Over \$80,000 of that total budget is consumed by vehicle expenses and maintenance. SAR operations are housed in repurposed storage facility in the County fleet yard. Other equipment is paid for with donations and grants.

The general fund budget and a non-profit help with paying for training courses. SAR loses on average 20 to 25 volunteers per year, and they struggle to find new members to replace those who leave. The initial training for volunteers is a 12-hour virtual course and follow up in-person training. Volunteers are expected to complete various FEMA ICS courses on their own. Volunteers are required to do 30 hours of training annually. **Douglas County believes that adding additional training requirements for volunteers would effectively end the program as it is too great a demand on volunteer time.** Due to the lack of money, volunteers are not given any type of physical or medical screening.

In terms of equipment, Douglas County SAR has six pickups, a van and a Ford Excursion, as well as 2 snowmobiles, two kayaks, a snowcat, two UTVs and several trailers. Two volunteers privately own aircraft, which are used for some missions. Maintenance on vehicles is performed by county fleet and volunteers.

Their biggest equipment needs are updated radios, communications equipment, jackets, fire shelters, equipment storage, a training facility, a proper bathroom (they have a porta-potty) and clothing and equipment for volunteers (they currently must provide their own personal clothing and equipment).

Douglas County SAR averages around 100 calls each year, including lost persons, stranded persons, evidence searches, rescues, recovery of bodies, and evacuation notices. A routine call usually generates about 7 to 15 volunteers showing up.

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IMPACTS OF PROPOSED EMERGENCY RESPONSE PLAN

There is no question that this proposed rule will apply to Oregon County SAR operations. Oregon is a state plan State, and Oregon OSHA has confirmed that the proposed rule will apply if adopted. The reality of search and rescue operations in Oregon is that it operates on a shoestring budget, it is responsible for finding and rescuing people on unimaginably huge tracts of rugged, undeveloped forest and rangeland, and it relies almost exclusively on volunteers. This proposed rule will imperil the very existence of county SAR operations in Oregon, because none of the SAR organizations have the resources to implement the vast number of requirements mandated by the rule.

As illustrated by Union and Douglas County, the SAR groups currently lack the funds for basic equipment, clothing, training and vehicles, and even bathroom facilities. Adding dozens of additional burdens in terms of equipment, training, planning, medical examination and monitoring, decontamination facilities and even sprinkler systems is unrealistic, at best. **Union County SAR operates in a pole barn constructed by volunteers, and Douglas County operates in a repurposed storage shed.** Trying to apply highly technical requirements appropriate for urban fire departments to a rural operation housed in a pole barn is a clear illustration of why agencies must only regulate when there is evidence in the record to justify the regulation. It is clear that there is no evidence in the record that justifies including county SAR in this proposed rule.

In the proposed rule, OSHA outlines the number of hours for each activity it would take to be in compliance with the proposed rule. Even for the smallest organizations, less than 25 people, the estimate is around 690 hours. This estimate does not include the hundreds of additional hours to provide training for each new hire, nor all the repeat activities that must be done annually to maintain compliance. As outlined by a review of the available resources and budget for two Oregon counties, the number of hours to comply with this rule is simply unworkable – there is no one to do this work, and no funds to pay to have it done. There is no way that volunteers are going to continue to volunteer given the onerous training requirements set forth in the rule.

The proposed rule requires ongoing physical examinations performed by a very specialized doctor that understands the requirement of NFPA 1500. As noted above, the total budget for Union County for all SAR activities is just over \$10,000 dollars. There is simply no way that any small SAR operation can afford the costs of these physical examinations. And in many of Oregon's most rural counties (referred to as frontier counties) there are few or no physicians at all, much less ones trained in specialized NFPA standards.

OSHA proposes that organizations split up personnel into tiers, based upon the amount of training they have and duties they perform. This proposal is not realistic. The reality is that volunteers show up and are utilized based on their availability.

OSHA states that the rule must be economically feasible. A standard is economically feasible if industry can absorb or pass on the costs of compliance without threatening its long-term profitability or competitive structure.

- *OSHA standards satisfy the economic feasibility criterion even if they impose significant costs on regulated industries so long as they do not cause massive*

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*economic dislocations within a particular industry or **imperil the very existence of the industry***

The budgets of Oregon SAR operations are publicly available, and they are miniscule.

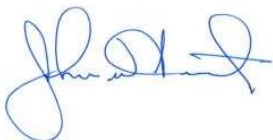
There is no way that a SAR organization, a Sheriff's Office, or an Oregon county can absorb the costs of compliance with this rule. There is simply no money available to implement these new requirements. This proposed rule would put most county SAR operations out of business, causing significant risks to public safety. There is no way to pass along costs of compliance, they must be absorbed by small public agencies that do not have the ability to do so. **In reviewing the proposed rule, it is clear and OSHA concedes that there is a near-complete lack of evidence about rural SAR operations since the data is simply not available.** Had OSHA obtained this information, as it did for urban SAR and emergency medical services, the record would be clear that the proposed standards are completely unrealistic for county SAR operations.

Oregon has vast tracts of public and private land that dwarfs entire states on the east coast. Much of this land is largely inaccessible, and a significant portion is either wilderness or roadless areas. The millions of people who use this land every year for various recreational purposes rely upon county sheriffs to rescue them when they are injured, lost or ill. This proposed rule will effectively eliminate the ability of county sheriffs to operate a search and rescue group, due to financial and administrative hurdles that are well beyond even the largest Oregon county SAR group. **The result is simple and predictable, people lost or injured in Oregon forests that would be saved today will die tomorrow if this rule is adopted as currently written.**

Ironically, the proposed rule makes it clear that this rule should not apply to either public agencies or to volunteers, yet it does so anyway despite an almost total lack of evidence in the record to support this action.

The Oregon State Sheriff's Association recognizes that OSHA plays an important role in protecting workers from safety hazards, and we support that mission. However, including county SAR in this proposed rule will not increase safety for SAR volunteers in Oregon, because there will be no county SAR volunteers or operations if this rule is adopted. This rule will have the unintended effect of making Oregon much less safe.

We respectfully request that you exclude county SAR operations from this proposed rule and gather relevant evidence before attempting to regulate in this area.



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Crook County
Oregon State Sheriffs' Association President



Elmer Dickens
General Counsel
Oregon State Sheriffs' Association

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Sheriff Travis Ash
Baker County

Sheriff Mark Garton
Polk County

Sheriff Shane Nelson
Deschutes County

Sheriff Gary Bettencourt
Gilliam County

Sheriff Cliff Harrold
Lane County

Sheriff Matt Phillips
Clatsop County

Sheriff Cody Bowen
Union County

Sheriff John Hanlin
Douglas County

Sheriff Brian Pixley
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Sheriff Angela Brandenburg
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Sheriff Nick Hunter
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Sheriff Terry Rowan
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Sheriff Josh Brown
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