



July 19, 2024

Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Referring to the proposed 29 CFR 1910.155 and 156

Dear OSHA,

Our greatest responsibility is the safety of our members and serving all of Oregon. OSHA and the Oregon Fire Chiefs Association (OFCA) are both focused on the health and safety of our members and the public we serve. Our members are the first responders to most emergencies that occur in our communities. It is our duty to safely carry out our life safety mission that prompts us to write this letter of great concern.

If the proposed 29 CFR 1910.155 and 156 standards were properly funded to support the staffing and resources needed to implement and address the ongoing cost of the proposed amendments, the Oregon Fire Chiefs Association would warmly embrace and assist in educating and promoting these proposed new rules. Unfunded, the Oregon Fire Chiefs Association is compelled to write to you to express strong opposition, as the intended expansion of safety rules will have the unintended impact of diverting our staff and resources from our members high-priority primary function of emergency response. If the proposed standards are approved, the financial impact to our agencies residents would be significant as the unfunded mandate costs would have to be shouldered by the communities our agencies serve. The limitations on property taxes imposed by Oregon's measure 5 restrict our ability to fund the well-intended safety regulations of 29 CFR 1910.155 and 156.

The Oregon Fire Chiefs Association knows it's members budgets and what the future funding currently looks like for agencies; these unfunded rules will compromise the responsibility to our community's emergency needs by reducing and/or diverting our already over-stretched resources—both human and financial—to lower-level risks.

There are three specific areas of the proposed rules that cannot be met with current funding. In fact, these three proposed rules would be impossible to meet for Oregon's fire service agencies without additional funding. The three proposed rules that would be insurmountable are: *section* (d) ESO Establishment of ERP and Emergency Services Capability, *section* (g) Medical and Physical Requirements, and *section* (l) Vehicle Preparedness and Operation. Please understand we would welcome all three proposed rules if there was a permanent funding mechanism- there is not.

25030 SW Parkway Ave. Suite 330
Wilsonville, OR 97070



The National Council on Compensation Insurance (NCCI) develops pure workers compensation rates for every class code in 35 states. In 1990, the NCCI listed Oregon as one of the most dangerous states to be a firefighter. In 1991, three of Oregon's leading fire service associations joined forces to reduce the number of firefighter deaths and injuries, and by 1995, the NCCI pure rates showed Oregon as the safest state to be a firefighter. Still today, Oregon is rated as one of the nation's safest states for firefighters.

The Oregon Fire Chiefs Association makes the safety of our firefighters our highest priority. With funding to add critical staff and resources, agencies could possibly make 29 CFR 1910.155 and 156 a reality. If this proposed rule goes into effect, Oregon's "discretionary immunity law" will no longer allow Oregon fire service members the latitude to self-determine the highest best use of resources to serve their respective communities and the specific needs we are well aware of.

These rules create an interesting dichotomy between the over 20 federally-governed states that remain unregulated by the rules and the remaining state-run programs that will be forced to comply. Funded, these rules would be warmly embraced, but unfunded, these rules will have the unintended consequence of putting the very public we are honored to serve at greater risk. The above information is why the Oregon Fire Chief's Association (OFCA) drafts this letter to OSHA in response to the proposed rules.

Sincerely,

Oregon Fire Chiefs Association Board of Directors