



TO: Occupational Safety and Health Administration

Submitted electronically on July 19, 2024: <https://www.regulations.gov/docket/OSHA-2007-0073>

FR: Oregon State Ambulance Association

staff@oregonambulance.org

RE: Comments on Proposed Revisions to Rules on Emergency Response

July 19, 2024

The Oregon State Ambulance Association is a statewide association of EMS providers that includes public, private, non-profit, ground and air membership. On behalf of our membership, we offer the below comments on the proposed Federal OSHA Emergency Response Rules, 29 CFR 1910.155 and 156.

The OSAA shares the ultimate goal of workplace safety, and appreciates certain features of the proposed rule, as well as the extended comment period. However, we have serious concerns with the feasibility of many aspects of the proposed rule, including the requirements for regular physical and medical assessments and requirements to create pre-incident plans. It is unfortunate that EMS was not more heavily included in the initial NACOSH process, as groups such as the American Ambulance Association would have been able to provide valuable feedback on the day-to-day operations of EMS.

OSAA is concerned with the cost of compliance with this proposed rule at a time where agencies are already struggling with rising costs in workforce, fuel and supplies, paired with insufficient reimbursement and a rise in uncompensated care. Federal OSHA's own estimates show 173 staff hours per year would be required to meet the regulations. We believe this is a conservative estimate. Agencies with smaller staff that are already stretched thin simply do not have the resources available to dedicate to this.

There will also be significant equipment costs for agencies. For example, the new requirement related to safety harnesses. While the use of seatbelts is common practice, the use of a safety harness while performing patient care may not be as widespread and this new requirement would likely require retrofitting of medical transport vehicles.

The cost of regular medical and fitness testing is also significant, and more clarity around what would be deemed fit/unfit is necessary. For example, does a diagnosis of PTSD exclude a provider? Licensing data in Oregon shows that as of 2023, there were a total of 10,164 licensed EMS providers (including all levels of

2024 Officers:

President Tim Novotny Bay Cities Ambulance	Vice President Mike Lepin Jefferson County Fire & EMS	Treasurer Sheila Clough Mercy Flights	Secretary Rob McDonald AMR	Past President Dan Brattain CAL-ORE Life Flight	Legislative Co-Chairs Shawn Baird, Metro West John Tacy, Lebanon Fire
---------------------------------------------------------	--------------------------------------------------------------------	----------------------------------------------------	-----------------------------------------	--------------------------------------------------------------	------------------------------------------------------------------------------------

EMTs and paramedics). Annual fitness and medical testing on each of these employees is significantly burdensome, especially considering that Oregon does not have enough EMS personnel to meet the current need. Taking people out of the field to undergo testing to ensure that they meet an ambiguous standard is a significant challenge that cannot be overlooked.

The OSAA would also appreciate more clarity on which requirements apply to fire agencies, which apply to EMS only entities and which requirements apply to both. Much of the rule seems to take existing fire standards and overlay those requirements onto EMS agencies. While there are many similarities between fire and EMS, there are significant differences that are not recognized by this rule. For example, training requirements; the NFPA trainings for fire do not have a clear EMS equivalent.

Finally, Oregon is a largely rural state. The EMS system in Oregon is under significant stress, and this massive and costly shift in regulatory requirements may force some agencies into shuttering entirely.

OSAA's members are committed to workplace safety and hope to further partner on the education and outreach of this proposed rules. We look forward to additional resources that will assist agencies, both large and small, as they come into compliance with the final rule.