



July 1, 2024

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, D.C. 20210

**RE: Proposed Rule: OSHA Emergency Response Standards – 29 CFR 1910.155 and 156
Federal Rulemaking Docket No. OSHA-2007-0073**

Dear Assistant Secretary Parker:

On behalf of the National Special Districts Coalition (NSDC) – representing thousands of special districts providing fire and emergency response services across the nation – I am writing to express our significant concerns with the Occupational Safety and Health Administration’s (OSHA) proposal to overhaul federal workplace safety regulations for first responders. The proposed rule, while well-intentioned, represents an unfunded mandate that would unduly burden fire protection and emergency services districts, particularly those that serve small and rural communities.

At the outset, NSDC would like to convey its strong support for measures aimed at protecting the health and safety of our nation’s first responders. Accordingly, we recognize and appreciate the need for OSHA to update its decades-old Emergency Response Standards in the interest of modernizing workplace protections for emergency response personnel. At the same time, there is a critical need to ensure that any newly prescribed standards are economically and administratively feasible.

Unfortunately, OSHA’s proposed rule would impose a series of extensive and costly health and safety mandates on special districts, the effect of which would divert resources from core emergency response activities and services. The proposal’s one-size-fits-all approach could cripple already fiscally strapped fire departments and emergency services districts, particularly those with small operating budgets, as well as negatively impact recruitment and retention efforts. Moreover, the financial burden of this proposal could lead to the closure of rural fire departments that are unable to comply with the requirements. Aside from the reduction of fire protection services, the consequence of closures would dramatically impact the affordability and availability of fire insurance for affected property owners.

Specific areas of concern with the proposed rule include the following:

- **Community Vulnerability Assessments** – A systematic assessment of structures, transportation systems, and infrastructure within each Emergency Service Organization’s (ESO) geographic area of responsibility is required under the proposed rule. While NSDC appreciates the objective of this exercise, such comprehensive assessments would be infeasible for many special districts due to limited personnel and data resources. In the state

of Oregon, for example, fewer than 20 out of approximately 300 fire departments in the state have access to GIS or analytics for ongoing community vulnerability assessments.

- **Medical Requirements** – OSHA’s proposed rule would impose a number of medical requirements on ESOs, including comprehensive physical exams for all first responders. NFA 1582 medical physicals – which are the gold standard for assessing firefighter health – are extremely costly and, in many rural areas, unavailable due to a lack of medical providers. Likewise, behavioral health and wellness resources, which ESOs would need to make available to employees, remain inaccessible to many due to a shortage of medical providers in rural areas. Since an ESO lacks control over service access, it is impractical for OSHA to mandate anything beyond creating a service plan.
- **Fitness for Duty Requirements** – Unlike other occupations, OSHA does not currently mandate fitness-for-duty testing for firefighters. If such testing is to be required, careful consideration must be given to the challenges communities face in recruiting and retaining emergency responders, including volunteers.
- **National Fire Protection Association (NFPA) Standards** – Incorporating entire NFPA standards by reference, which organizations must adhere to verbatim, poses risks. The additional 3,000 pages of information beyond the federal standard would need thorough examination for compliance. Moreover, NFPA standards are often updated without public input and therefore create a moving target.
 - NFPA 1910 mandates that individuals conducting fire equipment inspection, maintenance, and testing must be qualified as Emergency Vehicle Technicians. This requirement poses a significant challenge for many organizations and would likely be very difficult for ESOs to fully meet.
 - NFPA 1910’s broad definition of vehicles, including privately owned vehicles, presents regulatory complexities for special districts.
 - NFPA 1910’s requirements for retiring vehicles and personal protective equipment (PPE) would place a heavy financial burden on taxpayers.

In sum, while ensuring sufficient workplace protections for emergency responders is essential, OSHA’s proposed rule would jeopardize the existence of many fire, rescue, and emergency response organizations, ultimately making communities less safe. The proposed rule’s one-size-fits-all regulatory regime does not take into account the resources available to many communities, imposes extensive administrative and cost burdens, and includes requirements that will exacerbate retention and recruitment challenges for covered entities. NSDC therefore urges OSHA to suspend its proposed rule until a thorough and complete financial analysis of the proposal is conducted.

Sincerely,



Ann Terry
Chair, National Special Districts Coalition
CEO, Special District Association of Colorado