

NATIONAL EMERGENCY RESPONSE RULES PROPOSAL

ACTION NEEDED!



PROPOSED OSHA RULE FOR EMERGENCY RESPONSE ACTIVITIES

On February 5, 2024, the Federal Occupational Safety and Health Administration (OSHA) introduced a proposed rule to regulate emergency response activities. This new standard would replace the existing Fire Brigades Standard found in 29 CFR 1910.156. Notably, the proposed rule significantly broadens its scope to include a wider range of emergency responders, encompassing entities such as fire agencies (both paid and volunteer), emergency medical services, search and rescue teams, hazardous materials response teams, and wildland firefighters. Importantly, the standard applies to all members of these organizations, regardless of their specific roles or employment status.

AREAS OF CONCERN

- 1. Written Emergency Response Program (ERP):** Emergency service organizations (ESOs) must develop a comprehensive ERP outlining protocols for various emergency scenarios. Regular updates and annual reviews are required.
- 2. Community Vulnerability Assessments:** ESOs must review primary response areas, identifying all unsafe sites (e.g., vacant structures, hazardous natural features) and convey these to responders.
- 3. Team Member Participation:** The proposed rule encourages ESOs to involve members in health and safety matters, potentially allowing employee representatives (e.g., attorneys, union reps, family members) to participate.
- 4. Comprehensive Risk Management Plan:** ESOs must create a detailed risk management plan based on vulnerability assessments.
- 5. Medical Evaluation of Responders:** Regular medical evaluations, equivalent to NFPA 1582 standards, would be necessary for emergency responders. Must be provided at least every two years for responders who respond or may respond to more than 15 events that expose them to product combustion.

- 6. Mental Health Evaluation of Responders:** ESOs must provide resources (at minimum; diagnostic assessment, short-term counseling, crisis intervention, and referral services) for behavioral health and personal problems affecting responders' performance.
- 7. Vehicle Preparedness:** ESOs must inspect, maintain, and repair vehicles according to manufacturer instructions or NFPA 1910. Qualified NFPA Emergency Vehicle Technicians are required.

This proposed emergency response standard represents a significant shift for ESOs by incorporating by reference 22 NFPA standards. This means that these NFPA standards would be considered part of the OSHA rules. Cost analysis was not considered for public fire agencies due to the jurisdictional limits on Federal OSHA related to local government employees. It is imperative that public agencies provide Federal OSHA with comment detailing the costs of these proposals especially in states with their own state OSHA.

SUBMIT COMMENT BY JUNE 21, 2024

Visit www.regulations.gov/commenton/OSHA-2007-0073-0788 to submit your comments to OSHA by June 21, 2024.

MORE INFORMATION

Please visit www.sdao.com/federal-osh-proposed-rules for more information and a full summary.

