



Preparing to Testify at OSHA's Virtual Public Hearing Regarding the Proposed Emergency Response Standard

OSHA is proposing a new Emergency Response Standard to replace the existing Fire Brigades Standard. This proposed standard imposes numerous requirements that would be infeasible for many volunteer fire departments to comply with. The initial public comment period on this proposed standard began on February 5 and concluded on July 22. Click [here](#) to view the comments the NVFC submitted.

OSHA will be holding a virtual public hearing beginning on November 12. OSHA is currently accepting Notices of Intention to Appear (NOITA) for those wanting to testify at this hearing. You may view OSHA's full announcement of the public hearing with further information and instructions [here](#).

- 1. Anyone can be a witness at OSHA's public hearing** on their proposed Emergency Response Standard, even if you didn't submit a public comment. The NVFC encourages as many volunteers as possible to testify at the hearing.
- 2. How to become a witness at OSHA's public hearing:** In order to testify at OSHA's public hearing you must submit a [NOITA](#) to OSHA by September 27. Everyone who submits an NOITA will be granted a time slot to testify at the hearing. It is ok to submit a NOITA if you are uncertain whether you'd like to testify at the hearing. If you no longer wish to testify, you can simply notify OSHA when they contact you about scheduling your time slot to testify.
- 3. The NOITA form at the link above requests the following information:**
 - 1) Name
 - 2) Mailing address
 - 3) Email address (all of the information you submit to in the NOITA will become part of the docket and publicly available)
 - 4) Title/Position (firefighter, captain, chief, etc.)
 - 5) Whether you will be testifying as an individual or on behalf of an organization. If you are testifying on behalf of an organization you'll have to provide the name of the organization
 - 6) Whether or not you'll need an interpreter
 - 7) Choose from 8 topics you may testify on, or fill out the other option for a different topic. Feel free to check every box you may possibly testify on. It is ok if you do not mention every topic you select in your testimony. Topics 4-6 are volunteer centric.
 - 8) Choose from selecting a time slot of 5-, 10-, 15- or 20-minute time slot to offer your testimony. It is better err on the side of a longer timeframe up front as you'll have an opportunity to let OSHA know that you'll need less time to testify. If you select a timeframe of 10 minutes or longer, you must submit the text of your testimony to OSHA before October 18. OSHA will then review this text and evaluate whether to provide you with the time you requested or a shorter length of time to deliver your testimony.
 - 9) Choose whether you intend to submit additional written materials (journal papers, reports) to supplement your testimony. Individuals or groups who submit documentary evidence at the hearing must submit the full text of their testimony and all documentary evidence no later than October 18. Similar to other requested pieces of information, it is ok to answer yes to this question and subsequently tell OSHA you don't have any additional documents.

4. **How long will the hearing last?** As you can imagine, this hearing can run very long since everyone who submits a NOITA will be granted a time slot to testify. OSHA will begin the virtual hearing on November 12, 2024 and it will continue from 9:30 am until 4:30 pm ET, every weekday for as long as needed to hear the testimonies and question witnesses. If the hearing runs long enough, OSHA will break for Thanksgiving, likely for the whole week. The longest public hearing in recent years ran six weeks.
5. **What should I include in my testimony at the public hearing?** Tell OSHA the story of your department (budget, staff, population served, funding sources, etc.) and how this proposed rule would affect your department. Here are some tips for your testimony:
 - Utilize the NVFC's [pain points one-pager](#) and [landing page](#) to help formulate your thoughts and evaluate potential impacts.
 - If you already submitted comments on the proposed rule, it is ok to re-emphasize the points you made but don't make it the primary topic of your testimony. Look at other public comments submitted by other stakeholders or organizations (International Association of Fire Chiefs, National Association of Counties etc.) and tell OSHA what you agree with and disagree with in these comments and why. All public comments on the proposed rule are available to view and can be searched for in the public docket [here](#).
6. **If I testify, will I be asked questions at the public hearing?** At the hearing you may be asked questions by representatives of OSHA or members of the public in attendance, since any member of the public will be able to attend the hearing. The questions OSHA may ask will be confined to the content of your oral or written testimony. Questioning from the public will be at the discretion of the administrative law judge presiding over the hearing. It is important that the answers you provide are factual. It is OK to say that you do not know the answer to a question and then, if possible, provide the answer to the question in writing during the post hearing public comment period.
7. **What happens *after* the public hearing?** Following the public hearing, OSHA will hold a post hearing public comment period, in which anyone will be able to submit comments on the proposed Emergency Response Rule, even if they did not submit comments previously or testify at the hearing. OSHA will also hold an additional public comment period for legal comment on the proposed rule. It is not known how long each comment period will be, but they'll likely be approximately 30 days each.