Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156(r)(1) & (2)	[none]	**(r) Post-Incident Analysis** (1) The WERE or ESO shall promptly conduct a Post-Incident Analysis (PIA) to determine the effectiveness of the WERT's or ESO's response to an incident after a significant event such as a large-scale incident; a significant near-miss incident; a team member, responder or SSW injury or illness requiring off-scene treatment; or a team member, responder, or SSW fatality. (2) The PIA shall include, but not be limited to, a review and evaluation of the RMP, IMS, PIPs, SOPs, and IAPs for accuracy and adequacy.
§ 1910.156(s)(1)	[none]	**(s) Program Evaluation** (1) The WERE and ESO shall evaluate the adequacy and effectiveness of the ERP at least annually, and upon discovering deficiencies, and document when the evaluation(s) are conducted.

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4. *OMB Control Number:* 1218–0075.

5. *Affected Public:* Business or other for-profit and not for profit entities.

6. *Number of Respondents:* 22,551.

7. *Frequency of Responses:* On occasion.

8. *Number of Reponses:* 28,305,800.

9. *Average Time per Response:* Varies.

10. *Estimated Annual Total Burden Hours:* 3,896,763.

11. *Estimated Annual Total Cost (Operation and maintenance):* $104,682,854.

IV. Submitting Comments

Members of the public who wish to comment on the revisions to the paperwork requirements in this proposal must send their written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, OSHA (RIN: 1218–AD91), Office of Management and Budget, Room 10235, Washington, DC 20503, email: *OIRA_submission@omb.eop.gov.* The agency encourages commenters also to submit their comments on these paperwork requirements to the rulemaking docket (Docket Number OSHA–2007–0073) along with comments on other parts of the proposed rule. For instructions on submitting these comments to the rulemaking docket, see the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES.** Comments submitted in response to this document are public records; therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and dates of birth.

V. Docket and Inquiries

To access the docket to read or download comments and other materials related to this paperwork determination, including the complete ICR (containing the Supporting Statement with attachments describing the paperwork determinations in detail), use the procedures described under the section of this document titled **ADDRESSES.**

You also may obtain an electronic copy of the complete ICR by visiting the web page at: *http://www.reginfo.gov/public/do/PRAMain.* Scroll under "Currently Under Review" to "Department of Labor (DOL)" to view all of the DOL's ICRs, including those ICRs submitted for proposed rulemakings. To make inquiries, or to request other information, contact Ms. Seleda Perryman, Directorate of Standards and Guidance, telephone (202) 693–2222.

List of Subjects in 29 CFR Part 1910

Emergency response, Emergency responder, Emergency medical service, Firefighter, Incorporation by reference, Search and rescue personal protective equipment, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); 5 U.S.C. 553, Secretary of Labor's Order No. 8–2020 (85 FR 58383), and 29 CFR part 1911.

Signed at Washington, DC.

Douglas L. Parker,

Assistant Secretary of Labor for Occupational Safety and Health.

Proposed Amendments

For the reasons stated in the preamble, OSHA proposes to amend 29 CFR part 1910 to read as follows:

PART 1910—OCCUPATIONAL SAFETY AND HEALTH STANDARDS

Subpart A—General

■ 1. The authority citation for subpart A continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order Numbers 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), n1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), 5–2007 (72 FR 31159), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable. Sections 1910.6, 1910.7, 1910.8 and 1910.9 also issued under 29 CFR 1911. Section 1910.7(f) also issued under 31 U.S.C. 9701; 29 U.S.C. 9a; 5 U.S.C. 553; Public Law 106–113 (113 Stat. 1501A–222); Public Law 11–8 and 111–317; and OMB Circular A–25 (dated July 8, 1993) (58 FR 38142, July 15, 1993).

■ 2. Amend § 1910.6 by:
■ a. Throughout the section,
■ i. Removing the text "The following material is available for purchase from the";
■ ii. Removing the text "The following materials are available for purchase from the";
■ iii. Removing the text "The following material is available from the"; and
■ iv. Removing the text "The following materials are available from the";
■ b. Revising paragraph (a) and the introductory text of paragraph (e);
■ c. In paragraph (e),
■ i. Removing the second sentence of paragraphs (e)(59) and (65);
■ ii. Revising paragraphs (e)(66), (67), and (69) through (71); and
■ iii. Adding paragraph (e)(80);
■ d. Revising the introductory text of paragraph (h);
■ e. Removing and reserving paragraph (k);
■ f. Adding introductory text to paragraph (r) and removing and reserving paragraphs (r)(1) and (2);
■ g. Revising the introductory text of paragraph (t);
■ h. Redesignating paragraphs (t)(2) through (37) as set forth in the following table:

Old paragraph	New paragraph
paragraphs (t)(2) through (8)	paragraphs (t)(3) through (9)
paragraphs (t)(9) through (15)	paragraphs (t)(12) through (18)
paragraphs (t)(17) through (33)	paragraphs (t)(19) through (35)
paragraph (t)(34)	paragraph (t)(49)
paragraphs (t)(35) through (36)	paragraphs (t)(10) through (11)
paragraph (t)(37)	paragraph (t)(2)

■ i. In newly redesignated paragraph (t)(10), removing the second sentence;
■ j. Adding new paragraphs (t)(36) and (37) and adding paragraphs (t)(38) through (48);
■ k. Revising newly-redesignated paragraph (t)(49);
■ l. Adding paragraphs (t)(50) through (57); and
■ m. Removing and reserving paragraph (v)(2).

The revisions and additions read as follows:

§ 1910.6 Incorporation by reference.

(a)(1) The standards of agencies of the U.S. Government and of organizations which are not agencies of the U.S. Government, which are incorporated by reference in this part, have the same force and effect as other standards in this part. The Occupational Safety and Health Administration (OSHA) adopts only the mandatory provisions (*i.e.*, provisions containing the word "shall" or other mandatory language) of material incorporated by reference as standards under the Occupational Safety and Health Act.

(2) Any changes in the material incorporated by reference in this part and an official historic file of such changes are available for inspection in the Docket Office at the national office of the Occupational Safety and Health Administration, U.S. Department of Labor, Washington, DC 20210; phone: 202–693–2350 (TTY: 877–889–5627).

(3) The material listed in this section are incorporated by reference into this part with the approval of the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in this section, OSHA must publish a document in the **Federal Register** and the material must be available to the public. All approved incorporation by reference (IBR) material is available for inspection at OSHA and at the National Archives and Records Administration (NARA). Contact OSHA at: any OSHA Regional Office or at the OSHA Docket Office, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3508, Washington, DC 20210; phone: 202–693–2350 (TTY: 877–889–5627); email: *technicaldatacenter@dol.gov;* website: *www.osha.gov/contactus/byoffice/dtsem/technical-data-center.* For information on the availability of this material at NARA, visit *www.archives.gov/federal-register/cfr/ibr-locations* or email *fr.inspection@nara.gov.* The material may be obtained from the source(s) in the following paragraph(s) of this section or through a document reseller, including:

(i) Document Center Inc., 111 Industrial Road, Suite 9, Belmont, 94002; phone: 650–591–7600; fax: 650–591–7617; email: *info@document-center.com;* website: *www.document-center.com.*

(ii) Global Engineering Documents, 15 Inverness Way East, Englewood, CO 80112; phone: 800–854–7179 or 303–397–7956; fax: 303–397–2740; email: *global@ihs.com;* website: *https://global.ihs.com;*

(iii) Techstreet, a business of Thomson Reuters, 3916 Ranchero Drive, Ann Arbor, MI 48108; phone: 800–699–9277 or 734–780–8000; fax: 734–780–2046; email: *techstreet.service@thomsonreuters.com;* website: *www.Techstreet.com.*

(iv) Linda Hall Library, 5109 Cherry Street, Kansas City, Missouri, 64110–2498; phone: 816–363–4600; email: *requests@lindahall.org;* website: *https://www.lindahall.org/.*

* * * * *

(e) American National Standards Institute (ANSI), 25 West 43rd Street, 4th Floor, New York, NY 10036; phone: 212–642–4900; fax: 212–398–0023; website: *www.ansi.org.*

* * * * *

(66) ANSI Z535.1–2006 (R2011), Safety Colors, reaffirmed July 19, 2011; IBR approved for §§ 1910.97(a) and 1910.145(d).

(67) ANSI Z535.2–2011, Environmental and Facility Safety Signs, published September 15, 2011; IBR approved for § 1910.261(c).

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(69) ANSI/ISEA Z87.1–2010, Occupational and Educational Personal Eye and Face Protection Devices,

Approved April 13, 2010; IBR approved for § 1910.133(b).

(70) ANSI Z87.1–2003, Occupational and Educational Eye and Face Personal Protection Devices Approved June 19, 2003; IBR approved for § 1910.133(b).

(71) ANSI Z87.1–1989 (R–1998), Practice for Occupational and Educational Eye and Face Protection, Reaffirmation approved January 4, 1999; IBR approved for § 1910.133(b).

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(80) ANSI/ISEA 207–2011, American National Standard for High-Visibility Safety Vests [2011 ed]; IBR approved for § 1910.156(k).

* * * * *

(h) ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428–2959; phone: 610–832–9585; fax: 610–832–9555; email: *sevice@astm.org;* website: *www.astm.org.*

* * * * *

(r) International Standards Organization (ISO) through ANSI, 25 West 43rd Street, Fourth Floor, New York, NY 10036–7417; phone: 212–642–4980; fax: 212–302–1286; email: *info@ansi.org;* website: *www.ansi.org.*

* * * * *

(t) National Fire Protection Association (NFPA), 1 Batterymarch Park, Quincy, MA 02269; phone: 800–344–3555 or 617–770–3000; fax: 800–593–6372 or 508–895–8301; email: *custserv@nfpa.org;* website: *www.nfpa.org.*

* * * * *

(36) NFPA 1001, Standard for Structural Fire Fighter Professional Qualifications, [2019 edition]; IBR approved for § 1910.156(h).

(37) NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, [2017 edition]; IBR approved for § 1910.156(h).

(38) NFPA 1005, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, [2019 edition]; IBR approved for § 1910.156(h).

(39) NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, [2021 edition]; IBR approved for § 1910.156(h).

(40) NFPA 1021, Standard for Fire Officer Professional Qualifications, [2020 edition]; IBR approved for § 1910.156(h).

(41) NFPA 1081, Standard for Facility Fire Brigade Member Professional Qualifications, [2018 edition]; IBR approved for § 1910.156(h).

(42) NFPA 1140, Standard for Wildland Fire Protection, [2022 edition]; IBR approved for § 1910.156(h).

(43) NFPA 1407, Standard for Training Fire Service Rapid Intervention Crews, [2020 edition]; IBR approved for § 1910.156(h).

(44) NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments, [2022 edition]; IBR approved for § 1910.156(g).

(45) NFPA 1910, Standard for the Inspection, Maintenance, Refurbishment, Testing, and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels, [2024 edition]; IBR approved for § 1910.156(l).

(46) NFPA 1951, Standard on Protective Ensembles for Technical Rescue Incidents, [2020 edition]; IBR approved for § 1910.156(k).

(47) NFPA 1952, Standard on Surface Water Operations Protective Clothing and Equipment, [2021 edition]; IBR approved for § 1910.156(k).

(48) NFPA 1953, Standard on Protective Ensembles for Contaminated Water Diving, [2021 edition]; IBR approved for § 1910.156(k).

(49) NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, [2018 edition]; IBR approved for § 1910.156(k).

(50) NFPA 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting, [2022 edition]; IBR approved for § 1910.156(k).

(51) NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services, [2019 edition]; IBR approved for § 1910.156(k).

(52) NFPA 1982, Standard on Personal Alert Safety Systems (PASS), [2018 edition]; IBR approved for § 1910.156(k).

(53) NFPA 1984, Standards on Respirators for Wildland Fire-Fighting Operations and Wildland Urban Interface Operations, [2022 edition]; IBR approved for § 1910.156(k).

(54) NFPA 1986, Standard on Respiratory Protection for Tactical and technical Operations, [2023 edition]; IBR approved for § 1910.156(k).

(55) NFPA 1987, Standard on Combination Unit Respirator Systems for Tactical and Technical Operations, [2023 edition]; IBR approved for § 1910.156(k).

(56) NFPA 1990, Standard on Protective Ensembles for Hazardous Materials and CBRN Operations, [2022 edition]; IBR approved for § 1910.156(k).

(57) NFPA 1999, Standard on Protective Clothing and Ensembles for Emergency Medical Operations, [2018 edition]; IBR approved for § 1910.156(k).

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Subpart H—Hazardous Materials

■ 3. The authority citation for subpart H continues to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), or 5–2007 (72 FR 31159), 4–2010 (75 FR 55355) or 1–2012 (77 FR 3912), as applicable; and 29 CFR part 1911.

Sections 1910.103, 1910.106 through 1910.111, and 1910.119, 1910.120, and 1910.122 through 1910.126 also issued under 29 CFR part 1911.

Section 1910.119 also issued under Section 304, Clean Air Act Amendments of 1990 (Pub. L. 101–549), reprinted at 29 U.S.C.A. 655 Note.

Section 1910.120 also issued under Section 126, Superfund Amendments and Reauthorization Act of 1986 as amended (29 U.S.C.A. 655 Note), and 5 U.S.C. 553.

■ 4. Amend § 1910.120 by:

■ a. In paragraph (c)(5)(iii), removing the text "appendix B" and adding in its place the text "appendix D to this subpart";

■ b. In paragraph (f)(4)(ii), removing the text "appendix D" and adding in its place the text "appendix D to this subpart";

■ c. In paragraphs (g)(3)(iv) and (v). removing the text "appendix B" and adding in its place the text "appendix B to this subpart";

■ d. In paragraphs (g)(4)(ii) and (iii), removing the text "appendix A" and adding in its place the text "appendix A to this subpart";

■ e. Revising paragraph (q)(3)(iii);

■ f. Redesignating the note immediately following the undesignated heading "Appendices to § 1910.120" as paragraph (r);

■ g. Removing the undesignated heading "Appendices to § 1910.120"; and

■ h. Redesignating appendices A through E to § 1910.120 as appendices A through E to subpart H of part 29.

The revisions and addition read as follows:

§ 1910.120 Hazardous waste operations and emergency response.

* * * * *

(q) * * *

(3) * * *

(iii) Based on the hazardous substances and/or conditions present, the individual in charge of the ICS shall implement appropriate emergency operations, and ensure that the personal

protective equipment worn is appropriate for the hazards to be encountered. However, personal protective equipment shall meet, at a minimum, the criteria contained in § 1910.156(k) when worn while performing firefighting operations beyond the incipient stage for any incident.

(r) *Appendices to this subpart—Hazardous Waste Operations and Emergency Response.* Appendices A through E to this subpart serve as non-mandatory guidelines to assist employees and employers in complying with the appropriate requirements of this section. However, paragraph (g) of this section makes mandatory in certain circumstances the use of Level A and Level B PPE protection set forth in the appendices.

* * * * *

■ 5. Amend newly redesignated appendix B to subpart H by revising Part B.IV to read as follows:

Appendix B to Subpart H of Part 1910—General Description and Discussion of the Levels of Protection and Protective Gear

* * * * *

Part B * * *

IV. *Level D*—Level D protection should be used when:

1. The atmosphere contains no known hazard; and

2. Work functions preclude splashes, immersion, or the potential for unexpected inhalation of or contact with hazardous levels of any chemicals.

Note: As stated before, combinations of personal protective equipment other than those described for Levels A, B, C, and D protection may be more appropriate and may be used to provide the proper level of protection.

As an aid in selecting suitable chemical protective clothing, it should be noted that the NFPA has developed standards on chemical protective clothing. The standards that have been adopted include:

NFPA 1990, Standard on Protective Ensembles for Hazardous Materials and CBRN Operations, [2022 ed]. (as incorporated by reference, see § 1910.6).

This standard applies documentation and performance requirements to the manufacture of chemical protective suits. Chemical protective suits meeting these requirements are labelled as compliant with the appropriate standard. It is recommended that chemical protective suits that meet these standards be used.

Appendix C to Subpart H [Amended]

■ 6. Amend newly redesignated appendix C to subpart H by:

■ a. In section 2., removing the text "appendix D" and adding in its place the text "appendix D to this subpart"; and

■ b. In section 5., removing the text "appendix B" and adding in its place the text "appendix B to this subpart".

Appendix E to Subpart H [Amended]

■ 7. Amend newly redesignated appendix E to subpart H by:

■ a. In paragraph B.1.(m), removing the text "appendices to 29 CFR 1910.120" and adding, in its place, the text "appendices to this subpart"; and

■ b. In section 5., removing the text "appendix B" and adding, in its place, the text "appendix B to this subpart".

Subpart I—Personal Protective Equipment

■ 8. The authority citation for subpart I continues to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008 preview citation details), 5–2007 (72 FR 31160), 4–2010 (75 FR 55355), or 1–2012 (77 FR 3912), as applicable, and 29 CFR part 1911.

■ 9. Amend § 1910.134 by:

■ a. In paragraph (b), removing the definition for "*Interior structural firefighting*";

■ b. Revising paragraph (g)(4); and

■ c. Removing Notes 1 and 2 to paragraph (g).

The revision reads as follows:

§ 1910.134 Respiratory protection.

* * * * *

(g) * * *

(4) *Procedures for interior structural firefighting.* (Refer to § 1910.156)

* * * * *

Subpart L—Fire Protection

■ 10. The authority citation for subpart L continues to read as follows:

Authority: Sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, and 657); Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 6–96 (62 FR 111), 3–2000 (65 FR 50017), 5–2002 (67 FR 65008), or 5–2007 (72 FR 31160), as applicable, and 29 CFR part 1911.

■ 11. Amend § 1910.155 by revising paragraphs (a) and (c) to read as follows:

§ 1910.155 Scope, application and definitions applicable to this subpart.

(a) *Scope.* This subpart contains requirements for Workplace Emergency Response Employers and Emergency Service Organizations (as defined in § 1910.156), and all portable and fixed fire suppression equipment, fire detection systems, and fire or employee alarm systems installed to meet the fire protection requirements of this part.

* * * * *

(c) *Definitions applicable to this subpart—*

Aqueous film forming foam (AFFF) means a fluorinated surfactant with a foam stabilizer which is diluted with water to act as a temporary barrier to exclude air from mixing with the fuel vapor by developing an aqueous film on the fuel surface of some hydrocarbons which is capable of suppressing the generation of fuel vapors.

Approved means acceptable to the Assistant Secretary under the following criteria:

(i) If it is accepted, or certified, or listed, or labeled or otherwise determined to be safe by a nationally recognized testing laboratory; or

(ii) With respect to an installation or equipment of a kind which no nationally recognized testing laboratory accepts, certifies, lists, labels, or determines to be safe, if it is inspected or tested by another Federal agency and found in compliance with the provisions of the applicable National Fire Protection Association Fire Code; or

(iii) With respect to custom-made equipment or related installations which are designed, fabricated for, and intended for use by its manufacturer on the basis of test data which the employer keeps and makes available for inspection to the Assistant Secretary.

(iv) For the purposes of paragraph (c)(3) of this section:

(A) Equipment is listed if it is of a kind mentioned in a list which is published by a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment and which states that such equipment meets nationally recognized standards or has been tested and found safe for use in a specified manner;

(B) Equipment is labeled if there is attached to it a label, symbol, or other identifying mark of a nationally recognized testing laboratory which makes periodic inspections of the production of such equipment, and whose labeling indicates compliance with nationally recognized standards or tests to determine safe use in a specified manner;

(C) Equipment is accepted if it has been inspected and found by a nationally recognized testing laboratory to conform to specified plans or to procedures of applicable codes; and

(D) Equipment is certified if it has been tested and found by a nationally recognized testing laboratory to meet nationally recognized standards or to be

safe for use in a specified manner or is of a kind whose production is periodically inspected by a nationally recognized testing laboratory, and if it bears a label, tag, or other record of certification.

(E) Refer to § 1910.7 for definition of nationally recognized testing laboratory.

Assistant Secretary means the Assistant Secretary of Labor for Occupational Safety and Health or designee.

Automatic fire detection device means a device designed to automatically detect the presence of fire by heat, flame, light, smoke or other products of combustion.

Carbon dioxide means a colorless, odorless, electrically nonconductive inert gas (chemical formula CO_2) that is a medium for extinguishing fires by reducing the concentration of oxygen or fuel vapor in the air to the point where combustion is impossible.

Class A fire means a fire involving ordinary combustible materials such as paper, wood, cloth, and some rubber and plastic materials.

Class B fire means a fire involving flammable or combustible liquids, flammable gases, greases and similar materials, and some rubber and plastic materials.

Class C fire means a fire involving energized electrical equipment where safety to the employee requires the use of electrically nonconductive extinguishing media.

Class D fire means a fire involving combustible metals such as magnesium, titanium, zirconium, sodium, lithium and potassium.

Class K fire means a fire in a cooking appliance involving animal oils, vegetable oils, or fats.

Clean agent means an extinguishing agent that is odorless, colorless, electrically non-conducive, and leaves no residue.

Dry chemical means an extinguishing agent composed of very small particles of chemicals such as, but not limited to, sodium bicarbonate, potassium bicarbonate, urea-based potassium bicarbonate, potassium chloride, or monoammonium phosphate supplemented by special treatment to provide resistance to packing and moisture absorption (caking) as well as to provide proper flow capabilities. Dry chemical does not include dry powders.

Dry powder means a compound used to extinguish or control Class D fires.

Education means the process of imparting knowledge or skill through systematic instruction. It does not require formal classroom instruction.

Extinguisher classification means the letter classification given an extinguisher to designate the class or classes of fire on which an extinguisher will be effective.

Extinguisher rating means the numerical rating given to an extinguisher which indicates the extinguishing potential of the unit based on standardized tests developed by Underwriters' Laboratories, Inc.

Fixed extinguishing system means a permanently installed system that either extinguishes or controls a fire at the location of the system.

Foam means a stable aggregation of small bubbles which flow freely over a burning liquid surface and form a coherent blanket which seals combustible vapors and thereby extinguishes the fire.

Gaseous agent is a fire extinguishing agent which is in the gaseous state at normal room temperature and pressure. It has low viscosity, can expand or contract with changes in pressure and temperature, and has the ability to diffuse readily and to distribute itself uniformly throughout an enclosure.

Halogenated agent means a liquified gas extinguishing agent that chemically interrupts the combustion reaction between the fuel and oxygen to extinguish fires.

Halon 1211 means a colorless, faintly sweet smelling, electrically nonconductive liquefied gas (chemical formula $CBrC1F_2$) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromochlorodifluoromethane.

Halon 1301 means a colorless, odorless, electrically nonconductive gas (chemical formula $CBrF_3$) which is a medium for extinguishing fires by inhibiting the chemical chain reaction of fuel and oxygen. It is also known as bromotrifluoromethane.

Incipient stage fire means a fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

Inspection means a visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

Interior structural firefighting means the physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage.

Local application system means a fixed fire suppression system which has a supply of extinguishing agent, with nozzles arranged to automatically discharge extinguishing agent directly on the burning material to extinguish or control a fire.

Maintenance means the performance of services on fire protection equipment and systems to assure that they will perform as expected in the event of a fire. Maintenance differs from inspection in that maintenance requires the checking of internal fittings, devices and agent supplies.

Multipurpose dry chemical means a dry chemical which is approved for use on Class A, Class B and Class C fires.

Pre-discharge employee alarm means an alarm which will sound at a set time prior to actual discharge of an extinguishing system so that employees may evacuate the discharge area prior to system discharge.

Sprinkler alarm means an approved device installed so that any waterflow from a sprinkler system equal to or greater than that from single automatic sprinkler will result in an audible alarm signal on the premises.

Sprinkler system means a system of piping designed in accordance with fire protection engineering standards and installed to control or extinguish fires. The system includes an adequate and reliable water supply, and a network of specially sized piping and sprinklers which are interconnected. The system also includes a control valve and a device for actuating an alarm when the system is in operation.

Standpipe systems. (i) *Class I standpipe system* means a 21/2″ (6.3 cm) hose connection for use by fire departments and those trained in handling heavy fire streams.

(ii) *Class II standpipe system* means a 11/2″ (3.8 cm) hose system which provides a means for the control or extinguishment of incipient stage fires.

(iii) *Class III standpipe system* means a combined system of hose which is for the use of employees trained in the use of hose operations and which is capable of furnishing effective water discharge during the more advanced stages of fire (beyond the incipient stage) in the interior of workplaces. Hose outlets are available for both 11/2″ (3.8 cm) and 21/2″ (6.3 cm) hose.

(iv) *Small hose system* means a system of hose ranging in diameter from 5/8″ (1.6 cm up to 11/2″ (3.8 cm) which is for the use of employees and which provides a means for the control and extinguishment of incipient stage fires.

Training means the process of making proficient through instruction and hands-on practice in the operation of equipment, including respiratory protection equipment, that is expected to be used and in the performance of assigned duties.

Total flooding system means a fixed suppression system which is arranged to automatically discharge a predetermined concentration of agent into an enclosed space for the purpose of fire extinguishment or control.

Wet chemical means an aqueous solution of organic or inorganic salts, or a combination thereof, that forms an extinguishing agent.

Wetting agent means a concentrate mixed with water that reduces the surface tension of the water which increases its ability to spread and penetrate, thus extending the efficiency of the watering extinguishing fires.

■ 12. Revise § 1910.156 to read as follows:

§ 1910.156 Emergency response.

(a) *Scope.* (1) This section applies to:

(i) Employers that have a workplace emergency response team, as defined in paragraph (b) of this section. The employees on the team, as a collateral duty to their regular daily work assignments, respond to emergency incidents to provide service such as firefighting, emergency medical service, and technical search and rescue. For the purposes of this section, this type of employer is called a Workplace Emergency Response Employer (WERE), the team is called a Workplace Emergency Response Team (WERT), and the employees assigned to the team are called team members; and

(ii) Employers that are emergency service organizations as defined in paragraph (b) of this section, that provide one or more of the following emergency response services as a primary function; or the employees perform the emergency service(s) as a primary duty for the employer: firefighting, emergency medical service, and technical search and rescue. For the purposes of this section, this type of employer is called an Emergency Service Organization (ESO), and the employees are called responders.

(2) This section does not apply to:

(i) Employers performing disaster site clean-up or recovery duties following natural disasters such as earthquakes, hurricanes, tornados, and floods; and human-made disasters such as explosions and transportation incidents.

(ii) Activities covered by § 1910.120 (Hazardous Waste Operations and Emergency Response (HAZWOPER)), § 1910.146 (Permit-Required Confined Spaces in General Industry).

(b) *Definitions.*

Combustion product means the heat, volatized liquids and solids, particulate matter (microscopic and small unburned particles), ash, and toxic gases released as a result of combustion (fire).

Community means a state, region, municipality or portion thereof, such as a village, town, township, borough, city, county, or parish.

Community vulnerability assessment means the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the overall community that may require emergency service from the ESO, including the community's structures, inhabitants, infrastructure, organizations, and hazardous conditions or processes. The assessment is intended to include both human-created vulnerabilities and natural disasters.

Control zone means an area at an incident that is designated based upon safety and the degree of hazard to team members and responders. A control zone may be designated as cold, warm, hot, or no-entry.

(i) *Cold zone* means the area immediately outside the boundary of the established warm zone where team members and responders are not exposed to dangerous areas or contaminants from fire, toxic chemicals, or carcinogens. The cold zone typically contains the command post and such other support functions as are deemed necessary to control the incident. It may also be known as the support zone.

(ii) *Warm zone* means the area immediately outside the boundary of the hot zone that serves to transition to the cold zone. The warm zone typically is where team member and responder and equipment decontamination and hot zone support take place. It may also be known as the contamination reduction zone.

(iii) *Hot zone* means the area including and immediately surrounding the physical location of a fire or other hazardous area, having a boundary that extends far enough away to protect team members and responders outside the hot zone from being directly exposed to the hazards present in the hot zone.

(iv) *No-entry zone* means an area designated to keep out team members and responders, due to the presence of dangers such as imminent hazard(s), potential collapse, or the need to preserve the scene.

Emergency Medical Service (EMS) means the provision of patient treatment, such as basic life support, advanced life support, and other pre-hospital procedures, and may include transportation to a medical facility. It does not include the provision of first aid within the scope of § 1910.151.

Emergency Response Program (ERP) means a written program, developed by the WERE or ESO, to ensure that the WERE or ESO is prepared to safely respond to and operate at emergency incidents and non-emergency service situations, and to provide for the occupational safety and health of team members and responders. The ERP shall be composed of at least the information and documents required in this section.

Emergency Service Organization (ESO) means an organization that provides one or more of the following emergency response services as a primary function: firefighting, emergency medical service, and technical search and rescue; or the employees perform the emergency service(s) as a primary duty for the employer. Personnel (called responders in this section), as part of their regularly assigned duties, respond to emergency incidents to provide service such as firefighting, emergency medical service, and technical search and rescue. It does not include organizations solely engaged in law enforcement, crime prevention, facility security, or similar activities.

Facility means a structure or structures and surrounding locations, including industrial, commercial, mercantile, warehouse, power plant (utility), assembly occupancy, institutional or similar occupancy; and public and private as well as for-profit, not-for-profit, and governmental location, campus, compound, base, or similar establishment.

Facility vulnerability assessment means the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the entire facility, including the facility's structures and surrounding locations, inhabitants, infrastructure, and hazardous conditions or processes.

Gross decontamination means the initial phase of the decontamination process, during which the surface contaminants and foreign materials on a team member's or responder's skin, clothing, personal protective equipment (PPE), and equipment are removed or significantly reduced, such as by brushing, rinsing, wiping, use of detergents, and use of personal hygiene wipes.

Immediately dangerous to life or health (IDLH) means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

Incident means any situation to which a WERE or an ESO responds to perform services, such as firefighting; emergency medical service; technical search and rescue; other situations such as responses to downed electrical power lines, and outside propane or natural gas leaks.

Incident action plan (IAP) means the incident objectives, strategy, and tactics necessary to manage an incident. The IAP is developed at the incident site and provides essential information for actionable incident organization, work assignments, management of resources, risk management, and team member or responder safety when operating at an incident.

Incident Commander (IC) means the team member or responder who fulfills the incident command function of the Incident Management System; who is responsible for the overall management of an incident and the safety of all team members or responders involved in the response; and who is responsible for all incident activities, including the development of strategies and tactics, the direction and control of all team members and responders at the incident, and the ordering and release of resources.

Incident Management System (IMS) means a system used for managing and directing incident scene operations and activities. It includes establishing functions for managing incidents, describes the roles and responsibilities to be assumed by team members and responders, and standard operating procedures to be utilized. Incident command is a function of the IMS.

Incident Safety Officer (ISO) means the team member or responder at an incident scene who is responsible for monitoring and assessing safety hazards and unsafe situations and for developing measures for ensuring team member and responder safety.

Incident scene means the physical location where activities related to a specific incident are conducted. It includes nearby areas that are subject to incident-related hazards or used by the WERE or ESO for team members, responders, and equipment.

Living area means the room(s) or area(s) of the ESO's facility where responders may cook, eat, relax, read, study, watch television, complete paperwork or data entry, and similar daily living activities. Examples include day room, kitchen/dining area, classroom, office, and TV room. Areas such as maintenance shops, utility and storage areas, and interior vehicle parking bays are not considered living areas.

Mayday means an emergency procedure term used to signal that a team member or responder is in distress, needs assistance and is unable to self-rescue; it is typically used when safety or life is in jeopardy.

Mutual aid agreement means a written agreement or contract between WEREs and ESOs, or between ESOs, that they will assist one another upon request by furnishing personnel, equipment, materials, expertise, or other associated services as specified.

Non-emergency service means a situation where a WERT or ESO is called upon to provide a service that does not involve an immediate threat to health, life, or property, such as assisting law enforcement with equipment and scene lighting; removing people from a stuck elevator; resetting an accidentally activated fire alarm system; or assisting a mobility-challenged person downstairs during an elevator outage.

Personal protective equipment (PPE) means the clothing and equipment worn and utilized to prevent or minimize exposure to serious workplace injuries and illnesses. Examples include gloves, safety glasses and goggles, safety shoes and boots, earplugs and muffs, hard hats and helmets, respirators and Self-Contained Breathing Apparatus (SCBA), protective coats and pants, hoods, coveralls, vests, and full body suits.

Physician or other licensed health care professional (PLHCP) means an individual whose legally permitted scope of practice (*i.e.,* license, registration, or certification) allows the individual to independently provide, or be delegated the responsibility to provide, some or all of the health care services required by paragraph (g) of this section.

Pre-incident plan (PIP) means a written document developed by gathering general and detailed data about a particular facility or other location that is used by team members or responders in effectively and safely managing an emergency incident there. It is developed before an incident occurs and is intended to be used during an incident to aid in the safe mitigation of hazards.

Rapid intervention crew (RIC) means a group of team members or responders dedicated solely to serve as a stand-by rescue team available for the immediate search and rescue of any missing, trapped, injured or unaccounted-for team member(s) or responder(s).

Responder means an employee or member of an ESO who is, or will be, assigned to perform duties at emergency incidents.

Size-up means the observation and evaluation of the influencing factors at an incident used to determine the scope of the incident and to develop strategic goals and tactical objectives.

Skilled support worker (SSW) means an employee of an employer whose primary function is not as an emergency service provider and who is skilled in certain tasks or disciplines that can support a WERT or ESO. Examples include operators of heavy-duty wrecker/rotator tow vehicles, mechanized earth moving or digging equipment, or crane and hoisting equipment; utility service employees (gas, water, electricity); public works employees; and technical experts.

Sleeping area means designated room(s) or area(s) of the ESO's facility where responders sleep in beds.

Standard operating procedure (SOP) means a written directive that establishes a course of action or administrative method to be followed routinely and explains what is expected of team members or responders in performing the prescribed action, duty, or task.

Team member means an employee of the WERE whose primary job duties are typically associated with the business of the WERE (*e.g.,* production, manufacturing, processing, warehousing, administration) and who is assigned to the WERT to perform certain designated duties at emergency incidents at the WERE facility. Emergency response is a collateral duty for team members.

Technical search and rescue/ Technical rescue means a type of service that utilizes special knowledge and skills and specialized equipment to resolve complex search and rescue situations, such as rope, vehicle/ machinery, structural collapse, trench, and technical water rescue.

Unified command (UC) means a structure for managing an incident that allows for all agencies with jurisdictional responsibility for an incident, either geographical or functional, to manage an incident by establishing a common set of incident objectives and strategies.

Workplace Emergency Response Employer (WERE) means an employer who has a workplace emergency response team; and whose employees on the team, as a collateral duty to their regular daily work assignments, respond to emergency incidents to provide service such as firefighting, emergency medical service, and technical search and rescue.

Workplace Emergency Response Team (WERT) means a group of WERE employees (known as team members) who, as a collateral duty, prepare for and respond to emergency incidents in the WERE workplace.

(c) *Organization of the WERT, and Establishment of the ERP and Emergency Service(s) Capability.* (1) The WERE shall develop and implement a written ERP that provides protection for each of its employees (team members)

who is designated to provide services at an emergency incident.

(2) In the ERP, the WERE shall establish the existence of a WERT; describe the basic organizational structure of the WERT; and include how the WERE is addressing the provisions in the following paragraphs of this section: (c), (e) through (i), (k) through (m), and (o) through (s). The ERP must include an up-to-date copy of all written plans and procedures, except for PIPs, required by this section.

(3) The WERE shall conduct a facility vulnerability assessment for the purpose of establishing its emergency response capabilities and determining its ability to match the facility's vulnerabilities with available resources.

(4) The assessment required by paragraph (c)(3) of this section shall identify structures, facilities, and other locations where PIPs are needed.

(i) The assessment shall identify each vacant structure and location at the facility that is unsafe for team members to enter due to conditions such as previous fire damage, damage from natural disasters, and deterioration due to age and lack of upkeep.

(ii) The WERE shall provide a means for notifying team members of the vacant structures and locations identified in paragraph (c)(4)(i) of this section.

(5) The WERE shall specify the resources needed, including personnel and equipment, for mitigation of emergency incidents identified in the facility vulnerability assessment.

(6) The WERE shall establish, and document in the ERP, the type(s) and level(s) of emergency service(s) that it intends for the WERT to perform.

(7) The WERE shall establish, and document in the ERP, tiers of team members based on responsibilities, qualifications, and capabilities for the type(s) and level(s) of service it intends to perform.

Examples of tiers include, but are not limited to:

(i) For firefighting types of operations, tiers such as: trainee, incipient stage, advanced exterior, interior structural, both advanced exterior and interior firefighter, support.

(ii) For technical search and rescue types of operations, tiers such as: trainee, awareness, operation, technician, support.

(iii) For emergency medical types of services, tiers such as: trainee, Emergency Medical Responder (EMR), Emergency Medical Technician (EMT), advanced EMT (EMT–A), paramedic, nurse, physician, support.

(8) The WERE shall define, and document in the ERP, the service(s) needed, based on paragraph (c)(3) of this section, that the WERE is unable to provide, and develop mutual aid agreements with other WEREs and ESOs as necessary, or contract with an ESO(s), to ensure adequate resources are available to safely mitigate foreseeable incidents.

(9) Previous editions of ERP documents required by this section shall be maintained by the WERE for a minimum of five (5) years.

(10) The WERE shall notify team members of any changes to the ERP and make the ERP and documents maintained in accordance with paragraph (c)(9) of this section available for inspection by team members, their representatives, and OSHA representatives.

(d) *ESO Establishment of ERP and Emergency Service(s) Capability.* (1) The ESO shall develop and implement a written ERP that provides protection for each of its responders who is designated to operate at an emergency incident.

(2) In the ERP the ESO shall include how the ESO is addressing the provisions in the following paragraphs of this section: (d) through (h), (j) through (l), and (n) through (s). The ERP must include an up-to-date copy of all written plans and procedures, except for PIPs, required by this section.

(3) The ESO shall perform a community or facility vulnerability assessment of hazards within the primary response area where the emergency service(s) it provides is/are expected to be performed.

Note 1 to paragraph (d)(3): An ESO whose primary response area is a community would assess the community it serves. An ESO whose primary response area is, for example: a manufacturing facility, a military facility, a research and development facility, or similar occupational facility or workplace, would assess that facility.

(4) The assessment required by paragraph (d)(3) of this section shall identify structures, facilities, and other locations where PIPs are needed.

(i) The assessment shall identify each vacant structure and location that is unsafe for responders to enter due to conditions such as previous fire damage, damage from natural disasters, and deterioration due to age and lack of upkeep.

(ii) The ESO shall provide a means for notifying responders of the vacant structures and locations identified in paragraph (d)(4)(i) of this section.

(5) All facilities within the ESO's service area that are subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001 *et seq.*), shall be included in the ESO's community vulnerability assessment.

(6) The ESO shall evaluate the resources needed, including personnel and equipment, for mitigation of emergency incidents identified in the community or facility vulnerability assessment, and establish in the ERP the type(s) and level(s) of emergency service(s) it intends to perform.

(7) In the ERP the ESO shall establish tiers of responders based on responsibilities, qualifications and capabilities for the type(s) and level(s) of service it intends to perform. Examples of tiers include, but are not limited to:

(i) For firefighting types of operations, tiers such as: trainee, basic firefighter, advanced firefighter, officer/crew leader, command officer, pilot, support.

(ii) For technical search and rescue types of operations, tiers such as: awareness, operation, technician, support.

(iii) For emergency medical types of services, tiers such as: EMR, EMT, advanced EMT (EMT–A), paramedic, nurse, pilot, support.

(8) In the ERP the ESO shall define the service(s) needed, based on paragraph (d)(4) of this section, that the ESO is unable to provide, and develop mutual aid agreements with WEREs or other ESOs as necessary to ensure adequate resources are available to safely mitigate foreseeable incidents.

(9) Previous editions of documentation required by this section shall be maintained by the ESO for a minimum of five (5) years.

(10) The ESO shall notify responders of any changes to the ERP and make the ERP and documents maintained in accordance with paragraph (d)(9) of this section available for inspection by responders, their representatives, and OSHA representatives.

(e) *Team Member and Responder Participation.* Each WERE and ESO shall establish and implement a process to:

(1) Involve team members and responders in developing and updating the ERP;

(2) Involve team members and responders in implementing and evaluating the ERP, and in the review and change process;

(3) Request input from team members and responders regarding modifications to the WERE's or ESO's own facility(ies);

(4) Involve team members and responders in walkaround inspections, inspections conducted in response to a

health or safety concern raised, and incident investigations at the WERE and ESO's own facility(ies);

(5) Encourage team members and responders to report safety and health concerns, such as hazards, injuries, illnesses, near misses, and deficiencies in the ERP;

(6) Respond to reports made in accordance with paragraph (e)(5) of this section in a reasonable period; and

(7) Post procedures for reporting safety and health concerns under paragraph (e)(5) of this section in a conspicuous place or places where notices to team members and responders are customarily posted.

(f) *WERT and ESO Risk Management Plan.* (1) The WERE and the ESO shall develop and implement a written comprehensive risk management plan (RMP), based on the type and level of service(s) established in paragraphs (c) and (d) of this section, that:

(i) Covers, at a minimum, risks to team members and responders associated with the following:

(A) Activities at WERE and ESO facilities;

(B) Training;

(C) Vehicle operations;

(D) Operations at emergency incidents;

(E) Non-emergency services and activities; and

(F) Activities that lead to exposure to combustion products, carcinogens, and other incident-related health hazards.

(ii) Includes, at a minimum, the following components with respect to hazards faced by team members and responders operating at incidents:

(A) Identification of actual and reasonably anticipated hazards;

(B) Evaluation of the likelihood of occurrence of a given hazard and the severity of its potential consequences;

(C) Establishment of priorities for action based upon a particular hazard's severity and likelihood of occurrence;

(D) Risk control techniques for elimination or mitigation of potential hazards, and a plan for implementation of the most effective solutions; and

(E) A plan for post-incident evaluation of effectiveness of risk control techniques.

(iii) Includes, at a minimum, the following:

(A) A personal protective equipment (PPE) hazard assessment that meets the requirements of § 1910.132(d);

(B) A respiratory protection program that meets the requirements of § 1910.134;

(C) An infection control program that identifies and limits or prevents the exposure of team members and responders to infectious and contagious diseases; and

(D) A bloodborne pathogens exposure control plan that meets the requirements of § 1910.1030.

(2) The RMP shall include a policy for extraordinary situations when a team member or responder, after making a risk assessment determination based on the team member or responder's training and experience, is permitted to attempt to rescue a person in imminent peril, potentially without benefit of, for example, PPE or equipment.

(3) The WERE and ESO shall review the RMP when review is required by paragraph (r) or (s) of this section, but not less than annually, and update it as needed.

(g) *Medical and Physical Requirements*—(1) *WERE and ESO medical requirements.* (i) The WERE and ESO shall establish the minimum medical requirements for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section. The medical requirements will differ based on the tiers of team members and responders in accordance with paragraphs (c)(7) and (d)(7) of this section, except that team members and responders in a support tier are excluded from the requirements in paragraph (g) of this section; and

(ii) The WERE and ESO shall maintain a confidential record for each team member and responder that records, at a minimum, duty restrictions based on medical evaluations; occupational illnesses and injuries; and exposures to combustion products, known or suspected toxic products, contagious diseases, and dangerous substances.

(iii) The WERE and ESO shall ensure that medical records are maintained and made available in accordance with § 1910.1020, Access to employee exposure and medical records.

(iv) Medical evaluations, tests, and laboratory analysis required to comply with paragraph (g) of this section shall be provided at no cost to team members or responders and without loss of pay.

(2) *WERE and ESO medical evaluation and surveillance.* (i) The WERE and ESO shall establish a medical evaluation program for team members and responders, except for those in a support tier, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section;

(ii) Prior to performing emergency response duties, each team member and responder shall be medically evaluated to determine fitness for duty by a physician or other licensed health care professional (PLHCP), in accordance with paragraphs (g)(2)(iii) through (vi) of this section, and each responder shall also be evaluated in accordance with paragraph (g)(3) of this section. The WERE and ESO must make medical surveillance required by this paragraph (g) available at no cost to the team members and responders, and at a reasonable time and place, to each team member and responder;

(iii) All medical evaluations must include the following to detect any physical or medical condition(s) that could adversely affect the team member or responder's ability to safely perform the essential job functions:

(A) Medical and work history with emphasis on symptoms of cardiac and respiratory disease;

(B) Physical examination with emphasis on the cardiac, respiratory, and musculoskeletal systems;

(C) Spirometry; and

(D) An assessment of heart disease risk including blood pressure, cholesterol levels, and relevant heart disease risk factors.

(iv) Additional screening shall be provided as deemed appropriate by the PLHCP;

(v) The medical evaluation shall be repeated biennially (every two years) thereafter unless the PLHCP deems more frequent evaluations are necessary with the exception of spirometry which will be repeated when deemed appropriate by the PLHC; and

(vi) The WERE and ESO shall establish protocols regarding the length of time that absence from duty due to injury or illness requires a team member or responder to have a return-to-duty medical evaluation by a PLHCP.

(3) *Additional ESO surveillance.* (i) For ESOs whose responders are exposed to combustion products, medical surveillance shall include a component based on the frequency and intensity of expected exposure to combustion products established in the risk management plan in paragraph (f) of this section. The surveillance component shall include:

(A) For responders who are, or based on experience may be, exposed to combustion products 15 times or more a year without regard to the use of respiratory protection, medical surveillance shall be provided, at least as effective as the occupational medical examination criteria specified in a national consensus standard, such as NFPA 1582 (incorporated by reference, see § 1910.6); and

(B) For responders who, either immediately or subsequently, exhibit signs or symptoms which may have resulted from exposure to combustion products, medical consultation shall be

provided and, if medically indicated, ongoing medical surveillance.

(ii) The ESO shall document each exposure to combustion products for each responder, for the purpose of determining the need for the medical surveillance specified in paragraph (g)(3)(i)(A) of this section, and for inclusion in the responder's confidential record, as required in paragraph (g)(1)(ii) of this section.

(4) *WERE and ESO behavioral health and wellness.* (i) The WERE and ESO shall provide, at no cost to the team member or responder, behavioral health and wellness resources for team members and responders, or identify where such resources are available at no cost in the community;

(ii) The resources shall include, at minimum:

(A) Diagnostic assessment;

(B) Short-term counseling;

(C) Crisis intervention; and

(D) Referral services for behavioral health and personal problems that could affect the team member or responder's performance of emergency response duties.

(iii) The WERE and ESO shall inform each team member and responder, on a regular and recurring basis, and following each potentially traumatic event, of the resources available; and

(iv) The WERE and ESO shall ensure that if there are any records of team member or responder use of these resources in possession of the WERE or ESO, the records are kept confidential.

(5) *WERE and ESO fitness for duty.* The WERE and ESO shall establish and implement a process to evaluate and re-evaluate annually the ability of team members and responders to perform essential job functions, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section.

(6) *ESO health and fitness program.* (i) The ESO shall establish and implement a health and fitness program that enables responders to develop and maintain a level of physical fitness that allows them to safely perform their assigned functions, based on the type and level of service(s), and tiers of responders established in paragraph (d) of this section; and

(ii) The program shall include the following components:

(A) An individual designated to oversee the responder health and fitness program;

(B) A periodic (not to exceed 3 years) fitness assessment for all responders;

(C) Exercise training that is available to all responders during working hours; and

(D) Education and counseling regarding health promotion for all responders.

(h) *Training*—(1) *Minimum training.* The WERE and the ESO shall:

(i) Establish the minimum knowledge and skills required for each team member and responder to participate safely in emergency operations, based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section;

(ii) Provide initial training, ongoing training, refresher training, and professional development for each team member and responder commensurate with the safe performance of expected duties and functions based on the tiers of team members and responders and the type and level of service(s) established in paragraphs (c) and (d) of this section;

(iii) Restrict the activities of each new team member and responder during emergency operations until the team member or responder has demonstrated to a trainer/instructor, supervisor/team leader/officer, the skills and abilities to safely complete the tasks expected;

(iv) Ensure each instructor/trainer has the knowledge, skills, and abilities to teach the subject matter being presented.

(v) Ensure training is provided in a language and at a literacy level that team members and responders understand, and that the training provides an opportunity for interactive questions and answers with the instructor/trainer.

(vi) Provide each team member and responder with training on the RMP established in paragraph (f)(1) of this section;

(vii) Train each team member and responder about the safety and health policy established in paragraph (f)(2) of this section and the Standard Operating Procedures (SOPs) established in paragraph (q) of this section;

(viii) Provide each team member and responder with training that covers the selection, use, limitations, maintenance, and retirement criteria for all PPE used by the team member or responder based on the type and level of service(s), and tiers of team members and responders established in paragraphs (c) and (d) of this section;

(ix) Train each team member and responder in the selection, proper use, and limitations of portable fire extinguishers provided for employee use in the WERE or ESO's facility and vehicles, in accordance with § 1910.157;

(x) Train each team member and responder in the incident management system (IMS) established in paragraph (o) of this section, in order to operate safely within the scope of the IMS.

(xi) Ensure training for each team member and responder engaged in emergency activities includes procedures for the safe exit and accountability of team members and responders during orderly evacuations, rapid evacuations, equipment failure, or other dangerous situations and events.

(xii) Ensure each team member and responder is trained to meet the requirements of § 1910.120(q)(6)(i) (HAZWOPER), First Responder Awareness Level.

(xiii) Ensure each team member and responder who is not trained and authorized to enter specific hazardous locations (*e.g.*, confined spaces, trenches, and moving water) is trained to an awareness level (similar to the requirements in § 1910.120(q)(6)(i)) to recognize such locations and their hazards and avoid entry;

(xiv) Train each team member and responder to perform cardiopulmonary resuscitation (CPR) and use an automatic external defibrillator (AED).

(2) *Vocational training.* The WERE and ESO shall:

(i) Ensure each WERT team member who is designated to perform firefighting duties is trained to safely perform the duties assigned, to a level that is at least equivalent to the job performance requirements of NFPA 1081(incorporated by reference see § 1910.6);

(ii) Ensure each ESO responder who is designated to perform interior structural firefighting duties is trained to safely perform the duties assigned, to a level that is at least equivalent to the job performance requirements of NFPA 1001 (incorporated by reference see § 1910.6);

(iii) Ensure each team member and responder who is designated to perform interior structural firefighting duties is trained to safely perform search and rescue operational capabilities at least equivalent to the job performance requirements of NFPA 1407 (incorporated by reference see § 1910.6);

(iv) Ensure each team member and responder who is a vehicle operator is trained to safely operate the vehicle at a level that is at least equivalent to the job performance requirements of NFPA 1002 (incorporated by reference see § 1910.6), or similar Emergency Vehicle Operator qualifications based on the type of vehicle the team member or responder operates;

(v) Ensure each team member and responder who is a manager/supervisor (crew leader/officer) is trained to safely perform at a level that is at least equivalent to the job performance

requirements of NFPA 1021 (incorporated by reference see § 1910.6);

(vi) Ensure each wildland ESO responder is trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1140 (incorporated by reference see § 1910.6), or has a "Red Card" in accordance with the National Wildfire Coordinating Group—Interagency Fire Qualifications;

(vii) Ensure each technical search and rescue team member and responder who is designated to perform a technical rescue is trained to safely perform at a level that is at least equivalent to the technician capabilities of the job performance requirements of NFPA 1006 (incorporated by reference see § 1910.6);

(viii) Ensure each firefighting team member and responder who operates in a marine environment is trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1005 (incorporated by reference see § 1910.6); and

(ix) Ensure, based on the type and level of service(s) established in paragraphs (c) and (d) of this section, that each EMS team member and responder possesses the relevant professional qualification, certification, or license required in the WERE's and ESO's jurisdiction.

(3) *Proficiency.* The WERE and ESO shall provide annual skills checks to ensure each team member and responder maintains proficiency in the skills and knowledge commensurate with the safe performance of expected duties and functions, based on the type and level of service(s) established in paragraphs (c) and (d) of this section.

(i) *WERE Facility Preparedness.* (1) The WERE shall:

(i) Ensure the facility complies with subpart E of this part;

(ii) Provide facilities for the decontamination, disinfection, cleaning, and storage of PPE and equipment. If PPE is to be decontaminated off-site, the WERE must provide for bagging and storage of contaminated PPE while it is still at the WERE facility; and

(iii) Ensure that fire detection, suppression, and alarm systems, and occupant notification systems are installed, tested, and maintained in accordance with manufacturer's instructions and subpart L of this part.

(2) Ensure that, for prompt firefighting support from mutual aid WERTs and ESOs, fire hose connections and fittings are compatible with, or adapters are provided for, firefighting infrastructure such as fire hydrants, sprinkler system and standpipe system inlet connections, and fire hose valves (FHV); and

(3) Identify the location of each FHV, except for those clearly visible on standpipes in enclosed stairways, in a manner suitable to the location, such as with a sign, painted wall, or painted column, to ensure prompt access to FHVs.

(j) *ESO Facility Preparedness*—(1) *General requirements.* The ESO shall:

(i) Ensure each ESO facility complies with subpart E of this part;

(ii) Provide facilities for the decontamination, disinfection, cleaning, and storage of PPE and equipment. If PPE is to be decontaminated off-site, the ESO must provide for bagging and storage of contaminated PPE while it is still at the ESO facility;

(iii) For fire poles, slides and chutes;

(A) Ensure each responder using a fire pole maintains contact with the pole using all four extremities and does not hold anything other than the pole;

(B) Ensure each fire pole has a landing cushion that is at least 30 inches in diameter, has a contrasting color to the surrounding floor, and has impact absorption to reduce the likelihood and severity of injury;

(C) Ensure each floor hole with a fire pole, chute, or slide that provides rapid access to a lower level is secured or protected in accordance with subpart D of this part to prevent unintended falls through the floor hole; and

(iv) Ensure fire detection, suppression, and alarm systems, and occupant notification systems are installed, tested, and maintained in accordance with manufacturer's instructions and subpart L of this part.

(2) *Sleeping and living areas.* The ESO shall:

(i) Ensure interconnected hard-wired smoke alarms with battery back-up are installed inside each sleeping area, and outside in the immediate vicinity of each opening (door) to a sleeping area, and on all levels of the facility, including basements;

(ii) Ensure each new ESO facility with one or more sleeping area(s) (approved for construction, as determined by building permit, after [2 years after date of publication of the final rule in the **Federal Register**]) is protected throughout by an automatic sprinkler system, installed in accordance with § 1910.159;

(iii) Ensure each sleeping and living area has functioning carbon monoxide alarms installed;

(iv) Prevent responder exposure to, and contamination of sleeping and living areas by, vehicle exhaust emissions; and

(v) Ensure that contaminated PPE is not worn or stored in sleeping and living areas.

(k) *Equipment and PPE*—(1) *Equipment needed for emergency operations.* The WERE and the ESO shall:

(i) Provide or ensure access to the equipment needed to train for and safely perform emergency services, at no cost to team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section;

(ii) Ensure newly purchased or acquired equipment is safe for use in the manner the WERE or ESO intends to use it;

(iii) Inspect, maintain, functionally test, and service test equipment as follows:

(A) At least annually;

(B) In accordance with manufacturer's instructions and industry practices; and

(C) As necessary to ensure equipment is in safe working order; and

(iv) Immediately remove from service equipment found to be defective or in an unserviceable condition.

(2) *Personal protective equipment (PPE).* The WERE and the ESO shall:

(i) Conduct a PPE hazard assessment for the selection of the protective ensemble, ensemble elements, and other protective equipment for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section;

(ii) Provide, at no cost to team members and responders, protective ensembles, ensemble elements, and protective equipment designed to provide protection from the hazards to which the team members and responders are likely to be exposed and suitable for the task the team members and responders are expected to perform, as determined by the PPE hazard assessment in paragraph (k)(2)(i) of this section;

(iii) Ensure PPE complies with subpart I of this part;

(iv) Ensure existing PPE complies with the requirements of the edition of the respective standard, listed in paragraph (k)(2)(v) of this section, that was current when it was manufactured;

(v) Ensure new PPE complies with the appropriate following standard(s):

(A) NFPA 1951 (incorporated by reference see § 1910.6);

(B) NFPA 1952 (incorporated by reference see § 1910.6);

(C) NFPA 1953 (incorporated by reference see § 1910.6);

(D) NFPA 1971 (incorporated by reference see § 1910.6);

(E) NFPA 1977, (incorporated by reference see § 1910.6);

(F) NFPA 1981 (incorporated by reference see § 1910.6);
(G) NFPA 1982 (incorporated by reference see § 1910.6);
(H) NFPA 1984 (incorporated by reference see § 1910.6);
(I) NFPA 1986 (incorporated by reference see § 1910.6);
(J) NFPA 1987 (incorporated by reference see § 1910.6);
(K) NFPA 1990 (incorporated by reference see § 1910.6);
(L) NFPA 1999 (incorporated by reference see § 1910.6); and
(M) ANSI/ISEA 207–2011 (incorporated by reference see § 1910.6).

(vi) Ensure air-purifying respirators are not used in IDLH atmospheres and are only used for those contaminants that NIOSH certifies them against;

(vii) Ensure each team member and responder properly uses or wears the protective ensemble, ensemble elements, and protective equipment whenever the team member or responder is exposed, or potentially exposed, to the hazards for which it is provided;

(viii) Ensure protective ensembles, ensemble elements, and protective equipment are decontaminated, cleaned, cared for, inspected and maintained in accordance with the manufacturer's instructions;

(ix) Immediately remove from service any defective or damaged protective ensembles, ensemble elements, or protective equipment;

(x) Ensure, when a WERE or an ESO permits a team member or responder to provide their own protective ensemble, ensemble element, or other protective equipment for personal use, the requirements of paragraphs (k)(2)(iii) through (ix) of this section are met;

(3) *Protection from contaminants.* To the extent feasible, the WERE and ESO shall:

(i) Ensure contaminated PPE and non-PPE equipment undergo gross decontamination or are separately contained before leaving the incident scene; and

(ii) Ensure team members and responders are not exposed to contaminated PPE and non-PPE equipment in the passenger compartment(s) of vehicles.

(l) *Vehicle preparedness and operation.* (1) To ensure vehicles are prepared for safe use by team members and responders, the WERE and the ESO shall:

(i) Inspect, maintain, and repair each WERE and ESO provided vehicle operated by team members and responders, as specified by the manufacturer;

(ii) Immediately remove from service any vehicle with safety-related deficiencies; (iii) Ensure each riding position is provided with a seat and functioning seat belt or vehicle safety harness that is designed to accommodate a team member or responder with and without heavy clothing, unless the vehicle is designed, built, and intended for use without seat belts or vehicle safety harnesses;

(iv) Inspect, maintain, and service test aerial devices on vehicles, to ensure they are safe for use, as specified by the manufacturer, or to a standard at least equivalent to NFPA 1910 (incorporated by reference see § 1910.6); and

(v) Inspect, maintain, and service test vehicle-mounted water pumps as specified by the manufacturer, or to a standard at least equivalent to NFPA 1910 (incorporated by reference see § 1910.6).

(2) To ensure vehicles are operated in a manner that will keep team members and responders safe, the WERE and ESO shall:

(i) Ensure each vehicle is operated by a team member or responder who has successfully completed a training program commensurate with the type of vehicle the team member or responder will operate, or by a trainee operator who is under the supervision of a qualified operator;

(ii) Ensure each vehicle is operated in accordance with SOP developed in paragraph (q)(2)(iv) of this section;

(iii) Ensure the team member or responder operating the vehicle does not move the vehicle until all team members or responders in or on the vehicle are seated and secured with seat belts or vehicle safety harnesses in approved riding positions, other than as specifically excepted in paragraph (l)(1)(iii) of this section or as provided in paragraph (l)(2)(viii) of this section;

(iv) Ensure team members and responders remain seated and secured any time that the vehicle is in motion, except when standing as permitted in paragraphs (l)(2)(vii) and (viii) of this section, and that seat belts and vehicle safety harnesses are not released or loosened for any purpose while the vehicle is in motion, including the donning or doffing of PPE;

(v) Ensure team members and responders actively performing necessary emergency medical care while the vehicle is in motion are secured to the vehicle by a seat belt, or by a vehicle safety harness designed for occupant restraint, to the extent consistent with the effective provision of such emergency medical care;

(vi) Establish and implement a procedure for operator training on vehicles with tiller steering that ensures when the instructor and trainee are both located at the tiller position, they are adequately secured to the vehicle whenever it is in motion;

(vii) Provide a vehicle safety harness designed for occupant restraint to secure the team member or responder in a designated stand-up position during pump-and-roll operations;

(viii) Establish and implement policies and procedures that provide alternative means for ensuring the safety of team members and responders when the WERE or ESO determines it is not feasible for each team member, responder, or person to be belted in a seat, such as when reloading long lays of hose, standing as honor guards during a funeral procession, transporting people acting as holiday figures or other characters or mascots, parades, and for vehicles without seat belts;

(ix) Establish and implement policies and procedures for operating vehicles not directly under the control of the WERE or ESO (*i.e.,* privately owned/leased/operated by team members and responders), when the WERE or ESO authorizes team members or responders to respond directly to emergency incident scenes or to WERE or ESO facilities when alerted for an emergency incident response; and

(x) Ensure, where equipment or respiratory protection are carried within enclosed seating areas of vehicles, each is secured either by a positive mechanical means of holding the item in its stowed position or by placement in a compartment with an effective latching closure.

(m) *WERE Pre-Incident Planning.* (1) The WERE shall develop PIPs for locations within the facility where team members may be called to provide service, based on the facility vulnerability assessment and the type(s) and level(s) of service(s) established in paragraph (c) of this section.

(2) PIPs shall include locations of unusual hazards that team members may encounter, such as storage and use of flammable liquids and gases, explosives, toxic and biological agents, radioactive sources, water-reactive substances, permit-required confined spaces, and hazardous processes.

(3) PIPs shall include locations of fire pumps, fire hose valves, control valves, control panels, and other equipment for fire suppression systems, fire detection and alarm systems, and smoke control and evacuation systems.

(4) The WERE shall ensure that the most recent versions of PIPs are provided to the WERT and are accessible and available to team members operating at emergency incidents.

(5) To the extent feasible, PIPs shall include actions to be taken by team members if the scope of the incident is beyond the capability of the WERT.

(6) PIPs shall be reviewed annually and when conditions or hazards change at the facility. They shall be updated as needed.

(n) *ESO Pre-Incident Planning.* (1) The ESO shall determine the locations and facilities where responders may be called to provide service that need a PIP, based on the community or facility vulnerability assessment and the type(s) and level(s) of service(s) established in paragraph (d) of this section.

(2) The ESO shall develop PIPs for facilities, locations, and infrastructure where emergency incidents may occur.

(3) The ESO shall prepare a PIP for each facility within the ESO's primary response area that is subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001 *et seq.*).

(4) The ESO shall ensure facility personnel consulted are knowledgeable about the facility's use, contents, processes, hazards, and occupants.

Note 2 to paragraph (n)(4): The ESO should develop and implement a written policy to protect proprietary business information.

(5) The ESO shall ensure the responder(s) responsible for PIP preparation are knowledgeable in identifying the information to be collected and included in the PIP.

(6) The PIP shall have a level of detail commensurate with the facility's complexity and hazards.

(7) PIPs shall include actions to be taken by responders if the scope of the incident is beyond the capability of the ESO.

(8) The ESO shall ensure that the most recent versions of PIPs are disseminated as needed and are accessible and available to responders operating at emergency incidents.

(9) PIPs shall be reviewed annually and updated as needed.

(o) *Incident Management System Development.* (1) The WERE and the ESO shall develop and implement an Incident Management System (IMS) to manage all emergency incidents, based on:

(i) The type and level of service(s) established in paragraphs (c) and (d) of this section;

(ii) The facility or community vulnerability assessment conducted in accordance with paragraphs (c) and (d) of this section; and

(iii) The PIPs developed in accordance with paragraphs (m) and (n) of this section.

(2) To provide structure and coordination to the management of emergency incident operations, for the safety and health of team members and responders involved in those activities, the IMS shall:

(i) Include flexible and scalable components that are adaptable to any situation;

Note 3 to paragraph (o)(2)(i): Standardization of the IMS, such as provided in the National Incident Management System and the National Response Framework, developed by the Federal Emergency Management Agency, an agency of the U.S. Department of Homeland Security; is essential to the successful coordination and function of WERTs and ESOs in incident response.

(ii) Ensure that, in the absence of a dedicated Incident Safety Officer (ISO), the Incident Commander (IC) assesses the incident scene for existing and potential hazards and oversees incident safety;

(iii) Include a means for team members and responders to notify the ISO, IC or Unified Command (UC) of unsafe conditions and unsafe actions on the incident scene; and

(iv) Consist of collaborative components that provide the basis for clear communication and effective operations.

(3) The WERE and the ESO shall designate the responsibilities of the IC. The IC shall be responsible for, at least:

(i) Front-line management of the incident;

(ii) Overall incident safety;

(iii) Tactical planning and execution; and

(iv) Determining whether additional assistance is needed and relaying requests for internal resources, mutual aid, and skilled support assistance through the communications or emergency operations center, as appropriate.

(4) The WERE and ESO shall ensure the IC has the training and authority to perform the assigned duties.

(p) *Emergency incident operations*—(1) *Incident command and management.* The WERE and the ESO shall ensure that:

(i) The IMS, developed in accordance with paragraph (o) of this section, is utilized at each emergency incident;

(ii) Each emergency incident has an IC or a UC;

(iii) The task of overseeing incident safety is addressed, or an ISO is assigned and designated to monitor and assess the incident scene for safety hazards and unsafe situations and develop measures for ensuring team member and responder safety;

(iv) If an incident escalates in size and complexity, the IC divides the incident into strategic or tactical-level management components;

(v) A UC structure is utilized on incidents where the complexity requires a shared responsibility among two or more WEREs, ESOs, or other agencies; and

(vi) The IC(s), team members, and responders are rotated or replaced during complex or extended operations, as determined by the WERE or ESO.

(2) *Incident Commander.* The WERE and the ESO shall ensure that:

(i) A team member or responder is assigned as the IC;

(ii) The identity of the IC and the location of command post are communicated to other team members or responders who are on the incident scene or responding to it;

(iii) The IC conducts a comprehensive and ongoing size-up of the incident scene that places life safety as the highest priority;

(iv) The IC conducts a risk assessment based on the size-up before actively engaging the incident;

(v) The IC coordinates and directs all activities for the duration of the incident; and

(vi) The IC develops an Incident Action Plan (IAP) that prioritizes life safety for each incident, updates it as needed during the incident, and utilizes the information contained in the PIP.

(3) *Control zones.* The WERE and the ESO shall ensure that:

(i) Control zones are established at every emergency incident to identify the level of risk to team members and responders and the appropriate protective measures needed, including PPE;

(ii) The perimeters of the control zones are designated by the IC;

(iii) Any changes to the perimeters during the incident are communicated to all team members and responders on the scene;

(iv) Control zones are established as follows:

(A) Designated as no-entry, hot, warm, or cold;

(B) Marked in a conspicuous manner, with colored tape, signage, or other appropriate means, unless such marking is not possible; and

(C) Communicated to all team members and responders attending the incident before the team member or responder is assigned to a control zone;

(v) Only team members and responders with an assigned task are permitted in the hot zone;

(vi) Where a no-entry zone is designated, team members and

responders are prohibited from entering the zone; and

(vii) The designation of appropriate protective measures, including PPE, is commensurate with the hazards in the zone the team member and responder will be operating in, and that each team member and responder appropriately uses the protective measures for that zone.

(4) *On-scene safety and health measures.* The WERE and the ESO shall:

(i) Identify minimum staffing requirements needed to ensure incidents are mitigated safely and effectively;

(ii) Ensure operations are limited to those that can be safely performed by the team members and responders available on the scene;

(iii) Ensure that at least four team members or responders are assembled before operations are initiated in an IDLH atmosphere in a structure or enclosed area, unless upon arrival at an emergency scene, the initial team member(s) or responder(s) find an imminent life-threatening situation where immediate action could prevent the loss of life or serious injury, in which case such action is permitted with fewer than four team members or responders present;

(iv) Ensure at least two team members or responders enter the structure or enclosed area with an IDLH atmosphere as a team and remain in visual or voice contact with one another at all times, unless there is insufficient space for more than one team member or responder, such as for example, in a confined space or collapsed structure;

(v) Ensure that outside the structure or enclosed area with the IDLH atmosphere, a minimum of two team members or responders are present to provide assistance to, or rescue of, the team operating in the IDLH atmosphere. One of the two team members or responders located outside the IDLH atmosphere may be assigned to an additional role, such as IC, so long as this team member or responder is able to perform assistance or rescue activities without jeopardizing the safety or health of other team members or responders operating at the incident;

(vi) Ensure each team member and responder in the IDLH atmosphere uses positive-pressure SCBA or a supplied-air respirator in accordance with the respiratory protection program specified in paragraph (f)(1)(iii)(B) of this section;

(vii) Ensure each supplied-air respirator used in an IDLH atmosphere is equipped with a NIOSH-certified emergency escape air cylinder and pressure-demand facepiece; and

(viii) Ensure each team member and responder uses NIOSH-certified respiratory protection during post–fire extinguishment activities, such as overhaul and investigation.

(5) *Communication.* The WERE and the ESO shall:

(i) Ensure, to the extent feasible, adequate dispatch and monitoring of on-scene radio transmissions by an emergency communications and dispatch center;

(ii) Ensure effective communication capability between team members or responders and the IC; and

(iii) Ensure that communications equipment allows mutual aid team members and responders to communicate with the IC and other team members and responders.

(6) The WERE and the ESO shall ensure the personnel accountability system established in paragraph (q)(2)(vii) of this section is utilized at each emergency incident.

(7) The WERE and the ESO shall implement a Rapid Intervention Crew (RIC) at each structural fire incident where team members or responders are operating in an IDLH atmosphere, in accordance with the SOP established in paragraph (q)(2)(viii) of this section.

(8) The WERE and the ESO shall implement the medical monitoring and rehabilitation procedures, as needed, in accordance with the SOP established in paragraph (q)(2)(ix) of this section.

(9) The WERE and the ESO shall implement the traffic safety procedures, as needed, in accordance with the SOP established in paragraph (q)(2)(x) of this section.

(10) Use of skilled support workers (SSW). Prior to participation by SSWs at an emergency incident, the WERE or the ESO shall ensure that:

(i) Each SSW has and utilizes PPE appropriate to the task(s) to be performed;

(ii) An initial briefing is provided to each SSW that includes, at a minimum, what hazards are involved, what safety precautions are to be taken, and what duties are to be performed by the SSW;

(iii) An effective means of communication between the IC and each SSW is provided;

(iv) Where appropriate, a team member or responder is designated and escorts the SSW at the emergency incident scene; and

(v) All other appropriate on-scene safety and health precautions provided to team members and responders are used to ensure the safety and health of each SSW.

(q) *Standard Operating Procedures.* (1) The WERE and the ESO shall develop and implement SOPs for emergency events that the WERE or ESO is reasonably likely to encounter, based on the type(s) and level(s) of service(s) established in paragraphs (c) and (d) of this section, and the community or facility vulnerability assessment developed in accordance with paragraphs (c) and (d) of this section.

(2) The WERE and ESO shall establish SOPs that:

(i) Describe the actions to be taken by team members and responders in situations involving unusual hazards, such as downed power lines, natural gas or propane leaks, flammable liquid spills, and bomb threats;

(ii) Address how team members and responders are to operate at incidents that are beyond the capability of the WERT or ESO, as specified in paragraphs (c) and (d) of this section;

(iii) Provide a systematic approach to team member and responder protection from contaminants, and for decontamination of team members, responders, PPE, and equipment, including at a minimum:

(A) Proper techniques for doffing (removing) contaminated PPE;

(B) On-scene gross decontamination, and decontamination at the WERE's or ESO's facility, of PPE, equipment, and team members and responders;

(C) Encouraging team members and responders to shower with soap and water, as soon as reasonably practicable, and change into clean clothing; and

(D) Protecting team members and responders from contaminated PPE after an incident;

(iv) Meet the requirements for vehicle operation found in paragraph (l)(2) of this section and include procedures for safely driving vehicles during both non-emergency travel and emergency response; criteria for actions to be taken at stop signs and signal lights; vehicle speed; crossing intersections; driving on the opposite side of the road with oncoming traffic; use of cross-over/turnaround areas on divided highways; traversing railroad grade crossings; the use of emergency warning devices; and the backing of vehicles. For backing vehicles with obstructed views to the rear, the SOP shall require use of at least one of the following: a spotter, a 360-degree walk-around of the vehicle by the operator, or a back-up camera;

(v) Provide for the use of standard protocols and terminology for radio communication at all types of incidents;

(vi) Establish procedures for operating at structures and locations that are identified as, or determined to be vacant, structurally unsound, or otherwise unsafe for entry by team members and responders;

(vii) Establish a system for maintaining personnel accountability and coordinating evacuation of all team members and responders operating at an incident that includes periodic accountability checks and reports; procedures for orderly evacuation of team members and responders; and procedures for rapid evacuation of team members and responders from escalating situations, such as rapid growth of fire, impending collapse, impending explosion; in case of PPE or equipment failure; and acts of active violence against team members and responders;

(viii) Establish procedures for Mayday situations, such as when a team member or responder becomes lost, trapped, injured, or ill, including the use of the radio's emergency alert button and implementation of a RIC for immediate deployment to search and rescue any missing, disoriented, injured, ill, lost, unaccounted-for, or trapped team members or responders. The SOP shall specify the minimum number of team members or responders needed for the RIC, based on the size and complexity of potential incidents; and a standard list of equipment to be assembled by the RIC, for foreseeable incidents; and

(ix) Establish a systematic approach to provide team members and responders with medical monitoring and rehabilitation at emergency incidents as needed, such as rest, medical treatment, rehydration (fluid replacement), active warming or cooling, and protection from extreme elements.

(3) The ESO shall establish SOPs that:

(i) Establish procedures for protecting responders from vehicular traffic while operating at an emergency incident on, or adjacent to, roadways and highways, including setting up a safe work zone beginning with proper placement of the first arriving ESO vehicle and subsequent ESO vehicles, a means of coordination with law enforcement and mutual aid WERTs or ESOs, and use of safety vests that have high visibility and are reflective;

(ii) Establish procedures for operating at incident scenes that are primarily related to law enforcement, such as crime scenes, active shooters, and civil disturbances; and

(iii) Establish procedures for incidents where responders are called upon to conduct non-emergency services, including a requirement for responders to present themselves in uniforms, PPE, vests, or other apparel that clearly identifies them as fire/rescue/EMS responders and a requirement that responders wear ballistic vests, if provided by the ESO and appropriate for the type of incident.

(r) *Post-Incident Analysis.* (1) The WERE or ESO shall promptly conduct a Post-Incident Analysis (PIA) to determine the effectiveness of the WERT's or ESO's response to an incident after a significant event such as a large-scale incident; a significant near-miss incident; a team member, responder or SSW injury or illness requiring off-scene treatment; or a team member, responder, or SSW fatality.

(2) The PIA shall include, but not be limited to, a review and evaluation of the RMP, IMS, PIPs, SOPs, and IAPs for accuracy and adequacy.

(3) The WERE or ESO shall promptly identify and implement changes needed to the RMP, IMS, PIPs, IAPs, and SOPs based on the lessons learned as a result of the PIA; or if the changes cannot be promptly implemented, the WERE or ESO shall develop a written timeline for implementation as soon as feasible.

(s) *Program Evaluation.* (1) The WERE and ESO shall evaluate the adequacy and effectiveness of the ERP at least annually, and upon discovering deficiencies, and document when the evaluation(s) are conducted.

(2) Review of the ERP shall include determining whether the ERP was implemented as designed and whether modifications are necessary to correct deficiencies.

(3) The WERE and ESO shall identify and implement recommended changes to the ERP, with written timelines for correcting identified deficiencies as soon as feasible, based on the review of the program, giving priority to recommendations that most significantly affect team member or responder safety and health.

(t) *Severability.* Each section of this standard, and each provision within those sections, is separate and severable from the other sections and provisions. If any provision of this standard is held to be invalid or unenforceable on its face, or as applied to any person, entity, or circumstance, or is stayed or enjoined, that provision shall be construed so as to continue to give the maximum effect to the provision permitted by law, unless such holding shall be one of utter invalidity or unenforceability, in which event the provision shall be severable from this standard and shall not affect the remainder of the standard.

■ 13. Amend § 1910.157 by:

■ a. Revising paragraph (c)(3);

■ b. Adding paragraph (d)(7); and

■ c. In paragraph (f):

■ i. Redesignating Table L–1 as table 1 to paragraph (f)(3);

■ ii. Removing the text "Table L–1" wherever it appears, and adding in its place the text "table 1 to paragraph (f)(3)"; and

■ iii. Revising newly redesignated table 1 to paragraph (f)(3).

The revisions and addition read as follows:

§ 1910.157 Portable fire extinguishers.

* * * * *

(c) * * *

(3) The employer shall not provide or make available in the workplace portable fire extinguishers using carbon tetrachloride, chlorobromomethane, or methyl bromide extinguishing agents.

* * * * *

(d) * * *

(7) The employer shall distribute portable fire extinguishers of Class K extinguishing agent for use by employees so that the travel distance from the Class K hazard area to any extinguisher is 30 feet (9.15 m) or less.

* * * * *

(f) * * *

(3) * * *

TABLE 1 TO PARAGRAPH (f)(3)

Type of extinguisher	Test interval (years)
AFFF (aqueous film-forming foam)	5
Carbon dioxide	5
Dry chemical with stainless steel shells	5
FFFP (film-forming fluoroprotein foam	5
Wet chemical	5
Wetting agent	5
Stored-pressure water, water mist, loaded steam, and/or antifreeze	5
Dry chemical, cartridge- or cylinder-operated, with mild steel shells	12
Dry chemical, stored-pressure, with mild steel shells, brazed brass shells, or aluminum shells	12
Dry powder, stored-pressure, cartridge- or cylinder-operated, with mild steel shells	12
Halogenated agents	12

* * * * *

■ 14. Amend § 1910.158 by adding paragraph (c)(2)(iii) to read as follows:

§ 1910.158 Standpipe and hose systems.

* * * * *

(c) * * *

(2) * * *

(iii) The employer shall ensure that standpipe system inlet connections and fittings are compatible with, or adapters are provided for, the fire hose couplings used by the fire department(s) or Workplace Emergency Response Team(s) that pump water into the

standpipe system through the connections or fittings.

* * * * *

■ 9. Amend § 1910.159 by adding paragraph (c)(12) to read as follows:

§ 1910.159 Automatic sprinkler systems.

* * * * *

(c) * * *

(12) *Inlet connections.* The employer shall ensure that sprinkler system inlet connections and fittings are compatible with, or adapters are provided for, the fire hose couplings used by the fire department(s) or Workplace Emergency Response Team(s) that pump water into the sprinkler system through the connections or fittings.

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