

Testimony of Jason Jantzi

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Before the Emergency Response Standard Rulemaking Panel

Good afternoon, Your Honor, and members of the panel. Thank you for taking the time to hear my testimony. My name is Jason Jantzi, and I am here on behalf of the National Special Districts Coalition (NSDC) with members spanning all four corners of our Country from Florida to Washington, Texas to Wyoming, California to South Carolina, the Special Districts Association of Oregon (SDAO), the Oregon Fire Chief's Association (OFCA), the Oregon Fire District Directors Association (OFDDA), and the Oregon Volunteer Firefighters Association (OVFA). Collectively, these groups represent over 8,000 special service districts nationwide and tens of thousands of local elected officials who lead these districts.

I currently serve as the Senior Risk Management Consultant for Public Safety at SDAO and as a policy advisor for the NSDC. My professional background includes extensive experience in public safety and regulatory compliance. I have served as an Oregon firefighter/EMT-Intermediate, an Oregon OSHA Senior Safety Compliance Officer, and the Public Education Manager for Oregon OSHA.

I actively participate in multiple advisory committees and boards, including the Oregon Governor's Fire Policy Council, which is currently co-chaired by the President of the Oregon Firefighters Council and a Board Member of SDAO. Additionally, I am one of the original members of Oregon OSHA's Fire Service Advisory Council, where I initially served as Oregon OSHA staff and now contribute as a Subject Matter Expert (SME).

My involvement extends to various rulemaking committees, such as those responsible for the current Oregon Rules for Firefighters and COVID-19 regulations. In my current role, I work directly with regulatory agency heads and over 270 public safety districts across Oregon, assisting them in managing a variety of risks while ensuring the public's need for life safety services is met.

Furthermore, I advise the NSDC and its members on regulatory issues, including those under consideration by this panel. It is with this comprehensive knowledge and experience that I provide the following information to the panel.

Over the past few days, we have heard extensive discussions both for and against this proposed rule change, including from my colleagues at OSHPA, the League of Oregon Cities and the Oregon Sheriffs association. In our association's public comments, we highlighted some of the challenges this rule creates. Today, I would like to take this opportunity to share our collective story and provide additional context. While my comments will use examples from Oregon these circumstances are confirmed to be similar to those in the other states, I represent through the NSDC.

Both the NSDC and SDAO encompass many distinct types of special service districts, beyond just fire districts. SDAO for example has thirty-six types of districts, such as irrigation, water and sanitary, utility districts, ports, and road districts. As I researched this rule to provide policy analysis to our fire district members, it became clear that many of the concepts are sound risk management practices if they can be adequately funded. However, when they are inadequately funded or not funded at all, these rules place entire communities at risk of losing their emergency response organizations.

In my public comments to Federal OSHA, included with this testimony, I provided examples from emergency agencies of all types and sizes across Oregon. The common theme was that these rules shifted response resources into other roles for data collection and distribution. The associations I represent are extremely concerned about the impact that a loss of emergency response capability would have on the communities we serve.

To address the argument of simply hiring more personnel, I urge the panel to review the following research and news articles:

- Convening of the Fire Service Report (Department of Oregon State Fire Marshal, 2024)**
- Retention and Recruitment for the Volunteer Emergency Services (US Fire Administration, 2023)**
- Volunteer Retention Research Report (National Volunteer Fire Council, 2020)**
- US Forest Service expects future challenges in recruiting wildland fire crews (Taylor, 2024)**
- Ore. FD changes ambulance staffing due to financial struggles (Powers, 2024)**

These documents highlight the increasing difficulty in hiring or acquiring qualified individuals, even when resources are available to fund the positions. In many cases, funding does not exist or is being reduced by other factors.

Recently, an Oregon Fire Chief expressed his concerns to me about funding reductions due to tax exemptions offered by the city and state. He noted that three properties generated 482 fire district responses in the last 20 months. Most are medical in nature and pays about 34% of the actual cost of providing this service. He emphasized that the fire service industry is in a dire situation, particularly for small rural fire districts, which may start to collapse in the next few years.

While there is a clear need for more personnel, the financial resources are not available to meet these requirements. As costs climb, organizations must balance the needs of their users against their budget constraints. Personnel costs are only a part of the expense and do not address the equipment and maintenance costs associated with this rule. Some of these cost drivers stem from the use of NFPA standards as requirements. Typically, these standards are used as best practice not requirement.

The volume of NFPA standards incorporated by reference (IBR) makes compliance nearly impossible for small and medium-sized agencies and extremely difficult for large ones. For example, NFPA 1910 paragraph 8.3.6 requires tires to be replaced every seven years, resulting in a \$6,000 bill per engine, regardless of tire condition. This is not financially feasible for our agencies. Another challenge is the spider web of other standards and documents that is created when using the must or shall language in the NFPA standards. An example of this would be in the NFPA 1582 Medical Physical standard. 1582 refers to NFPA 1500, NFPA 1561, and NFPA 1584 all of which become part of the rule language by this incorporation.

In Oregon and other states where our member districts operate, there are constitutional and statutory limitations on revenue increases, often decided by voters. These increases are temporary and must be renewed every few years, making it difficult to hire permanent staff. One fire district estimated that full compliance with these rules would require a 42% revenue increase, which is not viable even in affluent areas, let alone rural and disadvantaged ones. This leaves organizations out of compliance and subject to inspections and monetary penalties, which further reduce funds for essential life safety services.

As a former CO, I issued citations with monetary penalties, which sometimes forced organizations to change. For public entities like emergency services, these penalties come from taxpayers' wallets, reducing funds for essential services. These agencies cannot simply stop providing services due to compliance issues, as this would be catastrophic for communities and workplaces regulated by OSHA.

I am happy to provide details on the specific budget impacts we foresee. Public safety organizations in Oregon have limited annual budgets starting as low as \$16,000, with 243 of the 270 budgets under \$1 million. Even the smallest monetary citation in Oregon, currently \$1,100, could devastate these agencies' ability to respond to emergencies. This is why the associations I represent are concerned that areas we serve will not have emergency responders to care for our communities and workers.

Without fire and EMS response capability, fire insurance would likely be reduced or eliminated by carriers, and workers' compensation and health insurance premiums would rise due to negative outcomes from workplace injuries when there is reduced or no emergency response. This would impact all of our local government members and ultimately the taxpayers. SDAO administers a public entity insurance trust that provides all lines of insurance to local special districts. This insurance trust is a self-insured pool using member contributions to pay claims brought against a district. We have seen a tightening of the insurance markets.

While the intent of the proposed rule is commendable, we strongly recommend that Federal OSHA allow individual states to regulate health and safety for local governments in ways that are appropriate for their areas. These state plans specified in the original OSH Act recognize the diverse national landscape and the need for tailored, scalable rules. Federal OSHA should reconsider the implementation of these rules with this new knowledge and include a broader panel of subject matter experts with expertise in health and safety research, budgetary, and political considerations. It would be unfortunate if rules designed to protect one section of the workforce would negatively impact the remainder of the workforce.

I have prepared a comprehensive section-by-section analysis of the rules and their impact on the districts' ability to comply and continue to respond to emergency calls for service. This analysis is specific to Oregon, as it is the state I reside in and where I can readily gather information.

Through discussions with other state associations, I have confirmed that we face extremely similar circumstances across various regions of the country. I would like to share a few critical items to highlight some of the significant challenges we encounter. The panel has a copy of this document for your review.