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OSHA Emergency Response Standard Proposed Rule

The Occupational Safety and Health Administration (OSHA) published a proposed rule revising its emergency response standard. This long-developed proposal, officially published in the Federal Register on February 5, 2024, seeks to modernize protections for emergency response workers. The rule would replace the Fire Brigades standard ([29 CFR 1910.156](#)), which has only been minimally updated since its inception in 1980.

OSHA will accept public comment on the proposed rule until June 21, 2024.

The House Homeland Security Subcommittee on Emergency Management and Technology just announced that it is holding a [hearing on OSHA's proposed rule](#) from 10am-12:30pm ET, Tuesday, June 4th.

What are Some of the Changes?

The [proposed rule](#) would update health and safety protections for firefighters, EMS providers, and technical search and rescue. Among the many proposed changes, it would require new inspection standards, which could cut in half the current lifespan of front-line ambulance and fire engine units for many departments. It would require upgrades to facility sprinklers, exhaust, and storage areas in fire and emergency medical service (EMS) facilities. And, while OSHA staff has stated that the proposed rule does not change the minimum requirement of responders per apparatus, it is widely interpreted that the rule would require at least four responders per fire apparatus.

Who is Impacted?

The proposed standard would impact both career and volunteer fire departments and emergency services. The rule applies to all private services and any public or governmental entity that is in a jurisdiction where OSHA is applied. Local governments and departments can view whether their state will be covered by the new proposed standard [here](#). According to OSHA, "State Plans are OSHA-approved workplace safety and health programs operated by individual states or U.S. territories. There are currently 22 State Plans covering both private sector and state and local government workers, and seven State Plans covering only state and local government workers. State Plans are monitored by OSHA and must be at least as effective as OSHA in protecting workers and in preventing work-related injuries, illnesses and deaths."

The proposed rule applies to "employees" of any covered agency. While many volunteers are not viewed as employees by states and the federal government, in many states they are. Also, volunteers that receive pension plans or other substantial remuneration may qualify as employees under the rule. Agencies that would need to comply that did not under the old rule include private EMS services and law enforcement search and rescue teams.

- **Training and Certification Requirements:** Under the proposed standard, officers would be mandated to obtain Fire Officer certifications corresponding to their ranks, potentially escalating spending on training programs. Specialized training for hazards like HazMat and vehicle operations may also be necessary.
- **Documentation and Administrative Burden:** Compliance with the proposed standard could lead to additional administrative tasks and documentation requirements further requiring fire departments to allocate resources toward. The National Volunteer Fire Council estimates additional hours of documentation could cost departments up to \$4,800 per year.
- **Equipment Upgrades and Maintenance:** Fire departments may need to invest in new equipment, upgrades to personal protective equipment (PPE), and communications systems to ensure compliance with the new standard.
- **Infrastructure and Facility Upgrades:** Compliance with the proposed standard could require significant infrastructure upgrades or modifications to fire department facilities to accommodate training facilities, control zones, decontamination areas, and storage areas.
- **Legal and Compliance Costs:** Fire departments may need to budget for legal counsel, compliance audits, and risk management to address liability concerns and ensure compliance.

What are the Next Steps?

While the focus of OSHA's proposed Emergency Response standard seeks to provide basic protections for emergency workers, it also presents significant financial challenges for local governments and fire and EMS departments. The Notice of Proposed Ruling (NPRM) for the Emergency Response Standard seeks stakeholder input on how this proposed rule would impact them. Local governments and impacted departments can submit comments [here](#). The deadline for comment ends on June 21, 2024.

OSHA is expected to host a public hearing for interested parties, and the date for that hearing has not been set.

Helpful Links

[USFA and OSHA Presentation on the Emergency Response Notice of Proposed Ruling](#)

[Suggestions for Fire Departments Drafting Letters for Comment Period](#)