

Congress of the United States

Washington, DC 20515

May 22, 2024

The Honorable Douglas L. Parker
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Dear Assistant Secretary Parker:

We are writing to share our strong concerns with the Occupational Safety and Health Administration's (OSHA) proposed rulemaking to replace the existing "Fire Brigades Standard." While we appreciate OSHA's efforts to improve the safety of our first responders, we have heard from volunteer fire departments and first responders in our districts that the new requirements proposed in the rule would result in their closure, undermining public safety and leaving many communities without essential emergency services.

Earlier this year, OSHA announced a Notice of Proposed Rulemaking (NPRM) that would update existing regulations for the safety and health of firefighters and other emergency responders, including municipal volunteer departments covered by OSHA-approved State Plan programs and potentially non-profit volunteer fire departments in non-State Plan states. This new "Emergency Response" standard would impose new written emergency response plans, hazard vulnerability assessments, training, personal protective equipment, medical screening and behavioral health services, and other requirements. OSHA estimates that over one million emergency responders are anticipated to fall within the scope of the proposed rule, 331,472 of whom self-identify as volunteers.

As drafted, this rule fails to recognize the significant financial and personnel limitations that are unique to volunteer departments that serve our communities. The vast majority of these departments operate under very small budgets or self-fundraise. Volunteers donate their own time and resources to ensure that communities have readily available access to emergency services, often serving as the only source of emergency response within miles or hours of response time away. Under the proposed "Emergency Response" standard, volunteer departments would need to implement more requirements, including additional training and fitness standards for veteran first responders with years of experience, recordkeeping, and other activities. The rule would also require the incorporation by reference of over twenty industry consensus standards. While these are excellent as best practices, these departments lack the economic resources to carry them out as a requirement in statute.

These concerns were conveyed to OSHA by stakeholders participating in the agency's Small Business Advocacy Review (SBAR) panel in the fall of 2021. In their report, the SBAR highlighted that "concern about the economic feasibility of implementing these requirements in smaller, particularly volunteer, fire departments was common." Alarmingly, the SBAR also received feedback from numerous emergency service organizations (ESOs) that, "given the limited resources of many volunteer fire departments, this standard, if promulgated, would force small ESOs to close." It is clear that as proposed, this new standard imposes a significant unfunded mandate that is simply untenable for our volunteer departments. That is why the SBAR recommends that OSHA consider exempting these entities from some or all parts of the standard as well as identify additional areas where financial and logistical burdens can be reduced. We do not believe the proposed standard as written

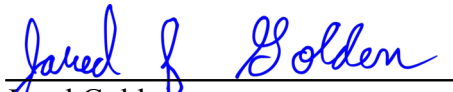
adheres to SBAR's recommendation and we urge OSHA to revisit their feedback to ensure the standard does not damage emergency response capabilities in our districts.

Additionally, we are hearing that with the conclusion of the public comment period just over a month away, many of the departments that would be most impacted do not have the time or the capacity to compile the necessary information to ensure that OSHA fully understands the impacts the proposed standard would have on them. Additional time for the public comment period could help ensure that your agency receives a more accurate picture of the nation's fire service.


We appreciate OSHA's support for improving the health and safety of our first responders. However, as drafted we believe the new "Emergency Standard" would make both our departments and our communities less safe. It is our hope that your agency will consider the unique circumstances of volunteer departments to ensure that they can continue to operate and provide lifesaving services.


Thank you for your attention to this important matter.


Sincerely,

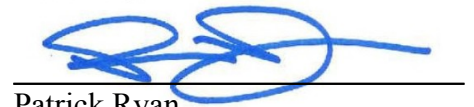

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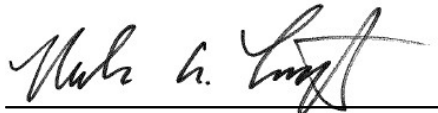

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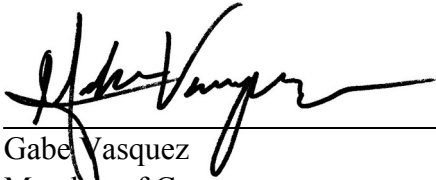
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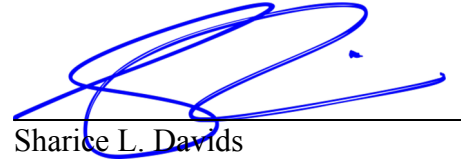
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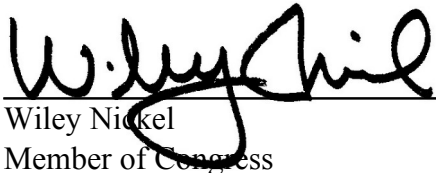
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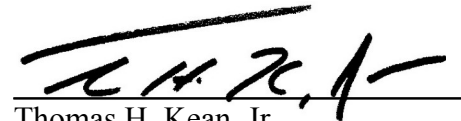
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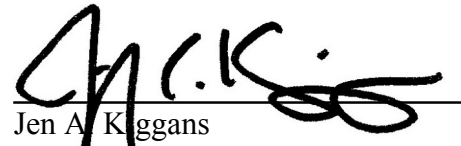
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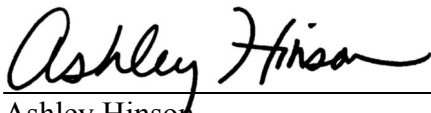
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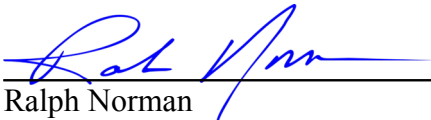
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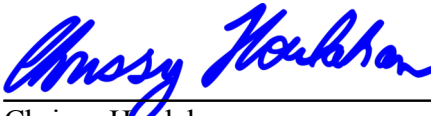
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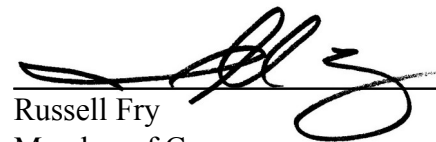
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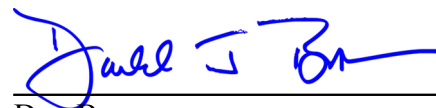
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