



Proposed Federal OSHA Emergency Response Standard (1910.156)

In February 2024, the Federal Occupational Safety and Health Administration (OSHA) proposed a comprehensive replacement for the current Fire Brigade Standard. This Federal regulation requires emergency response agencies in several states, including New York, to comply with numerous health and safety standards. The current Fire Brigade Standard treats all agencies equally regardless of the size of the population they serve. Upon receiving notice of the new proposed standard, FASNY analyzed the document and charted a course to respond. After an initial review, it was apparent that many of the newly proposed requirements would be technologically and/or economically infeasible for departments to achieve. At the same time, FASNY reached out to the National Volunteer Fire Council (NVFC) to alert them of our concerns. As a result of this action, FASNY worked with the NVFC to establish a working group of affected organizations and interested individuals from across the country. The group held virtual meetings for over a year to review, discuss and develop potential ideas to modify the OSHA standard as proposed so it was achievable by all covered departments. As part of the federal regulatory process, OSHA held public evidentiary hearings on the proposed new rule. Based on our extensive review of the rule, and our participation in the NVFC Work Group, FASNY delivered testimony during the hearings and filed supplemental testimony during the allowable post hearing period. FASNY representatives also monitored every day of the virtual public hearing and even questioned witnesses to clarify or rebut points being made. New York's volunteers came out in force at this hearing. They echoed many of the concerns raised by other States and OSHA itself regarding the unintended, harmful impact the proposed rule would have on volunteer fire and EMS providers. From our initial review of the proposed new rule, FASNY expressed concerns that the rule as written was technologically and economically impossible for many departments to comply with. Several other state organizations agreed with this position which is reflected in the evidentiary record. If OSHA is unwilling to change the rule as proposed, we asked them to exempt the volunteer fire service from it, allowing the proposed rule to be non-mandatory and nonpunitive for volunteers. Most importantly, we committed to working with OSHA in a new rulemaking process to develop a rule that volunteer departments could meet. The request for an exemption from the rule as proposed was also the position of the Association of Fire Districts of New York State, the New York Association of Fire Chiefs and the New York State Fire Coordinators Association and is part of the official evidentiary record. The evidentiary record closed in January 2025. This means that OSHA can only act on the information that was provided up to that point. They can alter their original proposed rule based on testimony that was in the evidentiary record prior to January 2025 through a narrow process called "logical outgrowth". Any ideas, proposals, suggestions or revisions made by



anyone after January 2025 have absolutely no bearing on OSHA's ultimate decision, and OSHA is not allowed to consider any such submissions.

We continue to monitor OSHA and await its decision.