

OSHA NEW PROPOSED REGULATION:
EMERGENCY RESPONSE STANDARD
May 29, 2024

Acronym Cheat Sheet

EMS: Emergency Medical Services
ESO: Emergency Service Organization
ERP: Emergency Response Program
IBR: Incorporation By Reference
IAP: Incident Action Plan
IC: Incident Commander
IDLH: Immediately Dangerous to Life or Health
IMS: Incident Management System
ISO: Incident Safety Officer
NFPA: National Fire Protection Association
NIMS: National Incident Management System
PIA: Post-Incident Analysis
PIP: Pre-Incident Plan
RIC: Rapid Intervention Crew
RMP: Risk Management Plan
SCBA: Self-Contained Breathing Apparatus
SSW: Skilled Support Worker
SOP: Standard Operating Procedure
UC: Unified Command
WERE: Workplace Emergency Response Employer
WERT: Workplace Emergency Response Team

C. National Consensus Standards

In development of the proposed rule, OSHA extensively examined numerous relevant consensus standards. The NFPA standards are available to be viewed without cost at <https://www.nfpa.org/for-professionals/codes-and-standards/list-of-codes-and-standards/free-access> (<https://www.nfpa.org/for-professionals/codes-and-standards/list-of-codes-and-standards/free-access>). ANSI/ISEA standards are available for purchase at <https://webstore.ansi.org> (<https://webstore.ansi.org>). Many of the provisions in the proposed rule are based on or consistent with provisions in these standards. Additionally, OSHA is proposing to incorporate by reference (IBR) several consensus standards.^[2]

In certain provisions of the proposed rule, OSHA would require compliance with the relevant portions of the NFPA and ANSI/ISEA standards incorporated by reference. In certain other provisions, OSHA is proposing to require □ Workplace Emergency Response Employers (WEREs) and Emergency Service Organizations (ESOs) to provide protections at least equivalent to various aspects of some of the NFPA standards listed below, such as training job performance requirements being equivalent to those in the consensus standard. In the latter case, compliance with the NFPA standard would satisfy the requirement, but the ESOs and WEREs retain flexibility to utilize alternative measures, so long as those measures provide equivalent protection. Below is a list and description of the national consensus standards that OSHA is proposing to IBR in whole or in part.

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NFPA 1001, Standard for Structural Fire Fighter Professional Qualifications, 2019 ed. (Document ID 0138)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to perform structural firefighting duties for career and volunteer fire fighters through two progressive levels of qualification.

NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2017 ed. (Document ID 0140)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to drive and operate fire apparatus for career and volunteer fire fighters and fire brigade personnel. The standard differentiates requirements based on the type of apparatus driven such as pumper, aerial, aerial with tiller, water tender, and others.

NFPA 1005, Standard for Professional Qualifications for Marine Fire Fighting for Land-Based Fire Fighters, 2019 ed. (Document ID 0136)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to perform marine fire fighting for land-based fire fighters.

NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, 2021 ed. (Document ID 0149)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to perform technical rescue operations for twenty different rescue scenarios for fire service and other emergency responders who perform these operations.

NFPA 1021, Standard for Fire Officer Professional Qualifications, 2020 ed. (Document ID 0144)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to perform fire officer duties through four progressive levels of qualification.

NFPA 1081, Standard for Facility Fire Brigade Member Professional Qualifications, 2018 ed. (Document ID 0134)—This standard contains the minimum job performance requirements including the requisite knowledge and skills to perform fire brigade operations from incipient facility fire brigade member through fire brigade leader, and also fire brigade training coordinator, and support member.

NFPA 1140, Standard for Wildland Fire Protection, 2022 ed. (Document ID 0153)—This standard contains requirements for wildland fire management as well as the job performance requirements including the requisite knowledge and skills to perform wildland fire positions. Included in the standard are requirements for fighting wildland/urban interface fires.

NFPA 1407, Standard for Training Fire Service Rapid Intervention Crews, 2020 ed. (Document ID 0143)—This standard contains requirements for training fire service personnel to safely perform rapid intervention operations to rescue firefighters who become lost, injured, trapped, incapacitated, or disoriented at an emergency scene or during training operations.

NFPA 1582, Standard on Comprehensive Occupational Medical Program for Fire Departments, 2022 ed. (Document ID 0118)—This standard contains provisions for an occupational medical program that is designed to reduce risks and provide for the health, safety, and effectiveness of fire fighters while performing emergency operations.

NFPA 1910, Standard for the Inspection, Maintenance, Refurbishment, Testing, and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels, 2024 ed. (Document ID 0151)—This standard contains requirements for establishing an inspection, maintenance, refurbishment, retirement, and testing program for emergency service vehicles and marine firefighting vessels and provides the minimum job performance requirements including the requisite knowledge and skills for emergency vehicle technicians.

NFPA 1951, Standard on Protective Ensembles for Technical Rescue Incidents, 2020 ed. (Document ID 0347)—This standard specifies the minimum design, performance, testing, and certification requirements for utility technical rescue, rescue and recovery technical rescue, and chemical, biological, radiological, and nuclear (CBRN) technical rescue protective ensembles including garments, helmets, gloves, footwear, interface, and eye and face protection.

NFPA 1952, Standard on Surface Water Operations Protective Clothing and Equipment, 2021 ed. (Document ID 0348)—This standard specifies the minimum design, performance, testing, and certification requirements for protective clothing and equipment items, including full body suits, helmets, gloves, footwear, and personal flotation devices designed to provide limited protection from physical, environmental, thermal, and certain common chemical and biological hazards for emergency services personnel during surface water, swift water, tidal water, surf, and ice operations.

NFPA 1953, Standard on Protective Ensembles for Contaminated Water Diving, 2021 ed. (Document ID 0349)—This standard specifies the minimum design, performance, testing, and certification requirements for protective clothing and protective equipment used during operations in contaminated water dive operations.

NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 ed. (Document ID 0350)—This standard specifies the minimum design, performance, testing, and certification requirements for structural and proximity firefighting protective ensembles and ensemble elements.

NFPA 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting, 2022 ed. (Document ID 0351)—This standard specifies the minimum design, performance, testing, and certification requirements for items of wildland fire fighting and wildland-urban interface firefighting protective clothing and equipment including protective garments, helmets, gloves, footwear, goggles, chain saw protectors, and load-carrying equipment.

NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services, 2019 ed. (Document ID 0139)—This standard contains requirements for the design, performance, testing, and certification of new SCBA used by emergency service personnel.

NFPA 1982, Standard on Personal Alert Safety Systems (PASS), 2018 ed. (Document ID 0352)—This standard specifies the minimum requirements for the design, performance, testing, and certification for all personal alert safety systems (PASS) for emergency services personnel.

NFPA 1984, Standards on Respirators for Wildland Fire-Fighting Operations and Wildland Urban Interface Operations, 2022 ed. (Document ID 0353)—This standard specifies the minimum design, performance, testing, and certification requirements for respirators to provide protection from inhalation hazards for personnel conducting wildland firefighting operations for use in non-immediately dangerous to life or health (IDLH) wildland environments during wildland firefighting operations and/or wildland urban interface operations.

NFPA 1986, Standard on Respiratory Protection Equipment for Tactical and Technical Operations, 2023 ed. (Document ID 0354)—This standard specifies the minimum requirements for the design, performance, testing, and certification of new compressed breathing air open-circuit SCBA and compressed breathing air combination open-circuit SCBA and supplied air respirators and replacement parts, components, and accessories for the respirators for use by emergency services personnel in non-firefighting operations where the atmosphere is categorized as IDLH.

NFPA 1987, Standard on Combination Unit Respirator Systems for Tactical and Technical Operations, 2023 ed. (Document ID 0355)—This standard specifies the minimum requirements for the design, performance, testing, and certification of new combination unit respirator systems and for the replacement parts, components, and accessories for such respirators for emergency services personnel in non-firefighting operations and in atmospheres that are categorized as entry into and escape from IDLH atmospheres in open-circuit SCBA mode and entry into non-IDLH and escape from IDLH and non-IDLH atmospheres when in air-purifying respirator (APR) mode or powered air-purifying respirator (PAPR) mode.

NFPA 1990, Standard for Protective Ensembles for Hazardous Materials and CBRN Operations, 2022 ed. (Document ID 0356)—This standard specifies the minimum design, performance, testing, documentation, and certification requirements for new ensembles and new ensemble elements that are used by emergency responders during hazardous materials emergencies and CBRN (chemical, biological, radiological and nuclear) terrorism incidents.

NFPA 1999, Standard on Protective Clothing and Ensembles for Emergency Medical Operations, 2018 ed. (Document ID 0357)—This standard specifies the minimum design, performance, testing, documentation, and certification requirements for new single-use and new multiple-use emergency medical operations protective clothing including garments, helmets, gloves, footwear, and face protection devices used by emergency medical responders prior to arrival at medical care facilities and used by medical first receivers at medical care facilities during emergency medical operations. The standard also applies to health care workers providing medical and supportive care; however these workers are not covered by the proposed rule.

ANSI/ISEA 207, American National Standard for High-Visibility Public Safety Vests, 2011 ed. (Document ID 0358)—This standard specifies performance requirements for high-visibility vests for use by public safety workers which are intended to provide conspicuity of the user in hazardous situations under any light conditions by day and under illumination by vehicle headlights in the dark. Performance requirements are included for color, retroreflection, and minimum areas, as well as the suggested configuration of highly visible materials used in the construction of high-visibility public safety vests. Test methods are provided in the standard to ensure that a minimum level of visibility is maintained when items are subjected to ongoing care procedures.

The following NFPA standards, although not being formally incorporated into the proposed standard, were extensively examined and many of the provisions in the proposed rule are based on or are consistent with provisions in them:

NFPA 10, Standard for Portable Fire Extinguishers, 2022 ed. (Document ID 0345)—This standard contains requirements for the selection, installation, inspection, maintenance, recharging, and testing of portable fire extinguishers and Class D extinguishing agents.

NFPA 600, Standard on Facility Fire Brigades, 2020 ed. (Document ID 0133)—This standard contains requirements for organizing, operating, training, and equipping facility fire brigades for response to fires in industrial, commercial, institutional, and similar properties; and for the occupational safety and health of brigade members while performing their duties.

NFPA 1201, Standard for Providing Fire and Emergency Services to the Public, 2020 ed. (Document ID 0141)—This standard contains requirements on the structure and operations of fire emergency service organizations that provide a wide range of services to the community. The standard serves as guidance for organizations that provide services to protect lives, property, infrastructure, and the environment from the effects of hazards.

NFPA 1451, Standard for a Fire and Emergency Service Vehicle Operations Training Program, 2018 ed. (Document ID 0137)—This standard contains the requirements for a fire and emergency service vehicle operations training program including the knowledge and skills required of safety, training, maintenance, and administrative officers assigned to develop and implement the program.

NFPA 1500, Standard on Fire Department Occupational Safety, Health, and Wellness Program, 2021 ed. (Document ID 0135)—This standard contains requirements for occupational safety, health, and wellness programs for fire departments.

NFPA 1521, Standard for Fire Department Safety Officer Professional Qualifications, 2020 ed. (Document ID 0147)—This standard contains job performance requirements for the assignment of a health and safety officer and an incident safety officer for a fire department to ensure responders holding these positions are qualified for the jobs.

NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety, 2020 ed. (Document ID 0145)—This standard contains requirements for the development and implementation of an incident management system that is intended to be used by emergency services and apply to operations conducted at the scene of all types of emergency incidents. The standard is intended to integrate with systems that apply to multiple agencies and large-scale incidents.

NFPA 1581, Standard on Fire Department Infection Control Program, 2022 ed. (Document ID 0148)—This standard contains requirements for a fire department infection control program that includes infection control in the fire station, in fire apparatus, at incident scenes, and any other routine or emergency operations.

NFPA 1660, Standard for Emergency, Continuity, and Crisis Management: Preparedness, Response, and Recovery, 2024 ed. (Document ID 0359)—This standard establishes a common set of criteria for emergency management and business continuity programs; mass evacuations, sheltering, and re-entry programs; and development of pre-incident plans for personnel responding to emergencies.

NFPA 1700, Guide for Structural Fire Fighting, 2021 ed. (Document ID 0150)—This guide addresses research in fire dynamics that have led to alterations in fire behavior models that have been taught in the fire service for decades and that support changes needed in structural fire-fighting strategy, tactics, and tasks.

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NFPA 1710, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments, 2020 ed. (Document ID 0146)—This standard contains requirements for the organization and deployment of fire suppression operations, emergency medical operations, and special operations to the served community by career fire departments. The standard also contains system requirements for health and safety, incident management, training, communications, and pre-incident planning.

NFPA 1720, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire Departments, 2020 ed. (Document ID 0142)—This standard contains requirements for the organization and deployment of fire

suppression operations, emergency medical operations, and special operations to the served community by volunteer and combination fire departments. The standard also contains system requirements for health and safety, incident management, training, communications, and pre-incident planning.

NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2020 ed. (Document ID 0346)—This standard contains requirements for the selection, care, and maintenance structural and proximity fire fighter protective ensembles and the individual ensemble elements that include garments, helmets, gloves, footwear, and interface components.

NFPA 2500, Standard for Operations and Training for Technical Search and Rescue Incidents and Life Safety Rope and Equipment for Emergency Services, 2022 ed. (Document ID 0152)—This standard contains requirements for conducting operations at a wide range of technical search and rescue incidents; for the design, performance, testing, and certification of life safety rope and other search and rescue equipment; and for the selection, care, and maintenance of rope and search and rescue equipment for emergency services.

As noted in the SBAR Panel Report, during the teleconferences and in written public comments several SERs expressed concern with the potential expense of time and money in having to comply with the provisions in NFPA standards (Document ID 0115, pp. 16–17/370; 18/370; 21/370; 33/370; 57–58/370). In Question II. C, OSHA is seeking input on the potential impacts of incorporating by reference of various NFPA standards, and how equivalency or consistency could be achieved if the NFPA standards were not incorporated by reference. NFPA makes their standards available to be viewed without cost at <https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access> (<https://www.nfpa.org/Codes-and-Standards/All-Codes-and-Standards/Free-access>) or for purchase at <https://catalog.nfpa.org/Codes-and-Standards-C3322.aspx> (<https://catalog.nfpa.org/Codes-and-Standards-C3322.aspx>).

The agency is aware that the NFPA is currently in the process of combining many of their standards into larger consolidated standards (see <https://www.nfpa.org/Codes-and-Standards/Resources/Standards-in-action/Emergency-Response-and-Responder-Safety-Project> (<https://www.nfpa.org/Codes-and-Standards/Resources/Standards-in-action/Emergency-Response-and-Responder-Safety-Project>)). OSHA will review the consolidated standards during development of a potential final rule. The referenced standards that will be affected by the consolidation project are the following:

NFPA 1001, NFPA 1002, NFPA 1003, and NFPA 1005 will become NFPA 1010, Standard for Firefighter, Fire Apparatus Driver/Operator, Airport Firefighter, and Marine Firefighting for Land-Based Firefighters Professional Qualifications, scheduled for 2024.

NFPA 1021 and other standards will become NFPA 1020, Standard for Fire Officer and Emergency Services Instructor Professional Qualifications, scheduled for 2025.

NFPA 1407, NFPA 1451 and other standards will become NFPA 1400, Standard on Fire Service Training, scheduled for 2026.

NFPA 1581, NFPA 1582 and other standards will become NFPA 1580, Standard for Emergency Responder Occupational Health and Wellness, scheduled for 2025.

NFPA 1201, NFPA 1710, NFPA 1720, and other standards will become NFPA 1750, Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Providing Fire and Emergency Services to the Public, scheduled for 2026.

NFPA 1981, NFPA 1982 and other standards will become NFPA 1970, Standard on Protective Ensembles for Structural and Proximity Firefighting, Work Apparel and Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services, and Personal Alert Safety Systems (PASS), scheduled for 2024.

NFPA 1951, NFPA 1977, and NFPA 1999 will become NFPA 1950, Standard on Protective Clothing, Ensembles, and Equipment for Technical Rescue Incidents, Emergency Medical Operations, and Wildland Firefighting, and Urban Interface Firefighting, scheduled for 2025.

NFPA 1952 and NFPA 1953 will become NFPA 1955, Standard on Surface Water Operations Protective Clothing and Equipment and Protective Ensembles for Contaminated Water Diving, scheduled for 2025.

NFPA 1984 and NFPA 1989 will become NFPA 1985, Standard on Breathing Air Quality for Emergency Services Respiratory Protection and Respirators for Wildland Firefighting and Wildland Urban Interface Operations, scheduled for 2026.

III. Pertinent Legal Authority

A. Introduction

The purpose of the Occupational Safety and Health Act, 29 U.S.C. 651 (<https://www.govinfo.gov/link/uscode/29/651>) *et seq.* (“the Act” or “the OSH Act”), is “to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources” (29 U.S.C. 651(b) (<https://www.govinfo.gov/link/uscode/29/651>)). To achieve this goal, Congress authorized the Secretary of Labor (“the Secretary”) “to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce” (29 U.S.C. 651(b)(3) (<https://www.govinfo.gov/link/uscode/29/651>); see also 29 U.S.C. 654(a) (<https://www.govinfo.gov/link/uscode/29/654>) (requiring employers to comply with OSHA standards)). Section 6(b) of the Act authorizes the promulgation, modification or revocation of occupational safety or health standards pursuant to detailed notice and comment procedures (29 U.S.C. 655(b) (<https://www.govinfo.gov/link/uscode/29/655>)).

B. Coverage

I. VOLUNTEERS

The OSH Act requires “[e]ach employer” to “comply with occupational safety and health standards promulgated under this Act” (29 U.S.C. 654(a)(2) (<https://www.govinfo.gov/link/uscode/29/654>)). The term “employer” is defined as “a person engaged in a business affecting commerce who has *employees*, but does not include the United States (not including the United States Postal Service) or any State or political subdivision of a State” (29 U.S.C. 652(5) (<https://www.govinfo.gov/link/uscode/29/652>) (emphasis added)). This proposed standard would cover some emergency service organizations (ESOs) whose responders may be referred to as volunteers rather than employees. However, whether an emergency response worker is an employee, and therefore whether the standard would apply to that worker’s ESO, does not depend on the label assigned by the ESO. The following discussion lays out the relevant legal principles governing employment status under the OSH Act. For a more detailed discussion of how OSHA expects these principles to apply in the context of this proposed standard, see the Summary and Explanation for paragraph (a), Scope, under the heading *Coverage for Volunteers*.

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The Act defines an “employee” as “an employee of an employer who is employed in a business of his employer which affects commerce” (29 U.S.C. 652(6) (<https://www.govinfo.gov/link/uscode/29/652>)). Because this definition is circular, courts apply the test for employee status enunciated in *Nationwide Mut. Ins. Co. v. Darden*, 503 U.S. 318, 322–23 (1992) (see *Quinlan v. Secretary, U.S. Dep’t of Labor*, 812 F.3d 832, 836 (11th Cir. 2016); *Slingluff v. Occupational Safety and Health Review Comm’n*, 425 F.3d 861, 867–68 (10th Cir. 2005)). In *Darden* the Supreme Court set forth the following test for employee status: “In determining whether a hired party is an employee under the general common law of agency, we consider the hiring party’s right to control the manner and means by which the product is accomplished” (Id. at 323) (internal quotation marks omitted). The Court went on to list a number of factors which relate to the right to control (Id.).

Table V-1 -- Collection of Information Requirements Being Revised in the Fire Brigades Standard⁹⁰

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156 (b)(1)	<i>(1) Organizational statement.</i> The employer shall prepare and maintain a statement or written policy which establishes the existence of a fire brigade; the basic organizational structure; the type, amount, and frequency of training to be provided to fire brigade members; the expected number of members in the fire brigade;	N/A

⁹⁰Full details of the burden and cost estimates for each provision are available in the ICR's supporting statement at reginfo.gov.

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
	and the functions that the fire brigade is to perform at the workplace. The organizational statement shall be available for inspection by the Assistant Secretary and by employees or their designated representatives.	
§ 1910.156 (b)(2)	(2) <i>Personnel.</i> The employer shall ensure that employees who are expected to do interior structural firefighting are physically capable of performing duties which may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema, to participate in fire brigade emergency activities unless a physician's certificate of the employees' fitness to participate in such activities is provided. For employees assigned to fire brigades before September 15, 1980, this paragraph is effective on September 15, 1990. For employees assigned to fire brigades on or after September 15, 1980, this paragraph is effective December 15, 1980.	N/A
§ 1910.156 (c)(1)	[none]	(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 to provide protection for each of its employees (team members) who is designated to provide services at an emergency incident.
§ 1910.156 (c)(3)	[none]	(c) Organization of the WERT, and Establishment of the ERP and Emergency Service(s) Capability (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.
§ 1910.156 (c)(4)	(c) Training and education... (4) The employer shall inform fire brigade members about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The fire brigade members shall also be advised of any changes that occur in relation to the special hazards. The employer shall	N/A

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
	develop and make available for inspection by fire brigade members, written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.	
§ 1910.156 (c)(8)	[none]	(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 to ensure adequate resources are available to safely mitigate foreseeable incidents.
§ 1910.156 (c)(9)	[none]	(9) Previous editions of documentation required by this section shall be maintained by the WERE for a minimum of five (5) years.
§ 1910.156 (c)(10)	[none]	(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.
§ 1910.156 (d)(1)	[none]	(d) ESO Establishment of ERP and Emergency Service(s) Capability. (1) The ESO shall develop and implement a written ERP to provide protection for each of its responders who is designated to operate at an emergency incident.
§ 1910.156 (d)(3)	[none]	(d) ESO Establishment of ERP and Emergency Service(s) Capability (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.
§ 1910.156 (d)(8)	[none]	(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.
§ 1910.156 (d)(9)	[none]	(9) Previous editions of documentation required by this section shall be maintained by the ESO for a minimum of five (5) years.

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156 (d)(10)	[none]	(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.
§ 1910.156 (e)(5)	[none]	(e) Team Member and Responder Participation (5) Encourage team members and responders to report safety and health concerns, such as hazards, injuries, illnesses, near-misses, and deficiencies in the ERP;
§ 1910.156 (e)(7)	[none]	(e) Team Member and Responder Participation (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.
§ 1910.156(f)(1)	[none]	(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[.]
§ 1910.156(g)(1)	[none]	<p>(g) Medical and Physical Requirements (1) WERE and ESO medical requirements.</p> <p>(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</p> <p>(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.</p>

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156(g)(2)	[none]	<p>(g)(2) WERE and ESO medical evaluation and surveillance.</p> <p>(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;</p>
§ 1910.156(g)(3)	[none]	<p>(g)(3) Additional ESO medical evaluation and surveillance.</p> <p>(i) For ESOs whose responders are exposed to combustion products, medical evaluation and 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.</p> <p>(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 (g)(3)(i)(A) of this section, and for inclusion in the responder's confidential record, as required in (g)(1)(ii) of this section.</p>
§ 1910.156(g)(4)	[none]	<p>(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;</p> <p>(ii) The resources shall include, at minimum:</p> <p>(A) Diagnostic assessment;</p> <p>(B) Short-term counseling;</p> <p>(C) Crisis intervention; and</p> <p>(D) Referral services for behavioral health and personal problems that could affect the team member or responder's performance of emergency response duties.</p>

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
		(iii) The WERE and ESO shall inform each team member and responder of the resources available; and
§ 1910.156(g)(6)	[none]	(g)(6) ESO health and fitness for duty: (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(s) of service(s) and tier of team members and responders established in paragraph (d) of this section;
§ 1910.156(i)(3)	[none]	(i) WERE Facility Preparedness – (1) General requirements. The WERE shall: ... (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.
§ 1910.156(k)(2)	[none]	(k) Equipment and PPE... (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;
§ 1910.156(l)(2)	[none]	(2) To ensure vehicles are operated in a manner that will keep team members and responders safe, the WERE and ESO shall: ... (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; (viii) Establish and implement policies and procedures that provide alternative means

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
		<p>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;</p> <p>(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</p>
§ 1910.156(m)(1)	[none]	<p>(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.</p>
§ 1910.156(n)(2) & (3)	[none]	<p>(n) ESO Pre-Incident Planning</p> <p>(2) The ESO shall develop PIPs for facilities, locations, and infrastructure where emergency incidents may occur</p> <p>(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.).</p>
§ 1910.156(n)(8)	[none]	<p>(8) The ESO shall ensure that the most recent version of PIPs are disseminated as needed and are accessible and available to responders operating at emergency incidents.</p>
§ 1910.156(p)(2)	[none]	<p>(p) Emergency Incident Operations</p>

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
		<p>...</p> <p>(2) Incident Commander. The WERE and the ESO shall ensure that:</p> <p>(iii) The IC conducts a comprehensive and ongoing size-up of the incident scene that places life safety as the highest priority;</p> <p>(iv) The IC conducts a risk assessment based on the size-up before actively engaging the incident;</p> <p>...</p> <p>(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.</p>
§ 1910.156(p)(3)	[none]	<p>(3) Control zones. The WERE and the ESO shall ensure that:</p> <p>...</p> <p>(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:</p> <p>(A) Designated as no-entry, hot, warm, or cold;</p> <p>(B) Marked in a conspicuous manner, with colored tape, signage, or other appropriate means, unless such marking is not possible; and</p> <p>(C) Communicated to all team members and responders attending the incident before the team member or responder is assigned to a control zone;</p>
§ 1910.156(q)(1)	[none]	<p>(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 community or facility vulnerability assessment developed in accordance with paragraphs (c) and (d) of this section.</p>

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156(r)(1) & (2)	[none]	<p>(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.</p> <p>(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.</p>
§ 1910.156(s)(1)	[none]	<p>(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.</p>

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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 Responses*: 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:

OSHA Emergency Response Standard

May 28, 2024

Comment Period – Ends on June 21, 2024

Current Regulation	New Proposed Regulation (Docket No. OSHA-2007-0073)																		
<p>1910.120 Hazardous Waste Operations and Emergency Response (q)(3)(iii): “...and assure that the ppe worn is....”</p> <p>Minimum requirements in 29 C.F.R. 1910.156(e)</p>	<p>No substantial change. Just changing names of appendices (q)(3)(iii): “... and ensure that the ppe worn is...”</p> <p>Minimum requirements now in 29 C.F.R. 1910.156(k).</p>																		
<p>1910.134 Respiratory Protection (g)(4). Procedures for interior structural firefighting.</p>	<p>Removes procedures and instead references 1910.156. - Put procedures all in one standard.</p>																		
<p>1910.155 Scope, application and definitions applicable to “Fire Protection”</p> <p>This subpart contains requirements for fire brigades, 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 29 C.F.R. part 1910.</p>	<p>Changes fire brigade to “Workplace Emergency Response Employers and Emergency Service Organizations.”</p> <p align="center"><u>Omits the following definitions:</u></p> <table border="0"> <tr> <td>Afterflame</td> <td>Helmet</td> </tr> <tr> <td>Buddy-breathing device</td> <td>Lining</td> </tr> <tr> <td>Enclosed structure</td> <td>Outer shell</td> </tr> <tr> <td>Fire brigade</td> <td>Positive-pressure breathing app.</td> </tr> <tr> <td>Flame resistance</td> <td>Quick disconnect valve</td> </tr> <tr> <td>Vapor barrier</td> <td></td> </tr> </table> <p align="center"><u>Adds the following new definitions:</u></p> <table border="0"> <tr> <td>Class K fire</td> <td>Wet chemical</td> </tr> <tr> <td>Clean agent</td> <td>Wetting agent</td> </tr> <tr> <td>Halogenated agent</td> <td></td> </tr> </table>	Afterflame	Helmet	Buddy-breathing device	Lining	Enclosed structure	Outer shell	Fire brigade	Positive-pressure breathing app.	Flame resistance	Quick disconnect valve	Vapor barrier		Class K fire	Wet chemical	Clean agent	Wetting agent	Halogenated agent	
Afterflame	Helmet																		
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1910.156 Fire Brigades	1910. 156 Emergency Response (Proposed)														
<p>(a)(1) Scope This section contains requirements for the organization, training, and personal protective equipment of fire brigades whenever they are established by an employer.</p>	<p>(a) Scope (1) This section applies to: (i) Employer that have a workplace emergency response team. The employees on the team, as 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. This type of employer is called a Workplace Emergency Response Employer (WERE) and the team is called Workplace Emergency Response Team (WERT). (ii) Employers that are emergency response organizations that provide one or more emergency services as a primary duty of employment. This type of employer is called an Emergency Response Organization (ESO) and the employees are called responders.</p>														
<p>(a)(2) Application.</p>	<p>(a)(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 and 1910.146 Permit-Required Confined Spaces in General Industry.</p>														
<p>No definition section</p>	<p>1910.156(b) Definitions Defines the following:</p> <table border="0"> <tr> <td>Combustion product</td> <td>Community</td> </tr> <tr> <td>Community vulnerability assessment</td> <td>Control zone</td> </tr> <tr> <td>Cold zone</td> <td>Warm zone</td> </tr> <tr> <td>Hot zone</td> <td>No-entry zone</td> </tr> <tr> <td>Emergency Medical Service (EMS)</td> <td>Facility</td> </tr> <tr> <td>Emergency Response Program (ERP)</td> <td>Incident</td> </tr> <tr> <td>Emergency Response Organization (ESO)</td> <td>Incident Scene</td> </tr> </table>	Combustion product	Community	Community vulnerability assessment	Control zone	Cold zone	Warm zone	Hot zone	No-entry zone	Emergency Medical Service (EMS)	Facility	Emergency Response Program (ERP)	Incident	Emergency Response Organization (ESO)	Incident Scene
Combustion product	Community														
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Emergency Response Program (ERP)	Incident														
Emergency Response Organization (ESO)	Incident Scene														

	<p>Facility vulnerability assessment Living Area Gross decontamination Mayday Immediately dangerous to life or health (IDLH) Incident action plan (IAP) Mutual aid agreement Incident Commander (IC) Non-emergency service Incident Management System (IMS) Pre-incident Plan (PIP) Incident Safety Officer (ISO) Responder Personal protective equipment (PPE) Size-up Physician or other licensed health care professional (PLHCP) Rapid intervention crew (RIC) Sleeping Area Skilled support worker (SSW) Team member Standard operating procedure (SOP) Unified Command (UC) Technical search and rescue/Technical rescue Workplace Emergency Response Employer (WERE) Workplace Emergency Response Team (WERT)</p>
<p>ORGANIZATION 1910.156 (b) (1) The employer shall prepare and maintain a statement or written policy which establishes the existence of a fire brigade. (2) The employer shall ensure the employees who are expected to do interior firefighting are physically capable of performing duties which may be assigned during emergencies. Employer shall not permit employees with certain medical conditions to participate in the fire brigade.</p> <p>*NOTE: Does not currently differentiate between employers whose primary duty is to perform emergency services versus non-emergency performing businesses.</p>	<p>ORGANIZATION 1910.156 (c) Organization of the WERT, and Establishment of the ERP, and Emergency Services 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.</p>

****Items in bold italics are not part of the current fire brigade, but they are current independent standards that may overlap or have similarities with the proposed standard in the right column.***

Emergency Action Planning (1910.38)

An employer must have an emergency action plan whenever an OSHA standard in this part requires one.

An emergency action plan must be in writing, kept in the workplace, and available to employees for review. An employer with 10 or fewer employees may communicate the plan orally to employees.

An emergency action plan must include at a minimum:

- Procedures for reporting a fire or other emergency
- Procedures for emergency evacuation, including type of evacuation and exit route assignments;
- Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;
- Procedures to account for all employees after evacuation;
- Procedures to be followed by employees performing rescue or medical duties; and
- The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

An employee must maintain an employee alarm system. The employer must designate and train employees to assist in a safe and orderly evacuation. An employer must review the plan with each employee covered when the plan is first developed, when the employee's responsibilities under the plan change; and if the plan is changed.

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

(i) It shall identify each vacant structure and location at the facility that is unsafe for team members to enter due to conditions such as 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 vacant structures and located identified in (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 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.

(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 (c)(9) of this section available for inspection by team members, their representatives, and OSHA representatives.

<p><i>Fire prevention plans (1910.39)</i> An employer must develop a fire prevention plan must be in writing, be kept in the workplace, and be made available to employees for review. If an employer has 10 or fewer employees, they may communicate the plan orally to employees.</p> <p>Minimum elements of a fire prevention plan:</p> <ul style="list-style-type: none"> - List all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard; - Procedures to control accumulations of flammable and combustible waste materials; - Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials; - Name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and - Name or job title of employees responsible for the control of fuel source hazards. <p>An employer must inform employees upon initial assignment to a job of the fire hazards to which they are exposed. An employer must also review with each employee those parts of the fire prevention plan necessary for self-protection.</p>	<p>1910. 156(d) ESO Establishment of ERP and Emergency Services Capability.</p> <p>(1) ESO shall develop and implement a written ERP that provides protection for each of its responders who is designated to operate an emergency incident.</p> <p>(2) ESO shall include in the ERP how they will address the provisions in this section.</p> <p>(3) Community and facility vulnerability assessments of hazards to be performed within the primary response area of the ESO is expected to provide.</p> <p>(4) Requirements of the assessment: (i) vacant structures and unsafe locations, (ii) notifying responders of such circumstances.</p> <p>(5) EPCRA facilities to be included in the assessment.</p> <p>(6) ESO shall evaluate resources needed for mitigation of emergency incidents.</p> <p>(7) 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.</p> <p>(8) In ERP, ESO shall define services needed that ESO is unable to provide, and develop mutual aid agreements as necessary to mitigate foreseeable incidents.</p> <p>(9) ESO should maintain documents related to this section for 5 years.</p> <p>(10) ESO shall notify responders of any changes to the ERP and make the documentation available for inspections by responders, their representatives, and OSHA representatives.</p>
<p style="text-align: center;">None</p>	<p>1910.156 (e) Team Member and Responder Participation. Each WERE and ESO shall establish and implement a process to:</p> <ul style="list-style-type: none"> (1) Responders responsible for developing and updating ERP (2) Responsible for implementing and evaluating the ERP

	<ul style="list-style-type: none"> (3) Offer potential modifications (4) Conduct walkaround inspections (5) Report safety and health concerns (6) Respond to reports (7) Post procedures for reporting
<p>1910.156 (c)(4) The employer shall inform fire brigade members about special hazards such as storage and use of flammable liquids and gases, toxic chemical, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The employer shall develop and make available for inspection by fire brigade members, written procedures that describe the actions to be taken in situations involving special hazards and shall include these in the training and education program.</p>	<p>1910.156(f) Risk Management Plan. A written comprehensive risk management plan (RMP)</p> <ul style="list-style-type: none"> (1) RMP based on type of level of services provided. <ul style="list-style-type: none"> (i) Covers risks imposed during: <ul style="list-style-type: none"> a. Activities at the facility b. Training c. Vehicle operations d. Operations at emergency incidents e. Non-emergency services and activities f. Activities that lead to exposure of combustion products, carcinogens, and other incident-related health hazards. (ii) Components with respects to hazards: <ul style="list-style-type: none"> a. Identification of hazards b. Evaluation of likelihood of occurrence of a given hazard an the severity of its potential consequences; c. Establishment of priorities for action d. Risk control techniques for elimination or mitigation e. Plan for post-incident evaluation (iii) Additional requirements: <ul style="list-style-type: none"> a. PPE equipment that meet 1910.132(d). b. Respiratory protection program that meet 1910.134. c. Infection control program that identifies and limits or prevents exposure of responders to infectious and contagious disease.

	<p>d. Bloodborne pathogens exposure control plan that meets the requirements of 1910.1030.</p> <p>(2) RMP shall include a policy for extraordinary situations when a responder is permitted to attempt to rescue a person in imminent peril, potentially without the benefit of, for example, PPE or equipment.</p> <p>(3) RMP shall be reviewed as required by (r) and (s) of this section, but not less than annually, and update as needed.</p>
<p>Personnel (1910.156(b)(2)) The employer shall assure that employees who are expected to do interior structural firefighting are physically capable of performing duties which may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema, to participate in fire brigade emergency activities unless a physician's certification of the employees' fitness to participate in such activities is provided.</p>	<p>1910.156(g) Medical and Physical Requirements</p> <p>(1) WERE and ESO requirements:</p> <p>(i) Employer shall establish the minimum medical requirements for responders based on the type of level of services. Will vary depending on tier of employment.</p> <p>(ii) The employer shall maintain confidential records that contain duty restrictions and exposure to toxic or dangerous substances.</p> <p>(iii) Employer shall ensure the medical records are maintain in accordance with 1910.1020.</p> <p>(iv) Medical evaluations, tests, and labs required under this section shall be provided at no cost to responders and without loss of pay.</p> <p>(2) Medical evaluation and surveillance.</p> <p>(i) shall establish a program for medical evaluation</p> <p>(ii) prior to performing duties, each responder shall be medically evaluated to determine fitness for duty by a licensed health care professional. This should be done at no cost to the responder and at a reasonable time and place.</p> <p>(iii) The medical evaluation should include the following: (A) medical and work history with cardiac and respiratory disease; (B) physical exam with emphasis on cardiac, respiratory, and musculoskeletal systems; (C) spirometry; and (D) assessment</p>

<p>Personnel continued (see page 7 for current standards)</p>	<p>of heart disease risk including blood pressure, cholesterol levels, and relevant heart disease risk factors; (iv) Additional screening as determined by health care provider; (v) Medical evaluations shall be repeated every two years unless provider states more frequent evaluations are necessary. (vi) Required procedures regarding the length of time in which absence due to injury or illness will require the responder to have a medical evaluation clearing returning to duty.</p> <p>(3) Surveillance Surveillance procedures required for exposure to combustion products based on frequency and intensity.</p> <p>(4) Behavioral health and wellness Employer shall provide resources or identify where resources are available at no cost in the community. These resources shall include: diagnostic assessment; short-term counseling; crisis intervention; referral services for behavioral health and personal problems which could reflect the performance of duties.</p> <p>Resources should be relayed on a regular and recurring basis and following each traumatic event.</p> <p>Assurance that request and use resources will be kept confidential.</p> <p>ESO Health and fitness program. Should include an individual designated to over the program. A period assessment (within 3 years). Exercise training that is available to responders during working hours. Education and counseling regarding health promotion.</p>
<p>1910.156(c) Training and education (1) The employer shall provide training and education for all fire brigade members commensurate with those duties and</p>	<p>1910.156(h) Training Minimum training:</p>

<p>functions that fire brigade members are expected to perform. Such training and education shall be provided to fire brigade members before they perform fire brigade emergency activities. Fire brigade leaders and instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire brigade.</p> <p>(2) The employer shall assure that training and education is conducted frequently enough to assure that each member of the fire brigade is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger fire brigade members or other employees. All fire brigade members shall be provided with training at least annually. In addition, fire brigade members who are expected to perform interior structural firefighting shall be provided with an education session or training at least quarterly.</p> <p>(3) The quality of the training and education program for fire brigade members shall be similar to those conducted by such fire training schools....</p>	<ul style="list-style-type: none"> - Establish minimum knowledge of skills required based on type and level of service. - Provide initial training, ongoing training, refresher training, and professional development. - Restrict activities of new members until they complete training and have been evaluated. - Ensure each instructor has the knowledge, skills, and abilities to teach the subject matter. - Ensure training is provided in a language and at a literacy level that is easily understood. - Provide training on the RMP. - Train over the safety and health policy. - Training over ppe. - Training over portable fire extinguishers. - Train in accordance with the incident management system established in 1910.156(o). - Training regarding evacuation and dangerous situations. - Ensure each member is training to meet the first responder awareness level under 1910.120(q)(6)(i). - Train each member to administer CPR and to use an AED.
<p style="text-align: center;">None</p>	<p>Vocational training 1910.156(h)(2) WERE employers – IBR NFPA 1081 ESO employers – IBR NFPA 1001 Interior structural firefighting – ICB NFPA 1407 Vehicle operators – IBR NFPA 1002 Manager/Supervisors – IBR NFPA 1021 Wildlife ESOs – IBR NFPA 1140 Technical search and rescue – IBR NFPA 1006 Marine environments – IBR NFPA 1005</p>

<p>Fire Detection Systems 1910.164 Employer shall install and restore all systems in compliance with this standard. The employer shall assure that fire detectors are tested and adjusted as often as needed to maintain proper reliability. Employer shall assure that the servicing, maintenance and testing of the fire systems are performed by a trained person knowledgeable in the operations and functions of the system.</p>	<p>ESO Facility Preparedness 1910.156(j)</p> <ul style="list-style-type: none"> - Employer shall ensure the facility complies with (e) - Provide facilities for decontamination, disinfection, cleaning, and storage of PPE. - Provides guidelines and maintenance for fire poles, slides, and chutes: <ul style="list-style-type: none"> o All users maintain contact with all four extremities. o Each fire pole has a landing cushion at least 30 inches in diameter. o Ensure each floor hole is secured to prevent unintended falls - Fire detection and alarm systems are installed and maintained. <p>(j)(2) Sleeping and living areas</p>
<p>Fire fighting equipment 1910.156(d) The employer shall maintain and inspect, at least annually, fire fighting equipment to assure the safe operational condition of the equipment. Portable fire extinguishers and respirators shall be inspected at least monthly. Fire fighting equipment that is in demand or unserviceable condition shall be removed from service and replaced.</p> <p>Protective clothing 1910.156(e) The following requirements apply to those employees who perform interior structural firefighting. The requirements do not apply to employees who use fire extinguishers or standpipe systems to control or extinguish fires only in the incipient stage.</p> <p>(1) General</p>	<p>Equipment and PPE 1910.156(k)</p> <p>(1) General Requirements ESO shall provide equipment needed to train and safely perform services at no cost to responders. Ensure newly purchased or acquired equipment is safe for use. Inspection and service test equipment as follows: (a) at least annually; (b) in accordance with manufacturer’s instructions; and (c) as necessary to ensure safety. Equipment found to be defective or in unserviceable condition shall be removed immediately.</p> <p>(2) PPE. PPE hazard assessment shall be conducted. All protective ensembles and elements should be provided to responders at no cost. Ensure compliance with this subpart and the following as incorporated by reference: NFPA 951, NFPA 952, NFPA 953, NFPA 971, NFPA 977, NFPA 981, NFPA 982, NFPA</p>

<p>(i) Employer shall provide at no cost to the employee and assure the use of protective clothing which complies with the requirements of this paragraph. The employer shall assure that protective clothing ordered or purchased after July 1, 1981, meets the requirements contained in this paragraph. As the new equipment is provided, the employer shall assure that all fire brigade members wear the equipment when performing interior structural firefighting. After July 1, 1985, the employer shall assure that all fire brigade members wear protective clothing meeting the requirements of this paragraph when performing interior structural firefighting.</p> <p>(ii) Employer shall assure that protective clothing protects the head, body, and extremities, and consists of at least the following components: foot and leg protection; hand protection; body protection; eye, face, and head protection.</p> <p>(2) Foot and leg protection</p> <p>(i) Foot and leg protection shall meet the requirements of paragraphs (ii) and (iii) of this section, and may be achieved by either of the following methods:</p> <p>(A) Fully extended boots which provide protection for the legs; or</p> <p>(B) Protective shoes or boots worn in combination with protective trousers that meet the requirements of paragraph (e)(3) of this section.</p> <p>(ii) Protective footwear shall meet the requirements of 1910.136 for Class 75 footwear. In addition, protective footwear shall be water-resistant for at least 5 inches</p>	<p>1984, NFPA 1986, NFPA 1987, NFPA 1990, NFPA 1999, ANSI/ISEA 207-2011.</p> <p>(vi-x) Ensure protection from contaminants.</p>
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- above the bottom of the heel and shall be equipped with slip-resistant outer soles.
- (iii) Protective footwear shall be tested in accordance with paragraph (1) of Appendix E, and shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds of static force is applied to the nail.

(3) Body protection

(4) Hand protection

(5) Head, eye, and face protection

Respiratory protection devices

1910.156(f)

(1) General requirements

- (i) Employers must provide respirators and ensure they are being used in accordance with 1910.134.
- (ii) Approved self-contained breathing apparatus with full-facepiece, or with approved helmet or hood configuration, shall be provided to and worn by fire brigade members while working inside buildings or confined spaces where toxic products of combustion or an oxygen deficiency may be present.
Such apparatus shall also be worn during emergency situations involving toxic substances.
- (iii) Breathing apparatus may be equipped with a buddy-breathing device.
- (iv) Apparatus may be used with approved cylinders from other approved self-contained compressed air breathing apparatus.
- (v) Breathing apparatuses must have a minimum service-life rating of 30 minutes in accordance

1910.156(k) (see page 11)

<p>with the methods and requirements specified by NIOSH under 42 C.F.R. part 84.</p> <p>(vi) Breathing apparatus shall be provided with an indicator which automatically sounds an audible alarm when the remaining service life of the apparatus is reduced to within a range of 20-25 percent of its rated service time.</p> <p>(2) Positive-pressure breathing apparatus Such apparatus shall be in the positive-pressure mode when performing interior structural fire fighting operations.</p>	<p>1910.156(k) (see page 11)</p>
<p>None</p>	<p>Vehicle preparedness and operation. 1910.156(l) Vehicles shall be inspected as specified by the manufacturer and immediately removed from service for a safety-related deficiencies. Should be inspected to comply with NFPA 1910 (IBR). Each operator should be in compliance with training requirements under this subpart. Each apparatus should contain seat belts and each responder shall remain seated and secured during operation.</p> <p>Procedures shall be put in place for vehicles with tiller steering to ensure the operator is adequately secured when located in the tiller position. (vi).</p> <p>Safety harness provided to responder in a designated stand-up position during pump-and-roll operations. (vii).</p>
	<p>Pre-Incident Planning (1910.156(m)) – only applicable to WERE</p>
	<p>ESO Pre-Incident Planning 1910.156(n)</p>

None	<ul style="list-style-type: none"> (1) The ESO shall determine places in which responders may provide service (based upon facility assessment). (2) Pre-incident plans (PIPs) shall be developed for location in which emergency incidents may occur. (3) ESO shall prepare a PIP for each location in ESO's boundaries for which they are required to report under EPCRA. (4) ESO ensure a facility's personnel are knowledgeable about safety and risks of the facility. (5) ESO shall ensure responder's are qualified in filling out a PIP. (6) PIP should be detailed. (7) PIPs should include actions to be taken if incident is out of the scope of the ESO's capability. (8) PIPs shall be made available to responders. (9) PIPs shall be reviewed annually.
None	<p>Incident Management System 1910.156(o)</p> <ul style="list-style-type: none"> (1) The WERE and ESO shall developed and implement and Incident Management System (IMS) to manage all emergency incidents based on type and level of service, the vulnerability assessment, and the PIPs developed. (2) The IMS shall: (i) include flexible and scalable components that are adaptable to certain scenarios; (ii) to ensure if the Incident Safety Officer (ICS) is absent the Incident Commander (IC) will assess the scene; (iii) to include a notification policy over unsafe conditions; (iv) provide policies for clear communications and effective operations. (3) The WERE and ESO shall designate duties of the IC including: (i) front-line management; (ii) overall incident safety; (iii) tactical planning and execution; and (iv) determining whether additional assistance is needed. (4) The IC shall have the adequate training and authority to perform such duties.

None

Emergency incident operations

1910.156(p)

(1) Incident command and management.

The IMS should be utilized at each emergency incident and the IC or UC shall be present. The ESO shall assign a member to oversee incident safety. If an event escalates, then the IC should divide the incident into strategic management components.

(2) Incident Commander (IC)

The identify and location of IC shall be communicated to members who are on the scene or responding. The IC shall conduct an ongoing size-up of the scene and shall conduct a risk assessment. The IC will direct all activities during the duration of the incident. The IC then shall develop and Incident Action Plan (IAP) that prioritizes life safety for each incident.

(3) Control zones.

Control zones shall be established at each scene in which the perimeters will be determined by the IC. Changes shall be communicated to all responders.

Control zones will have the following requirements: (A) designated as no-entry, hot, warm, or cold; (B) marked in a conspicuous manner; (C) communicated to all responders and team members.

Only members with an assigned task are allowed in hot zones. No one is allowed in a "no-entry" zone.

(4) On-scene safety and health.

Minimum staffing requirements shall be met. Operations shall be limited to only those qualified to perform them. At least 4 members shall be assembled prior to an IDLH atmosphere and at least 2 members before entering a structure with an IDLH atmosphere while 2 are waiting outside. While in an IDLH atmosphere, positive-pressure SCBA or air respirators shall be utilized. Additionally,

None	<p>each apparatus shall be equipped with a NIOSH-certified emergency escape air cylinder and pressure-demand face piece.</p> <p>(5) Communication</p> <p>(6) The personnel accountability system shall be utilized at each emergency incident.</p> <p>(7) The WERE and ESO shall implement a Rapid Intervention Crew.</p> <p>(8) Medical monitoring and rehabilitation procedures shall be implements in accordance with the SOP and used as needed.</p> <p>(9) Traffic safety procedures shall be implemented.</p> <p>(10) Skilled support workers shall be used during appropriate emergency incidents.</p>
None	<p>Standard Operating Procedures 1910.156(q)</p> <p>(1) The WERE and ESO shall develop SOPs for emergency events.</p> <p>(2) SOPs shall (i) describe action to be taken in any situation; (ii) how to operate at incidents beyond the member's capabilities; (iii) provide a systemic approach to increase protection from contaminants or hazards; (iv) rules in light with vehicle operation requirements; use of standard protocols and terminology for radio communication; (vi) provide procedures for scenes with vacant or structurally unsound buildings; (vii) establish a system for maintaining personnel accountability; establishing procedures for "mayday" situations; and provided a systematic approach for medical monitoring.</p> <p>(3) The SOPs should also cover: (i) procedures for protecting responders from vehicular traffic; (ii) procedures for operating scenes that are primarily under the control of law enforcement; and (iii) procedures for non-emergency services.</p>

None	<p>Post-Incident Analysis 1910.156(r)</p> <p>(1) A Post-Incident Analysis (PIA) shall be promptly completed to determine the effectiveness of the response to a large-scale incident.</p> <p>(2) The PIA shall include a review and evaluation of the RMP, IMS, PIPs, SOPs, and IAPs for accuracy and adequacy.</p> <p>(3) Changes shall be implemented based upon lessons learned or develop a written timeline for implementation.</p>
None	<p>Program Evaluation 1910.156(s)</p> <p>(1) The ERP shall be evaluated at least annually or upon discovery of any deficiencies.</p> <p>(2) Review shall include whether the ERP was properly implemented or if modifications are necessary.</p> <p>(3) Changes shall be identified and recommended.</p>
None	<p>Severability 1910.156(t)</p> <p>Each section of this standard is separate and severable from the other sections and provisions. If any provision of this standard is held invalid, that provision shall be construed so as to continue to give the maximum effect to the provision permitted by law.</p>
None	<p>Portable Fire Extinguishers 1910.157</p> <p>Addition of (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 or less.</p>
	<p>Standpipe and hose systems 1910.158 Addition of (c)(2)(iii):</p>

None	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.
1910.159(a-c(11))	<p>Automatic sprinkler systems (1910.159) Addition of: (c)(12) Employer shall ensure that sprinkler inlet connections and fittings are compatible with, or adapters are provided for, the fire hose couplings used by the fire department or Workplace Emergency Response Team that pump water into the sprinkler system through the connections or fittings.</p>

Fire Counsel Notes

Spring 2024

NEW FEDERAL OSHA REQUIREMENTS ARE COMING

By now most readers know (or should know) that the United States Department of Labor Occupational Safety and Health Administration (US OSHA) has put forward a proposed major rewriting of the "Fire Brigade" regulations which have applied to the Illinois Fire Service following a 1985 court order which imposed the Illinois Health and Safety Act on public employees in Illinois (including volunteer fire personnel). This court order was ultimately followed, after considerable controversy, by the Illinois Department of Labor's adoption of the Federal OSHA Fire Brigade and other Federal OSHA regulations applicable to fire departments in Illinois. Illinois is now what is referred to as a "State Plan" jurisdiction meaning, that all Federal OSHA Regulations apply in Illinois automatically. Accordingly, if the proposed regulation put forward in the Federal Register (Vol. 89, No. 24) on February 5, 2024 is implemented by Federal OSHA, it will automatically apply to all fire departments in the State of Illinois regardless of size, department type, or composition (career or non-career). The proposed regulations, which will substantially rewrite the current regulations (29 CFR Part 1910) are now open for public comment prior to final adoption. The original deadline for comments of May 6, 2024 has now been extended to **June 21, 2024**. For the reasons stated below, **all** fire protection districts in Illinois need to weigh in on these new proposed regulations. A complete analysis of the proposed regulations (which are now referred to as the "Emergency Response Standard") is beyond the scope of this article, however, the following are some highlights for readers to consider:

- The new regulations will "incorporate by reference" (IBR) 22 National Fire Protection Association (NFPA) Standards making compliance with those standards mandatory for all fire departments subject to the OSHA Regulations.
- Additionally, NFPA is simultaneously combining and consolidating some of the standards referenced in the new rule, causing more confusion for future compliance.
- The new regulations will use 14 NFPA Standards as the basis for new OSHA Regulations. [The NFPA Standards will not be incorporated verbatim, but they will be the source for the new rules.]
- Federal OSHA indicates that the proposed regulations are "performance based," focus on "a desired result," and are needed because current rules do not address the "full range of hazards" in emergency operations and are a "patchwork."
- While Federal OSHA states throughout the Federal Register posting that most volunteer fire department organizations will not be subject to the new rules and, accordingly, that the burden of the new regulations will not affect those types of fire departments, this premise is not applicable in Illinois since as noted above,

Illinois operates as a "State Plan" which means that all fire departments in Illinois must comply with the Federal OSHA Regulations.

- As a justification for the new standard, Federal OSHA indicates that firefighter injuries and fatalities are caused by a number of factors such as limited responder knowledge and recognition of hazards; inadequate pre-incident emergency response planning; and unsafe operations.
- Among other things, the new regulation will mandate a written incident management system for all emergency response operations, the use of turnout clothing and other personal protective equipment (PPE) that is determined to be appropriate, and minimum mandatory standard training. While these concepts are currently inherent in the present regulations, the new regulations will be much more specific. For example, 29 CFR Part 1910.156 currently sets a training standard which is based upon the provision of training which is sufficient for the duties of the firefighter and making the employer (fire protection district) responsible to train to that requirement. The new regulations will specify in significantly greater detail exactly what those training requirements must be in order to be in compliance with the regulations and will require specific ongoing training and testing.
- The new regulations will focus to a great degree on the health effects of emergency response activities including exposures to combustion products, contaminants, and infectious diseases; acute and chronic health conditions; behavioral health issues; and workplace violence. To address this, there will be more specific regulations regarding policies, operating procedures, protective equipment and practices which limit exposure to hazardous substances and will impose a requirement for "medical surveillance."
- The explanatory material included with the proposed rule making contains a great deal of statistical information including cost estimates regarding the economic feasibility of imposing the new regulation. Whether those costs estimates are applicable or accurate as a justification for the new regulations is open to question. This is due in part to the premise of Federal OSHA that volunteer fire departments will not be subject to the application of the new rules (except in State Plan jurisdictions of which Illinois is one).
- Federal OSHA estimates that the compliance average cost for small public State Plan entities would range between \$14,397.00 and \$15,389.00 depending on the type of fire department organization. These cost estimations, in addition to being subject to question, do not take into account the non-pecuniary compliance burden placed on unpaid (or only nominally compensated) fire department personnel. For example, the new regulations will impose recordkeeping requirements regarding calls and incidents which go well beyond what is currently required. Determining, tracking, and monitoring exposures, persons exposed, follow up medical evaluations, and other recordkeeping and administrative aspects will increase significantly under the new regulations. The extent to which fire departments will be capable of compliance is questionable and may cause a significant diminution of participation in the volunteer and nominally compensated fire service in Illinois. Nevertheless, Federal OSHA

concludes that the proposed rules do not impose an unfunded mandate on the fire service. This is clearly an unrealistic position.

- Illinois OSHA will be required to implement the new regulations within six months of the date that the final Federal Regulations are promulgated. While there may be some aspects of the new regulations which will have phase-in periods, from the six-month mark, districts will be under the new rules.

In its review of the proposed regulations, Illinois OSHA has identified at least the following operational requirements that will apply to Illinois emergency response organizations:

- A written Emergency Response Plan that meets 14 additional requirements will be mandated.
- Departments will be required to conduct Community Vulnerability Assessments which will include identification of structures needing a pre-plan and vacant structures.
- A written Risk Management Plan will be required.
- Emergency responder tier classifications will be required with annual evaluations of personnel.
- A Health and Fitness Program and Fitness Assessments will be required.
- A complete initial medical evaluation will be required, along with subsequent required medical reevaluations at set intervals. (At the district's expense)
- Personnel exposed to combustion products more than 15 times per year must receive a special evaluation based on NFPA 1582.
- Training must include annual skill checks and must include particular topics including risk management, health and safety policies, incident management, accountability, CPR and AED skills.
- Interior firefighters, vehicle operators, officers, marine operations personnel, technical rescue teams, etc. must all meet NFPA standards (or equivalent) in each of these areas.
- New station facilities must meet requirements such as sprinklering.
- There must be decontamination, disinfection, and cleaning facilities in all stations.
- Sleeping areas must have smoke and CO alarms.
- PPE, vehicle, and pump inspections will have to meet NFPA standards.
- Incident medical monitoring and rehabilitation will be required.
- Standard Operating Procedures (SOPs) will have to be prepared and meet required content standards to comply.

The foregoing bullet points identify only a few of the significant issues presented by the proposed Federal OSHA regulations. More information will be forthcoming and numerous fire service sources and organizations as the weeks progress to the June 21, 2024 comment period deadline. However, all local fire protection districts must weigh in on the impacts of this new rule on their operation. While firefighter safety is a paramount concern of all fire service

organizations, compliance with the new proposed regulations will, in all likelihood, be expensive and much more difficult for many fire protection districts in Illinois. For that reason, districts are urged to do the following:

- Submit a comment to Federal OSHA by **June 21, 2024** which identifies the compliance difficulties for their particular fire organization if the new regulations are put into effect. [Comments to Federal OSHA can be submitted electronically to <https://www.regulations.gov>. or on paper to Occupational Health and Safety Administration, 200 Constitution Avenue NW, Washington, D.C. 20210. Refer to Docket No. OSHA-2007-0073] in all submittals.
- Contact the district's federal legislative representatives (Senators Durbin and Duckworth, and its Member of Congress representing the district's geographic area.) In those communications also refer to Docket No. OSHA-2007-0073. Districts needing contact information for these representatives can contact the IAFPD office.

Bottom line: This is serious.

TIPS FOR SUBMITTING EFFECTIVE COMMENTS*

Overview

A comment can express simple support or dissent for a regulatory action. However, a constructive, information-rich comment that clearly communicates and supports its claims is more likely to have an impact on regulatory decision making.

These tips are meant to help the public submit comments that have an impact and help agency policy makers improve federal regulations.

Summary

- ✓ Read and understand the regulatory document you are commenting on
- ✓ Feel free to reach out to the agency with questions
- ✓ Be concise but support your claims
- ✓ Base your justification on sound reasoning, scientific evidence, and/or how you will be impacted
- ✓ Address trade-offs and opposing views in your comment
- ✓ There is no minimum or maximum length for an effective comment
- ✓ The comment process is not a vote – one well supported comment is often more influential than a thousand form letters

Detailed Recommendations

1. Comment periods close at 11:59 eastern time on the date comments are due - begin work well before the deadline.
2. Attempt to fully understand each issue; if you have questions or do not understand a part of the regulatory document, you may ask for help from the agency contact listed in the document.

Note: Although the agency contact can answer your questions about the document's meaning, official comments must be submitted through the comment form.

3. Clearly identify the issues within the regulatory action on which you are commenting. If you are commenting on a particular word, phrase or sentence, provide the page number, column, and paragraph citation from the federal register document.
 - a. If you choose to comment on the comments of others, identify such comments using their comment ID's before you respond to them.

4. If a rule raises many issues, do not feel obligated to comment on every one – select those issues that concern and affect you the most and/or you understand the best.
5. Agencies often ask specific questions or raise issues in rulemaking proposals on subjects where they are actively looking for more information. While the agency will still accept comments on any part of the proposed regulation, please keep these questions and issues in mind while formulating your comment.
6. Although agencies receive and appreciate all comments, constructive comments (either positive or negative) are the most likely to have an influence.
7. If you disagree with a proposed action, suggest an alternative (including not regulating at all) and include an explanation and/or analysis of how the alternative might meet the same objective or be more effective.
8. The comment process is not a vote. The government is attempting to formulate the best policy, so when crafting a comment it is important that you adequately explain the reasoning behind your position.
9. Identify credentials and experience that may distinguish your comments from others. If you are commenting in an area in which you have relevant personal or professional experience (i.e., scientist, attorney, fisherman, businessman, etc.) say so.
10. Agency reviewers look for sound science and reasoning in the comments they receive. When possible, support your comment with substantive data, facts, and/or expert opinions. You may also provide personal experience in your comment, as may be appropriate. By supporting your arguments well you are more likely to influence the agency decision making.
11. Consider including examples of how the proposed rule would impact you negatively or positively.
12. Comments on the economic effects of rules that include quantitative and qualitative data are especially helpful.
13. Include the pros and cons and trade-offs of your position and explain them. Your position could consider other points of view, and respond to them with facts and sound reasoning.
14. If you are uploading more than one attachment to the comment web form, it is recommend that you use the following file titles:
 - Attachment1_<insert title of document>
 - Attachment2_<insert title of document>
 - Attachment3_<insert title of document>This standardized file naming convention will help agency reviewers distinguish your submitted attachments and aid in the comment review process.

15. Keep a copy of your comment in a separate file – this practice helps ensure that you will not lose your comment if you have a problem submitting it using the Regulations.gov web form.

Form Letters

Organizations often encourage their members to submit form letters designed to address issues common to their membership. Organizations including industry associations, labor unions, and conservation groups sometimes use form letters to voice their opposition or support of a proposed rulemaking. Many in the public mistakenly believe that their submitted form letter constitutes a “vote” regarding the issues concerning them. Although public support or opposition may help guide important public policies, agencies make determinations for a proposed action based on sound reasoning and scientific evidence rather than a majority of votes. A single, well-supported comment may carry more weight than a thousand form letters.

* Throughout this document, the term “*Comment*” is used in place of the more technically accurate term “*Public Submission*” in order to make the recommendations easier to read and understand.

Disclaimer: This document is intended to serve as a guide; it is not intended and should not be considered as legal advice. Please seek counsel from a lawyer if you have legal questions or concerns.