

New OSHA rule threatens local fire & rescue groups

Addison Independent, July 3, 2024

<https://www.addisonindependent.com/2024/07/03/new-osh-a-rule-threatens-local-fire-rescue-groups/>

By John Flowers

MIDDLEBURY — Newly proposed federal rules aimed at increasing the safety of first responders could ironically cause the death of many firefighting and rescue organizations in Vermont and throughout the country, according to public safety officials here in Addison County.

At issue is the Occupational Safety and Health Administration's proposed update of its Fire Brigades Standard (29 CFR 1910.156) that was first published in 1980. This proposed rule would expand the scope of the OSHA standard "from the original, small-scoped fire responder rule to standards that apply not just to industrial firefighters, but ... also to employees engaged in fire service activities, emergency medical services, and specialized rescue services," according to the National Volunteer Fire Council, or NVFC, a non-profit representing volunteer fire, EMS and rescue services.

The bottom line: Firefighters and rescue personnel would be subject to far greater training, planning and equipment/vehicle replacement mandates that local officials believe will dry up an already shallow volunteer pool and make local emergency-response service too expensive for many communities to afford.

The alternative? Perhaps a single, countywide department staffed by career firefighters, raising concerns about response time and potential impacts on homeowners' insurance.

Corey Pratt, a captain with the Bridport Fire Department and vice president of the Addison County Firefighters Association, didn't mince words.

"It'll cripple the country," he said during a recent interview. "(OSHA) is creating regulations that are trying to keep firefighters safe; I can totally appreciate that. But the scary part is the level to which they're creating this standard."

Here are some of the new mandates contained in the proposed new 600-page Fire Brigades Standard, which emergency responders have until July 22 to critique in hope of exacting some major adjustments:

- **Medical Exams:** Firefighters will have to pass a National Fire Protection Association (NFPA) 1582 medical exam every two years, or annually if they've been exposed to "combustion products" 15 or more times. This rigorous exam will cost roughly \$1,400 per firefighter, according to the NVFC.

The rule says the exams would assure "counseling/therapy to firefighters in light of the difficult job and horrendous scenes they sometimes witness."

- **Officer Training:** All officers will be required to have training that meets or exceeds NFPA 1021 Fire Officer Training. "This training is a one-size-fits-all approach, outside the scope of many small departments, costly and not readily available. According to the National Associations Fire Training directors, Fire Officer 3 training is only available in 26 states," according to NVFC officials.

The proposed training mandates would essentially double the training commitment for a volunteer firefighter, according to area fire officials.

Most of the firefighters also hold full-time jobs and have families.

“It’s just not feasible for working families,” Pratt said of the additional responsibilities proposed by OSHA.

- Replacement of firefighting vehicles every 15 years, and vehicle tires every seven years.

Some Addison County fire departments have been nursing vehicles for around 30 years. Fire trucks these days can cost \$1 million or more.

“Just because a vehicle is 15 years old, does that mean it’s bad?” Bristol Fire Chief Brett LaRose asked.

- Only personnel with Vermont Department of Transportation training and chassis inspection training will be able to perform annual and quarterly truck checks.
- Rotation of crews at complex or lengthy incident sites.
- Creation of a health/fitness program.

“To hold people accountable to a certain level of fitness could potentially eliminate someone from being able to provide service,” said LaRose, who noted Bristol fire department’s members range in age from 18 to 75.

- New administrative tasks including creation of a “community emergency response plan,” creation of pre-incident plans for high- or special-risk properties in town, and creation of a risk-management plan for the department.

These plans would need to be updated every year.

“OSHA estimates that one-time setup of these various administrative requirements would take about 92 hours and an additional 43 hours to review annually,” the NVFC stated. “The NVFC believes much more time would be needed to comply with these requirements.”

The proposed OSHA rule excludes volunteers but would apply to departments in which members receive compensation and/or in states with OSHA-approved state emergency response programs. And while Addison County has no “career” fire department positions, the trained volunteers receive nominal hourly compensation when responding to calls, and each local department is a municipal entity. As such, they would fall under the OSHA rule, according to local fire officials.

Not complying with the rule would leave departments subject to fines, as well as lawsuits if a firefighter should become injured in service to a non-compliant department.

And trying to comply with the rule would be an expensive, arduous task, according to Pratt.

“OSHA created the standards with the idea the average annual budget for a fire department was \$300,000. My department’s budget just went up to \$20,000. And we’re better off than some in the country; some departments have budgets of \$3,000 to \$5,000, which more or less covers their fuel.”

LaRose has attended multiple webinars to bring himself and his firefighters up to speed on the proposed OSHA rule.

Like Pratt, he has big concerns.

“If this were to pass, in my opinion, it would literally put the majority of volunteer-type organizations out of business because they don’t have the resources and the financial backing to implement what would be asked of us,” LaRose said.

He noted all but four current Bristol Fire Department members have Firefighter 1 certification; half the department’s members are certified at the Firefighter 2 level. But if the OSHA rule passes in its present form, all firefighters would have to achieve Firefighter 2, according to LaRose.

Moreover, to qualify as a fire chief, a candidate would need “level 3” fire officer certification and training. That training isn’t offered in Vermont right now, LaRose said.

He agreed with other first responders that OSHA’s motivation for the rule change is well placed.

“What they’re trying to do here is good; it’s about health, safety and protecting everybody,” LaRose said. “It’s just that they’re throwing a lot at us at one time, and in my opinion, not much thought has been given to the repercussions of this.”

The *Independent* reached out to Michael Desrochers, executive director of the Vermont Department of Public Safety’s fire safety division.

In a voicemail, he said, “We are evaluating and assessing what these rule changes mean and what the impact will be on emergency services,” adding he’ll have more to say in another week.

RESCUE SQUADS

Kate Rothwell is executive director of Middlebury Regional EMS, which serves 10 Addison County towns. She shares some of the same concerns as her firefighting counterparts, including the new training, fitness and health examination mandates OSHA is pitching.

“I don’t know where we’re going to find the resources for this,” said Rothwell, who promised to weigh in on the OSHA rule before the July 22 deadline.

Local public safety officials hope their comments will have an impact, as they said the OSHA rules — as presented — would produce devastating results.

“It could end rural firefighters across the country,” Pratt said. “There are so many departments on the cusp right now because volunteerism is at an all-time low. It’s hard to have enough bodies to do the job to begin with.”

Reporter John Flowers is at johnf@addisonindependent.com.