

## **Background**

OSHA is proposing a new rule to protect emergency responders, called Emergency Response Standard. OSHA's current Fire Brigades standard, 29 CFR 1910.156, provides protection specifically to industrial or private firefighters but no other types of emergency responders. It was published in 1980 and has not been updated with subsequent improvements in personal protective clothing, equipment, or advances in safety and health practices. OSHA was directed to strengthen their preparedness to respond to terrorist attacks, major disasters, and other emergencies following the terrorist attacks on September 11, 2001.

OSHA is proposing to replace the existing standard with the new Emergency Response Standard. The new rule would provide updated health and safety protections for firefighters, emergency medical service providers, and technical search and rescuers. This proposed rulemaking would update one ANSI and 22 NFPA standards in whole or in part. All of these standards would affect Windsor Fire Department except for two.

## **Program impacts:**

- Firefighter Personal Protective Equipment (PPE) would have to be replaced every 10 years with a cost of \$3,000 for each set. This regulation also includes training, testing, maintenance, frequent cleaning, and disposal of supplies and equipment.
- A separate but adjoining room to the apparatus bay would be required to decontaminate, maintain, and store PPE and other equipment from living quarters. This would also require fire alarms, sprinkler systems, carbon monoxide detectors, and equipment to prevent exhaust and carcinogens from entering sleeping and living areas.
- EMS will also need additional PPE to perform their duties as they may be required to be in more hazardous and Immediately Dangerous to Life or Health (IDLH) conditions.
- Fire apparatus would have to be replaced every 20 years regardless of working condition. Depending on the type of firetruck, the price ranges between \$400,000 to \$750,000. Our oldest trucks are 2003, 2004, and 2005 which would initially apply to this proposed regulation.
- Firefighters with a Basic or Firefighter I/II certificate would only be permitted to do what they are allowed to do currently, and their certificate would be honored by Maine BLS. Firefighters that desire to be in a fire officer role, would need at least Fire Officer I or possibly II, depending on what they will be doing.
- Emergency Response Plans (ERP) would have to be developed specifically to the assessments of hazards and responses in each community. For Windsor, this would include commercial facilities like Dollar General, Rideout's, and Hussey's General Store; industrial facilities such as C.B. Haskell Fuel Company, Netco, Auburn Asphalt, Central Maine Power substation, and Maritimes & Northeast Pipeline Company; agricultural organizations like Windsor Fair; and educational buildings like Windsor School and other childcare businesses. There are numerous and various other small businesses around town. Preplanning and administrative requirements to develop Emergency Response Plans would cost approximately \$5,000 per year.
- All firefighters would have to have an annual basic medical physical based on their type and level of work with an estimated annual cost of \$500 per firefighter.
- SCBA firefighters would require more stringent medical and physical evaluations. The approximate cost is \$20,000 per year/per firefighter which would include a full "fit-for-duty" physical, EKG, PFT, and other medical procedure testing with cardiovascular health as a particular focus.
- All firefighters would have to have access to health and fitness programs which would require a dedicated fitness room at the fire station.

## **Financial impacts:**

Ken Desmond, the President of the Maine State Federation of Firefighters, asked fire departments across Maine to estimate the financial impact to their community if Maine firefighters can't or won't be able to continue. This effort to estimate the financial impact on municipalities is also being done at each state level to convey to OSHA the financial impact to small towns. Based on my estimates and using actual salary and benefit rates, it would cost the Town of Windsor at least \$700,000 annually for a Fire Chief, six firefighters, and one administrative staff to operate with full-time employment as a fire department. This figure does not include other benefit types not currently offered by the Town, which may need to be offered to be competitive, retain, or entice firefighters to be

employed in our community. When including the cost to modify and add to the existing building to accommodate the proposed OSHA regulations, an additional \$600,000 would be needed.

### **What does this all mean to fire departments?**

Some firefighters would be physically unable to continue under the proposed regulations. Some firefighters would be unwilling or unable to continue to volunteer their time due to the stringent requirements. Some firefighters will simply decide to retire from the fire service completely. Those few remaining firefighters who are still willing to serve will need to dedicate significantly more hours to do much more training than what is currently required. Multiply this situation across every small-town fire department across our state. Multiply this situation across every state across our nation. These regulations are going to significantly change the face of the fire service as we have known it. Many small fire departments will simply be forced to close their doors permanently and attempt to contract with other fire departments who would already be feeling the effects of reduced manpower. This circumstance would have an impact on increased response times, a larger response area to be covered, and at a greater cost.

### **What can we do?**

We can be proactive and plan ahead now to enhance our training and operational tasks in preparation for what is coming. It is possible that not all these proposed regulations will be implemented initially, but it is most likely just the beginning as more regulations will be required of firefighters. We will need to keep the town officials informed as the mounting costs to fund these changes will impact budgetary and financial decisions. Firefighting is a dangerous line of work. Firefighter health and safety must be a prioritized focus before, during, and after all components of this occupational industry. In one presentation that I was given, there was one statement that I came across that stood out to me. It read, "If we [meaning, the fire service as a whole] fail to step up and take care of ourselves, someone else will do it for us through laws and regulations." The members of the department, as well as our founding members, have worked too hard to lose all of this due to overregulation.

Windsor Fire Department will be contributing to the Public Comment on the Federal OSHA website to petition that although these regulations are in the name of firefighter safety and health, the proposed regulations are drastic, unrealistic to be implemented in the 24-month timeframe, many are unachievable to small fire departments, and will financially burden municipalities. In general, fire departments support the proposed changes, but realize they will also have difficulty with the constricted timeframe and financial strain to be fully compliant. We encourage other fire departments and our fellow citizens to provide meaningful and constructive comments by the current deadline of July 21, 2024 and can be submitted online at the following website:

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>