



South Carolina State Firefighters' Association

July 20, 2024

Official Reply for Docket ID OSHA-2007-0073; Proposed Changes to 29 CFR 1910.156

The South Carolina State Firefighters' Association (SCSFA) represents all fire suppression, fire department based personnel and delivery systems within the State of South Carolina. The Association was established in 1905 and has numerous items of state statutory authority in funding and operations of the South Carolina Fire Service. The SCSFA has 17,550 members as of the issuance of this comment (approximately 9,000 Volunteer and 8,000 Paid with nearly 3,000 dual memberships); and 449 individual departments (217 Volunteer, 186 Combination, and 46 Paid). The SCSFA strives to fulfill its mission to: serve our membership as the leader in advocacy, benefits, education, and safety while acting as the steward of the Firemen's Insurance and Inspection Fund. In doing so, the SCSFA strives to represent all portions of our diverse membership and profession, equally and fairly through betterment and maintenance of effective firefighting resources. Betterment relies upon sound safety standards and as such, the SCSFA supports the intent of needed updates to 1910.156 – but with caveats. And as such, included below are comments for the docket. ***(italicized and in bold)***

1) Proposed Rule Section IV A. and B. Question (a)-2.

“OSHA believes that volunteer emergency responders rarely receive compensation substantial enough to render them employees under this “significant remuneration” legal test and thus OSHA does not expect that many emergency responders will fall into this category.” “OSHA encourages stakeholders to engage with local and state officials about reducing potential impacts of the proposed rule”.

South Carolina is a state OSHA program model and applies the regulation to all departments regardless of paid or volunteer status. As such, all portions of the regulation as opposed will impact all South Carolina firefighters. Therefore, the proposal will have major operational and economic impact to all of South Carolina.

2) Assessment and Planning Concerns.

Paragraph b Defined as: Community vulnerability assessment. The proposed rule defines this term as the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the overall community that may require emergency service

from the ESO, including the community's structures, inhabitants, infrastructure, organizations, and hazardous conditions or processes. The definition also indicates that the assessment is intended to include both human-created vulnerabilities and natural disasters. OSHA intends the assessment to be a systematic evaluation of the community to determine the impact that could be caused by potential emergency incidents, the severity of the impact, and the available or needed resources for mitigation. It would include risks and vulnerabilities associated with the prevailing residential structures and principal structures such as schools, colleges, and universities; hospitals and medical centers; large residential structures and hotels; transportation, manufacturing, processing, and warehousing facilities; and retail. It would also include an assessment of the community's critical infrastructure such as available water supply, electric power generation and transmission, routine and emergency communication, and highways and railways.

Facility vulnerability assessment. The proposed rule defines this term as the process of identifying, quantifying, and prioritizing the potential and known vulnerabilities of the entire facility, including the facility's structures and surrounding locations, inhabitants, infrastructure, and hazardous conditions or processes. A facility's vulnerable areas are those areas which are most susceptible to emergencies or disasters; the loss of which could severely impact the facility's operation, adversely affect the health and safety of employees, or cause potential damage to the environment. OSHA intends for the assessment to be a systematic evaluation of the facility to determine the impact that could be caused by potential emergency incidents, the severity of the impact, and the available or needed resources for mitigation. It would include risks and vulnerabilities associated with the principal structures; processing facilities; significant storage; hazardous materials and processes; critical infrastructure such as available water supply, electric power generation and transmission, and routine and emergency communication; and potential for damage to the environment.

Proposed paragraph (d)(3) would require that the ESO conduct 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.

Paragraph (d)(4) of the proposed rule would require the ESO, as part of the community or facility vulnerability assessment, to identify each structure and other location where a PIP is needed.

Proposed paragraphs (d)(4)(i) and (ii) would further require that the community or facility vulnerability assessment identify each vacant structure and location that is unsafe for responders to enter due to conditions such as previous fire damage, damage from natural disasters, and deterioration due to age and lack of upkeep; and would require the ESO to provide a means for notifying responders of the vacant structures and unsafe locations.

Proposed paragraph (d)(5) would require that the ESO's community vulnerability assessment include all facilities within the ESO's service area that are 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.).

In paragraph (d)(7), the proposed rule would require the ESO to establish tiers of responder responsibilities, qualifications, and capabilities for each of the type(s) and level(s).

Under paragraph (d)(8) of the proposed rule, the ESO would be required to 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.

Proposed paragraphs (e)(1) and (2) would require that the WERE and ESO establish and implement a process to involve team members and responders in developing and updating the ERP, in implementing and evaluating the ERP, and in the review and change process.

Paragraph (e)(4) of the proposed rule would require the WERE and ESO to establish and implement a process to involve team members and responders in walkaround inspections conducted by the WERE or ESO, inspections conducted in response to health and safety concern(s) raised, and incident investigations at the WERE and ESO's own facility(ies). The inspections to which this paragraph refers include the safety and health inspections conducted to protect the workforce in general, and those conducted when a health or safety concern is identified, or in response to a complaint. The agency believes that inspections and incident investigations are most effective when they include managers and employees working together, since each bring different knowledge, understanding and perspectives to the inspection or investigation.

Paragraph (f)(1) of this proposed rule would require WEREs and ESOs to develop and implement a written comprehensive risk management plan based on the type and level of service(s) that would be established in proposed paragraphs (c) and (d) of the proposed rule

To provide a framework for the proposed requirements of the risk management plan for each of the covered areas identified in proposed paragraph (f)(1)(i), proposed paragraphs (f)(1)(ii)(A) through (E) would require the WERE and ESO to include, at a minimum, the following components: identification of actual and reasonably anticipated hazards; evaluation of the likelihood of occurrence of a given hazard and the severity of its potential consequences; establishment of priorities for action based upon a particular

hazard's severity and likelihood of occurrence; risk control techniques for elimination or mitigation of potential hazards, and a plan for implementation of the most effective solutions; and a plan for post-incident evaluation of effectiveness of risk control techniques. If during a post-incident analysis conducted in accordance with paragraph (r) of the proposed rule, or during the ERP program evaluation conducted in accordance with paragraph (s) of the proposed rule, it is determined that the risk control techniques were not sufficient, the WERE and ESO would need to develop and implement improved risk control techniques. These new risk control techniques would then need to be documented in the risk management plan and, as required under paragraphs (c)(10) and (d)(10) of the proposed rule, communicated to all affected team members and responders.

These administrative and pre-planning issues, while well-meaning in their intent to enhance safety, will require (though not stated in the proposal in such fashion) all of the 217 volunteer systems and most of the 186 combination volunteer/paid delivery systems, to hire personnel to meet this portion of the regulation or face penalty for non-compliance. New taxation revenue generation to the scale mandated herein is currently illegal under South Carolina law – (Act 388 of 2006). Local delivery systems and governments will be faced with a choice of non-compliance or violation of state statute to generate revenue needed for compliance.

3)Extraordinary Situations Statement Vagueness

As stated in the proposal: “to include in the risk management plan a policy for extraordinary situations when a team member or responder, after making a risk assessment determination based on the team member or responder's training and experience, is permitted to attempt to rescue a person in imminent peril, potentially without benefit of, for example, PPE, tools, or equipment. A team member's or responder's decision to not use a risk control technique that has been identified in the risk management plan is to be made on a case-by-case basis and must have been prompted by legitimate and truly extenuating circumstances. These circumstances typically have a time constraint that would make it infeasible to implement the risk control technique and rescue a person in imminent peril. This proposed provision could allow, for example, an ambulance crew, without benefit of firefighting PPE, to perform a rescue of a person endangered by fire who would potentially sustain significant injury or death if they did not take immediate action.”

Given the proposal may stand for the next 40 years as has the current regulation, the SCSFA feels this exception, though well intended, may have long-term counter civil process ramifications. Interpretation of this section will lead to varied application and penalty. Greater consideration as to the language and intent is needed for this exception clause.

4)Physicals

Question (g)-1. OSHA is seeking input and data on whether the proposed rule's requirements for medical evaluations are an appropriate minimum screening. Should the minimum screening include more or fewer elements, and if so, what elements? Provide supporting documentation and data that might establish the appropriate minimum screening. OSHA is also seeking additional data and information on the feasibility of the proposed medical evaluation and surveillance requirements for WEREs and ESOs.

The SCSFA has assessed member departments and found that the overwhelming majority do not currently provide NFPA 1582 physicals. The few that report application of that standard are not fully utilizing all components. Therefore, all delivery systems will have at minimum; a tripling in cost of compliance (\$400 average current fire brigade standard physical charge versus a \$1,300 NFPA physical cost). This will equate to an estimated \$15,300,000 annual expenditure increase for the state.

Proposed paragraph (g) includes medical and physical requirements to address these hazards. The physical fitness and physical and mental medical requirements in paragraph (g) serve two purposes: (1) ensuring that responders are physically and mentally capable of performing their duties without injury to themselves or their fellow responders, and (2) identifying and addressing physical and mental health effects resulting from emergency response activities.

The State of South Carolina currently provides the SCSFA with funds to operate an optional behavioral health prevention and response program for all responders. This will have to be enhanced to provide the assessment models and mandatory application – requiring additional funding.

5)Maintenance of Medical Evaluation Records required

Paragraph (g)(1)(ii) of the proposed rule would require that each WERE and ESO maintain confidential records for each team member and responder that includes duty restrictions based on medical evaluations; occupational illnesses and injuries; and exposures to combustion products, known or suspected toxic substances, infectious diseases, and other dangerous substances.

The majority of South Carolina Fire Departments are not currently resourced or logistically set up for such confidential records maintenance. Doing so will create numerous unique legal opportunities and administrative changes posing serious concerns. WEREs and ESOs should not be storing confidential medical evaluation information, and this should be entrusted to a health care provider.

6)Exposure Triggering Additional Medical Evaluation

Question (g)-2. OSHA is seeking input on whether an action level of 15 exposures to combustion products within a year is too high, too low, or an appropriate threshold. OSHA is also considering action levels of 5, 10, or 30 exposures a year as alternatives and is seeking public input on what action level would be appropriate. Provide supporting documentation and data that would help with identifying an appropriate action level.

Under proposed paragraph (g)(3)(i)(A), the ESO would need to ensure that responders who are, or based on experience may be, exposed to combustion products 15 times or more per year, without regard to the use of respiratory protection, receive medical surveillance at least as effective as the criteria specified in the national consensus standard, NFPA 1582, Chapter 7. As noted above, OSHA recognizes that the recommendations in NFPA 1582 were aimed at and specifically designed for firefighters who are exposed to combustion products. Thus, although only some of the requirements in NFPA 1582 may be relevant to other team members and responders depending on the types and level of service(s) they provide, OSHA has preliminarily determined that it is appropriate to require the full NFPA 1582 physical for those responders exposed to combustion products above a particular action level.

For purposes of proposed paragraph (g)(3)(i)(A), an exposure incident to combustion products is any exposure to materials that are on fire or smoldering regardless of the use of PPE or respiratory protection

Thus, on balance, OSHA has determined that any incident resulting in exposure to toxic combustion products while in the incident hot zone, regardless of the level of exposure, should be counted towards the total number of exposure incidents triggering the action level in this proposed paragraph.

To determine if their responders exceed the action level requiring medical surveillance for exposure, ESOs should review their incident response history. If the average number of exposure incidents is 15 or more a year for an individual responder or a particular tier of responders, then those responders would need the additional medical surveillance.

Proposed paragraph (g)(3)(ii) would require the ESO to document each exposure to combustion products for each responder, for the purpose of determining the need for the medical surveillance as specified in (g)(3)(i)(A), and for inclusion in the responder's confidential record, as required in (g)(1)(ii). ESOs would review previous incident reports to determine a responder's exposures for the preceding 12 months or from the date when ESOs began keeping such records up to the preceding 12 months.

Given many paid personnel and numerous volunteer systems which would encounter the 15 thresholds within a short time period, the costs of numerous NFPA 1582 evaluations through the year is overburdensome. Consideration for those in a training environment (instructional role), yet still an IDLH atmosphere, must be also considered. The SCSFA requests that this be revisited with more data and realistic exposure details. Further, consideration of the administrative requirements placed on smaller delivery systems for the record keeping prescribed is overburdensome.

7)Required Behavioral Health Resources

In paragraph (g)(4)(i) of the proposed rule, the WERE and ESO would be required to provide behavioral health and wellness resources at no cost to the team member or responder or identify where resources are available at no cost in their community.

For those WEREs and ESOs who do not provide behavioral health resources at their place of employment, they would need to identify local, state, or Federal governmental, non-governmental, and non-profit behavioral health resources that can be accessed by team members and responders. Behavioral health resources provided by a WERE's or ESO's health care plan would meet the requirements of the proposed rule. Although community-based resources are preferred, for those communities that do not have the resources available, telehealth resources would also meet the requirements of the proposed rule.

The State of South Carolina currently provides the SCSFA with funds to operate an optional behavioral health prevention and response program for all responders. This will have to be enhanced to provide the assessment models and mandatory application – requiring additional funding.

8)Annual Fitness for Duty Evaluations

Question (g)-4. OSHA is seeking input and data on whether stakeholders support the proposed fitness for duty requirements or whether the requirements pose a burden on or raise concerns for team members, responders, WEREs or ESOs. Commenters should provide explanation and supporting information for their position.

Proposed paragraph (g)(5) focuses on fitness for duty and would require the WERE and ESO to establish and implement a process to evaluate and re-evaluate annually the ability of each team member and responder to perform the essential job functions, based on the type, level, and tier of service(s) established in paragraphs (c) and (d). The fitness for duty evaluation confirms for the WERE and ESO that the team member or responder can physically perform the job functions required of them at emergency scenes. This requirement differs from being medically cleared to perform emergency response duties as determined by paragraph (g)(2). This requirement requires the WERE or ESO to determine if the team member or responder is physically capable to

perform the duties required of them during an emergency response. It is possible for a team member or responder to have no medical limitations to performing emergency response activities and still not be physically able to perform the duties. If the team member or responder does not have the physical capability to perform their assigned duties it not only places them at increased risk of injury or death but also increases the risk for other team members and responders on the emergency scene.

In proposed paragraph (g)(6)(i), the ESO would be required to 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, level, and tier of duty established in paragraph (d).

OSHA intends these provisions to ensure that responders have the opportunity, means, and knowledge necessary to maintain fitness for duty and to prevent work-related injury and illness.

Proposed paragraphs (g)(6)(ii)(A) through (D) establish the minimum components of the fitness program that the ESO would be required to include. Proposed paragraph (g)(6)(ii)(A) would require that the fitness program have an individual designated to oversee it. If available, the ESO should designate an individual who has knowledge and skills that would benefit program implementation. To have the desired effect on responder health and fitness, a fitness program needs an individual identified to provide guidance and assistance to responders with the health and fitness program and maintain accountability.

Paragraph (g)(6)(ii)(B) of the proposed rule would require a periodic fitness assessment for all responders, not to exceed every three years. The purpose of the fitness assessment is to inform the responder on their fitness status and whether their fitness has improved, maintained, or decreased. This physical fitness assessment is different from the fitness for duty evaluation described in proposed paragraph (g)(5) in that it is solely a physical fitness-related evaluation and is indirectly related to the evaluation of a responder's ability to perform essential job tasks. The physical fitness assessment should evaluate physical parameters such as responder muscular strength, muscular endurance, cardiovascular endurance, and mobility/flexibility. A physical fitness assessment can flag fitness conditions that may make a responder particularly vulnerable to a negative cardiovascular event. Maintaining fitness is important as responders with higher fitness levels perform essential job tasks at a lower exertion level as a percent of their maximum exertion. Performing essential job tasks at a lower exertion level reduces the responder's risk of suffering a negative cardiovascular event while performing those job tasks.

The SCSFA recognizes the correlation between fitness for duty and safety, however, the proposal will immediately require a non-employee/volunteer relationship to become an employee (full time relationship) to implement,

manage, and require fitness routines. It is suspected, though with only speculative data, that many volunteers will no longer recruit or retain many members and many local governments will not wish to take the added fitness responsibility of those individuals looked upon as volunteers.

Proposed paragraph (g)(6)(ii)(C) would require exercise training that is available to all responders during working hours

Greater definition and explanation is needed in defining work hours for volunteer firefighters to prevent numerous random interpretations.

9)Minimum Training Requirements

Paragraph (h)(2)(ii) of the proposed rule would require each ESO responder who is designated to perform interior structural firefighting duties to be trained to safely perform the duties assigned, to a level that is at least equivalent to the job performance requirements of NFPA 1001, Structural Fire Fighter Professional Qualifications, 2019 ed.

Paragraph (h)(2)(iii) of the proposed rule would require each team member and responder who is designated to perform interior structural firefighting duties to be trained to safely perform search and rescue operational capabilities at least equivalent to the job performance requirements of NFPA 1407, Standard for Rapid Intervention Team Training, 2020 ed.

Paragraph (h)(2)(iv) of the proposed rule would require each team member and responder who is a vehicle operator to be trained to safely operate that vehicle at a level that is at least equivalent to the job performance requirements of NFPA 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2017 ed., or similar Emergency Vehicle Operator qualifications based on the type of vehicle the team member or responder operates.

Paragraph (h)(2)(v) of the proposed rule would require each team member and responder who is a manager/supervisor (crew leader/officer) to be trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1021, Standard for Fire Officer Professional Qualifications, 2020 ed.

Paragraph (o)(4) of the proposed rule would require that each WERE and ESO ensure that the IC has the training and authority to perform IC duties. Training would vary depending on the team member's or responder's tier of duty. For example, NFPA 1021, Standard for Fire Officer Professional Qualifications, 2020 ed., identifies four levels for minimum requirements for leadership and supervision over others and operations, which includes incident management. Level 1 is a tier for an entry level/first-line

supervisor, ESO “company officer,” or team leader. Level 4 is the top level or top tier for the chief of the ESO. On a single unit response incident, typically the senior team member or responder would be the IC. On a multi-unit response incident, the senior team member or responder could be the initial IC, but the role of IC would pass up the chain of command as more senior/higher tier team members or responders arrive on the scene. Additionally, as part of the IMS, the WERE and ESO would need to authorize the appropriate team members and responders to serve as an IC.

Paragraph (h)(2)(vi) of the proposed rule would require each wildland ESO responder to be trained to safely perform at a level that is at least equivalent to the job performance requirements of NFPA 1140, Standard for Wildland Fire Protection, 2022 ed., or that such responder has a “Red Card” in accordance with the National Wildfire Coordinating Group—Interagency Fire Qualifications.

Proposed paragraph (h)(3) contains requirements related to maintaining proficiency in the skills and knowledge required by paragraphs (h)(1) and (2).

The SCSFA supports the concept of minimum training for all suppression personnel, the proposal does though, take away the authority having jurisdiction concept in determining best practices and as such will run counter to current practices adopted by most delivery systems. A true national minimum will now exist, and attractive as it may sound, will again place large burdens on many (not just volunteer) delivery systems.

10)Privately Owned Vehicles Now Considered Part of the Departments Rolling Stock

Some WEREs and ESOs depend on “home response” by team members and responders. In other words, team members are at home or otherwise on personal time, and directly respond in their POV to the incident location or to the WERE or ESO facility when alerted of an emergency incident. This response is typically time-sensitive, requiring the team member or responder to travel with haste, often while communicating and coordinating with the WERE, ESO, or other team members or responders. This scenario presents hazards that are directly related to emergency response activities. As such, OSHA does not consider this sort of home response to be a commute to the workplace as described in 29 CFR 1904.5(b)(2)(vii), which is not treated as work-related for purposes of recordkeeping and injury and illness reporting requirements under 29 CFR part 1904. Rather, OSHA intends to cover these types of home responses under the proposed standard. Under the proposal, the WERE's or ESO's procedures for use of POV vehicles in these circumstances would need to include the same elements as those for driving their emergency vehicles, including requirements for wearing seatbelts, speed limits, stopping and proceeding at traffic control devices, passing other vehicles, and the use of warning lights and signals.

The SCSFA is greatly concerned about the application of the proposed regulation to private property. This is inconsistent with best governance and the liberties of personal choice. If stringency is required, stronger statements as to the separation of POV from delivery system responsibility may be in order as opposed to adoption of private property into a workplace list of assets under insurance and liability.

11) Pre-Incident Plans and Required on Scene Use

Proposed paragraph (p)(2)(vi) would require the WERE and ESO to ensure 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. The IAP helps to coordinate incident operations and activities, and ensure they support the incident mitigation objectives. The IAP provides structure to manage the incident. For the majority of incidents, the IAP is usually not a formal, written plan, although for some large-scale incidents the IC or UC may develop a written plan. Often, the IAP may only be documented on a fill-in incident management/incident command template, chart, magnetic or wipe-off board, or others means depending on the IC's preference. If a PIP was developed for the incident scene location, proposed provision (p)(2)(vi) would require that it be used in the development of the IAP. The purpose for requiring the development of PIPs in proposed paragraphs (m) and (n) is to aid the IC's management of the incident.

The SCSFA is concerned for the application of, now required, electronic applications during on-scene management and the costs and administration of those processes by smaller departments. Paper will not be an option due to portability and feasibility, so the regulation is requiring expenditure for new systems and personnel to administer the same.

12) Staffing and NFPA 1710 and 1720

Proposed paragraph (p)(4) would require safety and health measures to be taken on the incident scene. Under proposed paragraphs (p)(4)(i) and (ii), WEREs and ESOs would be required to identify the minimum staffing needed to ensure that incidents are mitigated safely and effectively and ensure that operations are limited to those that can be safely performed by the team members and responders available on the scene. OSHA recognizes that many WERTs and ESOs “do more with less.” The proposed provisions would require the WERE and ESO to identify the staffing needed for various types of incidents that they may respond to, potentially prompting a request for mutual aid resources, but also that they limit operations to those that can be safely performed with the team members and responders on the scene. NFPA 1710 and NFPA 1720 provide guidance on staffing levels for various types of firefighting ESOs. To be clear, OSHA is not specifying, nor recommending minimum staffing levels for emergency response vehicles, or the minimum number of team members or responders needed on an incident scene for safe incident operations, except with respect to the “2-in, 2-out”

requirement discussed below. Operations on the incident scene would need to be limited to those that can be safely conducted by the team members or responders on the scene.

The disparity and contradiction in the above statement from the proposal is greatly troubling to the SCSFA. On one hand we are not mandating, but at the fundamental core, application of the standard cannot be anything but a choice of service or no service for the vast majority of South Carolina Fire Departments upon adoption of the regulation as proposed. Unless funding for staffing is provided by the federal government, guaranteed to allow meeting this standard, the burden of staffing and the choice for levels of service must remain at the local level.

13)Cross Disciplinary Ramifications of Dispatch Monitoring

Proposed paragraph (p)(5) would establish requirements for communication between the emergency communications and dispatch center, and team members and responders and the IC; and for on-scene communication. Paragraph (p)(5)(i) of the proposed rule would require the WERE and ESO ensure, to the extent feasible, that there is adequate dispatch and monitoring of on-scene radio transmissions by an emergency communications and dispatch center. Emergency communications and dispatch centers are known by many different terms, such as emergency communications center, public safety communications center, and 911 center. OSHA recognizes that WEREs and ESOs may not have direct supervision or authority over the emergency communications and dispatch. However, OSHA expects that emergency communications and dispatch centers would do what they can to ensure adequate monitoring of on-scene radio transmissions. Even where the WERE or ESO does not have direct supervision or authority over the communications and dispatch center, the WERE or ESO must still take all feasible steps to ensure adequate monitoring of on-scene radio, such as by notifying the communications and dispatch center of the need for monitoring and cooperating with them to facilitate such monitoring. Where a WERE or private ESO does not utilize the public emergency communications and dispatch center or knows that the center will not be monitoring on-scene radio transmissions, the WERE or ESO must ensure that their own means of communication with team members and responders are monitored in accordance with proposed paragraph (p)(5)(i). Monitoring of incident scene radio transmissions is important for relaying information, ensuring requests for additional resources are acknowledged and processed, and most importantly, ensuring Mayday calls are not missed.

In South Carolina, most dispatch centers are not operated by the fire service delivery system impacted. As such, OSHA should recognize that the standard will now apply to other governmental agencies and have impact in other labor

standards. Funding and complying with the section may very well be out of the control of the local fire delivery system.

The South Carolina State Firefighters Association, in representing its full membership; will always strive to equitably fulfill obligations of safety and betterment of the service holistically. Implementing such a large document in such an extremely short amount of time, despite, and to the contrary of the provided explanation in the proposal; is counterproductive and invoking of chaos, ulterior motivations, and lack of planning. The SCSFA would like to suggest the following in addition to the requested questions above.

- 1. Extend the public comment period until the below items are addressed and managed. The 608-page document released is extensive and requires time to unpack and digest. Even with the two extensions already implemented, many South Carolina departments are just now getting a content feel for the proposal.***
- 2. The SCSFA is requesting the launch of a blue-ribbon panel of industry stakeholders that could further digest the proposed standard and offer input on the plan. The proposed plan itself requires ESOs to include the rank-and-file responders as part of the planning process. Shouldn't those same responders have representation in the process that will dictate how they do business?***
- 3. The SCSFA is requesting, prior to adoption, the allowance of the nine (9) major Fire Service Organizations, previously utilized in the Assistance to Fire Act Grants process; have a seat at the table in an in-person public hearing to explain face-to-face the impacts and challenges both operationally and economically that may be faced by their respective members and organizations represented.***
- 4. The SCSFA is requesting that prior to adoption, the creation of a summit forum conference to allow one (1) designated Fire Service Representative from all 50 states to be a part of the discussion group for the revision of this standard. Too little has been offered from affected states as to the contents and implementation of the regulation.***
- 5. The SCSFA requests to remove the 23, included by reference, NFPA standards and instead bring the intended specific requirements into the standard itself. The current model of incorporation by reference (IBR) has several concerns.***
 - a. Using the IBR model, an AHJ is forced to purchase information to comply with the standard. The NFPA standards are available for free viewing, but to be able to understand them, an agency needs to be able to digest them, mark them up, and distribute to others within the***

- organization for collaboration. This could not be done without using backdoor methods or paying for each referenced standard at around \$100 a piece or a subscription that could cost up to \$1700 per year.***
- b. There are over 1500 “shall” and “must” in these documents. The pure volume of understanding those and analyzing if your AHJ meets the intent is staggering.***
 - c. Some of the NFPA standards that are IBR to fire departments covered by the rule, are not meant for all responders when you look at the standard’s scope or purpose. For example, NFPA 1002’s scope and purpose is for the operation of fire apparatus. EMS and many specialized response agencies are not fire departments and do not have any “fire apparatus” but still drive response vehicles. Either the rule requires some first responders to comply with a standard that in its first chapter says it does not apply to them, or it creates a capricious double standard within the proposed rule.***
- 6. The SCSFA request that prior to adoption, The Department of Labor / Federal OSHA formulate greater state OSHA system flexibility within the federal regulation; for the adoption and implementation process within each state. An expansion of the concept of “greater than or equal to” must exist for adoptability of this proposal.***

The South Carolina State Firefighters’ Association greatly appreciates this comment opportunity and appreciates the work previously conducted and the level of professional intent offered through those which participated. It is the hope of the SCSFA that our comments, along with others, can serve to perfect the proposal prior to any moves forward on adoption.

Sincerely,



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