

# OSHA EMERGENCY RESPONSE STANDARD

## Frequently Asked Questions



### WHAT IS THE OSHA EMERGENCY RESPONSE STANDARD (ERS)?

The proposed ERS rule efforts began in 2007 and is intended to replace OSHA's existing Fire Brigades standard, 29 CFR 1910.156, which primarily covers only fire fighters employed by private industry to respond to on-site incidents.

The current Fire Brigade Standard has only had minor updates in the 43 years since it was published.

The focus of the proposed ERS is to provide basic workplace protections for workers who respond to emergencies as part of their regularly assigned duties. At present, there are virtually no federal regulations to ensure fire fighters' safety on the job.

### WHAT ARE THE COMPONENTS OF THE ERS?

- The scope of the proposed rule is significantly larger than the previous standard, which only applied to privately employed Workplace Emergency Response Employees (WEREs) who provided only on-site firefighting services. The expanded scope also will apply to Emergency Service Organizations (ESOs), which include public and municipal fire departments within states with OSHA-approved state plans.
- OSHA would require both WEREs and ESOs to comply with the relevant portions of the NFPA and ANSI/ISEA standards. In other provisions, OSHA would require WEREs and ESOs to provide the equivalent to some NFPA standards.
- The updated Emergency Response Standard expands on previously established OSHA standards and proposes additional requirements to several areas including, but not limited to:
  - Requirements for ESOs to develop emergency response plans based on community risk assessments and identify required resources and deployment strategies for various types of emergency incidents.
  - OSHA proposes requiring ESOs to include employee representatives in the development of these assessments and plans.

- Establishes baselines for medical and physical evaluations of ESO and WERE members.
- Requires access to behavioral health resources.
- Provides guidelines for staffing levels, without requiring minimum staffing levels.
- Establishes minimum training requirements.
- Establishes minimum guidelines for vehicle inspection and maintenance programs.
- Establishes guidelines for PPE requirements.
- Establishes requirements for after-action reviews with a requirement for employee representation involvement.

### WHO IS IMPACTED BY THE UPDATED ERS?

OSHA-approved state plans that cover both private and state/local government workers. These states are required to follow the OSHA ERS:

<b>Alaska</b>	<b>Michigan</b>	<b>Tennessee</b>
<b>Arizona</b>	<b>Minnesota</b>	<b>Utah</b>
<b>California</b>	<b>Nevada</b>	<b>Vermont</b>
<b>Hawaii</b>	<b>New Mexico</b>	<b>Virginia</b>
<b>Indiana</b>	<b>North Carolina</b>	<b>Washington</b>
<b>Iowa</b>	<b>Oregon</b>	<b>Wyoming</b>
<b>Kentucky</b>	<b>Puerto Rico</b>	
<b>Maryland</b>	<b>South Carolina</b>	

These states are required to follow the OSHA ERS or adopt a state regulation that is at least as effective as the OSHA regulation. Six additional states and one U.S. territory (Virgin Islands) have OSHA-approved state plans that cover state and local government workers only:

<b>Connecticut</b>	<b>Massachusetts</b>	<b>Virgin Islands</b>
<b>Illinois</b>	<b>New Jersey</b>	
<b>Maine</b>	<b>New York</b>	

### WHAT CAN YOU DO ABOUT THE ERS?

The IAFF is compiling comments on the updated standard to ensure IAFF members have the most comprehensive protections. All locals impacted are encouraged to submit comments by the deadline.

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### COMMENTING

The OSHA Emergency Response proposed rule has been officially published in the Federal Register. Use the QR code to view:



[View the Standard](#)

Public comments in response to this proposed rule **must be submitted by June 21, 2024**.

Comments can be submitted to the Emergency Response Docket. Use the QR code to view:



[Submit your comments here](#)

### HOW TO COMMENT

- **Comment box:** can upload full comments text or identify local or organization and that you are submitting comments.
- **What is your comment about:** Proposed Rules
- **Upload file:** Feel free to upload PDF version of comments and any attachments.
- **Email:** provide a valid email address
- **Tell us about yourself:** Identify if you are an individual (single person is author) or submitting on behalf of an organization (a company, organization, or agency)

### WHAT DOES THE IAFF NEED FROM YOU FOR THE ERS?

The IAFF is developing technical comments on the updated standard to ensure IAFF members have the most comprehensive protections. We need affiliates to submit anecdotal comments illustrating the need for the updated regulations within the standard.

### ADDITIONAL QUESTIONS

For questions related to the regulatory process or accessing, reviewing, and submitting the proposed regulations, please email IAFF Government Affairs Director Evan Davis at [edavis@iaff.org](mailto:edavis@iaff.org).

For questions on specific regulations and applications, email IAFF Health and Safety Director Sean DeCrane at [sdecrane@iaff.org](mailto:sdecrane@iaff.org).