

LEGAL UPDATE

OSHA Proposes to Issue a New Emergency Response Standard

On Feb. 5, 2024, OSHA published a [notice of proposed rulemaking](#) (NPRM) to issue a new safety and health standard, titled Emergency Response, to replace the existing Fire Brigades standard. The new standard would address a broader scope of emergency responders and include programmatic elements to protect emergency responders from various occupational hazards.

OSHA requests comments on all aspects of the proposed rule by May 6, 2024.



Important Information

Feb. 5, 2024

OSHA published an NPRM to issue a new safety and health standard, titled Emergency Response, to replace the existing Fire Brigades standard.

May 6, 2024

Due date for submission of comments on all aspects of the proposed rule.

The proposed rule focuses on the achievement of improving emergency responder health and safety and reducing injuries and fatalities.

New Standard Overview

The proposed rule would replace the existing Fire Brigades standard and expand the scope of OSHA's standard to include a broad range of hazards emergency responders encounter during emergency response activities. It would also bring the standard in line with the Federal Emergency Management Agency's National Response Framework and modernize the standard to align with the current industry consensus standards issued by the National Fire Protection Association on the safe conduct of emergency response activities.

OSHA standards do not apply to volunteer emergency responders. However, in States with OSHA-approved State Plans, volunteers may be treated as employees under state law. OSHA has no authority over how individual states regulate volunteers.

OSHA states it is seeking input on alternatives and potential exclusions for economically at-risk small and volunteer organizations that will be shared with State Plans as they determine how to proceed with their subsequent individual state-level rulemaking efforts. Organizations that provide emergency services vary significantly in size and the different types of services they provide. They are often not well suited for "one-size-fits-all" prescriptive standards. Accordingly, the proposed rule is a "performance-based" standard, which provides flexibility for affected employers to establish the specific criteria that best suit their organization.

In addition, the proposed rule focuses on improving emergency responder health and safety and reducing injuries and fatalities while providing flexibility as to the precise methods used to achieve those results. The performance-based nature of the proposed rule is particularly beneficial to small and volunteer organizations with limited resources.

Employer Next Steps

Employers should review the new emergency response standard proposal and, if it affects them, respond by May 6, 2024, with comments and/or suggestions.