

# United States Senate

WASHINGTON, DC 20510

August 9, 2024

The Honorable Julie Su  
Acting Secretary  
U.S. Department of Labor  
200 Constitution Avenue, N.W.  
Washington, DC 20210

Dear Acting Secretary Su:

In February of this year, OSHA proposed a rule – the “Emergency Response” standard<sup>1</sup> – to replace the “Fire Brigades” standard covering firefighters in the United States. In order to protect our volunteer departments, we believe it is critical to explicitly exempt volunteer fire departments from the standard, or parts of the standard, as OSHA finalizes the new rule.

Over 85% of America’s fire departments are either volunteer or mostly volunteer. Nearly 700,000 of America’s 1,056,000 firefighters are volunteers or paid per call firefighters.<sup>2</sup> Communities across America, particularly in rural areas, rely on these departments and their volunteers for firefighting services, and it is our priority to ensure that the “Emergency Response” standard does not damage their ability to effectively serve and protect their communities.

The proposed rule would apply to more workers than the existing standard and would require fire departments to furnish new reports, trainings, equipment, and health services. Volunteer firefighters have indicated they lack the financial resources and personnel to comply with this rule. For many departments, implementation of this rule would render significant shares of their equipment non-compliant. The financial burden associated with replacing that equipment and furnishing the reports, assessments, trainings, and health services required by the rule would be prohibitive for volunteer departments, whose budgets are already strained.<sup>3</sup> Moreover, many of the training requirements would be impractical for volunteers working full-time in other capacities.

In the executive summary of the rule, OSHA suggests the rule will not apply to most volunteers.<sup>4</sup> However, there is widespread concern this new standard would be imposed on non-profit volunteer fire departments, even in states without an OSHA-approved State Plan. Chad Russell,

<sup>1</sup> “Emergency Response Standard.” *Federal Register*, [www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard](http://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard). Accessed July 25, 2024.

<sup>2</sup> “National Fire Department Registry Quick Facts.” *FEMA*, [apps.usfa.fema.gov/registry/summary](https://apps.usfa.fema.gov/registry/summary). Accessed July 30, 2024.

<sup>3</sup> “County commissioners oppose proposed OSHA standards.” *Abilene Reflector Chronicle*, [www.abilene-rc.com/news/county-commissioners-oppose-proposed-osh-standards/article\\_ad9e28b4-443d-11ef-ad82-47e509cd404d.html](http://www.abilene-rc.com/news/county-commissioners-oppose-proposed-osh-standards/article_ad9e28b4-443d-11ef-ad82-47e509cd404d.html). July 17, 2024.

<sup>4</sup> “Emergency Response Standard.” *Federal Register*, [www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard](http://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard). Accessed July 25, 2024.

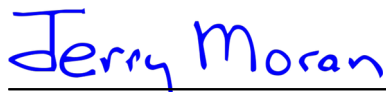
President of the Kansas Fire Chief’s Association, estimated that implementation of this rule could shutter up to 80% of volunteer departments nationwide. Many volunteer firefighters have echoed this projection and anticipate closure of their departments for fear of compliance and liability issues.<sup>5</sup>

Steve Hirsch, Chair of the National Volunteer Fire Council, explained the potential negative impact of this rule on communities: “As written, this proposed standard could... compromise the safety and emergency response capabilities of many small communities, particularly small communities in rural areas served by volunteer departments.”<sup>6</sup>

It is our intention to insulate our volunteers and the communities they serve from the negative impacts of a regulation that could jeopardize their fire services. The rule must provide volunteer departments with the flexibility to perform their duties unencumbered by impracticable requirements. We urge OSHA to add explicit exemptions for volunteer fire departments in the final version of the “Emergency Response” standard.

Thank you for your consideration and your attention to this important issue. I look forward to your reply.

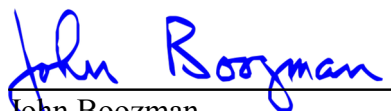
Sincerely,



Jerry Moran  
United States Senator



Christopher A. Coons  
United States Senator



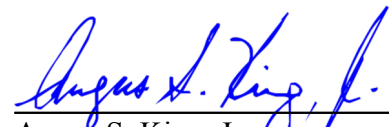
John Boozman  
United States Senator



Susan M. Collins  
United States Senator



John Hoeven  
United States Senator

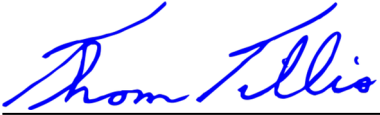


Angus S. King, Jr.  
United States Senator

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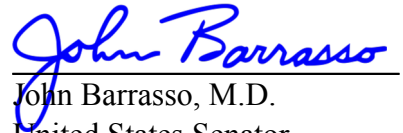
<sup>5</sup> “Proposed OSHA standards put rural fire departments at risk; public comment period ends today.” *Abilene Reflector Chronicle*, [www.abilene-rc.com/news/proposed-osh-a-standards-put-rural-fire-departments-at-risk-public-comment-period-ends-today/article\\_3c2d1b30-4853-11ef-8625-4b8cc34a525f.html](http://www.abilene-rc.com/news/proposed-osh-a-standards-put-rural-fire-departments-at-risk-public-comment-period-ends-today/article_3c2d1b30-4853-11ef-8625-4b8cc34a525f.html). July 22, 2024.

<sup>6</sup> Ibid.



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Thom Tillis  
United States Senator



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John Barrasso, M.D.  
United States Senator



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Tom Cotton  
United States Senator