



Oregon

Kate Brown, Governor

Department of Consumer and Business Services

Oregon Occupational Safety and Health Division

350 Winter St. NE, Room 430

P.O. Box 14480

Salem, OR 97309-0405

503-378-3272

Toll free: 800-922-2689

Fax: 503-947-7461

www.orosha.org

April 23, 2015

[Text of changes](#)
[Text of changes – new text only](#)

Oregon OSHA – Proposed Changes to Division 2/L – Oregon Rules for Firefighters

Public Hearings Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
May 28, 2015	2:00 pm	Chemeketa Brooks Regional Training Center Building I, Room 105 4910 Brooklake Road NE Brooks, OR 97305
June 2, 2015	9:00 am	Baker City – City Hall Second Floor, Room 201 1655 1 st Street Baker City, OR 97814
June 4, 2015	1:30 pm	Redmond Fire and Rescue Training Room 341 NW Dogwood Avenue Redmond, OR 97756 **Please park on Elm Street and use the North entrance to the building.**
June 9, 2015	10:30 am	Siuslaw Valley Fire and Rescue Second Floor Meeting Room 2625 Highway 101 Florence, OR 97439
June 9, 2015	3:00 pm	Roseburg Fire Department South Umpqua Room 700 SE Douglas Roseburg, OR 97470

Oregon OSHA proposes amendments to OAR 437-002-0182 Oregon Rule for Firefighters, in Division 2/L, to better align Oregon's firefighter safety and health rules with recognized and accepted consensus standards and industry practices. Significant proposed changes include the following:

Firefighting Training and Education

- The proposed rule requires firefighters to be trained according to NFPA 1001 (2013): *Standard for Fire Fighter Professional Qualifications* (Fire Fighter I), prior to participating in interior structural firefighting activities.
- The proposed rule requires firefighters to meet the training levels prescribed by NFPA 1403 (2012): *Standard on Live Fire Training Evolutions*, prior to participating in live fire training or in exterior structural firefighting activities. Since the training level of Department of Public Safety Standards and Training's (DPSST) "Entry-Level Firefighter" is equivalent to the "Student Prerequisites for Live Fire Training" outlined in NFPA 1403 (2012), the proposed rule removes the outdated reference to "Entry-Level Firefighter" and requires that firefighters meet the training levels prescribed by NFPA 1403 (2012).

Requirements for Protective Ensembles.

- The proposed rule requires structural fire fighting protective ensemble elements purchased by fire service agencies on or after the date the proposed rule is adopted and goes into effect to be at least equivalent to the requirements of NFPA 1971 (2013): *Standard on Protective Ensemble for Structural Fire Fighting*.
- The proposed rule also requires all other structural fire fighting protective ensemble elements to be at least equivalent to the following NFPA standards:
 - Structural fire fighting coats and trousers must be at least equivalent to the requirements of NFPA 1971 (1991): *Standard on Protective Clothing for Structural Fire Fighting*.
 - Structural fire fighting head protection must be at least equivalent to the requirements of NFPA 1971 (2000): *Standard on Protective Ensemble for Structural Firefighting*.
 - Flame-resistant protective hoods must be at least equivalent to the requirements of NFPA 1971 (1997): *Standard on Protective Ensembles for Structural Fire Fighting*.
 - Structural fire fighting hand protection must be at least equivalent to the requirements of NFPA 1973 (1988): *Standard on Gloves for Structural Fire Fighting*.
 - Structural fire fighting protective footwear must be at least equivalent to the requirements of the NFPA 1971 (1997): *Standard on Protective Ensembles for Structural Fire Fighting*.

Fire service agencies that currently use protective ensemble elements for structural fire fighting, that are at least equivalent to the NFPA standards listed above, would not need to replace them with NFPA 1971 (2013) equivalent ensemble elements until they are purchased.

Riding on tailboards, tail steps, or running boards is prohibited

- The proposed rule prohibits firefighters from riding on tailboards, tail steps, or running boards as recommended under Chapter 4, section 3.1, of the NFPA 1500 (1997): *Standard on Fire Department Occupational Safety and Health Program*.

When does this happen: Adoption tentatively will be June/July 2015

To get a copy: Our web site – www.orosha.org Rules, then Proposed Rules
Or call 503-947-7449

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@state.or.us
Fax – 503-947-7461

Comment period closes: **June 19, 2015**

Oregon OSHA contact: **Tom Bozicevic, Central Office @ 503-947-7431;**
or email at tom.bozicevic@oregon.gov

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

Sue Joye
Rules Coordinator

350 Winter Street NE Salem OR 97301-3882
Address

503-947-7449
Telephone

RULE CAPTION

Adopt changes to Oregon Rules for Firefighters in general industry, Division 2/L.

May 28, 2015	2:00 pm	Chemeketa Brooks Regional Training Center Building I, Room 105 4910 Brooklake Road NE Brooks, OR 97305	Sue Joye
June 2, 2015	9:00 am	Baker City – City Hall Second Floor, Room 201 1655 1 st Street Baker City, OR 97814	Sue Joye
June 4, 2015	1:30 pm	Redmond Fire and Rescue Training Room 341 NW Dogwood Avenue Redmond, OR 97756	Sue Joye
		Please park on Elm Street and use the North entrance to the building.	
June 9, 2015	10:30 am	Siuslaw Valley Fire and Rescue Second Floor Meeting Room 2625 Highway 101 Florence, OR 97439	Sue Joye
June 9, 2015	3:00 pm	Roseburg Fire Department South Umpqua Room 700 SE Douglas Roseburg, OR 97470	Sue Joye
Hearing Date	Time	Location	Hearings Officer

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

AMEND: OAR 437-002-0182

ORS 654.025(2) and 656.726(4)

Stat. Auth.

Other Authority

ORS 654.001 through 654.295

Stats. Implemented

RULE SUMMARY

Oregon OSHA proposes amendments to OAR 437-002-0182 Oregon Rule for Firefighters, in Division 2/L, to better align Oregon's firefighter safety and health rules with recognized and accepted consensus standards and industry practices. Significant proposed changes include the following:

Firefighting Training and Education

- The proposed rule requires firefighters to be trained according to NFPA 1001 (2013): *Standard for Fire Fighter Professional Qualifications* (Fire Fighter I), prior to participating in interior structural firefighting activities.
- The proposed rule requires firefighters to meet the training levels prescribed by NFPA 1403 (2012): *Standard on Live Fire Training Evolutions*, prior to participating in live fire training or in exterior structural firefighting activities. Since the training level of Department of Public Safety Standards and Training's (DPSST) "Entry-Level Firefighter" is equivalent to the "Student Prerequisites for Live Fire Training" outlined in NFPA 1403 (2012), the proposed rule removes the outdated reference to "Entry-Level Firefighter" and requires that firefighters meet the training levels prescribed by NFPA 1403 (2012).

Requirements for Protective Ensembles.

- The proposed rule requires structural fire fighting protective ensemble elements purchased by fire service agencies on or after the date the proposed rule is adopted and goes into effect to be at least equivalent to the requirements of NFPA 1971 (2013): *Standard on Protective Ensemble for Structural Fire Fighting*.
- The proposed rule also requires all other structural fire fighting protective ensemble elements to be at least equivalent to the following NFPA standards:
 - Structural fire fighting coats and trousers must be at least equivalent to the requirements of NFPA 1971 (1991): *Standard on Protective Clothing for Structural Fire Fighting*.
 - Structural fire fighting head protection must be at least equivalent to the requirements of NFPA 1971 (2000): *Standard on Protective Ensemble for Structural Firefighting*.
 - Flame-resistant protective hoods must be at least equivalent to the requirements of NFPA 1971 (1997): *Standard on Protective Ensembles for Structural Fire Fighting*.
 - Structural fire fighting hand protection must be at least equivalent to the requirements of NFPA 1973 (1988): *Standard on Gloves for Structural Fire Fighting*.
 - Structural fire fighting protective footwear must be at least equivalent to the requirements of the NFPA 1971 (1997): *Standard on Protective Ensembles for Structural Fire Fighting*.

Fire service agencies that currently use protective ensemble elements for structural fire fighting, that are at least equivalent to the NFPA standards listed above, would not need to replace them with NFPA 1971 (2013) equivalent ensemble elements until they are purchased.

Riding on tailboards, tail steps, or running boards is prohibited

- The proposed rule prohibits firefighters from riding on tailboards, tail steps, or running boards as recommended under Chapter 4, section 3.1, of the NFPA 1500 (1997): *Standard on Fire Department Occupational Safety and Health Program*.

Please visit our web site www.orosha.org Click 'Rules' in the left vertical column and view our proposed, adopted, and final rules.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

/s/Michael D. Wood
Signature

June 19, 2015

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Michael D. Wood 4/15/2015
Printed name Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday. ARC 920-2005

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Department of Consumer and Business Services/Oregon OSHA
Agency and Division

OAR 437
Administrative Rules Chapter Number

In the Matter of:

AMENDING: OAR 437-002-0182

Rule Caption:

Adopt changes to Oregon Rules for Firefighters in general industry, Division 2/L.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

To better align firefighter rules with nationally recognized and accepted consensus standards and industry practices. This rulemaking was in collaboration with the [Oregon OSHA Firefighter Advisory Committee](#), referred to hereafter as the "committee." Members of the committee represent many components of Oregon's fire service industry, including large and small departments, career and volunteer firefighters, officers and line personnel, district directors, organized labor, fire instructors, emergency medical services, the Department of Public Safety Standards and Training (DPSST), and Oregon OSHA.

The committee recommended amending the current [Oregon Rules for Firefighters in Division 2/L](#). These proposed changes revise the list of definitions; update or include National Fire Protection Association (NFPA) standards; update **American National Standards Institute** (ANSI) standards; and remove, revise or eliminate duplicative, inconsistent or unnecessary regulatory requirements.

Documents Relied Upon, and where they are available:

- [Division 2/L, 437-002-0182, Oregon Rules for Fire Fighters](#)
- ANSI/CGA Standard G7.1 (2011): Commodity Specification for Air
- ANSI Z87.1-2003, American National Standard Practice for Occupational and Educational Eye and Face Protection
- ANSI Z87.1-1989 (R-1998), American National Standard Practice for Occupational and Educational Eye and Face Protection
- ANSI Z87.1-1989, American National Standard Practice for Occupational and Educational Eye and Face Protection
- NFPA 1001 (2013): Standard for Fire Fighter Professional Qualifications
- NFPA 1142 (2012): Standard on Water Supplies for Suburban and Rural Fire Fighting
- NFPA 1403 (2012): Standard on Live Fire Training Evolutions
- NFPA 1561 (2008): Standard on Emergency Services Incident Management System
- NFPA 1911 (2007): Standard for the Inspection, Maintenance, Testing, and Retirement of In-service Automotive Fire Apparatus
- NFPA 1971 (2013): Standard on Protective Ensemble for Structural Fire Fighting
- NFPA 1982 (2013): Standard on Personal Alert Safety Systems (PASS)
- State of Oregon Department of Public Safety Standards and Training's "Firefighter Training and Certification Transition Questions and Answers," February 10, 2000
- Internal North American Industry Classification System (NAICS) report with Oregon employers with NAICS 922160 (Fire Protection)
- [2013 Oregon Fire Chief's Association \(OFCA\) Volunteer 360° Task Force Report 23](#)
- [Report and Recommendations to the Seventy-Second Legislative Assembly \(December 2002\) by the Volunteer Firefighter Task Force](#)
- [DPSST Suggested Guide for Entry Level Student Prerequisites for Live Fire Training](#)
- [Oregon Employment Department, Occupation Profiles Report, Firefighters \(332011\)](#)
- [National Fire Department Census Quick Facts Report \(January 2012\)](#)

Unlinked documents listed above are available for viewing at the Oregon OSHA Resource Center. For more information contact:

Oregon OSHA Resource Center
 Labor and Industries Building
 Room 26 (Basement)
 350 Winter St NE
 Salem, Oregon
 (800) 922-2689
osha.resource@oregon.gov

Fiscal and Economic Impact, including Statement of Cost of Compliance:

Fiscal and Economic Impact:

In the committee’s efforts to further the safety and health of firefighters, the fiscal and economic impact to Oregon’s fire service industry was considered throughout the rulemaking process. The committee agreed that the potential significant fiscal and economic impacts of the proposed rules for firefighters are the changes to firefighter training and education requirements, and changes to the requirements of protective ensemble elements. The committee also identified potential administrative and training costs for fire service agencies to review or revise their current written procedures for Incident Management and Personnel Accountability to comply with the proposed rule.

Firefighting Training and Education

The committee agrees and supports that the minimum level of firefighter training to participate in any interior structural firefighting activity is NFPA 1001 (2013): *Standard for Fire Fighter Professional Qualifications (Fire Fighter I)*.

Currently under 437-002-0182(10)(b), Oregon firefighters must meet the training levels prescribed by the DPSST’s “Entry-Level Firefighter” or have equivalent training before participating in structural firefighting activities or in live fire training in a structure. The proposed rule requires Oregon firefighters to be trained according to NFPA 1001 (2013), prior to participating in any interior structural firefighting activity.

Since the training level of DPSST’s “Entry-Level Firefighter” is equivalent to the “Student Prerequisites for Live Fire Training” outlined in NFPA 1403 (2012): *Standard for Live Fire Training Evolutions*, the proposed rule removes the reference to “Entry-Level Firefighter” and requires that firefighters meet the training levels prescribed by NFPA 1403 (2012), prior to participating in live fire training or in exterior structural firefighting activities.

According to a committee member from DPSST, on average, it takes between 90-110 hours for a fire department to deliver the NFPA 1001 Fire Fighter I class. For a firefighter who has taken approximately 45 hours of training to meet the Entry-Level Firefighter requirement, they would possibly need an additional 45 hours of training to meet the proposed NFPA Fire Fighter I requirement.

According to [DPSST’s Suggested Guide for Entry Level Student Prerequisites for Live Fire Training](#), an Entry-Level Firefighter would need the additional training requirements to meet NFPA Fire Fighter I listed in Table 1.

Table 1

DPSST approved course	Course number	Estimated training hours
NFPA Operations Level Responder	11F106	16 – 20 (8 – 10 are hands on practical)
Orientation	11F017	2 – 4
Fire Department Communication	11F024	2 – 4
Ropes and Knots	11F024	4 – 6 (2 – 4 are hands on practical)
Building Search and Victim Rescue	11F025	6 – 8 (4 – 6 are hands on practical)
Fire Control	11F034	8 – 12 (4 – 8 are hands on practical)
Sprinklers	11F035	2 – 4 (1 – 2 are hands on practical)

NOTE: Estimated training hours were provided by a representative from the Oregon Fire Instructors Association.

The fiscal impact of the proposed changes to the firefighting training and education requirements would be a one-time cost associated with the additional hours of training needed for each firefighter to bridge the gap between Entry-Level Firefighter and NFPA Fire Fighter I, and future increased training cost for newly hired firefighters to meet NFPA Fire Fighter I.

Not every fire service agency would be affected or equally affected by the proposed NFPA Fire Fighter I requirement. According to committee representatives, most of Oregon’s fire service agencies have voluntarily transitioned to NFPA Fire Fighter I since the year 2000. Although the current and proposed rule does not require DPSST certification, approximately 90 percent of Oregon fire service agencies participate in DPSST’s voluntary fire certification system. The approximately 10 percent of fire service agencies that do not participate are located in rural areas away from urban centers. A DPSST committee member estimates that the proposed NFPA Fire Fighter I training requirement would potentially affect less than 1,000 current Oregon firefighters. The committee indicated that fire service agencies with volunteer firefighters who engage in interior structural firefighting activities and are not trained to NFPA Fire Fighter I, would be impacted the most since nearly all career firefighters in Oregon currently meet the proposed training requirement.

Oregon OSHA determined that fire service agencies throughout the State of Oregon use various resources to train firefighters, including the following:

- Department resources to conduct in-house NFPA Fire Fighter I academies.
- Local Oregon Fire Instructors Association (OFIA) resources, which has 22 regions in Oregon.
- Mutual-aid agreements that share the costs of training.
- NFPA Fire Fighter I courses offered through local community colleges.

To minimize the cost of training, many fire services agencies, especially in rural areas, organize and participate in regional training association academies. DPSST provided each fire service agency, regional fire training association, and DPSST regional fire training office with a complete **International Fire Service Training Association (IFSTA), Essential of Fire Fighting (6th Edition)** curriculum package to allow an agency to instruct the NFPA Fire Fighter I. The DPSST Fire Resource Center also has a variety of video resources that support the Essentials curriculum.

Oregon OSHA contacted OFIA to obtain the following estimated training costs for affected fire service agencies. The following training costs information has been provided by an OFIA and regional training association executive officer:

Given the approximate 45 hours of additional training a current Entry-Level Firefighter would needed to meet the proposed NFPA Fire Fighter I requirement, there are potentially two fiscal and economic impact factors:

1. Compensation for qualified instructor and assistant(s) to delivery each training event and overhead expenses. Table 2 below represents the estimated costs associated with providing the additional 45 hours training:

Table 2

Cost Factor	Rate	Class of 5	Class of 25
Qualified instructor (45 hours)	\$27.74 (average hourly wage: \$9.49 to 37.95)	\$1,248.30	\$1,248.30
Assistant instructor(s) for hands on practical (19 – 30 hours)	\$9.49 (lowest hourly wage)	\$180.31 – 284.70 (one assistant)	\$721.24 – 1,138.8 (four assistants)
Approximate overhead	30% average	\$444.24 average	\$930.02 average
TOTAL ESSTIMATED COST	-----	\$1,692.54	\$2,178.32

NOTE: Wage rates are according to the Oregon Employment Department’s [2014 Occupation Profile Report for Firefighters \(332011\)](#).

2. In addition to any nominal fees associated with the various methodologies used by fire service agencies that choose to reimburse or compensate their volunteers, there is a human factor associated with a volunteer’s commitment to becoming a volunteer. There have been significant increases in mandatory fire training hours for volunteers and emergency medical services recertification requirements. A three weekend volunteer fire academy would become a six weekend academy to fulfill the additional 45 hours of training to meet the NFPA Fire Fighter I requirements. First responders would not meet response standards or be able to respond for an additional 3 weeks with this scenario.

As indicated in Item 2, a “human factor” also has potential fiscal and economical impact to the volunteers and the communities for which they serve. Most of these communities are rural and rely heavily, if not exclusively, upon volunteer firefighters as indicated in the survey results from the [2013 Oregon Fire Chiefs Association \(OFCA\) Volunteer 360° Task Force Report](#); “95 of 102 (93%) survey respondents indicated that they utilize the services of volunteers, and in multiple forms in the same agency. Of those, 95% utilize combat volunteer firefighters, 72% utilize non-combat volunteers for a variety of functions, 52% utilize EMS-only volunteers, 31% have community (CERT, NERT or Firecorp) volunteers, and 32% have cadet or Explorer programs. Other functions include chaplain, Public Information Officer (PIO), public education, and specialty rescue teams.”

According to the [“Report and Recommendations to the Seventy-Second Legislative Assembly \(December 2002\)”](#) by the Volunteer Firefighter Task Force, fire service agencies throughout Oregon are experiencing difficulty recruiting and retaining volunteer firefighters. Fire service professionals indicate that the trend continues today. The Volunteer Firefighter Task Force report explains that one reason for the general decline in volunteerism is the time commitment for more stringent training requirements to become a volunteer firefighter. This time commitment is in addition to growing number of emergency call responses, meetings, equipment and station maintenance, and fundraising. While some of these volunteer firefighters use their training and experience in pursuit of a career in the fire service industry; for many, their only incentive to volunteer is to give back to their communities.

Oregon OSHA recognizes that the additional training time required to meet the proposed rule could potentially have a negative impact on a fire service agency’s ability to retain and recruit volunteers if they presently only train to Entry-Level Firefighter or an equivalent level. Such a negative impact could result in a decline in volunteers, which could significantly reduce the level of fire protection for the communities for which they serve. A reduction or total loss in fire protection could result in significant increase in fire insurance rates or decrease coverage for affected businesses and homeowners. Higher training cost may also require additional funding from affected counties local tax revenues.

However, Oregon OSHA, based on committee recommendations, believes that the hazards related to interior structural firefighting warrant rule changes to further the safety and health of all firefighters in Oregon. Oregon OSHA also recognizes that changes to firefighter training and education requirements are needed to better align them with nationally recognized and accepted consensus standards, which approximately 90 percent of Oregon’s fire service agencies currently follow through their voluntary participation in DPSST’s fire certification system.

Protective Ensemble Elements

The proposed rule would require structural fire fighting protective ensemble elements purchased by fire service agencies on or after the date the proposed rule goes into effect to be at least equivalent to the requirements of NFPA 1971 (2013): *Standard on Protective Ensemble for Structural Fire Fighting*.

The proposed rule would also require all other structural fire fighting protective ensemble elements used for structural firefighting to be at least equivalent to the NFPA standards listed in Table 3.

Table 3

Protective ensemble element	Minimum NFPA standard equivalent
Structural fire fighting coats and trousers	NFPA 1971 (1991): Standard on Protective Clothing for Structural Fire Fighting
Structural fire fighting helmets	NFPA 1971 (2000): Standard on Protective Ensemble for Structural Firefighting
Flame-resistant protective hoods	NFPA 1971 (1997): Standard on Protective Ensembles for Structural Fire Fighting
Structural fire fighting hand protection	NFPA 1973 (1988): Standard on Gloves for Structural Fire Fighting
Structural fire fighting protective footwear	NFPA 1971 (1997): Standard on Protective Ensembles for Structural Fire Fighting

Fire service agencies that currently use protective ensemble elements for structural fire fighting that are at least equivalent to the NFPA standards listed in Table 3, would not need to replaced them with NFPA 1971 (2013) equivalent ensemble elements. Only purchased protective ensemble elements must be at least equivalent to the requirements of NFPA 1971 (2013).

There may be some fire service agencies that still use protective ensemble elements for structural fire fighting that are not at least equivalent to the NFPA standards listed in Table 3. For these fire service agencies that are unable to acquire protective ensemble elements that do meet the minimum NFPA standard listed in Table 3, a potential fiscal impact of the proposed rule changes would be the cost to purchase new protective ensemble elements that are at least equivalent to the requirements of NFPA 1971 (2013) when the proposed rule goes into effect. While the availability of older or used protective ensemble elements that are at least equivalent to the NFPA standards in Table 3 could not be determined, the committee identified and provided the estimated costs in Table 4 of new protective ensemble elements as a worst case scenario.

Table 4

Protective ensemble element	Estimated cost
Turnout jacket and trousers	\$1,500 – 2,500
Helmet	200 – 400
Hood	30 – 80
Gloves	50 – 100
Footwear	100 – 300
TOTAL ESTIMATED COST	\$1,880 – 3,380

Incident Management and Personnel Accountability

The proposed rule would require written procedures for Incident Management and Personnel Accountability to meet the requirements of the 2008 edition of NFPA 1561: *Standard on Emergency Services Incident Management*. The committee identified a potential fiscal impact for fire service affected agencies to comply, recognizing that not every fire service agency would be affected or equally affected. Agencies with current Incident Management and Personnel Accountability procedures that meet the requirements of NFPA 1561 (2008) would not be affected. The potential estimated cost to fire service agencies would be the administrative costs to review or revise current procedures to ensure compliance with the proposed rule, and firefighter training costs if any significant changes were made. The estimated average cost for affected fire service agencies to review or revise current Incident Management and Personnel Accountability procedures are listed in Table 5.

Table 5

Estimated hours	Estimated cost per person
0 – 2	\$0 – 55.48
3 – 5	\$83.22 – 138.70
6 – 8	\$166.44 – 221.92

NOTE: The average wage rate is according to the Oregon Employment Department's [2014 Occupation Profile Report for Firefighters \(332011\)](#).

Riding on tailboards, tail steps or running boards is prohibited

The proposed rule will prohibit firefighters from riding on tailboards, tail steps or running boards as recommended under Chapter 4, section 3.1, of the NFPA 1500 (1997): *Standard on Fire Department Occupational Safety and Health Program*. The committee agreed that the potentially unsafe practice of riding tailboards has already been discontinued by most, if not all, fire service agencies in Oregon. As a result, the committee did not consider that prohibiting tailboard riding would have a significant fiscal impact for fire service agencies in Oregon.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): Nearly all of the approximately 350 fire service agencies in Oregon function under a municipality, district, or county.

All state agencies are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct).

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

According to the [National Fire Department Census Quick Facts Report of January 2012](#), there were 297 registered fire departments in Oregon. Since the National Fire Department Consensus is a volunteer program, it does not necessarily contain an accurate account of Oregon’s fire service industry. However, the 2012 report indicated the department types, number and percentages of the 297 respondents, as shown in Table 6.

Table 6

Career	Mostly Career	Mostly Volunteer	Volunteer
17 (5.7%)	13 (4.4%)	136 (45.8%)	131 (44.1%)

NOTE: The fire department type is based on the NFPA definition (Career: 100 percent of a department's firefighters are career; Mostly Career: 51-99 percent of a department's firefighters are career; Mostly Volunteer: 1-50 percent of a department's firefighters are career; Volunteer: 100 percent of a department's firefighters are volunteer).

According to the most current Oregon Employment Department data, Oregon has 174 fire service agencies under the North American Industry Classification System (NAICS) code 922160 (Fire Protection), which is only comprised of “mostly volunteer,” “mostly career” and “career” fire service agencies. Because “volunteer” fire service agencies were not included in the Oregon Employment Department data, the 131 “volunteer” fire service agencies represented in the National Fire Department Consensus Report, were added to the 174 fire service agencies identified in Oregon Employment Department data to obtain a closer approximation of 305 fire service agencies in Oregon. When taking into consideration the likely possibility of some volunteer fire service agencies unrepresented in the National Fire Department Consensus Report, Oregon OSHA estimates the actual total number of Oregon fire service agencies to be closer to 350.

Of the 174 fire service agencies identified in the Oregon Employment Department data, 164 are small employers having fewer than 50 career firefighters and administrative staff. When taking volunteer fire service agencies into consideration, the number of small fire service employers in Oregon is estimates to be around 340.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

See “Incident Management and Personnel Accountability” above.

c. Equipment, supplies, labor and increased administration required for compliance:

See “Incident Management and Personnel Accountability” above.

How were small businesses involved in the development of this rule?

During the rulemaking process, the Oregon OSHA Firefighter Advisory Committee sent drafts of the rule changes to several industry representatives, several of whom represent a small fire department. Comments received by these individuals were discussed and taken into consideration by the committee.

Administrative Rule Advisory Committee consulted? Yes.

If not, why?

Yes, this rulemaking was developed in collaboration with the [Oregon OSHA Firefighter Advisory Committee](#).

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

4/15/2015
Date