

IM-96-6

CORRECTED COPY

INTEROFFICE MEMORANDUM

Oregon Occupational Safety & Health Division

Date: June 14, 1996
To: All OR-OSHA
From: Marilyn Schuster
Subject: Minimum number of fire fighters to respond to a structural fire.

OR-OSHA's firefighter standards advisory committee met recently to review our policy on minimum number of fire fighters required to respond to a structural fire. As a result of their recommendations the policy as outlined in my July 10, 1995 memo is replaced by the following.

The firefighter standards are performance oriented, giving flexibility to various sizes and types of fire departments to best reflect the needs of the fire services while assuring worker safety. With this in mind, the following policy is enacted on the minimum number of fire fighters required to respond to a structural fire.

1. When firefighters enter a burning structure beyond the incipient stage of the fire, the buddy system is to be used.
2. When personnel are engaged in interior structural fire fighting and the fire is in the advanced stages, with known IDLH environment, a minimum of two rescue persons shall be present in a standby mode and stationed outside of the imminent hazard zone.
3. Judgement regarding whether a structure has an IDLH environment is best made by the incident commander, using, as the principal criteria, the current stage of the fire in progress.
4. Personnel in standby rescue mode may engage in other activities provided those activities do not jeopardize their ability to effect timely rescue.

EXCEPTION:

If, upon arriving at the scene, members find an imminent life threatening situation where immediate action may prevent the loss of life or serious injury, such action shall be permitted, with less than four people on the scene, when notification is given by radio to incoming companies that they must provide necessary support and backup upon their arrival.

fireftr/jh

Briefing Package-OSHA Policy Concerning Responses to IDLH Atmospheres.

Record Type: Interpretation

Subject: Briefing Package-OSHA Policy Concerning Responses to IDLH Atmospheres.

Information Date: 05/16/1996

May 16, 1996

MEMORANDUM FOR: MICHAEL CONNORS
DEPUTY ASSISTANT SECRETARY
FROM: JOHN B. MILES, JR., DIRECTOR
DIRECTORATE OF COMPLIANCE PROGRAMS
SUBJECT: Briefing Package-OSHA Policy Concerning
Responses to IDLH Atmospheres

BACKGROUND:

On May 1, 1995, OSHA issued a compliance memorandum (attached) that interpreted existing standards governing operations in atmospheres termed Immediately Dangerous to Life and Health (IDLH). The memorandum basically addressed emergency response situations covered by the HAZWOPER Standard and major firefighting operations. Firefighting operations in interior structural fires are recognized to present IDLH conditions.

A salient issue generated from this interpretation was that where high hazard interior structural firefighting operations are to be conducted, four firefighters must be present at the site. A team of two of the firefighters is required for entry into the hazard area, and the other two personnel must standby outside to monitor and be prepared in the event of an emergency rescue, i.e., the 2 in/2 out policy. This has been the longstanding (30 years) industry practice for hazardous interior structural firefighting operations.

The memorandum also stated the minimum requirement for compliance with the HAZWOPER Standard. HAZWOPER specifically requires response to IDLH atmospheres by the "buddy system" and with two standby personnel outside the hazard area for a total of four personnel.

The request for interpretation was first raised by Ms. Peg Seminario of the AFL-CIO in March of 1994, and subsequently raised by Mr. Richard Duffy of the International Association of Fire Fighters (IAFF) in September of 1994.

COMMENTS/CRITICISMS:

This issue has generated considerable interest by congress, state and local governments, professional associations and organized labor (in particular the International Association of Fire Fighters, AFL-CIO). Some stated that OSHA's interpretation imposed strict requirements exceeding those in the existing standards, and therefore, OSHA engaged in backdoor rule making activity. Some raised the concern that this interpretation represented an unfunded mandate for certain states because it applies to OSHA-approved state plans that have jurisdiction over public employees. In addition, some stakeholders were concerned that the OSHA policy applied to all interior fires including minor fires, those that could be controlled by portable fire extinguishers or small hose systems. These types of low hazard fires do not require breathing apparatus and are not covered by policy. Interested parties commented that the draft policy specified rigid staffing requirements of at least 4-man firefighting crews on the fire apparatus.

STAKEHOLDER INPUT:

The draft policy memorandum was provided to labor and OSHA-approved state plans for review and comment. Subsequently, meetings were held with stakeholders from labor and state and local governments, in which the draft policy was discussed and misunderstandings were brought to our attention. As a result of stakeholder input, OSHA clarified the policy memorandum.

OSHA specified that the policy only applied to major high hazard fires within a structure that required entry by firefighters and the use of self contained breathing apparatus. Obviously, fires within a structure present a greater fire hazard due to the accumulation of smoke, toxic gases and heat. OSHA's Fire Brigade standard defines these types of fires as interior structural fires. In addition, OSHA clearly stated that each local fire department was responsible for determining the minimum number of persons necessary to staff a fire apparatus leaving a station. The key to this policy is that prior to entering and conducting interior

structural firefighting operations, four firefighters must be on the scene. For example, a local fire department may dispatch a three-man crew on a fire apparatus and call another firefighter to the scene prior to entering and conducting interior structural fire fighting operations, should they be necessary. Until that person arrives on the scene, fire fighters may fight the blaze from outside the structure and could enter and engage in life saving rescue activities. The policy summary sheet is attached.

RELEVANT RULEMAKING IN PROGRESS:

On November 15, 1994, OSHA issued the Proposed Rule for the Respiratory Protection Standard (1910.134). Paragraph (g)(2) of the proposal addressed the development and implementation of specific procedures for the use of respirators in IDLH atmospheres. A specific provision of the proposal (g)(2)(ii) states that "the employer shall ensure that at least **one additional person** is located outside the IDLH atmosphere, and able to provide effective emergency assistance ...". This statement caused some controversy during the development of the compliance memorandum on entry into IDLH atmospheres. Careful reading of the proposal indicated that it was ambiguous in terms of what effective emergency assistance means.

OSHA is working to clarify the language in the proposal. Health Standards does not feel the evidence in the rulemaking record supports having two standby personnel outside of an IDLH area. At this time the proposed text would require one standby person and would require that person to notify the employer before providing emergency assistance. The vertical requirements for HAZWOPER, Confined Space Entry and Firefighting Brigades would be discussed in the preamble to the rule. **It is our judgement that if the new Respiratory Protection Standard requires only one standby person, then the 2in/1 out policy would become the 2in/1 out policy except for situations covered by the more vertical standards such as HAZWOPER. For firefighters our policy would be a minimum of one standby outside and two firefighters inside.**

ANTICIPATED PROBLEM:

The final rule regulatory text is projected to be completed by summer. Promulgation of the final rule as expected would predictably draw opposition by the AFL-CIO, Firefighters union, etc., and could lead to law suits and political pressures. On the other hand, promulgating a rule that does not reflect the rulemaking record would lead to law suits and pressure from the other side.