

Oregon OSHA Fire Service Advisory Committee January 9, 2020 Meeting Minutes

Attendees:

Nick Browne- Clackamas Fire
Heather Case- Oregon OSHA
John Derr- Portland Fire and Rescue
Michael Heffner- Fire Marshals Office
Melanie Kinne- Clackamas Fire
Omar Lopez- Oregon OSHA
Gary Robertson- Oregon OSHA
Cory Stengel- Oregon OSHA

Jeffery Carlson- Oregon OSHA
Kurt Chapman- CIS Oregon
Ray Dirling- Grants Pass Fire
Gavin Horn- Underwriters Laboratories
Jim Kusz- North Lincoln Fire & Rescue
Dave McLaughlin- Oregon OSHA
Renée Stapleton- Oregon OSHA

Attendees by phone:

Eriks Gabliks- DPSST
Derek Weiss- OFCA

Meeting called to order at 2:07 p.m.

The group introduced themselves

Old Business

Rulemaking Updates

Heather updated the group regarding current rulemaking activities. This includes ongoing Manganese/Welding rulemaking, which will be proposed shortly. Additional federal fit testing protocols rulemaking is currently open to public comment, which will be ending January 24. Ongoing pre-proposal rulemakings include: employer knowledge rulemaking and penalty adjustment rulemaking, consultation program, agriculture labor housing.

Non-Entry Firefighting Rulemaking

Renée reminded the group that this rulemaking came about from a bill introduced by Rep. Findley in the last legislative session regarding how rural communities protect their structures from fire, but without having to meet the firefighter I requirements. Oregon OSHA, in discussions with Rep. Findley, decided to engage in rulemaking instead of a statute, there are no maximum hours requirements in this rulemaking.

Oregon OSHA made a small workgroup, and the group agreed that this rulemaking should remain non-entry firefighting. It will be a less high of a level of regulation than structural firefighting. Something rural groups can follow, but still have it be protective. As far as the agency can tell, no one in the nation has this type of rule. Some states have similar things, but not the same. Renée outlined the struggle to stay in division 2 with regards to a rule, but that the rulemaking may dabble in Division 4 or the Wildland Firefighting rules, and they need to be careful of the agricultural exemption. Renée suggested the agency will likely need to have

something written in Division 4 (Agriculture) during the rulemaking to regulate agricultural employers. The agency is also looking at using language from the wildland firefighter regulations in Division 7 (Forest Activities).

The group discussed the draft language Renée brought to the meeting. They suggested that these rules may need to include some live fire training, and around 20 hours for retraining. The group also suggested some task based training.

The group discussed the scope and application of the draft language, the group stated that there may be potential IDLH atmospheres outside, not just inside a building. The group discussed the differences between confined space and enclosed space, and the need to clarify this in the rule.

The group also discussed the federal regulatory agenda. Renée stated that at state plan gatherings, Oregon OSHA hasn't been hearing about this from others as an upcoming topic for them.

The group discussed haz mat training- the group suggested some of these rules could touch on that, but not to the level of the training of a firefighter. People in the group also suggested that the fire marshal has a regional haz mat team, and agreed that some awareness level of training is needed. Potentially in Series 1070. People in the group also stated that British Columbia, Michigan, Minnesota, and Alaska are also dealing with these same issues around rural fire protection.

The group discussed eye and face protection- particularly the cost difference between wildland head apparatus and a proper hard hat. The difference is only about \$20. This rulemaking allows for specificity regarding goggles and requirements. The group discussed different options, including using firefighter helmets, and the benefits of distance and performance based parameters instead of hard and fast rules. The group estimates there are about 100 of these rural groups throughout Oregon.

The group also discussed protection from smoke and safety goggles- the indicator of smoke in the eyes may be good information while containing a fire. The group also discussed the hierarchy of controls and designing these rules according to the hierarchy of controls- it was stated that it will be hard to account for engineering controls for all types of equipment levels on sites. The group also recommended that the agency continue doing research on other districts, including Canadians, European, and Australian. Renée asked the group to review and give her feedback on the draft rule language. Renée has been trying to contact the national volunteer fire counsel but haven't heard back from them yet. She would like someone from volunteers representing. Some in the group also suggested reaching out to the state of Kentucky.

New Business/Discussion

Retirement of Structural Fire Fighting Ensembles

Cory Stengel passed out a memo regarding a discrepancy he found in the intersection between Oregon OSHA's rules in Division 2/L and NFPA 1851. Cory emphasized that Oregon OSHA did not adopt NFPA 1851, however, a compliance officer requiring that employers follow manufacturer's recommendations could enforce the NFPA 1851 ten year replacement time through a back door, as most manufacturer's require compliance with NFPA 1851 in their manuals.

Cory reviewed the 2015 rulemaking where the agency decided not to adopt NFPA 1851. Cory confirmed that this was done on purpose, however the committee should think about closing this potential loophole. Cory suggested either rulemaking or a policy statement. The committee agreed the agency needs to be clear about this from an enforcement standpoint. The committee also stated that this could open up a wider conversation into all manufacturer's requirements. The committee discussed the need for consistency but also some situational flexibility.

The group suggested a potential policy directive, while the group was also discussing how NFPA standards are developed.

Fort Jackson Prescribed Burn Fatality

Jeff brought an accident synopsis for discussing regarding a fatality at Deseret Farms, Inc. that occurred on November 14, 2018. The group also discussed another recent controlled burn fatality at Fort Jackson.

The committee discussed the need for education regarding drip torches, recommending clean protective clothing, not too rich of a diesel/gas mix, and to make sure the equipment is in good shape and provide thorough, proper training. The group also discussed how the penalties were calculated in the Deseret Farms, Inc. Case.

Employer Responsibility for Personnel in Blended Departments

Renée brought up the concept of blended fire departments across small cities. Recently, a compliance officer with Oregon OSHA conducted an inspection with city personnel in the same area across two cities. There was one department, but it contained personnel from two cities. Renée reminded the group that these are considered two employers.

The multi-employer worksite program directive (PD A-257) is attached to these minutes. Renée reminded the committee to get the word out that fire services employers should be considering this when thinking about blending departments. This often happens with incident command, but people also need to be aware with fire departments and at the station. Renée also advised that fire services should consider their management structure with blended departments, and how OSHA can potentially expand inspections (if there are serious hazards found). This could also be dangerous with special teams- remember to compare and correct SOG's between blended departments.

The group also discussed potential responsibility regarding following the injury.

Lessons Learned/Near Misses

Someone in the group reported that their department had two traffic incidents during initial operations while setting rule, a delivery van went around cars and almost hit personnel. The group discussed the need for initial response traffic control and safety of personnel on the roads.

Someone in the group reported that they had firefighters and officers respond to an illegal burn. During the call, a dog charged after a police officer and was shot.

Roundtable:

The group went around the table and discussed anything that was deemed pertinent to the group. These included:

Some of the group discussed how they are working with Oregon Department of Forestry and working with small towns, especially those with one way in and one way out, and mitigation of fire hazards and education of residents.

Happy Retirement Jim!!

Meeting adjourned 3:47 PM

Next Meeting:

When: Thursday, April 9, 2020, 1:00 PM

Where: DPSST Building, 4190 Aumsville Hwy SE, Salem, OR 97317