

Fire Service Advisory Committee

June 27, 2022

10 AM – 12 PM

Renee Stapleton	Tom Bozicevic	Deric Wiess
Adrian Albrich	Cory Stengel	Kate Ryan
Gavin Horn	Devon Brown	Troy DeYoung
Corey Gorham	Greig Lowell	Jason Jantzi
Ray Dirling		

Meeting Agenda:

- Introductions
- Update on the consultation rulemaking (Renee)
- Update on the external only firefighting rules
- Review new permanent rules:
 - [Protection from Wildfire Smoke](#)
 - [Heat Illness Prevention](#)
- Roundtable (time permitting)

Renee Stapleton started the meeting at 10:05am and introductions were conducted.

Future meetings may transition to in person with a hybrid option. We would like to have continued conversations with Fire Services that are not just related to rulemaking.

Update on the consultation rulemaking

Renee Stapleton: 2018 Fed OSHA had evaluated consultation program, specifically how we work with public entities. One requirement is that serious hazards that we identify have to be abated. Most appropriate was to go through the rulemaking process. May 31 was first meeting on this. Goals: 1) Already in place -- OR-OSHA has confidentiality for consultation. We want to make it very clear in the rule that the consultation report is protected. 2) What we are required to do for public entities (example abate serious hazards). 3) 21D -- put in rule the expectation that those consultations must require serious hazard abatement from the employer.

Q. Member: My concern is let's say we have an order to correct and it heads to enforcement. Does that head to a willful? Holt Andron and I had a good conversation about that. I don't think anyone would choose not to respond to consultation. Budget has to come into that discussion. We don't want to allocate money to citations either.

A. Renee Stapleton: I think we are currently the only state plan that does not require all serious hazards be abated in all consultations. I understand the concern, but I think consultants work very hard to find abatement measures. In the upcoming Federal Annual Monitoring and Evaluation (FAME), we are expecting a finding that we need to do this.

Q. Member: I think most want to fix it, but there is a cost associated. 1) My point is what they define as serious hazards. 2) Is there an opportunity to do a pre-consultation where someone can have frank conversations without the fear of a major finding? I think it is important to let them know that if they say "no", then where else can they go to get that help?

A. Renee Stapleton: 1) what is a serious hazard? A condition that could cause serious physical harm, while an other-than-serious hazard is a condition that could cause injury or illness to an employee but would not result in serious physical harm. 2) It is feasible for you to call Oregon OSHA consultation and ask questions and they are not laying eyes on the hazard or knowledge of the specific hazard. Ask consultation open-ended questions rather than saying what your specific situation is. Another option is to contact your workers' compensation

insurer. Likely they will recognize and have requirements for serious hazards too. Consultation may offer more flexibility. Our enforcement officers are trying to offer the education component too.

Update on the external only firefighting rules

Renee Stapleton: In 2018, there was a legislative concept that was trying to find a way to provide a regulatory process for non-entry firefighters (rangeland). How to keep people safe, have a lower-level training, and equipment that is relatively lower expense? We thought rulemaking process would allow for more community involvement. Started a work group in 2019. Met for 6-9 months. We landed on a draft that is approximately 80% along. Focused on suppressing a structure without interior attack. Keep it spreading from the original location.

COVID-19 rulemaking – there are temporary rules and adopted rules. In March 2022, we did temporary rules to reduce some of the restrictions. Those rules we adopted in March will expire in September. We would need to formally propose those rules to make those permanent and go through the public comment period. Taking the temporary rules and proposing the same thing. We want to have them in effect by September 13.

Review new permanent rules: (Tom Bozicevic)

[Protection from Wildfire Smoke](#)

- Rules are applicable to these employers when AQI is at above
- Effective July 1, 2022
- Strictly related to wildfire smoke exposure
- Applies to public and private sector employers whose employees are or will be exposed to wildfire smoke where the ambient air concentration for fine particulate matter (PM2.5) is at or above 35.5 µg/m³ (Air Quality Index value of 101 for PM2.5). Applies to indoor and outdoor employers/employees with some full and partial exemption.
- Definitions pointed out
- Review of Employer two-way communication
- Exposure assessment
- Check resources for AQI -- examples: local government/county health resources; Oregon DEQ; US EPA AirNow; Interagency Wildland Fire Air Quality Response Program websites; direct measurement with employer's device. Use of the 5-3-1 Visibility Index is allowed.
- Review of training and documentation rule requirements
- Multimedia training module now available on OR-OSHA website. Covers 5 of 10 requirements (elements a-e).

Review new permanent rules: (Greig Lowell)

[Heat Illness Prevention](#)

- Effective June 15, 2022
- Review of scope and application
- Indoor and outdoor environments. When heat index equals or exceeds 80 degrees Fahrenheit.
- Review of full and partial exemptions
- Review of definitions
- Review of Access to Shade section
- Review of Drinking Water section
- Review of High Heat Practices section
- Review of Work/rest schedule (options) section
- Review of Emergency Medical Plan section
- Review of Acclimatization Plan section
- Review of Written Heat Illness Prevention Plan section
- Review of Supervisor and Employee Training section (video meets 5 of 7 training requirements)
- Review of Training Documentation section

- Amends OAR 437-004-1120 to include Ag Labor Housing
- Shared website page on Heat – <https://osha.oregon.gov/Pages/index.aspx> , A-Z Topics, H for Heat Stress: <https://osha.oregon.gov/Pages/topics/heat-stress.aspx>
- Questions/comments on the rules:
 - Q. Member: There has been some discussion about how this may affect volunteer firefighters. Because there are instances where a hospitalization or fatality has occurred hours after a call. How do we deal with the 7-day acclimatization part? May only be once-a-month training. How to manage off-duty time [in connection] is a challenge.
 - A. Renee Stapleton: Probably something you would want to build your own plan for. It is complicated, but knowing your volunteers will aid in what you are already doing. For example, checking in with volunteers that may already be construction workers. Fire services agencies are already doing many of these things and Oregon OSHA needs to work on using the same terminology.
 - Q. Member: 1) We have heard that some employer organizations had filed suit based on these rules: 2) Confusing language of heat and light work.
 - A. Greig Lowell: 2) we are working on a policy guidance document on heat.
 - A. Renee Stapleton: 1) if you conduct an internet search, you can see the premise of that complaint.
 - Q. Member: what if the AQI was at a certain number and then dropped during the day?
 - A. Tom Bozicevic: trigger in the rule is only at those levels stated in the rule.
 - Q. Member: Can a city have one program that includes both fire and police? In heat illness program, fire might have a separate medical piece (for example calling emergency number).
 - A. Renee Stapleton: The rule states the employer has to have a program. Would probably be specific to each. But they are welcome to have it in one large document.

Renee Stapleton: Here is a fact sheet that focused on Rhabdo that you might find useful:
<https://osha.oregon.gov/OSHAPubs/hazard/2993-35.pdf>

Another great reference that discusses rangeland fires: <https://osha.oregon.gov/OSHAPubs/5433.pdf>

We welcome your suggestions specifically on making whether employers want this to be more specific vs general.

Roundtable:

Tom Bozicevic: next meeting has not been scheduled—looking around this fall.

Q. Member: with all the new hires, how do we make sure that folks doing fire services inspections and consultations are well versed in our practices?

A. Renee Stapleton: Have conversations be a natural course of business moving forward. Also, make sure that contacts are invited to these meetings who we should hear from. We have a letter of understanding that we will not be sending out employees who do not have an understanding of fire services.

Q. Member: Follow-up question for another Member regarding research.

A. Member: In 2020, we were trying to get some understanding of carbon dioxide with firefighters in the field. Some readings where there were some important levels of carbon dioxide but nothing where we could confirm certain levels. So we weren't able to move that forward. There is a person out of Colorado planning on taking that up. Discussion about banning the use of engineered wood products. Not a lot of discussion on other

options (looking at exposure mitigation). Hopefully into 2023, we will have a lot more on that. Can be challenging to get firefighters to wear SCBA. Some compounds stick around for days.

Request: Devon Brown and Corey Gorham would like to be added to the email list for these meetings.

Meeting adjourned at 11:56 am.