

Oregon OSHA Fire Service Advisory Committee

June 8, 2023
2:00 – 4:00 PM

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| Tom Bozicevic | Dave McLaughlin | Heather Goodrich |
| Genoa Ingram (Jim Ater) | Greig Lowell | Jay Cross |
| Kate Ryan | Cory Stengel | Jason Jantzi |
| Gavin Horn | | |

Meeting agenda:

- Introductions
- Approve December 2022 meeting minutes
- Non-entry firefighting rulemaking stakeholder group update
- SCBA fill stations and what standard they are held to
- Trench rescue safety for firefighters
- Hearing protection devices for hearing-impaired firefighters
- [OAR 437-002-0142](#), Labor Camps, and fire station living quarters
- Roundtable (time permitting)

Non-entry firefighting rulemaking stakeholder group update

Per the committee's recommendation, Oregon OSHA reached out to the Oregon Department of Forestry (ODF) and received confirmation that ODF representatives will be participating in the rulemaking. An ODF representative has been contacting Rural Fire Protection Associations (RFPAs) on Oregon OSHA's behalf to assist us in our efforts to notify and include interested employer and employee representatives from Oregon's rural communities, since they would likely be affected by the proposed rule the most.

Applies to rangeland fire services. The typical individual would be a rancher. We would appreciate input from those individuals if anyone in this group can share contact information (employers who are associated with the rural firefighting associations). Member: We would appreciate knowing what their involvement would entail. To these individuals, the land is more crucial to their livelihood than the structures.

Member: Initially the idea from the senator was to reduce the rule requirements and burden on rural departments that weren't able to do these jobs. Now it is growing to have additional rules/requirements. Bringing in ranchers who may do fire services as a side thing and/or on personal property, I don't think they need to be in firefighting rule. Instead, write a letter of interpretation or add a note in the rule.

State Fire Marshal's office should have some information. Trying to get geographical areas involved from the beginning.

SCBA fill stations and what standard they are held to

A fire department purchased an SCBA fill station in 2006, and it has been working fine ever since. They have had multiple inspections with no issues. However, a salesperson informed the department that their fill station was not OSHA compliant. *"Currently your fill station is not OSHA compliant. It has been blast tested to 4500psi but the unit is old enough that those tests were completed before the NFPA/OSHA standards took effect and they do not honor the testing criteria that that unit was tested under. It is safe to use just not OSHA compliant."*



We would fall back to manufacturer recommendations. We have a de minimis condition regarding when something does not meet the direct word of the law and there is no employee exposure.

Q. Member: Wouldn't it be held to the standard at the time it was created?

A. Tom Bozicevic: We can't hold employers to a newer standard that we don't reference in our own standard. If it is a recognized hazard, we would have to fall back on Division 1.

Q. Member: Consider, what are we using as our standard to fill the tanks? Look at rate/speed of filling - psi/minute

Comment. Member: Technology of the bottle and cylinder change should also be considered. At what point can the bottle not handle it anymore?

Comment: Member: I don't think it is an issue unless the system is failing in some way.

Trench rescue safety for firefighters

A fire department responded to an incident where a worker fell into a 30-foot deep hole. The construction company had dug the hole in order to install some concrete drain pipe. All of the pipe was going to be installed with machines and they did not plan on having any workers enter the hole. Because of this no shoring was in place. Fortunately, the worker was conscious and able to put on a harness that was lowered down to him. He was raised out of the hole with ropes, without having to place any of rescuers in the hazard zone.

This incident raised some questions that the fire department would appreciate getting some clarification from Oregon OSHA on. The hole was deeper than what the fire department is capable of shoring with the equipment they carry. If the patient had been unconscious and unable to assist with putting on a harness, it would have been a much more difficult situation. It would have taken a considerable amount of time for another city bureau to bring alternative shoring options to the scene. If fire responders had determined that the patient needed immediate medical intervention, and if the hole appeared to be stable, is there any exemption for responders to enter the hole without shoring?

Comment. Member: Based on experience and training, they determine if the hole is stable.

Comment. Member: Confined space requirements come in. There are things you have to do like air monitoring. This is where experience comes in.

Comment. Member: Yes, competent person training to identify soil types and collapse zones.

Dave McLaughlin: Confined Space rules specifically exempts trenches.

The consensus from the group indicated that such situations must be evaluated on a case-by-case basis, and that establishing a general policy to allow fire services to deviate from using cave-in protection, when such available safeguards are unavailable or inadequate for a specific rescue operation, is not recommended.

Hearing protection devices for hearing-impaired firefighters

A fire department is using a compliant hearing PPE fit testing software system to test the true attenuation that each employee is at with use of an ear plug-- for the hearing-impaired firefighter. The fit testing procedure requires such workers to remove their hearing aid device and insert an earplug to measure the actual noise reduction rating. A test result showed that the noise reduction rating was too high in the ear with hearing loss, and the sound was diminished to a level categorized as "over-protected." The correct use of hearing protection devices for the employee would be use of an earmuff type, used over their in-ear hearing aid (amplification) device.

If four styles of earmuffs were tried, each proven to be incompatible, should the fire department instruct these specific workers to use one of the hearing protection devices provided by the district, even though they know the protection level may prevent the worker from hearing warning signals or other essential sounds? The alternative would be sourcing a different fire protection helmet that is compatible with an earmuff type hearing PPE for firefighters that use an in-ear hearing aid device. Does Oregon OSHA have a recommendation on how to move forward?

Comment. Member: What about noise canceling built into the hearing aids?

A. Dave McLaughlin: EPA rating systems may not account for that.

Comment. Member: There are earplugs/earmuffs that go around the back of the head.

OAR 437-002-0142, Labor Camps, and fire station living quarters

For temporary labor camps operated by employers covered under Divisions 2 (General Industry), 3 (Construction) and 7 (Forest Activities), the following rule applies: Division 4/J, 437-004-1120 (Agricultural Labor Housing and Related Facilities) except paragraphs (5), (6)(p) and (24).

(5) Housing registration requirements.

(6)(p) Each housing site must have its street numbers displayed to be easily visible to responding emergency vehicles on public highways or roads.

(24) Closure and alternative housing.

Q. Cory Stengel: I asked for guidance and consistency. The word "temporary" got thrown out which apparently exempted them. OSHA said it is not labor housing. Just trying to find what applies for future.

Q. Member: what is the substantial difference between ALH and the fire station?

Comment. Member: I would guess that individual counties would have housing rules.

Comment. Member: I could see this being a challenge for smaller, more rural departments based on affordability to make changes or to having existing space.

Roundtable

Member: The heat-related illness prevention rule is affecting fire academies. They last 8-10 weeks, 4 days a week; they start at 5am, and are done by 2pm. The tasks are typically 95% outside. On really hot days, we do inside work.

Tom Bozicevic: There are exemptions in the rule for that.

Legislative update (Greig Lowell, Oregon OSHA Policy Manager)

- SB592
 - Oregon OSHA website: <https://osha.oregon.gov/rules/advisory/penalty/Documents/SB592-enrolled.pdf>
 - Oregon State Legislature website: <https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB592>
 - Section 1: Conduct a comprehensive inspection of any place of employment:
 - “Whenever an accident investigation reveals that a violation has caused or contributed to a work-related fatality at a place of employment”
 - “Whenever three or more willful or repeated violations occur at a place of employment within a one-year period”
 - Section 2: Increase in minimum civil penalty for serious violation, willful, and repeat violations.
 - Requires Director of DCBS to submit annual report

Member: Request for data on contributing factors in logging/forestry fatalities.

- SB907
 - Oregon OSHA website: <https://osha.oregon.gov/rules/advisory/penalty/Documents/SB907.pdf>
 - Oregon State Legislature website: <https://olis.oregonlegislature.gov/liz/2023R1/Measures/Overview/SB907>
 - “Provides employee with right to refuse to perform task assigned by employer under certain circumstances. Protects employee against disciplinary action for exercising right.] Prohibits employer from retaliating or discriminating against employee for invoking right] or prospective employee who, in good faith and with no reasonable alternative, refuses exposure arising from hazardous condition at place of employment. Allows employee to use sick leave to cover period when employee is not working due to employee’s exercising right to refuse to perform assigned task.”

Comment. Member: OSHA needs to define dangerous/hazardous.

Motion to adjourn, seconded. 4:00pm