

April 14, 2009

Oregon OSHA - Proposed Changes To Division 2/L, Fire Protection/Oregon Rules for Fire Fighters

Public Hearing Scheduled for:

<u>Date</u>	<u>Time</u>	<u>Location</u>
June 3, 2009	2:30 pm	Labor and Industries Building Basement – Conference Room F 350 Winter Street NE Salem OR 97301

Oregon OSHA proposes to amend OAR 437-002-0182, Oregon Rules for Fire Fighters related to confined space rescue. The rule change focuses on fire departments that respond to calls prompted by the public, typically 911 calls, for rescue from confined spaces. The proposed language was drawn heavily from the 2000 edition of the National Fire Protection Agency (NFPA) Standard for Rescue Technician Professional Qualifications (NFPA 1006), and the 1999 edition of the NFPA Standard on Operations and Training for Technical Rescue Incidents (NFPA 1670). This rule was initiated in part based on the need to standardize methods for all fire fighters and first responders in the state for the rescue of victims from confined spaces.

We also are adding definitions specific to the proposed confined space rule to include confined space, immediately dangerous to life or health (IDLH), pressure demand respirator, and air purifying and positive pressure respirators. Some rules in 437-002-0182 such as paragraph (9) (a), (13) (e), (15) (b), (25) (a), (28) (a) and (29) (b) have specific reference dates and rule numbers removed that are no longer relevant.

When does this happen: Adoption tentatively will be June 2009

To get a copy: Our web site – www.orosha.org Rules/Compliance, then Proposed Rules
Or call the OR-OSHA Resource Center at 503-947-7447

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 8, 2009

OR-OSHA contact: Ron Haverkost, Central Office @ 503-947-7421;
or email at Ronald.I.haverkost@state.or.us

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

Proposed changes to Division 2/L, Fire Protection/Oregon Rules for Fire Fighters.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Labor and Industries Building
Basement – Conference Room F
350 Winter Street NE
Salem OR 97301

June 3, 2009

Hearing Date

2:30 pm

Time

Location

Sue Joye

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 to amend OAR 437-002-0182, Oregon Rules for Fire Fighters related to confined space rescue. The rule change focuses on fire departments that respond to calls prompted by the public, typically 911 calls, for rescue from confined spaces. The proposed language was drawn heavily from the 2000 edition of the National Fire Protection Agency (NFPA) Standard for Rescue Technician Professional Qualifications (NFPA 1006), and the 1999 edition of the NFPA Standard on Operations and Training for Technical Rescue Incidents (NFPA 1670). This rule was initiated in part based on the need to standardize methods for all fire fighters and first responders in the state for the rescue of victims from confined spaces.

We also are adding definitions specific to the proposed confined space rule to include confined space, immediately dangerous to life or health (IDLH), pressure demand respirator, and air purifying and positive pressure respirators. Some rules in 437-002-0182 such as paragraph (9) (a), (13) (e), (15) (b), (25) (a), (28) (a) and (29) (b) have specific reference dates and rule numbers removed that are no longer relevant.

Please visit our web site www.orosha.org Click 'Rules/Compliance' 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.

June 8, 2009

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

/s/Michael D. Wood

Signature

Michael D. Wood

Printed name

4/13/2009

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

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: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Proposed changes to Division 2/L, Fire Protection/Oregon Rules for Fire Fighters.

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

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

Oregon OSHA recognized the potential for employee fatalities in those cases where first responders or fire fighters (prompted by 911 services) would attempt rescues from spaces with unknown hazards. Specifically, attempted rescues from spaces, that an individual could bodily enter, have limited or restricted entry or exit that were never intended for continuous occupancy. Therefore, we propose to adopt amendments to OAR 437-002-0182, Oregon Rules for Fire Fighters so the standard will reflect the most current practices and technologies in the industry. The purpose of the standard is to set a level of operational capability and to establish criteria for safely and effectively conducting rescue operations from confined spaces.

Documents Relied Upon, and where they are available:

2000 edition of the NFPA Standard for Rescue Technician Professional Qualifications (NFPA 1006)
1999 edition of the NFPA Standard on Operations and Training for Technical Rescue Incidents (NFPA 1670).
Oregon OSHA's Division 2/J, General Environmental Controls/Permit Required Confined Space
All available in Oregon OSHA's Resource Center.

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

The fiscal and economic impact of this new proposal will vary. The departments within the fire service industry in Oregon that are currently training and providing confined space rescue in a situation that was initiated by an emergency (911) call will have no fiscal or economic impact. There are approximately 25 departments in Oregon that are providing confined space rescue for those areas they serve and under specific mutual aid agreements for other departments/districts.

The fiscal and economic impacts for departments that are not currently trained or using appropriate equipment and that will provide rescue services initiated by an emergency (911) call related to confined space rescue are as follows:

At a minimum, to provide a confined space rescue it will take 5-6 employees. To initially train those employees it will take a minimum of 30 hours based on the Department of Public Safety Standards and Training (DPSST) certification requirements. The average wage for paid fire fighters is approximately \$35 an hour $6(\text{employees}) \times 35(\text{dollars per hour}) \times 30(\text{hours of training}) = \6300 or \$1050 per employee. For volunteer fire fighters the average wage is approximately \$10 an hour $6 \times 10 \times 30 = \1800 or \$300 per volunteer (see TABLE A).

Those departments that currently provide joint aid services for confined space rescue are generally willing to allow new companies to use existing programs, curriculums and training documents or forms at significantly less initial cost. Narrowing documentation costs to next to nothing. The estimated cost for creating written procedures, develop the training curriculum and recording the training is approximately \$20,000 based on one qualified individual paid at an hourly wage of \$50 an hour at 400 hours.

Approximately 75% of the written documents would be creating the training curriculum at approximately 300 hours. Approximately 70 hours for developing written procedures and approximately 30 hours dedicated to recording the training that occurs, (400/hr X \$50/hr = \$20,000). The fire services industry on whole has written documents that can be used for documentation without having to start from scratch (see TABLE B).

Continual annual training costs are estimated at 8 hours per employee at \$35/hr. 6 employees X 8 hrs X \$35/hr = \$1680. Instructor cost consideration, \$50/hr (1 X 8 X \$50 = \$400) (see TABLE C).

Some additional items that may be required:

Non-entry retrieval apparatus w/wench: \$6000(annual maintenance \$800), harnesses, ropes and other system components: \$5000, helmets: \$100, coveralls: \$100, communication system: \$12,000, direct reading instrument: \$500. Departments may incur annual expenditures associated with occasional confined space rescue (see TABLE D).

TABLE A

Cost for training confined space rescue team

Number of employees to rescue victim (rescue team)	Hours of training required by DPSST	Non-volunteer wage (approximate remuneration)	Volunteer wage (approximate remuneration)
5-6	30 hours Rescue team = \$1800	\$35 / hr 1 trained = \$1050 Team training = \$6300	\$10 / hr Individual training = \$300 6 member team = \$1800

TABLE B

Cost to develop training and procedures

Development ~ hrs= 400	Number of employees to develop	Qualified employee wage	Total \$ for written procedures, training curriculum, recording training
300 = training curriculum 70 = procedures 30 = record keeping	1 qualified employee	\$50 / hr	400hrs X \$50= \$20,000

TABLE C

Continual training costs

6 team members	8 hours	\$35 / hr	6 X 8 X 35	\$1680
Instructor	8 hours	\$50 / hr	1 X 8 X 50	\$400

TABLE D

Additional costs

Non-entry retrieval apparatus w/wench	\$ 6000
Maintenance of non-entry retrieval apparatus	\$ 800
Harnesses, ropes, other systems components	\$ 5000
Helmets	\$100
Coveralls	\$ 100
Communications systems	\$12,000
Direct reading instrument	\$ 500

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

Oregon OSHA asked for assistance from the Fire Fighter Advisory Committee, a long standing advisory group from various fire services. Representatives include members of the Oregon Volunteer Fire Association representing approximately 80% of all fire fighters in the state of Oregon. Of the approximately 345 fire districts 10 are all paid fire fighters with the remainder either all volunteer or a combination of both.

Administrative Rule Advisory Committee consulted? Yes.

If not, why?

Oregon OSHA Fire Fighter Advisory Committee
Oregon Fire Chiefs Association
Oregon Fire Instructor's Association
Oregon Volunteer Firefighter's Association

/s/ Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

4/13/2009
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.
ARC 925-2005