

September 14, 2007

## **Oregon OSHA - Proposed Changes To Fire Fighter/Confined Space Rules in General Industry**

**Public Hearing Scheduled for:**

<u>Date</u>	<u>Time</u>	<u>Location</u>
October 29, 2007	10:00 am	Oregon Dept. of Fish & Wildlife Bldg. First Floor – Commission Room 3406 Cherry Avenue NE Salem OR 97303

Oregon OSHA proposes to adopt new Oregon Administrative Rules for the fire fighting industry as it pertains to confined space rescue. These additions will be in OAR 437-002-0182, Oregon Rules for Fire Fighters in Division 2/L, General Industry/Fire Protection. The proposed rule focuses on fire departments that will respond to calls prompted by the public, typically 911, for rescue from confined spaces. The proposed adoption 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 as a need to standardize methods for all fire fighters in the state for the rescue of victims from spaces large enough and so configured that an employee can bodily enter and perform assigned work, that has limited or restricted means for entry or exit and is not designed for continuous occupancy.

**Please Read**

*This proposed rule was developed with the fire fighting advisory committee and applies only to fire fighters. There are other emergency responders who do not fit under the scope of confined space standards. OR-OSHA is interested in knowing if we should broaden the scope of other confined space standards when the responders are not designate under the rule?*

Your responses to this question are NOT part of the proposed rulemaking for Confined Space Rescue in Fire Protection; they will however be kept for possible future rule activity.

**When does this happen:** Adoption tentatively will be November 2007

**To get a copy:** Our web site – [www.orosha.org](http://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](mailto:tech.web@state.or.us)  
Fax – 503-947-7461

**Comment period closes:** November 2, 2007

**OR-OSHA contact** Ron Haverkost, Central Office @ 503-947-7421

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                      350 Winter Street NE Salem OR 97301-3882  
Rules Coordinator                      Address

503-947-7449  
Telephone

**RULE CAPTION**

Propose to add Confined Space Rescue rules to the General Industry standard for Fire Fighters.  
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Oregon Dept. of Fish & Wildlife Building  
3406 Cherry Avenue NE  
Commission Room – First Floor

October 29, 2007    10:00 AM  
Hearing Date                      Time

Salem OR 97303  
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 adopt new Oregon Administrative Rules for the fire fighting industry as it pertains to confined space rescue. These additions will be in OAR 437-002-0182, Oregon Rules for Fire Fighters in Division 2/L, General Industry/Fire Protection. The proposed rule focuses on fire departments that will respond to calls prompted by the public, typically 911, for rescue from confined spaces. The proposed adoption 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 as a need to standardize methods for all fire fighters in the state for the rescue of victims from spaces large enough and so configured that an employee can bodily enter and perform assigned work, that has limited or restricted means for entry or exit and is not designed for continuous occupancy.

Please visit our web site [www.orosha.org](http://www.orosha.org) Click 'Rules & Laws' 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.

/s/Michael D. Wood  
Signature

November 2, 2007

**Last Day for Public Comment**

Last day to submit written comments to the Rules Coordinator

Michael D. Wood

Printed name

9/10/07

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

Secretary of State  
**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/OR-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.)  
Propose to add Confined Space Rescue rules to the General Industry standard 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's standard must be at least as effective as Federal OSHA, therefore we propose to adopt these new rules and wanted the standard to 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 rules Division 2/J, Permit Required Confined Space

**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. In the state there are approximately 25 departments 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 impact for departments that will provide rescue services initiated by an emergency (911) call related to confined space rescue are as follows:

At minimum to provide a confined space rescue it will take 5-6 employees. To initially train those employees it will take at minimum 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 per hour.  $6 \text{ (employees)} \times \$35 \text{ (per hour)} \times 30 \text{ (hours of training)} = \$6,300$  or \$1,050 per employee. Volunteer fire fighters average wage is approximately \$10 per hour.  $6 \times 10 \times 30 = \$1,800$  or \$300 per volunteer.

The estimated cost for creating the written procedures, develop the training curriculum, and recording the training is approximately \$20,000 based on 1 qualified individual paid at an hourly wage of \$50 per 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 (hours) X \$50 (per hour) = \$20,000. The fire services industry on whole has written documents that can be used for documentation without having to start from scratch. 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.

Continual training costs are estimated at 8 hours per employee annually. 8 hours at \$35 per hour = \$280. For a department that would serve 24/7 requiring 21 employees considering 2 instructors the costs are (21 employees at 35/hr)+ (2 instructors at 50/hr) X 8 hours of training = \$1,535.

Some additional items that may be required:

Non-entry retrieval apparatus w/wench: \$6,000 (annual maintenance \$800), Harnesses, ropes and other system components: \$5,000, Helmets: \$100, Coveralls: \$100, Communication system: \$12,000, Direct reading instrument: \$500.

Because of the type of specialty training and equipment that is necessary to conduct confined space rescue there is some annual recovery costs that have been estimated. Equipment such as communication systems, SCBA, ropes, laundry of coveralls and turnouts, gloves, knee pads, and additional back up items, add approximately \$10,000 of recovery costs to a department that would man a 24/7 facility. \$10,000 divided by 12 months = \$833/month. Those departments that would occasionally be providing confined space rescue by competent individuals would take on very little if any annual recovery costs.

#### **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 ~80% of all fire fighters in the state of Oregon. Of the ~345 fire districts 10 are all paid fire fighters the remainder are either all volunteer or a combination of both. The proposed standard will be more flexible and efficient for stakeholders, including small businesses, while improving safety for employees.

#### **Administrative Rule Advisory Committee consulted? Yes.**

##### **If not, why?**

Oregon OSHA Fire Fighter Advisory Committee  
Oregon Fire Chief Association  
Oregon Fire Instructors Association  
Oregon Volunteer Firefighters Association

/s/Michael D. Wood  
Authorized Signer

Michael D. Wood  
Printed name

9/10/07  
Date