

Table V-1 -- Collection of Information Requirements Being Revised in the Fire Brigades Standard⁹⁰

Section number and title	Currently approved collection of information requirements	Proposed collection of information requirements
§ 1910.156 (b)(1)	<i>(1) Organizational statement.</i> The employer shall prepare and maintain a statement or written policy which establishes the existence of a fire brigade; the basic organizational structure; the type, amount, and frequency of training to be provided to fire brigade members; the expected number of members in the fire brigade;	N/A

⁹⁰ Full details of the burden and cost estimates for each provision are available in the ICR's supporting statement at [reginfo.gov](https://www.reginfo.gov).

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	and the functions that the fire brigade is to perform at the workplace. The organizational statement shall be available for inspection by the Assistant Secretary and by employees or their designated representatives.	
§ 1910.156 (b)(2)	(2) <i>Personnel.</i> The employer shall ensure that employees who are expected to do interior structural firefighting are physically capable of performing duties which may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema, to participate in fire brigade emergency activities unless a physician's certificate of the employees' fitness to participate in such activities is provided. For employees assigned to fire brigades before September 15, 1980, this paragraph is effective on September 15, 1990. For employees assigned to fire brigades on or after September 15, 1980, this paragraph is effective December 15, 1980.	N/A
§ 1910.156 (c)(1)	[none]	(c) Organization of the WERT, and Establishment of the ERP and Emergency Service(s) Capability (1) The WERE shall develop and implement a written ERP to provide protection for each of its employees (team members) who is designated to provide services at an emergency incident.
§ 1910.156 (c)(3)	[none]	(c) Organization of the WERT, and Establishment of the ERP and Emergency Service(s) Capability (3) The WERE shall conduct a facility vulnerability assessment for the purpose of establishing its emergency response capabilities and determining its ability to match the facility's vulnerabilities with available resources.
§ 1910.156 (c)(4)	(c) Training and education... (4) The employer shall inform fire brigade members about special hazards such as storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during fire and other emergencies. The fire brigade members shall also be advised of any changes that occur in relation to the special hazards. The employer shall	N/A

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	develop and make available for inspection by fire brigade members, written procedures that describe the actions to be taken in situations involving the special hazards and shall include these in the training and education program.	
§ 1910.156 (c)(8)	[none]	(8) The WERE shall define, and document in the ERP, the service(s) needed, based on paragraph (c)(3) of this section, that the WERE is unable to provide, and develop mutual aid agreements with other WEREs and ESOs as necessary to ensure adequate resources are available to safely mitigate foreseeable incidents.
§ 1910.156 (c)(9)	[none]	(9) Previous editions of documentation required by this section shall be maintained by the WERE for a minimum of five (5) years.
§ 1910.156 (c)(10)	[none]	(10) The WERE shall notify team members of any changes to the ERP and make the ERP and documents maintained in accordance with paragraph (c)(9) of this section available for inspection by team members, their representatives, and OSHA representatives.
§ 1910.156 (d)(1)	[none]	(d) ESO Establishment of ERP and Emergency Service(s) Capability. (1) The ESO shall develop and implement a written ERP to provide protection for each of its responders who is designated to operate at an emergency incident.
§ 1910.156 (d)(3)	[none]	(d) ESO Establishment of ERP and Emergency Service(s) Capability (3) The ESO shall perform a community or facility vulnerability assessment of hazards within the primary response area where the emergency service(s) it provides is/are expected to be performed.
§ 1910.156 (d)(8)	[none]	(8) In the ERP the ESO shall define the service(s) needed, based on paragraph (d)(4) of this section, that the ESO is unable to provide, and develop mutual aid agreements with WEREs or other ESOs as necessary to ensure adequate resources are available to safely mitigate foreseeable incidents.
§ 1910.156 (d)(9)	[none]	(9) Previous editions of documentation required by this section shall be maintained by the ESO for a minimum of five (5) years.

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§ 1910.156 (d)(10)	[none]	(10) The ESO shall notify responders of any changes to the ERP and make the ERP and documents maintained in accordance with paragraph (d)(9) of this section available for inspection by responders, their representatives, and OSHA representatives.
§ 1910.156 (e)(5)	[none]	(e) Team Member and Responder Participation (5) Encourage team members and responders to report safety and health concerns, such as hazards, injuries, illnesses, near-misses, and deficiencies in the ERP;
§ 1910.156 (e)(7)	[none]	(e) Team Member and Responder Participation (7) Post procedures for reporting safety and health concerns under paragraph (e)(5) of this section in a conspicuous place or places where notices to team members and responders are customarily posted.
§ 1910.156(f)(1)	[none]	(f) WERT and ESO Risk Management Plan (1) The WERE and the ESO shall develop and implement a written comprehensive risk management plan (RMP), based on the type and level of service(s) established in paragraphs (c) and (d) of this section[.]
§ 1910.156(g)(1)	[none]	(g) Medical and Physical Requirements (1) WERE and ESO medical requirements. (i) The WERE and ESO shall establish the minimum medical requirements for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section. The medical requirements will differ based on the tiers of team members and responders in accordance with paragraphs (c)(7) and (d)(7) of this section, except that team members and responders in a support tier are excluded from the requirements in paragraph (g) of this section; and (ii) The WERE and ESO shall maintain a confidential record for each team member and responder that records, at a minimum, duty restrictions based on medical evaluations; occupational illnesses and injuries; and exposures to combustion products, known or suspected toxic products, contagious diseases, and dangerous substances.

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§ 1910.156(g)(2)	[none]	<p>(g)(2) WERE and ESO medical evaluation and surveillance.</p> <p>(i) The WERE and ESO shall establish a medical evaluation program for team members and responders, except for those in a support tier, based on the type and level of service(s) and tiers of team members and responders established in paragraphs (c) and (d) of this section;</p>
§ 1910.156(g)(3)	[none]	<p>(g)(3) Additional ESO medical evaluation and surveillance.</p> <p>(i) For ESOs whose responders are exposed to combustion products, medical evaluation and surveillance shall include a component based on the frequency and intensity of expected exposure to combustion products established in the risk management plan in paragraph (f) of this section.</p> <p>(ii) The ESO shall document each exposure to combustion products for each responder, for the purpose of determining the need for the medical surveillance specified in (g)(3)(i)(A) of this section, and for inclusion in the responder's confidential record, as required in (g)(1)(ii) of this section.</p>
§ 1910.156(g)(4)	[none]	<p>(i) The WERE and ESO shall provide, at no cost to the team member or responder, behavioral health and wellness resources for team members and responders, or identify where such resources are available at no cost in the community;</p> <p>(ii) The resources shall include, at minimum:</p> <p>(A) Diagnostic assessment;</p> <p>(B) Short-term counseling;</p> <p>(C) Crisis intervention; and</p> <p>(D) Referral services for behavioral health and personal problems that could affect the team member or responder's performance of emergency response duties.</p>

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		(iii) The WERE and ESO shall inform each team member and responder of the resources available; and
§ 1910.156(g)(6)	[none]	(g)(6) ESO health and fitness for duty: (i) The ESO shall establish and implement a health and fitness program that enables responders to develop and maintain a level of physical fitness that allows them to safely perform their assigned functions, based on the type and level(s) of service(s) and tier of team members and responders established in paragraph (d) of this section;
§ 1910.156(i)(3)	[none]	(i) WERE Facility Preparedness – (1) General requirements. The WERE shall: ... (3) Identify the location of each FHV, except for those clearly visible on standpipes in enclosed stairways, in a manner suitable to the location, such as with a sign, painted wall, or painted column, to ensure prompt access to FHV's.
§ 1910.156(k)(2)	[none]	(k) Equipment and PPE... (2) Personal protective equipment (PPE). The WERE and the ESO shall: (i) Conduct a PPE hazard assessment for the selection of the protective ensemble, ensemble elements, and other protective equipment for team members and responders, based on the type and level of service(s) established in paragraphs (c) and (d) of this section;
§ 1910.156(l)(2)	[none]	(2) To ensure vehicles are operated in a manner that will keep team members and responders safe, the WERE and ESO shall: ... (vi) Establish and implement a procedure for operator training on vehicles with tiller steering that ensures when the instructor and trainee are both located at the tiller position, they are adequately secured to the vehicle whenever it is in motion; (viii) Establish and implement policies and procedures that provide alternative means

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		<p>for ensuring the safety of team members and responders when the WERE or ESO determines it is not feasible for each team member, responder, or person to be belted in a seat, such as when reloading long lays of hose, standing as honor guards during a funeral procession, transporting people acting as holiday figures or other characters or mascots, parades, and for vehicles without seat belts;</p> <p>(ix) Establish and implement policies and procedures for operating vehicles not directly under the control of the WERE or ESO (i.e., privately owned/leased/operated by team members and responders), when the WERE or ESO authorizes team members or responders to respond directly to emergency incident scenes or to WERE or ESO facilities when alerted for an emergency incident response; and</p>
§ 1910.156(m)(1)	[none]	<p>(m) WERE Pre-Incident Planning (1) The WERE shall develop PIPs for locations within the facility where team members may be called to provide service, based on the facility vulnerability assessment and the type(s) and level(s) of service(s) established in paragraph (c) of this section.</p>
§ 1910.156(n)(2) & (3)	[none]	<p>(n) ESO Pre-Incident Planning</p> <p>(2) The ESO shall develop PIPs for facilities, locations, and infrastructure where emergency incidents may occur</p> <p>(3) The ESO shall prepare a PIP for each facility within the ESO's primary response area that is subject to reporting requirements under 40 CFR part 355 pursuant to the Emergency Planning and Community Right-to-Know Act (EPCRA) (also referred to as the Superfund Amendments and Reauthorization Act of 1986 (SARA), 42 U.S.C. 11001 et seq.).</p>
§ 1910.156(n)(8)	[none]	<p>(8) The ESO shall ensure that the most recent version of PIPs are disseminated as needed and are accessible and available to responders operating at emergency incidents.</p>
§ 1910.156(p)(2)	[none]	<p>(p) Emergency Incident Operations</p>

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		<p>...</p> <p>(2) Incident Commander. The WERE and the ESO shall ensure that:</p> <p>(iii) The IC conducts a comprehensive and ongoing size-up of the incident scene that places life safety as the highest priority;</p> <p>(iv) The IC conducts a risk assessment based on the size-up before actively engaging the incident;</p> <p>...</p> <p>(vi) The IC develops an Incident Action Plan (IAP) that prioritizes life safety for each incident, updates it as needed during the incident, and utilizes the information contained in the PIP.</p>
§ 1910.156(p)(3)	[none]	<p>(3) Control zones. The WERE and the ESO shall ensure that:</p> <p>...</p> <p>(iii) Any changes to the perimeters during the incident are communicated to all team members and responders on the scene; (iv) Control zones are established as follows:</p> <p>(A) Designated as no-entry, hot, warm, or cold;</p> <p>(B) Marked in a conspicuous manner, with colored tape, signage, or other appropriate means, unless such marking is not possible; and</p> <p>(C) Communicated to all team members and responders attending the incident before the team member or responder is assigned to a control zone;</p>
§ 1910.156(q)(1)	[none]	<p>(q) Standard Operating Procedures (1) The WERE and the ESO shall develop and implement SOPs for emergency events that the WERE or ESO is reasonably likely to encounter, based on the community or facility vulnerability assessment developed in accordance with paragraphs (c) and (d) of this section.</p>

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§ 1910.156(r)(1) & (2)	[none]	<p>(r) Post-Incident Analysis (1) The WERE or ESO shall promptly conduct a Post-Incident Analysis (PIA) to determine the effectiveness of the WERT's or ESO's response to an incident after a significant event such as a large-scale incident; a significant near-miss incident; a team member, responder or SSW injury or illness requiring off-scene treatment; or a team member, responder, or SSW fatality.</p> <p>(2) The PIA shall include, but not be limited to, a review and evaluation of the RMP, IMS, PIPs, SOPs, and IAPs for accuracy and adequacy.</p>
§ 1910.156(s)(1)	[none]	<p>(s) Program Evaluation (1) The WERE and ESO shall evaluate the adequacy and effectiveness of the ERP at least annually, and upon discovering deficiencies, and document when the evaluation(s) are conducted.</p>

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- 4. *OMB Control Number:* 1218-0075.
- 5. *Affected Public:* Business or other for-profit and not for profit entities.
- 6. *Number of Respondents:* 22,551.
- 7. *Frequency of Responses:* On occasion.
- 8. *Number of Responses:* 28,305,800.
- 9. *Average Time per Response:* Varies.
- 10. *Estimated Annual Total Burden Hours:* 3,896,763.
- 11. *Estimated Annual Total Cost (Operation and maintenance):* \$104,682,854.

IV. Submitting Comments

Members of the public who wish to comment on the revisions to the paperwork requirements in this proposal must send their written comments to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the Department of Labor, OSHA (RIN: 1218-AD91), Office of Management and Budget, Room 10235, Washington, DC 20503, email: OIRA_submission@omb.eop.gov. The agency encourages commenters also to submit their comments on these paperwork requirements to the rulemaking docket (Docket Number OSHA-2007-0073) along with comments on other parts of the proposed rule. For instructions on submitting these comments to the rulemaking docket, see the sections of

this **Federal Register** notice titled **DATES** and **ADDRESSES**. Comments submitted in response to this document are public records; therefore, OSHA cautions commenters about submitting personal information such as Social Security numbers and dates of birth.

V. Docket and Inquiries

To access the docket to read or download comments and other materials related to this paperwork determination, including the complete ICR (containing the Supporting Statement with attachments describing the paperwork determinations in detail), use the procedures described under the section of this document titled **ADDRESSES**.

You also may obtain an electronic copy of the complete ICR by visiting the web page at: <http://www.reginfo.gov/public/do/PRAMain>. Scroll under "Currently Under Review" to "Department of Labor (DOL)" to view all of the DOL's ICRs, including those ICRs submitted for proposed rulemakings. To make inquiries, or to request other information, contact Ms. Seleda Perryman, Directorate of Standards and Guidance, telephone (202) 693-2222.

List of Subjects in 29 CFR Part 1910

Emergency response, Emergency responder, Emergency medical service, Firefighter, Incorporation by reference, Search and rescue personal protective equipment, Occupational safety and health.

Authority and Signature

This document was prepared under the direction of Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW, Washington, DC 20210. It is issued under the authority of sections 4, 6, and 8 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653, 655, 657); 5 U.S.C. 553, Secretary of Labor's Order No. 8-2020 (85 FR 58383), and 29 CFR part 1911.

Signed at Washington, DC.

Douglas L. Parker,
Assistant Secretary of Labor for Occupational Safety and Health.

Proposed Amendments

For the reasons stated in the preamble, OSHA proposes to amend 29 CFR part 1910 to read as follows: