

Advocacy Files Comments on OSHA’s Proposed “Emergency Response” Rule

On July 22, 2024, the U.S. Small Business Administration’s Office of Advocacy (Advocacy) submitted comments to the Occupational Safety and Health Administration (OSHA) on OSHA’s proposed Emergency Response Standard rule. OSHA’s proposed rule would replace the existing OSHA Fire Brigades Standard (which was adopted in 1980 and only applies to private sector entities) with a new, broader standard that would apply to both public and private sector entities (depending on OSHA’s jurisdictional parameters) involved in emergency response activities, such as firefighting, emergency medical services, and technical search and rescue.

- The proposed rule was the subject of an OSHA NACOSH subcommittee in 2014 (which drafted the regulatory text) and a Small Business Advocacy Review panel (also known as a SBREFA panel) in 2021. Small entity representatives to the SBAR/SBREFA panel recommended that OSHA provide flexibility and avoid a prescriptive, “one-size-fits-all” regulation.
- Advocacy also conducted extensive outreach to small entities and discussed OSHA’s proposed rule at several small entity regulatory roundtables, including those on March 22, 2024, May 17, 2024, and July 12, 2024. Small entities raised concerns about the scope, cost, and feasibility of complying with the proposed rule, particularly for small, rural fire departments and other small emergency responders.
- Advocacy’s comments raise concerns about the scope of the proposed rule. Advocacy questions whether its provisions exceed OSHA’s significant risk standard, and if the rule is technically and economically feasible for many small entities. Advocacy also raises small entity concerns over OSHA’s consideration of volunteers and its proposed incorporation of some 22 private National Fire Protection Association (NFPA) consensus standards by reference.
- Advocacy recommends that OSHA reassess the proposed rule and consider conducting either a full negotiated rulemaking or extensive stakeholder outreach to small entities before proceeding.

A complete copy of Advocacy’s letter to OSHA is available at: <http://advocacy.sba.gov>. For more information, please contact Assistant Chief Counsel Bruce Lundegren at bruce.lundegren@sba.gov or (202) 205-6144.

