

Congress of the United States
Washington, DC 20515

July 17, 2024

The Honorable Julie A. Su
Acting Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Acting Secretary Su:

We write to express our concern about the proposed rule from the Occupational Safety and Health Administration (OSHA) updating the existing Fire Brigades standard.¹ In Minnesota, more than 96% of our firefighters are volunteers, and this proposed rule, if finalized, would override current safety guidelines, significantly escalate spending, and strain volunteer firefighters at a time when staffing levels are critical.¹ Therefore, we would urge OSHA to reconsider implementing the proposed rule to ensure the sustained viability of Minnesota's volunteer fire departments.

For Minnesotans, it is common to rely on volunteer firefighters for reliable and cost-effective first-response services. Minnesota boasts over 700 of these volunteer departments, and volunteer firefighters save billions of taxpayer dollars annually while keeping their community just as safe as other departments.² This model has served our state for decades, and employees have been protected and comfortable with the current National Fire Protection Association (NFPA) guidance.

Unfortunately, OSHA's proposed rule threatens the existence of these volunteer departments at the expense of a one-size-fits-all approach. The cost alone would immediately handicap hiring, maintenance, operation costs, and more for volunteer departments in Minnesota that are not run or funded like larger stations. For example, OSHA estimates that these new standards will cost the average volunteer fire department \$14,551 annually.³ Yet, the equipment upgrade mandate in the proposed rule alone would cost over \$3,000 per firefighter, and the expected administrative compliance could add another \$4,800 per year to operating costs.⁴ Even excluding the additional equipment upgrades, maintenance, legal and compliance fees, and infrastructure improvements, the price tag of these changes would be vastly higher than OSHA's estimation.

Furthermore, OSHA's proposed rule would de-facto require volunteer departments to hire personnel to implement and comply with these new standards. In the Small Business Advocacy Review

¹ "Emergency Response Standard." *Federal Register*, www.federalregister.gov/documents/2024/03/28/2024-06610/emergency-response-standard. Accessed 24 June 2024.

² Becker, Sam. "The Dire Shortage of Volunteer Firefighters in the US." *BBC News*, BBC, 25 Jan. 2024, www.bbc.com/worklife/article/20240124-the-dire-shortage-of-volunteer-firefighters-in-the-us. Accessed 25 June 2024.

³ "Emergency Response Standard." *Federal Register*, www.federalregister.gov/documents/2024/03/28/2024-06610/emergency-response-standard. Accessed 24 June 2024.

⁴ Yucel Ors. "Navigating OSHA's Proposed Emergency Response Rule: Financial Challenges for Local Governments & Their Fire Departments." *National League of Cities*, 8 Apr. 2024, www.nlc.org/article/2024/04/09/navigating-oshas-proposed-emergency-response-rule-financial-challenges-for-local-governments-their-fire-departments/. Accessed 25 June 2024.

(SBAR) panel response to this rule, smaller departments voiced concern, writing: “*New requirements would place a greater burden on volunteer responder’s time...Small Entity Respondents (SERs) were concerned that this would make it more difficult to recruit and retain volunteer responders.*”⁵

Unfortunately, this comes at a time of steep declines in firefighter staffing, with the NFPA estimating that the volunteer firefighting force has been reduced by 25% in the last forty years.⁶ Despite decreased retention in the field and stakeholders’ expressed, valid concerns about the future of firefighter staffing if this rule is implemented, OSHA has continued to promulgate this rule.

The intent to modernize protections for emergency responders is commendable, but OSHA’s proposed rule will only hinder the ability of essential services to function effectively and efficiently in Minnesota. Overriding NFPA safety guidance, forcing fire departments to spend large sums of money on bureaucratic tasks, and mandating extraneous requirements for volunteers could lead to our community’s emergency service organizations (ESOs) cutting services and ultimately harming our communities. Again, we urge OSHA to reconsider the entire implementation of this rule, or, at a minimum, provide exemptions for paid-on-call and volunteer fire departments that cannot comply with these overly broad guidelines.

Thank you for your attention to this critical matter.

Sincerely,



Tom Emmer
Member of Congress



Brad Finstad
Member of Congress



Michelle Fischbach
Member of Congress



Pete Stauber
Member of Congress

⁵ Emergency Response SBAR Panel Report, *supra* note 5, at 14.

⁶ *Twin Cities Fire Stations Seek Volunteers during National Low* | Kare11.com, www.kare11.com/article/news/local/kare11-sunrise/firefighters-needed-minnesota-departments-at-a-national-low/89-f7ac0016-0c69-42fc-8ddf-24f676e23234. Accessed 25 June 2024.