



## **National Volunteer Fire Council (NVFC) OSHA Discussions<sup>1</sup>**

### **NVFC OSHA Task Force Summary Memo**

**March 12, 2026**

Since the summer of 2025, after the close of the OSHA hearings, representatives of the NVFC, the International Association of Fire Fighters (IAFF) a/k/a “the union”, the International Association of Fire Chiefs (IAFC), and the Metro Chiefs have been discussing areas of compromise in the proposed OSHA rules.

This is a summary of the changes that the NVFC Representatives have agreed upon so far. It is time for NVFC Directors and the leadership of state associations to comment on these and provide direction to our NVFC Representative Team.

ESO = Emergency Service Organization = Fire Department (municipal or district or county or non-profit)

WERT = Workplace Emergency Response Team = Private Industrial Fire Brigade

WERE – Workplace Emergency Response Employer = Private Industry

### **Scope – Section a:**

**This section says who is required to follow the proposed rules.**

The NVFC Representatives<sup>2</sup> have agreed:

1. **That the new OSHA rules will apply to fire departments with a primary response area with a resident population of 5000 people or more.** (The original proposal applied to all population sizes. About 65% of all fire departments in the United States are in communities with fewer than 5000 residents.)
2. That departments serving communities of 5000 people or fewer will remain subject to existing OSHA regulations (i.e. “2-in-2-out”).
3. That a new separate set of OSHA rules will be developed at a later date for departments serving communities of 5000 or fewer people.

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<sup>1</sup> As of the February 26, 2026, OSHA Task Force Meeting, we have changed the term “negotiation” to “discussion” to describe the process taking place between the NVFC and the IAFF. Dave & Kevin explained that it really isn’t a negotiation, but it is a group of firefighters getting together to discuss best practices and ideas as ways to for fire service to speak with one voice.

<sup>2</sup> Formerly known as “negotiation team”.

**The NVFC OSHA Task Force recommends** to the NVFC Representative Team that these new rules should not apply to departments serving populations over 5000 residents if the area protected has a population density of less 100 people per square mile.

### **Definitions – Section b:**

PENDING

### **Organization of the WERE – Section c:**

Not Applicable to the fire service. This section deals with Workplace Emergency Response Employers & Teams.

### **ESO Establishment of the ERP and Emergency Service Capability – Section d:**

**This section requires fire departments to annually conduct facility vulnerability assessments, and to create, annually update, and follow a written Emergency Response Plan (ERP).**

All of the original proposed OSHA requirements in this section are to be retained.

The NVFC Representatives have agreed to the following additional/new concepts:

1. That the new OSHA rules will allow the use of NFPA 1660 (2024 Edition) as a guide for conducting vulnerability assessments,
2. That the new OSHA rules will allow the use of NFPA 1660 (2024 Edition) and NFPA 1500 (2024 Edition) as guides for developing a Resource Needs Assessment.
3. That the new OSHA rules will allow the use of NFPA 1500 (2024 Edition) for creating tiers of responders based on responsibilities, qualifications, and capabilities for the types and levels of service provided by the department.
4. That the new OSHA rules will require fire departments to determine necessary training to safely respond with knowledge and skills based upon the duties to be performed.
5. That the new OSHA rules will allow the use of NFPA 1750 as a guide in developing service needs.

**The OSHA Task Force recommends** to the NVFC Representative Team that the term “vacant structure” be changed to “abandoned structure” because there is no practical way to the track and mark all of the various kinds of temporary and seasonal uses of structures.

**The OSHA Task Force recommends** that the NVFC Representative Team determine what the IAFF's expectation is regarding the level of training, equipment, and PPE is required for infrequent or low-frequency events.

**Changes Without a Distinction<sup>3</sup>:** Items #1, 2, 3 & 5 simply say you “may” do something. This is not really a change because you could have done these under the rules as originally proposed by OSHA. They just weren't spelled out, and they don't replace anything that was and still is required.

### **Team Member Participation – Section e:**

**This section requires team member (responders) to participate in the creation, review, and updating of the Emergency Response Plan (ERP).**

The NVFC Representatives have agreed to the following:

1. Alter the wording so it says that team members are “permitted” to participate, rather than be “involved” in the process. (A change without a distinction.)
2. Otherwise, this section remains unchanged.

### **WERT and ESO Risk Management Plan – Section f:**

**This section requires the fire department to create, and annually update, a comprehensive Risk Management Plan (RMP) that covers facilities, training, vehicle operations, incident operations, non-emergency services, exposure to health hazards, an infection control plan, and a bloodborne pathogen plan.**

The NVFC Representatives have agreed:

1. That departments may use NFPA 1500 (2024 Edition) as a guide in developing the Risk Management Plan. (Not a change in what you are required to do – just a clarification as the original language didn't prohibit this. A change without a distinction.)

Otherwise, all of the original proposed OSHA requirements remain.

### **Medical and Physical Requirements – Section g:**

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<sup>3</sup> A "change without distinction" (or more commonly, "a distinction without a difference") refers to a scenario where a modification is made, but it lacks any substantive or practical effect. This means that despite a change, the outcome remains the same.

**This section sets forth the requirements for firefighter and responder medical exams, wellness programs, medical records access, fitness for duty, behavioral health, exercise training, and counseling.**

The NVFC Representatives have agreed:

1. Require a bi-annually (every two years) medical exam that includes “all of the elements of a well adult annual exam, as per current medical standard practices recommended by professional medical organizations, e.g., American Medical Association, American Academy of Family Physicians, American College of Physicians, American College of Preventive Medicine & Public Health, American College of Occupational Medicine, etc.”.
2. Require that “interior firefighters shall receive or be offered the medical evaluation described above; If not previously included an EKG, pulmonary function tests, and Calcium Coronary Scoring (the latter repeated at appropriate intervals, not necessarily annually, given the member’s individual score) shall also be performed or offered”.
3. Career firefighters will also receive an NFPA 1582 exam.
4. Require that departments must give employees access to their medical files (already law in most states & HIPAA).
5. Clarifies that career firefighters can’t be forced to use accrued leave to take medical exams.
6. Change the term “fitness for duty” to “medical clearance”.
7. Changes the medical exam requirement from “biennially (ever two years) to “at least biennially”.
8. Adds “other hazardous materials” to the exposures to be tracked.
9. Removes the requirement for an NFPA 1582 medical exam for those exposed to combustion products 15 or more times in one year.
10. Requires the department to give employees access to their exposure tracking.
11. Change “traumatic event” to “mentally or emotionally traumatic event”.
12. Increase the requirement for annual fitness for duty evaluations to bi-annually (every two years).
13. The requirement for a periodic (at least every 3 years) fitness assessment is removed.
14. Exercise training is to be available on and off duty, not just during working hours.
15. The requirement for health education and counseling is removed.

## **Training – Section h:**

**This section sets out the minimum training requirements for firefighters.**

The NVFC Representatives have agreed:

1. That “Minimum fire fighter training shall include training to the job knowledge and skill equivalences as established by the respective state or AJH as Fire Fighter I – exterior firefighter. Note – a definition of “Fire Fighter I – exterior firefighter” needs to be determined”. Additional note: Instead of single national training standard set by OSHA, OSHA would instead enforce either a state training standard, local training standard, or “Fire Fighter I – exterior firefighter” in the absence of a state or local training standard.
2. Career firefighters will meet Firefighter II and volunteers will meet Firefighter I, as determined by the state or local AHJ.
3. Firefighters must meet training standards established by the local fire department as part of its Emergency Response Plan (ERP) instead of NFPA 1001.
4. Remove the requirement for NFPA 1407 Rapid Intervention Training.
5. Require a state, local, or NFPA 1010 training requirement for driver/operators for OSHA to enforce.
6. Require officer/leadership firefighting, emergency response, incident command, administrative, or support duty training based upon the Emergency Response Plan requirements (ERP). Allows for state, local, or national industry standards to satisfy the training.
7. Removed reference to technical rescue training.
8. Remove reference to marine firefighting training.
9. Replace annual skills checks and replace with annual refresher training.

**The OSHA Task Force recommends** that the NVFC Representative Team find out if the IAFF expects the appendices to the referenced NFPA standards to be adopted as part of the OSHA rule and if they will be mandatory.

### **WERE Facility Preparedness – Section i:**

Not applicable to the fire service.

### **ESO Facility Preparedness – Section j:**

#### **Rules for fire stations.**

The NVFC Representatives have agreed:

1. Require fire detection, suppression, and alarm systems only in new construction.
2. Require interconnected hard-wired smoke detectors only in new construction.
3. Require carbon monoxide and smoke alarms in sleeping & living areas.
4. Require mold mitigation.

**The OSHA Task Force recommends** push-back on the mold issue.

## **Equipment and PPE – Section k:**

**Rules for selection and maintenance of firefighting equipment and PPE (including EMS).**

The NVFC Representatives have agreed:

1. Change the maintenance requirement from “manufacturer’s instructions” to “industry standards”. (Note – the industry standard, NFPA standards, require following the manufacturer’s instructions, so this is somewhat circular in reasoning. It results in the same legal requirement.)
2. New PPE must comply with NFPA standards and have a certification that it complies with NFPA standards. (A Change Without a Distinction. The requirement to meet NFPA standards was part of the original OSHA proposal and the new agreed to part involves the certification. But NFPA standards already require the certification.)

**No substantive changes** have been agreed to and the NFPA standards for PPE are retained.

**The OSHA Task Force recommends** that the NVFC representatives determine if the IAFF’s intention or expectation is that the appendices to the referenced NFPA standards are included and mandatory.

## **Vehicle Preparedness and Operation – Section l:**

Rules for the maintenance of trucks and for the driving of trucks.

The NVFC Representatives have agreed:

1. Rather than only having manufacturer’s recommendations for vehicle maintenance, departments can use “DOT state requirements” or NFPA 1910 or a standard equivalent to NFPA 1910.
2. Pump & aerial inspections will be annual. Pump & aerial inspections will be according to NFPA 1910 or “a standard at least equivalent to NFPA 1910”.
3. No substantive changes in the rest of this section.

## **WERE Pre-Incident Planning – Section m:**

Not Applicable to the fire service. This section deals with Workplace Emergency Response Employers & Teams.

## **ESO Pre-Incident Planning – Section n:**

**This section deals with the requirement for creating, using, and annually updating pre-incident plans “for facilities, locations, and infrastructure where emergency incidents may occur”.**

No Changes to the original OSHA proposal.

## **Emergency Incident Operations – Section p:**

The NVFC Representatives & IAFF Representatives has agreed:

1. Rather than being required to establish control zones at every incident, “the IC may establish control zones” based upon the complexity and type of incident.
2. Sections related to control zones are deleted.
3. Add language requiring team members to be in visual or voice contact when an IDLH atmosphere.

**The OSHA Task Force recommends** that the NVFC Representatives confirm with the IAFF the intention that all of the incident command requirements with the OSHA rule be replaced with a single reference to using the National Incident Management System (NIMS).

## **Standard Operating Procedures – Section q:**

The NVFC Representatives have agreed:

1. To add “abandoned” and “unoccupied” (in addition to “vacant”) to the type of buildings requiring SOPs.

Otherwise – no changes.

**The OSHA Task Force recommends** removal of the word “vacant” from the type of buildings requiring SOPs – vacant is too broad a term. Use “abandoned” instead.

## **Post-Incident Analysis – Section r:**

The NVFC Representatives have agreed:

1. To add language that the “PIA shall allow for, and encourage, ESO member participation”.

Otherwise – no changes.

## **Program Evaluation – Section s:**

**This section requires the department to annually review the adequacy and effectiveness of all of the above sections, and to document and fix any deficiencies.**

No Changes.

## **Severability – Section t:**

**Legal boilerplate – invalid sections don't make the entire set of rules invalid.**

No Changes

## **Multi-Section Topic – Incident Command**

The NVFC Representatives have agreed:

All references across the proposed rule to incident command requirements should be removed and a simple statement that all departments will use the National Incident Management System (NIMS) will be inserted, as we all using or should be using NIMS already and there no reason to reinvent this by OSHA.

### **ADDITIONAL INFORMATION & DETAILS:**

Anyone wishing to see a side-by-side comparison between the original proposed OSHA rule and what the NVFC Representatives have agreed to may contact Sarah Lee at [Sarah@nvfc.org](mailto:Sarah@nvfc.org) or NVFC Director Joe Maruca at [jmaruca291@gmail.com](mailto:jmaruca291@gmail.com) for a copy. Each of section of the proposed rules is available as a separate document.

### **Strategic Considerations**

Many negotiated changes represent clarifications rather than reductions in regulatory requirements. Core OSHA mandates remain intact across planning, documentation, medical oversight, training, equipment, and program evaluation. However, population thresholds, training flexibility, and selected medical adjustments represent meaningful policy shifts that will significantly affect volunteer and combination departments.

## **Board & State Association Action Required**

1. Review this full analysis prior to the next negotiation milestone and comment on the items changed and not changed.
2. Provide clear policy direction on population-density exclusions.
3. Determine the Board's tolerance for expanded federal regulatory oversight.
4. Provide feedback and direction to the NVFC Representative Team by April 1<sup>st</sup>.

## **Key Feedback Questions**

1. Do the suggested changes address all of your concerns about the proposed OSHA regulation, and if not, what still concerns you?
2. What problems do you see that may be unique to your state?
3. Do you think that fire departments serving communities of 5000 to 10,000 people in your state have the financial and administrative ability to meet the suggested modified rules.
4. Comments should be provided on or before April 1, 2026.

Thank you.