

Fire Department OSHA Compliance and Mutual Aid Policies

OSHA Compliance Standards vs. NFPA Consensus Standards –

Public entity employers are obligated to comply with Illinois OSHA. Illinois OSHA covers all state and local government workers in the state. Illinois OSHA has adopted all Federal OSHA standards found in 29 CFR Parts 1910 (general industry), 1915 (shipyards), and 1926 (construction). Not only is the public employer obligated to comply, all local and state fire departments are expected to adhere to the same occupational safety standards mentioned above. Linked below is further information on the Illinois State Plan and a resource provided by Illinois OSHA on commonly overlooked requirements by fire departments. This document does reference NFPA standards as resources for fire personnel to utilize as a means of reaching compliance.

<https://www.osha.gov/dcsp/osp/stateprogs/illinois.html>

<https://www2.illinois.gov/idol/Laws-Rules/safety/Documents/Fire%20Departments.pdf>

The OSHA standards in 29 CFR Parts 1910 (general industry), 1915 (shipyards), and 1926 (construction) are approved federal laws that Illinois has adopted and are considered legally enforceable as well as establish the foundation for hazard identification and control in the workplace. The NFPA, however, is a non-profit organization that authors, votes, and approves standards that are discussed and substantially agreed upon through consensus of the industry. The intention is to set a level of quality and safety across an entire industry. Unless specifically outlined or stated, NFPA consensus standards are not enforceable in the same manner as an OSHA standard. If there are contradictions in the NFPA consensus standards from the OSHA standards, the OSHA standard is the legally enforceable standard that must be followed. Linked below is the disclaimers page on the NFPA website regarding Laws and Regulations which outlines their position. Also linked below is an article about the Two-in/Two-out regulation and how OSHA plays a role. Information about fire department employees being covered under the OSHA state plans are also reiterated here.

<https://www.nfpa.org/disclaimers>

<http://www.iaff.org/hs/pdf/2in2out.pdf>

Some NFPA consensus standards are referenced by OSHA to further define for employers how to accomplish their compliance responsibilities. For example, the OSHA standards for electrical safety (29 CFR 1910.302-1910.308 - Design Safety Standards for Electrical Systems, and 1910.331-1910.335 - Electrical Safety-Related Work Practices Standards) are based on the NFPA 70 - National Electric Code and NFPA 70E - Electrical Safety Requirements for Employee Workplaces.

It is important for member fire departments to understand that as they utilize the NFPA standards to assist them in establishing SOG's, training classes, and best practices, that ultimately implementation must at least meet the OSHA standards relating to a known hazard. Fall protection measures on a training ground, for example, must be at least as affective as what is outlined in the requirements within the OSHA standards on fall protection.

Fire Department's that follow Mutual Aid SOG's -

When Fire Departments are working under a mutual aid agreement such as MABAS, they are working generally under a MABAS adopted SOG that addresses the tactical aspect of their response protocols relating specifically to the emergency that requires multiple departments to collaborate and work together in a cohesive manner. While safe operations are always a priority, these SOG's often do not address the peripheral individuals present during the call, they do not address other non-mutual aid response scenarios that the member fire department may be expected to respond to (only mutual aid specific), nor do they always meet the IL OSHA compliance standards that public employers are expected to follow. For instance, during a confined space rescue operation, the mutual aid SOG will address the rescue and response requirements to safely perform the rescue, however, it will often fail to address the major sections of the compliance standard such as permitting requirements, entrant and attendant responsibilities, non-emergency entry procedures, and monitoring equipment calibration and testing requirements.

Employers have responsibility to create safe working conditions for their employees under OSHA's General Duty Clause. When referencing a mutual aid SOG post-catastrophic loss, compliance officers will not typically consider a shared SOG as sufficiently covering affected employees, especially if all employees are not included in the scope of the SOG and if it does not include current standard content and provide coverage to all affected employees and their potential exposures. The employer's SOG must address all employees that will be present and/or working under a mutual aid response scenario, when working under a non-mutual aid or even non-response (e.g. training) scenario, and it must address those affected employee's that could have exposures as listed in the OSHA standards.

Additionally, employers are responsible for ensuring their SOG's meet compliance expectations, not MABAS, NFPA or Lexipol. While these and other entities may strive to offer up to date industry best practice information, it is up to the employer to ensure their own SOG's are current and cover their own employees. Member fire departments should not rely solely on an outside entity to adequately supply their SOG's. They must be reviewed and tailored to the specific needs of the department and its operations.

IRMA will continue to recommend its member Fire Departments adopt their own SOG's internally that cover all their employees regardless of being part of a mutual aid agreement, special response team, or tactical group. To avoid discrepancy within the employer's operations, it is recommended that the Fire Departments that do participate in mutual aid operations incorporate the tactical information provided in those policies into their own programs.

If there are further questions regarding this topic, IRMA staff will be available to answer any questions as well as provide resources to assist efforts to create the safest environment possible for department employees.

Referenced Compliance Standards:

[29 CFR 1910.302-1910.308 - Design Safety Standards for Electrical Systems](#)

[29 CFR 1910.331-1910.335 - Electrical Safety-Related Work Practices Standards](#)

[29 CFR 1926.500-.503 & 29 CFR 1910.21-30 - Fall Protection Standards](#)