



NATIONAL ASSOCIATION OF STATE FORESTERS

444 North Capitol Street NW | Suite 387 | Washington, DC 20001 | www.stateforesters.org

July 15, 2024

The Honorable Douglas L. Parker
Assistant Secretary of Labor for Occupational Safety and Health
Occupational Safety and Health Administration
U.S. Department of Labor
200 Constitution Ave NW
Washington, D.C. 20210

Re: Docket No. OSHA-2007-0073 - Occupational Safety and Health (OSHA) Emergency Response Standard

Dear Assistant Secretary Parker,

In response to OSHA's request for input regarding potential impacts to the wildland firefighting community of incorporating various National Fire Protection Association (NFPA) standards into the proposed Emergency Response Standard, the National Association of State Foresters (NASF) is concerned existing standards and training of the National Wildfire Coordinating Group¹ (NWCG) are being overlooked and is requesting that OSHA consider NWCG standards as equivalent where applicable in the rule.

NASF represents the directors of the state forestry agencies in all 50 states, eight U.S. territories, and the District of Columbia. State foresters deliver technical and financial assistance to more than 270,000 private landowners annually and directly manage nearly 76 million acres of state forestland. While the duties of state forestry agencies vary from state to state, all NASF's members share a common forest management and protection mission and most have statutory responsibilities to provide wildland fire protection on all lands, public and private.

Nationwide, state forestry agencies are responsible for wildfire protection on more than 1.5 billion acres – 1.1 billion of which are state and privately owned - and the majority are the primary state delivery mechanism for wildland fire response and facilitate coordination regarding all federal departments and agencies that may be requested to provide assistance or conduct operations during all-hazard events under the auspices of a Presidential Declaration of Emergency or Major Disaster under the Stafford Act. With our local fire service

¹ Primary voting members of NWCG include:

- International Association of Fire Chiefs
- Intertribal Timber Council
- National Association of State Foresters
- USDA Forest Service
- US Department of Defense
- US Department of Interior Agencies (including Bureaus of Indian Affairs Land Management, Fish and Wildlife Service, and National Park Service)
- US Fire Administration

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partners, state forestry agencies respond to more than 75 percent of all wildfires in the United States and routinely contribute to fighting wildfires on federal lands.²

NWCG's mission is to provide national leadership to enable interoperable wildland fire operations among federal, state, local, Tribal, and territorial partners, and accomplishes this mission by establishing standards which are common practices and requirements on all aspects of wildland fire response. These standards are comprised of requirements, guidelines, procedures, processes, best practices, specifications, techniques, and methods to enable safe, efficient and coordinated national interagency wildland fire operations. NWCG standards are created by subject matter experts for specific wildfire topic areas through interagency committees and subcommittees comprised of representatives of the member agencies. Draft standards are vetted through each member agency and concerns are communicated through committee members and Executive Board representatives.

The work environment, operational strategies and tactics, workforce, and exposure risks between structural and wildland fire services are vastly different. Therefore, the NFPA standards used to inform the proposed Emergency Response Standard should consider the diverse differences between the two types of firefighting services. Specifically worth noting:

- NFPA standards are not applicable in many wildland firefighting settings and fail to account for the unique workplace factors and operational duration of the wildland fire environment.
- Many of the NFPA standards would be difficult and/or impossible for the wildland fire community to comply with during field operations.
- The NFPA committees that develop standards can be influenced by commercial and special interest groups and include minimal or no representation from the wildland fire community, thus resulting in NFPA standards that have minimal or no wildland fire application.
- While NFPA standards are available to view for free online, printed copies of these standards are not free. This limited access to printed NFPA standards is particularly problematic since many volunteer fire departments in rural areas lack reliable internet access or funding to purchase printed copies.

Additionally, the financial commitment to retool from NWCG to NFPA standards will pose a significant fiscal barrier and could be financially catastrophic to wildland fire response departments and/or agencies.

In closing, NASF encourages OSHA to consider the standards developed by NWCG to be equivalent to various provisions in the proposed rule. We believe in protecting the health and safety of all wildland fire personnel; however, this proposed regulation must account for the unique work environment and hazards that wildland firefighters face. NASF stands ready to assist OSHA in understanding where NWCG standards can be best represented in its final rule.

Sincerely,



Scott Phillips
President, National Association of State Foresters
South Carolina State Forester

² In 2018, 6,026 out of the 8,080 state personnel mobilized through the National Interagency Coordination Center were sent to respond to wildfires burning on federal lands. State forestry agencies also provide local governments and volunteer fire departments with access to fire and emergency response resources, which in 2018, included 93,656 firefighters, 91,940 fire engines, 2,851 dozers, and 620 aircraft.