

**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**



**STATEMENT OF**

**EVAN DAVIS**  
**DIRECTOR, GOVERNMENT AFFAIRS**  
**INTERNATIONAL ASSOCIATION OF FIRE FIGHTERS**

**BEFORE THE EMERGENCY MANAGEMENT AND**  
**TECHNOLOGY SUBCOMMITTEE**

**OF THE**

**COMMITTEE ON HOMELAND SECURITY**

**OF THE**

**UNITED STATES HOUSE OF REPRESENTATIVES**

**ON**

**OSHA PROPOSED EMERGENCY RESPONSE STANDARD**

**JUNE 4, 2024**  
**WASHINGTON, DC**

Chairman D’Esposito, Ranking Member Carter, and members of the Subcommittee, thank you for the opportunity to testify before you today about the need to establish legally enforceable protections that ensure fire fighter safety and our ability to serve our communities. My name is Evan Davis, and I serve as Director of Government Affairs for the International Association of Fire Fighters (IAFF). I am honored to hold a leading role in developing our legislative and regulatory strategies to ensure IAFF members stay safe on the job and have the tools and resources they need to perform their duties effectively. While the IAFF is active in many policy areas, none is more important than our efforts to advance fire fighter safety. Since the founding of the IAFF in 1918, we have stood at the leading edge of nearly every advancement in fire fighter safety. OSHA’s development of a basic, legally enforceable workplace safety standard for our members is one of these watershed moments in the history of firefighting.

The IAFF represents nearly 350,000 professional fire fighters and emergency medical services (EMS) personnel serving at the local, state, and federal levels. Our members serve communities in all 50 states and protect 70% of the United States’ population.<sup>1</sup> Professional fire departments protect nearly all communities with populations of more than 50,000.<sup>2</sup> The IAFF’s members are our nation’s all-hazards emergency responders and protect their communities from a wide range of emergencies, including structural fires, wildland fires, building collapses, natural disasters, terrorist incidents, and more.

While the IAFF is active in many policy areas related to our members, our top priority is to protect our members’ safety on the job and ensure their ability to serve their communities. The lack of legally enforceable safety standards for fire fighters is a glaring omission that must be corrected. Our union applauds the Occupational Safety and Health Administration (OSHA) for proposing a landmark standard to usher in a new level of safety for fire fighters and their communities. OSHA’s commitment to public input and openness in developing the standard should be commended.

Firefighting is a dangerous occupation. The data described below and cited throughout the OSHA proposal is confirmation that poorly enforced safety standards are killing and injuring emergency responders in the line of duty. OSHA’s proposed Emergency Response Standard (ERS) recognizes that we cannot rely on local and state governments’ goodwill alone to protect fire fighters. In a race to slash budgets, fire fighters and public safety have emerged as the losers. We need the ERS to reinforce our safety and affirm safe and efficient operations as the backbone of every fire department.

## **Overview of the American Fire Service**

Today’s fire service provides an all-hazards response role and serves communities of all sizes. The IAFF’s nearly 350,000 members represent approximately 34% of the nation’s 1.1 million fire fighters.<sup>3</sup> These men and women protect their communities from various emergencies,

---

<sup>1</sup> National Fire Protection Association. *US Fire Department Profile 2020 -Table 12*. <https://www.nfpa.org//media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osFDProfileTables.pdf>

<sup>2</sup> Ibid. Table 14.

<sup>3</sup> U.S. Fire Administration. *National Fire Department Registry Overview*. <https://apps.usfa.fema.gov/registry/summary>

including fires, medical emergencies, motor vehicle accidents, hazardous materials incidents, technical rescue situations, natural disasters, and terrorism. In 2020, American fire departments responded to more than 36.4 million calls for service.<sup>4</sup> More than 23.8 million of these calls, or roughly 65%, were for medical emergencies.<sup>5</sup> Fire fighters cross-trained as EMS personnel are the backbone of America’s prehospital EMS system. Fire departments are the most common type of EMS agency and are the providers of EMS care in more than 90% of communities with populations over 50,000. On a national level, 65% of communities receive EMS from their fire department.<sup>6</sup>

Fires are still a prevalent danger to communities of all sizes. In 2022, fire departments responded to approximately 1.5 million fires. According to data from the National Fire Protection Association (NFPA), a residential structure fire occurs somewhere in our nation every 88 seconds, and a fatal home fire occurs every three hours.<sup>7</sup> Fire suppression is the most dangerous aspect of our jobs. In 2022, 33% of all fire fighter injuries occurred on the fire ground.<sup>8</sup>

### **Limited Existing Safety Standards**

The reason OSHA proposed the ERS, and why Congress is holding today’s hearing, is because the current approach to fire fighter safety has failed. Our brothers and sisters are being killed due to complacency, negligence, and balancing municipal budgets on the backs of fire fighters.

Below is a detailed discussion of the unacceptable injuries and deaths that plague our industry. Nearly all national fire service organizations – labor and management, professional and volunteer – are actively involved in developing the NFPA standards, training curricula, and best practices that guide our industry. Generally speaking, these documents are accepted as the goals for which all fire departments strive. However, there are virtually no legal requirements for fire departments to adhere to these standards. Requirements for governments to ensure proper staffing levels, safe vehicles, and effective protective equipment largely exist only in fire departments’ liability insurance policies and an agency’s Insurance Services Office (ISO) rating.

It is unacceptable for nearly every other industry to have OSHA protections, yet fire fighters must rely on ISO recommendations to ensure their survival. Communities should never be lulled into a false sense of security, thinking that they are protected by a fire department, when in reality, that agency is ill-prepared due to poor staffing levels, outdated equipment, and emergency response vehicles that should have been retired decades ago.

### **Line of Duty Deaths Among Fire Fighters**

---

<sup>4</sup> National Fire Protection Association. *US Fire Department Profile 2020*. P. 5. <https://www.nfpa.org/-/media/Files/News-and-Research/Fire-statistics-and-reports/Emergency-responders/osfdprofile.pdf>

<sup>5</sup> National Fire Protection Association. *US Fire Department Profile 2020 -Table 12*.

<sup>6</sup> Ibid. Table 21.

<sup>7</sup> National Fire Protection Association. *Fire Loss in the United States*. <https://www.nfpa.org/education-and-research/research/nfpa-research/fire-statistical-reports/fire-loss-in-the-united-states>

<sup>8</sup> National Fire Protection Association. *US Firefighter Injuries*. December 2023. <https://www.nfpa.org/en/Education-and-Research/Research/NFPA-Research/Fire-Statistical-reports/Firefighter-injuries-in-the-United-States>

As all-hazards response professionals, fire fighters and EMS professionals work dangerous jobs fighting fires, providing EMS, or mitigating hazardous materials releases. Despite our best efforts to reduce occupational hazards, line of duty deaths and injuries continue to plague the fire service. According to the US Fire Administration, our nation lost 94 fire fighters in the line of duty in 2022.<sup>9</sup> This number has generally held steady when looking at the overall number of fire fighters lost each year. These deaths are nearly evenly split between professional fire fighters (48%) and volunteer fire fighters (52%).<sup>10</sup> These death rates are a testament to the dangers fire fighters face – regardless of whether they receive a paycheck – and the need for us to do better to protect the men and women who serve their communities each day.

However, we believe the true number of fire fighters killed in the line of duty is significantly higher when considering the toll that occupational cancer takes. In September, the IAFF held our annual Fallen Fire Fighters ceremony, and we honored 173 IAFF members who succumbed in 2022 to occupational cancer.<sup>11</sup> These deaths must be recognized as line of duty deaths and included in the statistics that guide decision-making and policymaking for our industry.

Regardless of which number is recognized, these deaths are too common and could have been prevented in many cases. It is especially staggering to note that OSHA statistics show that 14% of these deaths occurred during training activities<sup>12</sup> – a time when risks should be most controlled. The failure to prevent such a substantial number of fire fighter deaths should stop us in our tracks and force us to find a safer way. Industry best practices can only do so much. We need a comprehensive safety standard to ensure our brothers and sisters go home every day.

### **Staggering Rates of Occupational Injuries**

As troubling as these death rates are, the frequency and severity of fire fighter injuries are even more startling. In 2022, an estimated 65,650 fire fighters were injured on the job. Most were fireground injuries such as overexertion, falls, and sprains/strains. However, more than 16,000 injuries occurred in circumstances other than active fire suppression, such as when traveling to/from an emergency incident or during training activities.<sup>13</sup> Vehicle accidents are also a common threat to fire fighters’ safety. In 2022, more than 20,000 collisions involving fire department apparatus occurred, directly resulting in more than 800 injuries.<sup>14</sup> When looking at the complete picture presented by these data, it is clear that current safety precautions are not meeting fire fighters’ needs. Our industry cannot continue to view these injuries as the cost of doing business. America’s fire fighters and EMS personnel demand for OSHA to help us create a safer atmosphere.

---

<sup>9</sup> US Fire Administration. Annual Report on Firefighter Fatalities in the United States.

<https://www.usfa.fema.gov/statistics/reports/firefighters-departments/firefighter-fatalities.html>

<sup>10</sup> OSHA Proposed Emergency Response Standard. Table VII-A-2. Pg. 7779.

<https://www.federalregister.gov/documents/2024/02/05/2023-28203/emergency-response-standard>

<sup>11</sup> International Association of Fire Fighters. <https://www.iaff.org/news/iaff-fallen-fire-fighter-memorial-honors-more-than-500-members/>

<sup>12</sup> OSHA. Table VII-A-2.

<sup>13</sup> National Fire Protection Association. US Firefighter Injuries. December 2023.

<https://www.nfpa.org/en/Education-and-Research/Research/NFPA-Research/Fire-Statistical-reports/Firefighter-injuries-in-the-United-States>

<sup>14</sup> Ibid.

These injuries are more than just statistics; they can take profound and lifelong tolls on individual fire fighters. These injuries often force fire fighters to endure lifelong effects, such as chronic pain, reduced mobility, and even substance abuse. The IAFF operates our Center of Excellence, which assists fire fighters who are struggling with substance abuse and dependency issues, among other behavioral health concerns. Often, these challenges arise for fire fighters following a serious line of duty injury.<sup>15</sup>

OSHA's ERS takes meaningful steps towards reducing these rates of injuries by requiring fire departments to complete written plans detailing how they will handle risk management (Paragraph F), pre-planning incident response (Paragraphs M-N), incident operations and management (Paragraphs O-P), and the development of standard operating procedures (Paragraph Q). Most importantly, we applaud OSHA for ensuring that the frontline emergency responders themselves have a voice in developing these plans (Paragraph E) and using post-incident analyses to inform these plans (Paragraph R).

One of the common factors that contribute to so many injuries is the lack of planning, effective incident management, and safe staffing levels. In 2007, the Charleston (SC) Fire Department suffered an unimaginable loss when 9 fire fighters were killed when responding to a fire in the Super Sofa furniture store. Post-incident analyses identified a lack of pre-planning and failure to adhere to incident management protocols as two leading factors for this tragic incident.<sup>16</sup> All of these points would be addressed in the various components of the OSHA ERS.

These components of the ERS would also help prevent the far more common and non-fatal injuries that hurt fire fighters every day. The OSHA ERS will require fire departments to confront the factors that prevent their adherence to voluntary consensus standards and industry best practices. These pre-planning, staffing, and incident management considerations will help ensure fire fighters have the tools, staffing, and SOPs to prevent them from being over-stretched, under-resourced, and ultimately placed in inherently unsafe positions. Fire fighters in major cities and rural communities alike are often forced to operate with staffing levels far below what is safe. Studies have clearly shown that crew sizes matter. The more fire fighters we can have per crew, the safer and more efficient are their operations.<sup>17</sup> It should be unacceptable for local governments to allow companies of just three, or even two, fire fighters. Our union applauds OSHA for recognizing the importance of crew sizes in the ERS.

We also strongly support Paragraph L of the ERS, which would force fire departments to adopt commonsense vehicle inspection and safety protocols. Far too often, municipalities skimp on vehicle safety due to budgetary reasons. Fire fighters in professional and volunteer departments alike routinely struggle with being forced to use unsafe apparatus that should be pulled from service pending repairs. One of the most notable incidents in this regard occurred in Boston in

---

<sup>15</sup> International Association of Fire Fighters. Substance Abuse. <https://www.iaffrecoverycenter.com/substance-abuse/>

<sup>16</sup> NIOSH. Firefighter Fatality Report F2007-18. February 2009. <https://www.cdc.gov/niosh/fire/reports/face200718.html>

<sup>17</sup> NIST. Firefighter Staffing Studies. 2010 and 2013. <https://www.nist.gov/el/fire-research-division-73300/firegov-fire-service/staffing-studies>

2009 when a ladder truck lost its brakes when driving down a steep street and crashed into a building, killing one fire fighter, and injuring three others. Investigations into this incident found that the City's failure to adhere to proper vehicle maintenance protocols was a major contributing factor.<sup>18</sup> Sadly, Boston is not unique. Similarly unsafe fire trucks are on the road throughout the nation, and accidents like this could easily happen again. The OSHA ERS brings commonsense safeguards for fire fighters and their communities by requiring jurisdictions to follow basic vehicle inspection, maintenance, and repair policies.

## **Mental and Behavioral Health Concerns**

It is important to note that fire fighters and EMS personnel also experience significantly increased rates of PTSD and other behavioral health conditions because of their service. Studies show that PTSD rates among first responders are three times higher than the general population and are roughly equivalent to military veterans.<sup>19</sup> Just as fire fighters need policies to protect their physical health, they also need help carrying the mental burdens of their jobs. Peer support programs are one such way to assist fire fighters in monitoring their mental health and help them access higher levels of care when the need arises. When left unchecked and untreated, PTSD, depression, and other common behavioral health conditions can deteriorate into behavioral health emergencies such as suicide and dangerous levels of substance abuse.<sup>20</sup> Just as we would never allow fire fighters to be sent to a fire without an SCBA, we should also demand local governments ensure fire fighters have access to robust programs to monitor and treat any behavioral health concerns they may experience.

The IAFF applauds OSHA for recognizing the importance of mental and behavioral health. We firmly support the requirements in Paragraph G for agencies to provide their emergency responders with mental and behavioral health resources, especially following each traumatic emergency incident to which they respond. We are especially grateful for Paragraph (G)(4)(iii) of the proposed ERS, which highlights the importance of connecting emergency responders with clinically competent and informed mental health practitioners who are experienced in treating emergency responders. Fire and EMS professionals have unique needs compared to the general population, and local and state governments must assist them in accessing the most appropriate levels and providers of care.

## **Occupational Cancer Among Fire Fighters**

Fire and EMS professionals are exposed to a vast number of toxins and biological threats while performing their duties. Carcinogens are a pervasive threat that our members are exposed to each day. Fire fighters encounter a range of carcinogens in smoke and vehicle exhaust, and even our protective gear is manufactured with added PFAS chemicals. NIST studies have proven that the amount of PFAS released onto fire fighters increases as our turnout gear ages and experiences

---

<sup>18</sup> NIOSH. Firefighter Fatality Report F2009-5. February 2010.

<https://www.cdc.gov/niosh/fire/reports/face200905.html>

<sup>19</sup> NIST. Technical Note 2078. P. 39. <https://nvlpubs.nist.gov/nistpubs/TechnicalNotes/NIST.TN.2078.pdf>

<sup>20</sup> Ibid.

more wear and tear.<sup>21</sup> Every time fire fighters don and doff our gear, we experience yet another exposure to known carcinogens. Cancer is so prevalent among fire fighters that the International Agency for Research on Cancer has recognized the occupation of firefighting itself to be a Category 1 carcinogenic exposure.<sup>22</sup> Sadly, these exposures to carcinogens claim a tremendous number of fire fighters' lives each year. According to our data, nearly two-thirds of fire fighters' line of duty deaths each year are due to occupational cancer.

Given the prevalence of cancer, fire fighters must receive annual cancer screenings so that they have the best chances of catching occurrences of cancer in the earliest stage. The failure of governments to provide annual cancer screenings to fire fighters is deplorable. The IAFF applauds states like New Jersey and New Hampshire, which are aggressively working to provide these much-needed screenings. The meager costs of preventative screenings pale in comparison to the costs associated with treating cancer at a more advanced stage.

Paragraphs G and K of the proposed OSHA ERS are essential in combatting the cancer epidemic in the fire service by establishing requirements for regular medical screenings of fire fighters (Paragraph G) and issuing modern, effective personal protective equipment for fire fighters. These provisions within the ERS will be critical tools in our efforts to stem the growth of occupational cancer rates.

We also applaud OSHA for recognizing the dangers of continued usage of PFAS-laden turnout gear and for asking stakeholders about how this should be addressed in the final ERS. While the IAFF is still developing our full comments, we anticipate urging OSHA to continue investigating the connection between PFAS-laden gear and occurrences of occupational cancer for fire fighters. Once PFAS-free gear is available, we will urge OSHA to mandate its adoption and use.

One of the few places where we disagree with the ERS is in Paragraph (G) and Question G-2, where OSHA proposed using a benchmark of 15 exposures per year as the criteria for needing an annual medical examination. The IAFF urges OSHA to require all fire fighters and EMS personnel to receive an annual medical examination and cancer screening. Our union has fought for presumptive cancer coverage for fire and EMS personnel because it is impossible to pinpoint which fire caused cancer. Similarly, we feel 15 exposures per year is an arbitrary number. A fire fighter may respond to a single fire per year, but carcinogens will be present in the smoke, and that fire fighter will be at risk for developing cancer. While we plan to yield to local collective bargaining agreements to inform the type of medical examination and handling of subsequent medical records, we do feel that every fire fighter and EMS provider should have some level of annual medical examination – even if it is just for the individual's personal knowledge.

## **Costs of Occupational Injuries for Fire Fighters**

---

<sup>21</sup> NIST. Wear and Tear May Cause Firefighter Gear to Release More Forever Chemicals. January 2024. <https://www.nist.gov/news-events/news/2024/01/wear-and-tear-may-cause-firefighter-gear-release-more-forever-chemicals>

<sup>22</sup> IARC. Occupational Exposure as a Firefighter. <https://publications.iarc.fr/Book-And-Report-Series/Iarc-Monographs-On-The-Identification-Of-Carcinogenic-Hazards-To-Humans/Occupational-Exposure-As-A-Firefighter-2023>

When looking at these injuries, it is essential to realize that their impacts extend beyond just the time and place in which they occur. Fire departments across the nation also incur significant monetary costs as a result. In 2019, the National Institute for Standards and Technology (NIST) published Technical Note 2078 (TN 2078), *Economics of Firefighter Injuries in the United States*. This document provides us with a comprehensive analysis of the costs of injuries among fire fighters. NIST found that each year, the cost of fire fighter injuries ranges from \$1.6 billion to \$5.9 billion. NIST concluded that these costs are the equivalent of approximately \$50,000 to \$200,000 per fire department or \$1,500 to \$5,500 per individual fire fighter.<sup>23</sup>

Every time safety advancements have come to the fire service—such as closed cab apparatus or mandating the use of self-contained breathing apparatus—naysayers have always said that we would break fire department budgets and force agencies to close. Yet today, these are all commonly accepted practices and standards for virtually all fire departments. We recognize that adhering to the ERS has costs. However, as NIST has shown, failure to adhere to safe operating procedures also has costs. If the choice is ultimately whether to spend funds preventing injuries and deaths or responding to them, the choice should be clear.

### **Considerations to Claimed Challenges in Complying with the ERS**

When reviewing the comments shared through the Federal Register, it is noteworthy that few commenters argue that the ERS itself will fail to make the fire service safer. It is well-established in the fire service that long-standing life-safety dangers continue to exist and that lives are lost in often preventable situations. The primary opposition to the ERS comes from agencies claiming an inability to meet these safety standards and private companies and town/city/county managers who refuse to invest in the safety of their workforce. Sadly, we recognize that economics always plays a role in funding a host of public services; we are not ignorant of the realities within which both workers and employers live.

We also understand that there are some rural and volunteer agencies serving communities with finite funding from their tax base, and that the fire fighters in these communities perform admirable work under challenging circumstances. For the first time in the history of our organization, the IAFF has collaborated on many of the issues that impact all stakeholders in the fire services industry. The stark reality we face is that fire fighter safety, whether professional or volunteer, and the safety of the communities we serve, must be guided by principles and guidelines that place a supreme value on saving lives and protecting communities.

This Subcommittee should provide no safe harbor to municipalities that risk fire fighter safety, and the safety of their citizenry, because they are costly. Countless IAFF locals are forced by municipal leadership to make unsafe responses with too few fire fighters, outdated apparatus, and ineffective tools and safety equipment. These ill-guided policy positions have cost lives. We look forward to OSHA using the full force of federal law to protect fire fighter safety when local and state governments fail to do so. Firefighters and communities should never again be forced to tolerate intentionally browned-out firehouses and fire apparatus without working brakes.

---

<sup>23</sup>NIST. P. i



The IAFF also represents several bargaining units of first responders who work for private companies and are considered workplace emergency response employees (WEREs) under the ERS. These companies must also prioritize safety as a core mission of their corporate identity. Enactment and implementation of the ERS will make a dangerous job safer and will compel all stakeholders to achieve a never-before-seen level of interest in the lives of our nation's fire fighters.

The nomenclature is immaterial, whatever a fire department calls itself, if it is well enough resourced to have personnel who receive significant remuneration as defined by the Department of Labor, answer thousands of emergency calls per year, or provide round-the-clock operations in an urban community, it too should be required to meet minimum levels of safety for their personnel.

### **Proposed Congressional Assistance**

The IAFF recognizes that some jurisdictions may have challenges in meeting the ERS. We urge Congress to increase its investment in the AFG and SAFER programs, the federal government's primary forms of support for all fire departments nationwide. Since these programs' inception more than 20 years ago, Congress has directed more than \$15 billion in assistance to fire departments. Sadly, for FY 2024, Congress slashed funding for AFG and SAFER by 10% - reducing the programs' full-year funding level from \$370 million each to just \$336 million per program. The IAFF and all other national fire service organizations have repeatedly urged Congress to reverse these cuts and make meaningful investments in fire departments by funding these programs at no less than \$405 million each in FY 2025. Considering the pending ERS, funding for these programs is more important than ever.

We also urge Congress to immediately pass the Fire Grants and Safety Act (H.R. 4090/S. 870) and provide a long-term reauthorization for these grants. Fire departments need to have long-term assurance that these programs will continue beyond the end of this Fiscal Year. This bill has passed both the House and Senate by overwhelming margins. However, partisan politics is holding up the bill in the Senate. Every member of this Committee ought to be committed to ensuring swift passage of the bill.

The IAFF also recommends Congress increase its funding levels for the Urban Areas Security Initiative (UASI) and the State Homeland Security Grant Program (SHSGP) grant programs. These grants play a critical role in ensuring the preparedness of fire departments in 41 major metropolitan areas across the nation. Funding for UASI and SHSGP helps these agencies have the personnel, apparatus, resources, and training to maintain readiness to respond to acts of terrorism and major disasters. In FY 2024, Congress provided \$553.5 million for UASI and \$373.5 million for the SHSGP program. As Congress develops its FY 2025 appropriations bills, we urge Congress to provide no less than \$615 million for UASI and \$520 million for SHSGP.

### **Conclusion**

Safety standards come with financial costs, but so do line-of-duty funerals, PSOB payments, and wrongful death lawsuits. As mentioned earlier, even survivable injuries come at a significant

economic cost. A basic industry minimum safety standard, such as the proposed ERS, could significantly reduce these costs. For the IAFF, the choice of where we spend money is clear.

The question for this hearing is not whether the fire service is fraught with avoidable injuries and deaths, and whether the ERS identifies safer practices to protect fire fighters and communities alike. The sole question we are wrestling with is whether this ERS should be imposed on local and state governments nationwide. The answer is a resounding yes. Jurisdictions have failed to keep our public servants safe, and it is time for them to be forced to take our safety seriously. When municipalities choose to deprioritize our safety and dismiss the needs of their communities, OSHA should be fully empowered to step in and place safety first. Our fire fighters and the communities they serve deserve nothing less than the full support of Congress and the Federal Government.