

September 9th, 2024

Douglas Parker
Assistant Secretary for Occupational Safety and Health
U.S. Department of Labor, OSHA
200 Constitution Avenue, N.W.
Washington D.C. 20210

Subject: Comments on Proposed Rulemaking RIN 1218-AC91 – Emergency Response Standard

Dear Secretary,

The Mountain Rescue Association (MRA) appreciates the opportunity to provide feedback on the proposed changes to OSHA's Emergency Response Standard (RIN 1218-AC91) as outlined in the proposed amendments to 29 CFR 1910. The MRA represents 93 volunteer search and rescue teams, with more than 4,000 individual volunteer members, and 33 government agencies across the United States. The MRA is dedicated to saving lives through setting rescue standards and mountain safety education.

After reviewing the proposed changes, we have significant concerns regarding the potential impact of these new standards on wilderness search and rescue (SAR) operations, which differ significantly from urban fire or emergency medical response scenarios. As experts in mountain and wilderness rescue, we respectfully offer the following comments and recommendations:

The proposed regulation seems to operate under the assumption that most rescue operations are handled by fire brigades, which is not reflective of SAR operations in wilderness and mountainous environments. Across much of the United States the majority of search and rescue operations in backcountry areas are conducted by volunteer members of independent SAR teams or SAR teams under the authority of sheriff's departments. The proposed rule does not reflect this reality, focusing instead on standards more applicable to urban firefighting, which are inappropriate for wilderness SAR activities. Despite stating that "wilderness search and rescue organizations are typically under the purview of law enforcement agencies (e.g., police departments, sheriff's offices, etc.) and are staffed by volunteers" the proposal goes on to cite a long list of hazards that are related to firefighting and urban environments that have nothing to do with wilderness technical rescue.

A clear example of this misalignment is OSHA's concerns about exposure to carcinogens, infectious diseases, and belligerent behaviors (e.g., active shooters). These assumptions are false, misleading and are not relevant to the SAR activities conducted by volunteer teams in wilderness settings. SAR responders are not typically involved in structure fires or hazardous material incidents, nor do they operate in environments that require the use of firefighter turnout gear or SCBA equipment. In wilderness SAR, the primary risks are environmental—such as extreme weather, altitude, and terrain—not those encountered by urban emergency responders. OSHA's failure to account for these differences reflects a misunderstanding of the nature of

SAR operations in the backcountry and results in regulations that are inappropriate for wilderness responders.

Without any evidence, OSHA estimates it can reduce deaths of rescuers by 50% by requiring 690 additional hours of training. However, the types of risks and hazards covered appear to be focused almost exclusively on those faced by firefighters and EMS personnel in populated environments. It is unclear how any of the proposed training would be relevant to wilderness or technical SAR volunteers.

Many volunteers join wilderness search and rescue teams specifically because the activities undertaken by these teams do not involve the same risks or equipment as traditional firefighting. Requiring unnecessary and unrelated training based on NFPA standards and risks faced by firefighting will have negative impacts on recruiting and retaining volunteers for unrelated wilderness and technical SAR teams.

We strongly recommend that OSHA more clearly differentiate between urban SAR, wilderness SAR, and fire brigade operations. This will ensure that the rule appropriately addresses the actual activities performed by SAR teams in wilderness environments without imposing unnecessary and burdensome requirements that will drive volunteers out of serving in wilderness SAR teams.

OSHA's classification of "technical SAR" operations lacks clarity and does not accurately reflect the diversity of SAR activities performed by volunteer SAR teams. The assumption that 80% of SAR activities involve technical rescue is unsupported by clear data. Furthermore, OSHA incorrectly characterizes routine SAR operations involving ATVs or rope rescues as inherently "technical," when many of these tasks are commonplace in wilderness SAR and do not align with urban or industrial rescue operations.

While the proposed rule inappropriately applies NFPA standards and the fire brigade Emergency Response Standard to wilderness technical search and rescue activities, it also ignores the standards that SAR teams actually operate under. The proposed rule's classification of technical SAR responders is inconsistent with the National Incident Management System (NIMS) resource typing, which is a federal standard for all emergency response agencies and which The Federal Emergency Management Agency (FEMA) actively engaged with the MRA in developing. OSHA's deviation from NIMS, including its creation of its own classification and training levels, would place responding agencies in conflict with existing federal and state emergency management frameworks. Further, the proposed rule incorrectly states that FEMA manages all USAR teams, when in fact, FEMA only manages Federal Type 1 teams. Type 2, 3, and 4 teams are locally or state-managed, and this discrepancy highlights a broader misunderstanding of how search and rescue operations are organized across the United States. The proposed rule should be revised to reflect this distinction accurately, ensuring that local and state SAR teams are appropriately recognized and governed.

We strongly recommend that OSHA remove wilderness technical search and rescue from the fire brigade rule and, if it chooses to address volunteer wilderness technical search and rescue, do so in a separate rule aligned to the definitions and requirements for SAR personnel with

existing NIMS guidelines to ensure consistency and interoperability between local, state, and federal agencies.

The proposal states that OSHA believes the new proposal will not impact volunteers, but it goes on to list 29 states where it would, in fact, impact volunteers, including many states where MRA volunteer teams are the primary backcountry rescue resources. The proposed rule would have a significant negative impact on volunteer participation in wilderness and technical SAR, likely leaving a gap in having volunteers available to conduct rescues across a wide area of the country.

The RFA requires Federal agencies to consider the economic impact that a proposed rulemaking will have on small entities. But the proposed rule states that “OSHA is unable to certify that the proposed rule will not have a significant economic impact on a substantial number of small entities.” The MRA believes that the proposed rule would have a very significant economic impact, potentially shutting down many volunteer and Sheriff department SAR teams.

The proposed rule’s requirement for medical surveillance and specialized physical examinations for responders is particularly concerning for volunteer SAR teams. Many of these teams operate with minimal funding and rely heavily on volunteer participation. Requiring rural sheriffs and volunteer SAR teams to provide costly, NFPA-specific medical examinations would place an undue financial burden on local governments and SAR volunteers. Furthermore, volunteers would be discouraged from participating due to the increased administrative and financial hurdles, potentially leading to a reduction in the number of available SAR personnel.

The estimate of 690 hours of additional training for small organizations to bring volunteers into compliance with the proposed standard does not take into account the volunteer nature of most SAR teams, nor the complexity of training new recruits. This would likely lead to a dramatic decrease in volunteer participation, compromising the safety of the public in wilderness areas.

The figures that OSHA includes in the IRFA estimates that cost would be \$7,956 for technical search and rescue groups to \$26,090 for volunteer EMS organizations. If these estimates were accurate, they would exceed the annual budget for many volunteer SAR teams. But these estimates are unrealistic and exceedingly optimistic. The cost to provide an additional 690 hours of training to all volunteer members of a department and to provide frequent medical examinations will cost far more than OSHA has estimated and would not only have a significant economic impact but would likely be unachievable for many small volunteer organizations. Further, the proposed training targets risk exposures that have nothing to do with wilderness technical SAR, as listed in the IRFA, resulting in required significant expense and investment of volunteers’ time for little, to no benefit.

The Mountain Rescue Association appreciates OSHA’s commitment to improving the safety of emergency responders, but the current draft of the Emergency Response Standard does not adequately address the unique nature of wilderness SAR operations, and it does not take into account the significant impact this rule will have both on volunteer SAR teams and on the

communities and individuals we serve in the backcountry. We urge OSHA to revise the proposed rule to more accurately reflect the realities faced by volunteer SAR teams, especially those operating in mountainous and wilderness environments, and to ensure alignment with NIMS standards and existing federal guidelines. Fire brigades fight fires. Wilderness technical SAR teams provide search and rescue services in the backcountry. It is inappropriate to expand the fire brigade rule to include a significantly different discipline that involves different environments, equipment, PPE, skills, and, in many cases, different personnel. Particularly for wilderness technical SAR which is done predominantly by volunteers unassociated with any firefighting activities.

Failure to modify the proposed rule could result in a significant loss of volunteer SAR personnel, which would have catastrophic consequences for public safety in wilderness areas across the United States. We strongly recommend that OSHA engage in further consultation with the Mountain Rescue Association, sheriff's offices, state SAR associations, and wilderness SAR organizations to develop a rule that is effective, practical, and economically feasible for all volunteer search and rescue teams across the country.

Sincerely,

The Mountain Rescue Association Board of Director

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