

RESOLUTION NO. 24-270

RESOLUTION URGING THE OCCUPATIONAL SAFETY HEALTH ADMINISTRATION  
UNITED STATES DEPARTMENT OF LABOR TO RECONSIDER SIGNIFICANT  
CHANGES TO RULE 1910.156 (Fire Brigade Standard)

By: Drake

Seconded by: Sweet

WHEREAS, Chemung County, situated within the State of New York, is home to twenty one fire departments; and

WHEREAS, twenty of those fire departments consist of volunteer firefighters and one is a career fire department, all having faithfully served the residents of Chemung County for decades; and

WHEREAS, OSHA, the Occupational Safety and Health Administration, United States Department of Labor, has published significant changes to OSHA rule 1910.156, the Fire Brigade Standard, on February 5, 2024 converting the current Fire Brigade Standard to the proposed Emergency Response Standard which has the potential to dramatically change the face of the fire service in the United States, the State of New York, and the County of Chemung; and

WHEREAS, the County of Chemung has serious concerns with the proposed changes that will have major implications for every firefighter in the County of Chemung through unfunded mandates and possible fines for noncompliance, along with liability which the rule changes place on fire service organizations and municipalities; and

WHEREAS, the County of Chemung believes the proposed changes are not economically and technically feasible for the volunteer fire service in present form and will cause our volunteer fire departments significant financial burden and hardships through increased costs for administration, training, equipment inspection and replacement and facility renovations; and

WHEREAS, the County of Chemung believes the best service to taxpayers and the fire service community at large is for OSHA to start this rule making process over from the beginning; and now therefore, be it Resolved, that by Chemung County, State of New York, requests OSHA extend the June 21, 2024 comment period for an additional forty-five (45) days so all fire service organizations and governmental bodies have ample time to comment on the 608 page document; now, therefore be it further

RESOLVED, that Chemung County requests OSHA and the Congress of the United States of America hold in-person public hearings on the proposed changes; and; be it further

RESOLVED, that Chemung County requests OSHA remove the National Fire Protection Association (NFPA) standards (Twenty-one (21) standards being incorporated in whole or in part, and fourteen (14) other standards contributing to new requirements to varying degrees) from the proposed rule and continue these standards as voluntary consensus standards; and; be it further

RESOLVED, that Chemung County requests OSHA provide clear definitions of “volunteer” and “employee” factoring in the various definitions found in the first responder community across the country to provide consistency in implementation of the proposed rule; and; be it further Resolved, that Chemung County requests OSHA start the rule making process on 1910.156 over giving the volunteer fire service who provide sixty-five (65) percent of firefighting services in the United States a formal seat at the rule making table; and; be it further

RESOLVED, that Chemung County requests OSHA start the rule making process on 1910.156 over giving the volunteer fire service who provide sixty-five (65) percent of firefighting services in the United States a formal seat at the rule making table; and; be it further Resolved, that the Clerk of the Chemung County Legislature is to provide a certified copy of this resolution to OSHA, New York State Senator Thomas O’Mara, New York State Assemblyman Philip Palmesano, and Christopher Friend, United States Senator Charles Schumer, United States Senator Kristen Gillibrand, United States Representative Nick Langworthy.

*Ayes: Morse, Saglibene, Sweet, Brennan, Donovan, Palmer, Burin, Chalk, Stermer, McCarthy, Drake, Smith, Strange, Margeson (Chairman) (14); Excused: Pickering (1)*

STATE OF NEW YORK)  
COUNTY OF CHEMUNG) SS:

THIS IS TO CERTIFY, that I, the undersigned Clerk of the Chemung County Legislature, have compared the foregoing copy of resolution with the original resolution now on file in my office, and which was passed by the Chemung County Legislature on the 10<sup>th</sup> day of June 2024, a majority of all the members elected to the Legislature voting in favor thereof, and that the same is a correct and true transcript of such resolution and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of the Chemung County Legislature this 11<sup>th</sup> day of June 2024.

*Megan Hill*  
Megan Hill, Clerk  
Chemung County Legislature