



Albany County Sheriff's Office

Critical Incident Emergency Management Unit

October 2024

Critical Incident/Emergency Management Unit

This is the monthly newsletter for the Albany County Sheriff's Office Critical Incident Emergency Management Unit. **If you have events that you would like posted in this newsletter please email them to the Fire Coordinator's office.**



Tactical training trailer used for Correction Officers

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Training

Office of Emergency
Management

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Tactical training trailer used for Correction Officers



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Albany County VFA Fire Apparatus Muster



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OSHA may exempt volunteer FDs from new regs

Altamont Enterprise

By Sean Mulkerrin

Wednesday, October 16, 2024 -
19:26



ALBANY COUNTY — Will the Supreme Court's decision to upend 40 years of legal precedent ease firefighter fears over proposed substantial changes to the federal statute governing their training and safety?

Because many statutes are silent or ambiguous when it comes to the detail necessary to practically deal with, for example, workplace law issues, courts have often deferred to the relevant agency's regulations and other interpretations.

In June's [Loper Bright Enterprises v. Raimondo decision](#), the United States Supreme Court overturned this doctrine, known as Chevron for the 1984 case from which it originated, which gave federal agencies the flexibility to interpret broad statutes to implement regulations.

The 6-to-3 decision narrowed the ability of federal agencies to set these regulations, in turn shifting interpretive power from agencies to the courts.

For federal agencies in general and in particular the Occupational Safety and Health Administration, the agency proposing the fire brigade changes, the ruling means:



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- Courts may be less likely to defer to OSHA's interpretation of its statutory authority;
- Stakeholders could challenge more OSHA rules in court; and
- OSHA might need to provide more extensive justification for new rules, slowing down its rule-making process.

Proposed changes

The proposed changes to OSHA's fire-brigade standard aim to significantly update and expand existing regulations. The current standard, [1910.156](#), primarily focuses on fire departments and their operational protocols. The new proposal seeks to broaden the scope to include emergency medical services (EMS) and search-and-rescue operations.

Some of the proposed changes include:

— *Alignment with National Incident Management System (NIMS)*

Current claim: Existing OSHA standards don't align with NIMS, which governs emergency response coordination across various sectors.

Proposal: Ensure the new standards are in line with NIMS, which would facilitate collaboration among government, non-governmental organizations, and the private sector during emergencies;

— *Enhanced medical surveillance requirements*

Current claim: There are limited medical surveillance protocols for assessing health conditions related to firefighting.

Proposal: Introduce mandatory medical surveillance for emergency responders, monitoring exposure to hazardous substances and detecting health issues early;

— *Training and skill development*

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Current claim: Training requirements vary widely, which can lead to inconsistent preparedness among first responders.

Proposal: Establish clear minimum training standards based on the type of service being provided;

— *Risk-management plans*

Current claim: Emergency agencies can lack formalized risk-management strategies.

Proposal: Require workplace emergency response employers (WEREs) to develop risk-management plans identifying potential hazards and outlining safety measures for responders;

— *Behavioral health programs*

Current claim: Mental health issues among emergency responders are not systematically addressed.

Proposal: Mandate the establishment of behavioral health programs to support responders dealing with stress, substance abuse, and mental-health challenges;

— *Personal protective equipment (PPE) standards*

Current claim: Existing PPE standards are outdated and may not provide adequate protection against hazards.

Proposal: Adopt updated consensus standards for PPE, ensuring that all protective gear used by firefighters meets rigorous design and performance criteria;

— *Incident command system (ICS) training*

Current claim: There's a lack of standardized training regarding ICS roles and responsibilities.

Proposal: Implement training programs to ensure all responders understand their roles within the system; and

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— *On-scene safety protocols*

Current claim: Safety measures during emergencies can be inconsistent.

Proposal: Establish protocols for on-scene safety, including maintaining adequate staffing levels and ensuring that responders operate within safe parameters based on the nature of the incident.

Firefighters, [volunteers](#) in [particular](#), have pushed back hard on the proposal, claiming implementation would, among other things, be too expensive and cost departments many volunteer members.

That pushback, likely combined with the Chevron decision, appears to have had its desired effect as [OSHA in mid-September](#) effectively admitted it was willing to exempt volunteer organizations from the new standard.

Chevron

For decades, court deference to the Chevron decision had been a cornerstone of OSHA's authority, allowing the agency to interpret and enforce safety standards with considerable latitude, backed by the notion that its expertise justified its regulatory reach.

The case resulting in the Supreme Court's 1984 landmark decision had pitted fuel manufacturer Chevron U.S.A. Inc. against the environmental advocacy group, Natural Resources Defence Council Inc. At play was the interpretation of the word "source" in the 1963 Clean Air Act.

The federal Environmental Protection Agency had, in 1981, changed its definition so that companies could increase emissions in one part of a plant if an equal portion were reduced elsewhere in the facility.

The environmental group won in a federal court but that decision was overturned by the Supreme Court, which ruled in favor of Chevron, 6-0, because, the high court said, the courts should defer to federal agencies like the EPA in the interpretation of a statute or law.

But with Chevron now resigned to the regulatory dustbin, OSHA's

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interpretations of safety regulations, including those related to fire-brigade standards, will be subject to heightened judicial scrutiny, meaning courts will no longer automatically defer to OSHA's expertise and will instead more closely scrutinize the agency's interpretations.

The absence of Chevron deference introduces a number of challenges for OSHA.

To begin, the agency has to cross every 't' and dot every 'i' in its proposed rule changes, ensuring they are meticulously aligned with the statutory language of the Occupational Safety and Health Act (OSH Act), which is a heightened level of scrutiny that could slow down OSHA's ability to respond to emerging safety challenges. For example, if OSHA attempts to enhance training requirements or establish new operational protocols for fire brigades without explicit statutory backing, it may face significant pushback and legal challenges.

The recent decision from the Supreme Court means the practical functionality of OSHA as a regulatory body could also be reduced. The need for clear statutory language could deter OSHA from pursuing innovative or proactive measures in fire-brigade standards, leading the agency to shift towards more conservative interpretations of existing standards to comply with judicial expectations.

The risk of litigation from industries and/or other governmental organizations feeling constrained by OSHA's fire-brigade standards could escalate, overwhelming OSHA's already limited resources and diverting attention from safety initiatives as well as placing both proposed and existing standards on the chopping block.

For example, if OSHA revises its fire-brigade standards to incorporate new safety technologies or practices without clear statutory justification, court challenges could emerge, arguing that these regulations exceed OSHA's authority under the OSH Act.

And without judicial deference, one of OSHA's only paths to regulatory implementation would be a direct mandate from Congress, unlikely at any time in the agency's history.

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Hazmat Corner



HAZMAT LEADERSHIP FORUM

The 18th Annual Hazmat Leadership Forum was held October 18-19, 2024 in Latham, NY. This event is sponsored by NYS DHSES Office of Fire Prevention and Control. Hazmat teams from all over the state were present for a day and a half of presentations.

Reports were presented by Chief Dan Baker, Hazmat Bureau and the various hazmat regions in the state. The most common topic was lithium ion battery fires.

Presentations were given by Brandon-Dean Morris of SERTC. His presentation included the use of robotics and drones for hazmat response. Mark Sicuso, Chief of the Electric Boat Fire Department in Groton, CT gave a presentation on "We need hazmat for that?" which stressed the importance of calling for assistance from the hazmat team in situations like confined space rescue and other operations where one might not normally be thinking along the hazmat lines. The point was if there is a possible hazmat situation, let the hazmat team deal with it so you can concentrate on the main issue at hand. Dr. Christine Baxter of Hazard 3 gave a great update on current threats.

PRESIDENTIAL ELECTION – THREAT AWARENESS

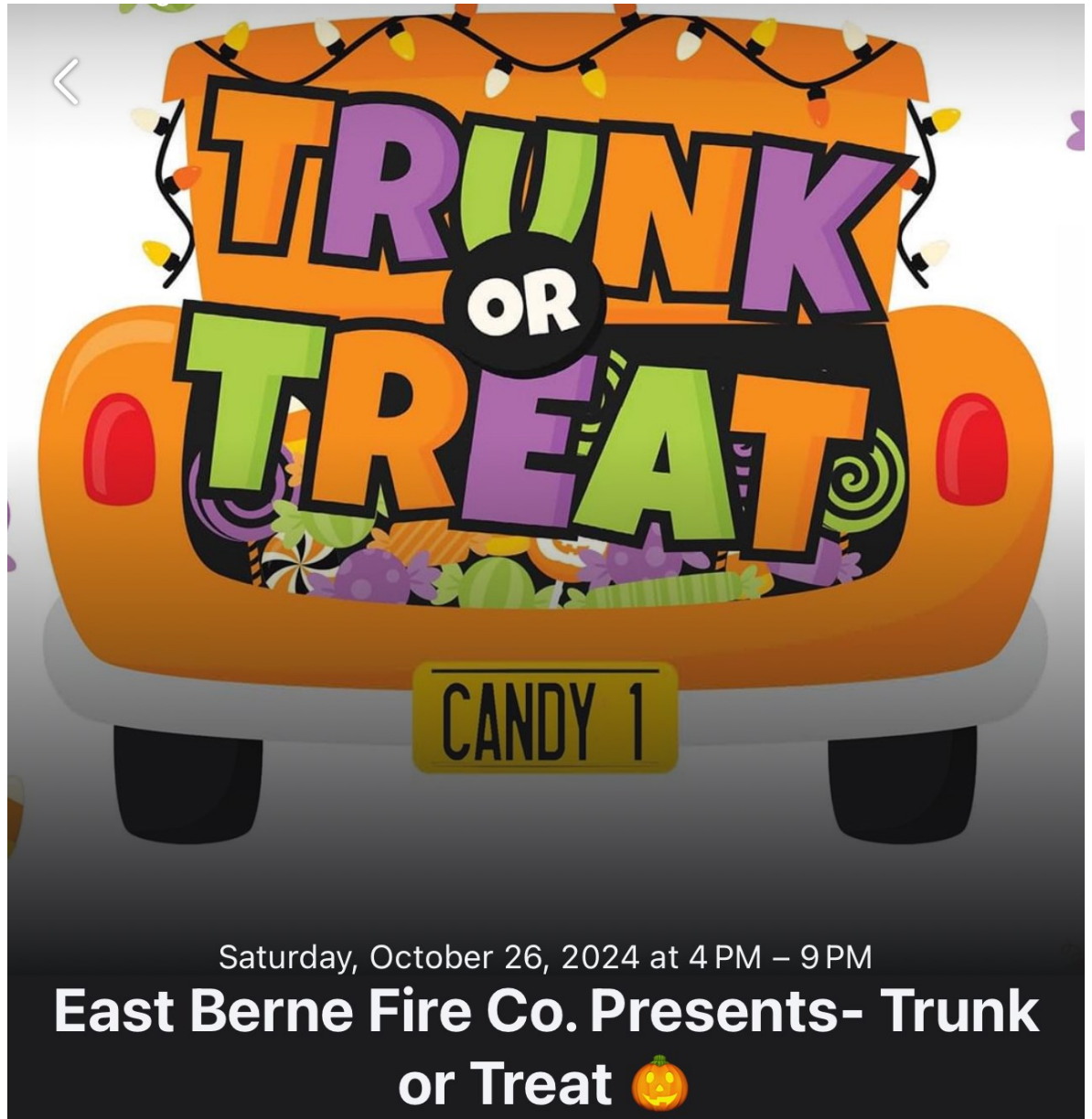
With the upcoming presidential election, please be aware of the threat environment. The hazmat team has already been called to the NYS Board of Elections in downtown Albany for a suspicious package with an unknown substance. If you get a call to a polling place for an unknown suspicious package be sure to notify law enforcement. If there is a possible unknown substance the Capital Region Forensic Hazmat Team can be requested through the County 9-1-1 center. Also, the Albany County Sheriff's Office has several K-9 units trained in explosives detection. The hazmat teams have the ability to check for radiation.

It is important that samples be obtained as evidence. The hazmat teams work with law enforcement to accomplish this. Because this is a presidential election, the F.B.I. is taking the lead on the investigations. We have a contact at the Albany F.B.I. office who is overseeing this for our area. This is serious stuff. Don't hesitate to call for help. The County 9-1-1 center can be contacted at (518) 765-2352.



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Town of Westerlo Volunteer Fire Co. Inc.
Hosting Our Annual

HAUNTED HOUSE !

**Come see What Lies in the Depths of
the Hall!**

ENTER IF YOU DARE!!

**NOT FOR THE FAINT OF HEART!
NOT RECOMMENDED FOR YOUNG CHILDREN!**

**SAT. Oct. 26th 2024 5-9pm
SUN. Oct. 27th 2024 5-7 pm**

Woodmans Hall, CR 401, Westerlo, NY

Admission: \$5.00 Kids 10 and under FREE

All Proceeds will go the Fire Company Building Fund!

**TRUNK OR TREAT is ALSO on Saturday Oct 26th, 2024
At the Westerlo Town Park, Hosted by the Westerlo Cemetary
A Weekend of Spooky FUN for ALL ages in Westerlo!!!!**

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Get ready for a spooktaCular

HALLOWEEN

Bounce House, Haunted House,
Pony Rides, Buena Comida Food
Truck, Games, Candy and
Goodies Galore!

October 31, 2024

4 pm. – 7 pm.

Knox Firehouse
2198 Berne-Altamont Rd.



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Knox Volunteer Fire Company, Inc

Knox, New York 12107

(518) 872-0368

ANNUAL TURKEY DINNER

SUNDAY NOVEMBER 3, 2024

1PM TO 5 PM or sold out

KNOX FIREHOUSE ROUTE 156 KNOX

\$15.00 Take-Out Only

Turkey, Dressing, Corn, Cranberry Sauce, Mashed Potatoes,
Homemade Apple, Pumpkin, Cherry Pie



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EDUCATION AND TRAINING

Be sure to visit the NYS DHSES OFPC **website** for additional public education resources!

<https://www.dhses.ny.gov/general-public-resources>

ALBANY COUNTY FIRE TRAINING SCHEDULE #17 is attached

<https://www.albanycountyny.gov/home/showpublisheddocument/50843>

There is now a link on our website with instructions on how to get an LMS sign-on ID . We recommend that all new members should register as soon as they join so they have access to training opportunities.

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ALBANY COUNTY FIRE TRAINING SCHEDULE #17 2024

Pre-Registration Required: Students may register by clicking on the Learning Management System link on the NYS OPFC Home Page ([NYS Division of Homeland Security & Emergency Services - OFPC](#))

Registration opens 45 days before the first class

COURSE	LOCATION	DATE	INSTRUCTOR	PREREQUISITES
Please Note that a <u>training authorization letter</u> is now required for all courses offered by the New York State Office of Fire Prevention and Control				
Basic Exterior Firefighting Operations IN PROGRESS	East Berne	August 20, September 3, 5, 10, 12, 17, 19, 24, 26, 28, October 1, 3, 5, 8, 10, 15, 17, 22, 24, 29, 31, November 5, 7, 9 Weeknights 1830-2130 Saturdays 0830-1430	Messenger	None
Firefighter II IN PROGRESS	Colonie MTB	September 10, 17 October 3, 5, 10, 15, 17, 19, 22: 1800-2100, 29: 1800-2200 Weeknights: 1830-2130 Saturdays: 0800-1400	Molesky	Firefighter I or Equivalent
Confined Space Rescue Technician	Albany County Sheriff's Office	October 21-24 0800-1700	OFPC	Rescue Technician Basic

Battery Emergencies and Electrical Storage Systems	East Berne	October 28 1900-2100	Graves	None
National Grid Electrical Hazard Training NEW TO SCHEDULE	Ravena	November 4 1830-2030	National Grid	Contact Deputy Chief Travis Witbeck to register. travis.witbeck@outlook.com
Fire Officer I Module Series: NYS Officer Development- Leadership and Supervision Course	Altamont FD	November 13, 16, 19, 21 Weeknights: 1830-2130 Saturday: 0800-1400	DeGroff	BEFO or Equivalent
Alternate Fueled Vehicles	Onesquethaw	November 18 1800-2200	Higgins	None
FAST NEW TO SCHEDULE	Selkirk FD #2	November 23: 0800- 1400, 30: 0800-1700	Kerr	Firefighter Survival: Self Rescue or Equivalent
Alternate Fueled Vehicles	Altamont	November 25 1830-2230	Higgins	None

Firefighter I Certification	Colonie MTB	December 10th: Orientation: 6:30 pm Chief Officer Must Attend with Student <i>BEFO (W/Hazardous Materials Operations)</i>	At Orientation: Training Authorization Letter
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(BEFO/SCBA Interior Firefighter Operations) January 2, 6, 7, 9, 14, 21, 25 February 1, 8, 13, 18, 20, 25, March 4, 8, 15, 20, 27, April 1, 3 <i>SCBA/IFO</i>: April 8, 19, 26, May 1, 8, 13, 15, 20, 27, 31, June 7, 12, 14 NEW TO SCHEDULE Weeknights 1830-2130 (3/15, 3/20, 4/1, 4/3 1800- 2200) Saturdays 0800-1400 IFSTA Essentials of Firefighting 7th Edition Curriculum Instructor - Molesky Start of SCBA/IFO: Medical Clearance to wear SCBA,				
Fire and Emergency Service Instructor I NEW TO SCHEDULE	State Campus Building 22	February 3, 4, 5, 6, 7 0800-1700	TBD	None – Contact OFPC 518-474-6746 with questions
Fire and Emergency Service Instructor I NEW TO SCHEDULE	State Campus Building 22	February 28, March 1, 2, 8, 9 0800-1700	TBD	None – Contact OFPC 518-474-6746 with questions
Unless changed by instructor or noted above: All evening classes will be held from 19:00-22:00 hours. All Saturday and Sunday classes will be held from 09:00-12:00 hours and 13:00-16:00 hours			 Fire Coordinator Gerald Paris 	