



Oregon
Theodore R. Kulongoski, Governor

Department of Consumer and Business Services
Oregon Occupational Safety & Health Division (OR-OSHA)
350 Winter Street NE, Room 430
P.O. Box 14480
Salem, OR 97309-0405
Phone: (503) 378-3272
Toll Free: 1-800-922-2689
Fax: (503) 947-7461
www.oroSHA.org

February 27, 1998
Revised July 2, 2009

Andrew Klein, Training Officer
Hermiston Fire & Emergency Services
330 S. First Street
Hermiston, Oregon 97838

Dear Mr. Klein:

This revised letter is in response to your letter of February 16, 1998 where you ask how to safely respond to emergencies involving confined space rescue without confined space rescue capabilities (adequate procedures, training, and equipment), while complying with Oregon OSHA standards. According to your letter, your department has notified local industry personnel that you don't have confined space rescue capabilities, but the emergency 911 telephone number is still listed on permits.

Your letter does not discuss your department's policy concerning entry into immediately dangerous to life of health (IDLH) situations, potential IDLH atmospheres, or other high hazard locations, such as unprotected excavations.

Since it sounds like your department has already recognized the potential for being called into rescue operations involving IDLH atmospheres, potential IDLH atmospheres, unprotected excavations, or other high hazard locations, it seems reasonable to expect that your department develop and follow a policy on what calls require your response. If your department decides not to respond to a call based on your policy, then nothing else has to be done to comply with the standard. If your department responds to calls for assistance, then your personnel need to be adequately trained and equipped for whatever tasks that they might reasonably be expected to encounter. In either case, 1910.146(k)(2) requires employers to notify your department and coordinate plans if they intend to rely on your rescue services.

In response to your question about whether fire departments are exempt from the requirements of 1910.146, the answer is that they are not exempt if they are a designated responder or have confined spaces of their own. The same is true for other standards, such as Excavations or Fall Protection.

If it is reasonable to expect that department personnel will be called upon to perform certain tasks or be exposed to hazards while responding to 911 calls, then they need to be properly trained and equipped. There may be times, though, when your department encounters the unexpected. At those times your department personnel must decide if it is an imminent life threatening situation. If the situation is not an imminent threat to life, then it would be best to wait until properly trained and equipped personnel arrive on the scene. Keep in mind that employers that provide fire protection services, emergency first response services, and related activities in response to emergency (911) calls for rescue from confined spaces must comply with Division 2, Sub-division L, specifically 437-002-0182(36) Confined Space Rescue.

For further information, please contact Oregon OSHA's technical section at (503) 378-3272. You are also invited to visit Oregon OSHA's Internet site at www.orosha.org.

Sincerely,

A handwritten signature in black ink that reads "Peggy A Munsell". The signature is written in a cursive, flowing style.

Peggy A Munsell, Manager
Standards & Technical Resources Section
Oregon Occupational Safety & Health Division