

Emergency action plans and fire drills



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This month I cite OSHA regulations in response to a few phone calls seeking information on emergency action plans and fire drills.

I direct your attention to Chapter 810, Section 811 of the *Employee and Labor Relations Manual (ELM)*, which states:

The Postal Service™ is subject to Public Law Number 91-596, the Occupational Safety and Health (OSH) Act of 1970, pursuant to the Postal Employees Safety Enhancement Act (PESEA) of 1998. The OSH Act provides for citations, penalties, and criminal referrals for those employers who fail to comply. The Occupational Safety and Health Administration

(OSHA) is responsible for promulgating and enforcing standards and regulations under the OSH Act.

Therefore, if OSHA has created a governing rule, the USPS must follow that rule.

For example, 29 CFR §1910.38 identifies the required elements of an emergency action plan with the following:

1910.38(a) Application. An employer must have an emergency action plan whenever an OSHA standard in this part requires one. The requirements in this section apply to each such emergency action plan.

1910.38(b) Written and oral emergency action plans. An emergency action plan must be in writing, kept in the workplace, and available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

1910.38(c) Minimum elements of an emergency action plan. An emergency action plan must include at a minimum:

1910.38(c)(1) Procedures for reporting a fire or other emergency;

1910.38(c)(2) Procedures for emergency evacuation, including type of evacuation and exit route assignments;

1910.38(c)(3) Procedures to be followed by employees who remain to operate critical plant operations before they evacuate;

1910.38(c)(4) Procedures to account for all employees after evacuation;

1910.38(c)(5) Procedures to be followed by employees performing rescue or medical duties; and

1910.38(c)(6) The name or job title of every employee who may be contacted by employees who need more information about the plan or an explanation of their duties under the plan.

1910.38(d) Employee alarm system. An employer must have and maintain an employee alarm system. The employee alarm system must use a distinctive signal for each purpose and comply with the requirements in § 1910.165.

1910.38(e) Training. An employer must designate and train employees to assist in a safe and orderly evacuation of other employees.

1910.38(f) Review of emergency action plan. An employer must review the emergency action plan with each employee covered by the plan:

1910.38(f)(1) When the plan is developed or the employee is assigned initially to a job;

In addition, 29 CFR §1910.39 identifies the requirements of a fire prevention plan, with the following:

1910.39(a) Application. An employer must have a fire prevention plan when an OSHA standard in this part requires one. The requirements in this section apply to each such fire prevention plan.

1910.39(b) Written and oral fire prevention plans. A fire prevention plan must be in writing, be kept in the workplace, and be made available to employees for review. However, an employer with 10 or fewer employees may communicate the plan orally to employees.

1910.3(c) Minimum elements of a fire prevention plan. A fire prevention plan must include:

1910.39(c)(1) A list of all major fire hazards, proper handling and storage procedures for hazardous materials, potential ignition sources and their control, and the type of fire protection equipment necessary to control each major hazard;

1910.39(c)(2) Procedures to control accumulations of flammable and combustible waste materials;

1910.39(c)(3) Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials;

1910.39(c)(4) The name or job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires; and

1910.39(c)(5) The name or job title of employees responsible for the control of fuel source hazards.

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1910.39(d) Employee information. An employer must inform employees upon initial assignment to a job of the fire hazards to which they are exposed. An employer must also review with each employee those parts of the fire prevention plan necessary for self-protection.

Chapter 850 of the *ELM* lays out management's responsibilities, which are drawn from the above controlling regulations.

851.1 Installation Heads - Installation heads are responsible for implementing emergency action plans and a fire safety program for the protection of people, mail, and Postal Service property. This is required by 29 CFR 1910, Subparts E and L. This program must include (but is not limited to):

- a. Training,
- b. Education,

- c. Inspection,
- d. Enforcement,
- e. Drills,
- f. Emergency evacuation teams,
- g. Written emergency action plans,
- h. Written standard operating procedures for hazardous materials releases, and
- j. Fire prevention plans as required in this subchapter.

After reviewing the cited information above, ask yourself whether your employer is following the regulations as written. If not, bring it to the attention of your union representatives.

Keep an eye on each other and get involved.

Changes in conflict (continued)

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unscheduled leave and implies that this requirement is consistent with the *ELM*. To be clear, the eLRA is not mentioned anywhere in the *ELM* or *Handbook F-21*. The postcard is misleading and misrepresents provisions of the *ELM*.

Proposed revision to *Handbook M-41*

In the January 2025 edition of *The Postal Record*, I discussed revisions proposed by USPS to Section 812.31 of *Handbook M-41*. The Postal Service stated that the revisions were being made to reflect evolving safety policies related to the Next Generation Delivery Vehicle (NGDV). They explained that the NGDV had been designed with safety features that require all doors to be closed when the vehicle is in operation. As described, the NGDV's design would not permit carriers to operate the postal vehicle with its sliding cabin door open under any circumstance that is inconsistent with Section 812.31 of the *M-41*. Due to this inconsistency, USPS proposed the following revision (in bold):

When traveling to and from the route, when moving between park and relay points, and when entering or crossing intersecting roadways, all external vehicle doors must be closed. When operating a vehicle with sliding driver's cab doors on delivery routes and traveling in intervals of 500 feet (1/10 mile) or less at speeds not exceeding 15 MPH between delivery stops, the right-hand sliding cab door may **not** be left open **under normal operation**.

Although the Postal Service cited the design of the NGDV in its reason for proposing this change to the handbook, there was no mention of the NGDV in the proposed revision. As written, the revision would apply to all postal vehicles, not just the NGDV. This would change the way many letter carriers have delivered from postal vehicles, such as the Long-Life Vehicle, for decades.

Subsequently, a modification was made to the NGDV's design bringing it into compliance, and the proposed revisions have been rescinded. See my January 2025 *Postal Record* article for more information on this topic.

I will continue to provide updates on these important matters. Be sure to read my article each month and visit nalc.org for the latest information.