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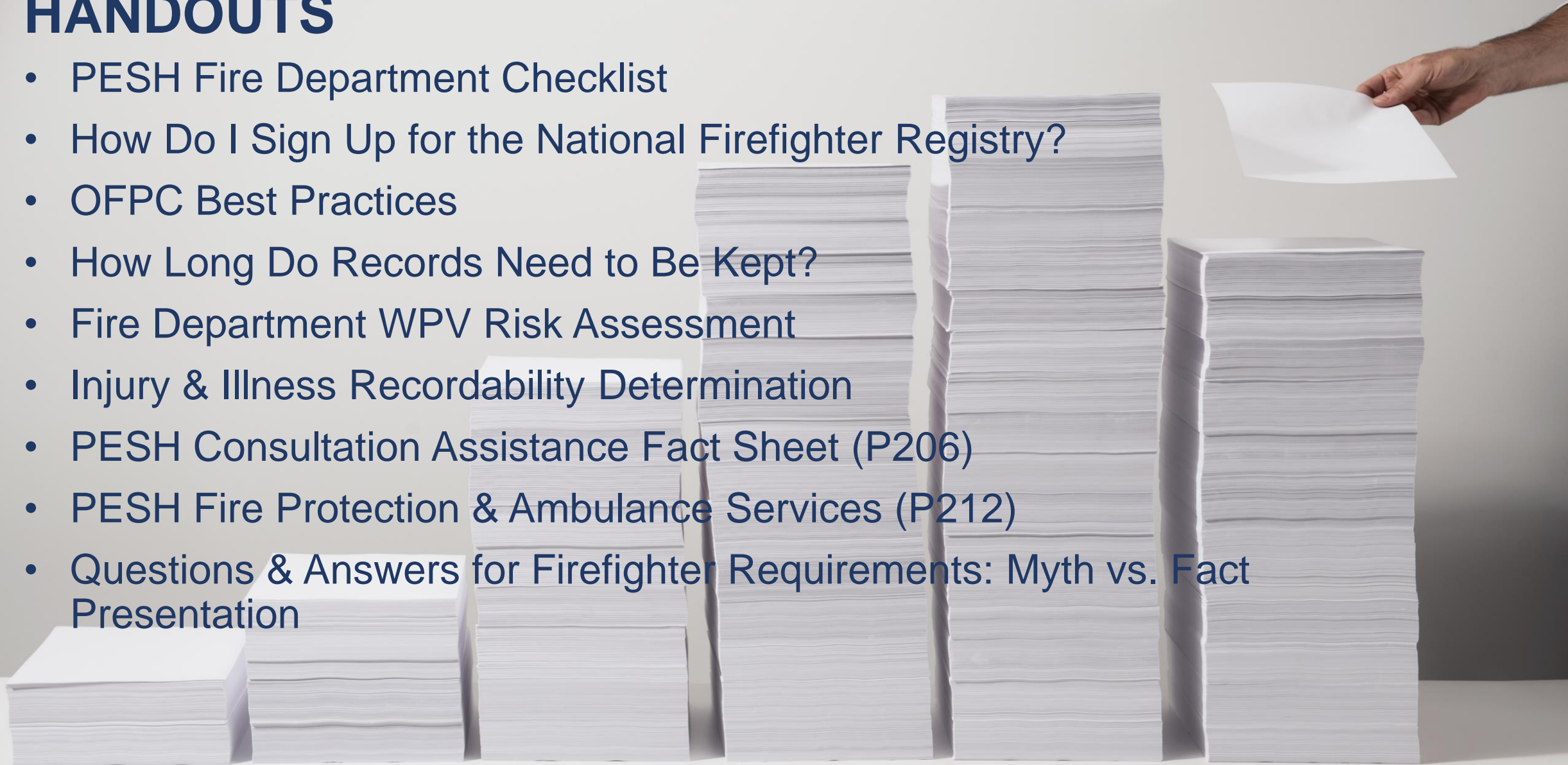


Department
of Labor

FIREFIGHTER REQUIREMENTS: MYTH vs. FACT

HANDOUTS

- PESH Fire Department Checklist
- How Do I Sign Up for the National Firefighter Registry?
- OFPC Best Practices
- How Long Do Records Need to Be Kept?
- Fire Department WPV Risk Assessment
- Injury & Illness Recordability Determination
- PESH Consultation Assistance Fact Sheet (P206)
- PESH Fire Protection & Ambulance Services (P212)
- Questions & Answers for Firefighter Requirements: Myth vs. Fact Presentation



OSHA vs. PESH vs. NFPA vs. NIOSH vs. BEST PRACTICES

Why is it so complicated?



OCCUPATIONAL SAFETY & HEALTH ADMINISTRATION (OSHA)- 1971

Ensures safe and healthful working conditions for private employees by setting and enforcing standards and by providing training, outreach, education, and assistance.

Standards were written 51 years ago

Updates to standards are included in Interpretation Letters

A close-up photograph of a person's hand, wearing a light-colored suit sleeve, holding an orange binder. The binder has a white label with the text "HEALTH & SAFETY" in bold, black, serif capital letters. The background is a plain, light-colored surface.

HEALTH & SAFETY

OSHA FIRE BRIGADE STANDARD

1910.156

- Development began in 1976
- The rulemaking process was very comprehensive, and the fire brigade standard was promulgated in 1980 based on extensive public comment and hearings.
- Standard was written 42 years ago



INTERPRETATION LETTERS

Updates to standards are included in Interpretation Letters.

Interpretation letters are responses to questions about a specific standard.

They provide further detail on requirements of a standard and how it applies to particular circumstances.

August 5, 2011

Example of Interpretation Letter

Sikh American Legal Defense and Education Fund
1413 K Street, 5th Floor
Washington, DC 20005

Thank you for meeting with us on March 15, 2011, to discuss clarification on exemptions from OSHA's Respiratory Protection Standard, 29 CFR 1910.134, due to the Sikh religious ban on removing facial hair. As we discussed in the meeting, OSHA has no specific exemption from citations for employers whose workers, for reasons of personal religious convictions, object to wearing respirators in the workplace.

There are loose-fitting respirators available that can be used effectively by bearded workers in the majority of situations where respirators are required. Because of the availability of this alternative, there is no need for a general exemption from the requirement to use respirators.

Nevertheless, there are circumstances where a tight-fitting respirator must be worn, such as when a worker is exposed to an atmosphere that is immediately dangerous to life or health (IDLH). In these situations, a tight-fitting pressure demand respirator is required. Wearing a respirator that is less protective could pose a grave danger not only to the worker who is wearing it, but also to other workers who might be called on to rescue him from the IDLH atmosphere. Preventing these unnecessary risks is a compelling governmental interest that justifies OSHA's decision not to provide a religious exemption from the respirator standard, especially as there is no less restrictive way to provide this protection.

Sincerely,

Thomas Galassi, Director
Directorate of Enforcement Programs

PUBLIC EMPLOYEE SAFETY & HEALTH (PESH)- 1980

NY is a state plan state

Enforces all OSHA standards for public employees

Plus additional NY standards:

- Public Employee Workplace Violence Prevention Programs- 2009
12 NYCRR Part 800.6
- Emergency Escape & Self Rescue Ropes & System Components for Firefighters- 2009, amended 2010 **12 NYCRR Part 800.7**

GENERAL DUTY CLAUSE

**Public Employee Safety & Health Act-
Article 2 Section 27-a.3.A(1)**

Every employer shall provide employees with a workplace free from recognized hazards that are causing or likely to cause death or serious physical harm.

General Duty Clause applies when:

- No OSHA/PESH standard exists
- A hazard existed & employees are exposed to the hazard
- Hazard was likely to cause death or serious physical harm
- Employer had knowledge of the hazard
- There is a feasible means of abatement



NATIONAL FIRE PROTECTION AGENCY (NFPA)- 1896

Global self-funded nonprofit organization

Devoted to eliminating death, injury, property, and economic loss due to fire, electrical, and related hazards

These are guidelines, not standards, therefore are not enforceable by a PESH standard.



STANDARDS INCORPORATED BY REFERENCE

1910.6 (a)(1)

The standards of other agencies which are incorporated by reference in the part.

- NFPA 1971- 1975 Edition, “Protective Clothing for Structural Fire Fighting”
1910.6 (q)(34)
 - This is enforceable by a PESH standard **1910.156 (e)(3)(ii)**
 - This was written 47 years ago
 - 8 editions since 1975, 2018 latest



NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY & HEALTH (NIOSH)- 1970

The OSHA Act established NIOSH as a research agency focused on the study of worker safety and health, and empowering employers and workers to create safe and healthy workplaces.



FIRE FIGHTER FATALITY INVESTIGATION AND PREVENTION PROGRAM (FFFIPP)- 1998

Congress recognized the need to address the national problem of work-related firefighter deaths, and funded NIOSH to implement a firefighter safety initiative.

Conducts voluntary, independent investigations of firefighter line-of-duty deaths and recommends ways to prevent deaths and injuries.

NIOSH does not:

- enforce compliance with state or federal job safety and health standards
- determine fault or place blame on fire departments or individual firefighters

Firefighter Cancer Registry Act- 2018

Largest effort undertaken by the nation to support and advance understanding of cancer in the fire service

Numerous studies show that firefighters' exposure on the fireground, where smoke and hazardous chemicals are released from burning materials, may increase the risk of certain types of cancer

Registry will help better understand the link between cancer and firefighting

Firefighter Cancer Registry Act- 2018

This act directed NIOSH to develop a voluntary registry of firefighters to understand the link between firefighting and cancer.

NIOSH worked with a national group of experts, in fire and emergency services, public health, epidemiology, and medical fields, to plan and launch the National Firefighter Registry for Cancer.

National Firefighter Registry for Cancer

Launched April 17, 2023

Online enrollment system

Enrollment takes 30 minutes

National Firefighter Registry for Cancer

Voluntary participation for all U.S. firefighters, with or without cancer, including:

- Active and retired firefighters
- Career, paid-on-call, & volunteer firefighters
- Structural firefighters
- Wildland firefighters
- Instructors
- Fire investigators
- Other members of the fire service

HOW DO I SIGN UP FOR THE NATIONAL FIREFIGHTER REGISTRY?

All firefighters – paid or volunteer, active or retired, with or without cancer – can sign up for the National Firefighter Registry (NFR) on a computer, tablet, or smartphone.

SIGNING UP INVOLVES 4 STEPS:

1. Create your account
2. Give informed consent
3. Create your profile
4. Complete the NFR questionnaire



JOIN THE NFR AT
NFR.CDC.GOV

If you get interrupted during steps 3 or 4, your responses will be saved. Login again to continue.



1. CREATE YOUR ACCOUNT Est. 5 Mins

- Visit [NFR.CDC.GOV](https://nfr.cdc.gov), confirm eligibility, and click “Login.Gov” to begin. Please be aware that using shared public computers can be less secure than using personal devices.
- Click “Create an Account” or sign in if you already have an account.
 - » *Tip: If you have an existing Login.Gov account and reset your password, go to [NFR.CDC.GOV](https://nfr.cdc.gov) after resetting to sign up.*
- Type your email address and select your preferred language.
 - » *Tip: Use a personal email instead of a work email in case you change employers.*
- Navigate to your email inbox. You will receive an email from Login.gov to confirm your email address. If you do not receive an email within a few minutes, please double check the email address you entered and your internet access.
- Create a password. The password must be 12 characters long. A meter will check your password strength - you will need a green color from the meter to continue.
- Select an authentication method. This is an added level of security to protect your information. You must select at least one method to move forward.
 - » *Tip: You may be most familiar with the “text or voice message” option.*
- Click “Agree and Continue” to be directed to the NFR portal.

2. GIVE INFORMED CONSENT Est. 5 Mins

- Read the informed consent document. The NFR is a voluntary project. You must provide informed consent to participate. Scroll down the page to read the consent form.
- Provide consent if you agree to participate. Do this by checking the box and typing your first and last name. If you decide not to participate you can close the window. If you change your mind in the future, you can visit [NFR.CDC.GOV](https://nfr.cdc.gov) to continue with registration.
 - » *Tip: You can download or receive an email copy of your signed Informed Consent for your records.*
- Click “Begin” to start to the next step.

BEST PRACTICES

PESH Notification of OFPC “Recommended Best Practices for Fire Department Training Programs” for compliance with 1910.156 Fire Brigade Standard 4/14/15, NYS DHSES OFPC “Recommended Best Practices for Fire Department Training Programs” 1/2015

Developed in 2015 with the input of OFPC, PESH, & fire service organizations

Are recommendations, not a regulatory mandate

Intended to identify "best practices" & core competencies that should be included in all training programs based upon the job duties of individual firefighters.

WHAT IS ENFORCEABLE?

- Should vs. Shall
- May vs. Must
- Chief vs. PESH



WHY SHOULD YOU COMPLY WITH PESH?

- Returning home in the same condition you left in
- Family
- Friends
- Fellow firefighters
- Reduce workplace hazards
- Reduce injuries & illness in the workplace
- Reduce insurance costs



FIRE PROTECTION DEFINITIONS

1910.155 (c)

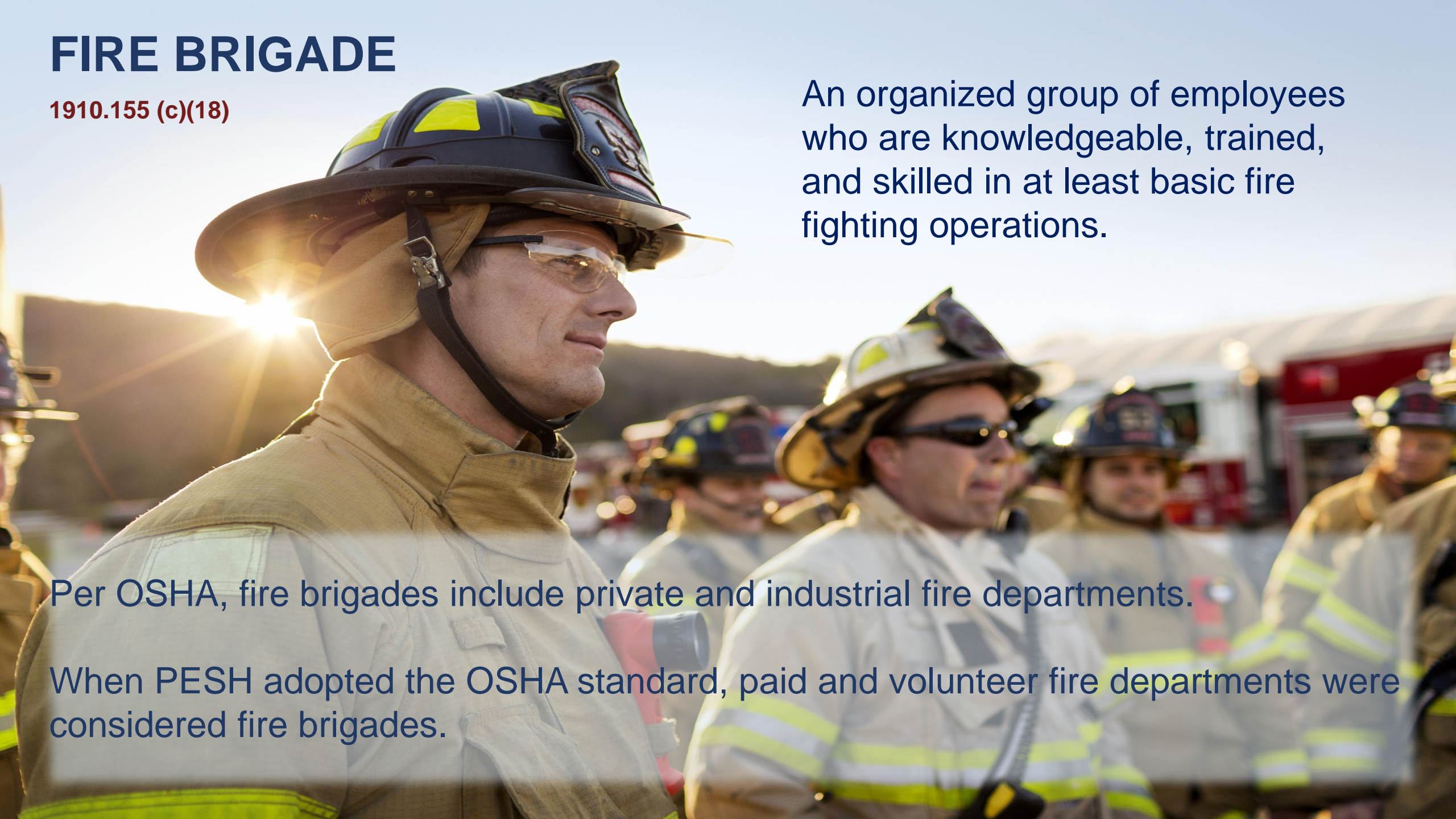
FIRE BRIGADE

1910.155 (c)(18)

An organized group of employees who are knowledgeable, trained, and skilled in at least basic fire fighting operations.

Per OSHA, fire brigades include private and industrial fire departments.

When PESH adopted the OSHA standard, paid and volunteer fire departments were considered fire brigades.



INTERIOR vs. EXTERIOR

1910.155 (c)(28), 1910.134 (b)



INTERIOR STRUCTURAL FIRE FIGHTING

The physical activity of fire suppression, rescue, or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage (cannot be controlled or extinguished by portable fire extinguishers).

*Best Practices: Firefighter 1 (Essentials or Basic FF & Hazmat Ops), ICS-100 & 700

EXTERIOR FIREFIGHTING

Anything that is not interior.

*Best Practices: BEFO (Scene Support) & Hazmat Operations OR Firefighter I, ICS-100 & 700

ENCLOSED STRUCTURE

1910.155 (c)(15)

A structure with a roof or ceiling and at least two walls which may present fire hazards to employees, such as accumulations of smoke, toxic gases and heat, similar to those found in buildings.

TRAINING

1910.155 (c)(41), 1910.156 (c)(1)

The process of making proficient through instruction and hands-on practice in the operation of equipment, that is expected to be used and in the performance of assigned duties.

- Training shall be commensurate with duties and functions that members are expected to perform before performing emergency actions.
- Officers, captains, chiefs, & training instructors need more training than the general membership.
- Training can be conducted by OFPC, by vendors, in-house, & from fire service associations.

*Best Practices- Principles of Instruction



DETERMINING CATEGORIES FOR FIREFIGHTER TRAINING

Consider determining categories for members:

- Chief
- Officer
- Interior Firefighter
- Exterior Firefighter
- Driver
- Social
- EMS Only
- Administrative

Categories will determine training requirements

check with your insurance company

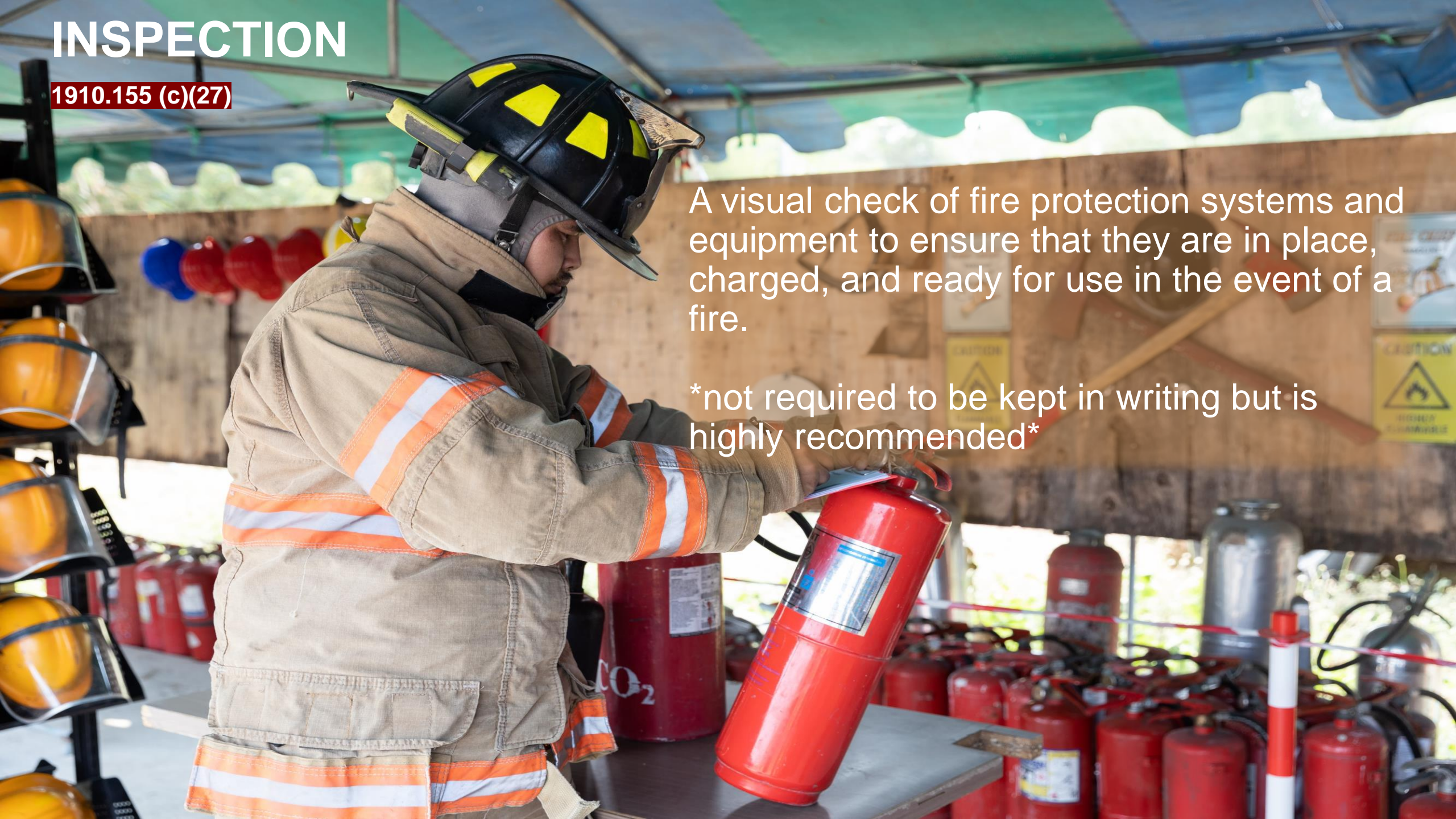


INSPECTION

1910.155 (c)(27)

A visual check of fire protection systems and equipment to ensure that they are in place, charged, and ready for use in the event of a fire.

not required to be kept in writing but is highly recommended



PERSONAL PROTECTIVE EQUIPMENT (PPE) QUESTIONS

ARE THERE REQUIREMENTS FOR TURNOUT GEAR?

1910.156 (e)(3)(ii), 1910.156 (e)(1)(i)

Yes

Turnout gear must meet the requirements of NFPA 1971 – 1975 Edition, "Protective Clothing for Structural Fire Fighting."

The employer is required to cover all of the costs of purchasing and maintaining a full set of turnout gear for interior firefighters.

DOES TURNOUT GEAR NEED TO BE INSPECTED?

1910.156 (d)

Yes- annually

The employer shall maintain and inspect, at least annually, fire fighting equipment to assure the safe operational condition of the equipment.

inspect means a visual check, but highly recommended to be kept in writing

DOES TURNOUT GEAR EXPIRE AFTER 10 YEARS?

PESH Interpretation Letter 6/9/14

Not specifically

NFPA 1851- 2020 Edition 10.1.2 states: structural fire fighting ensembles shall be retired...no more than 10 years from the date of manufacture.

NFPA 1851 is not incorporated, therefore not enforceable by PESH. It is a voluntary standard.

SO, WHEN DOES TURNOUT GEAR NEED TO BE RETIRED?

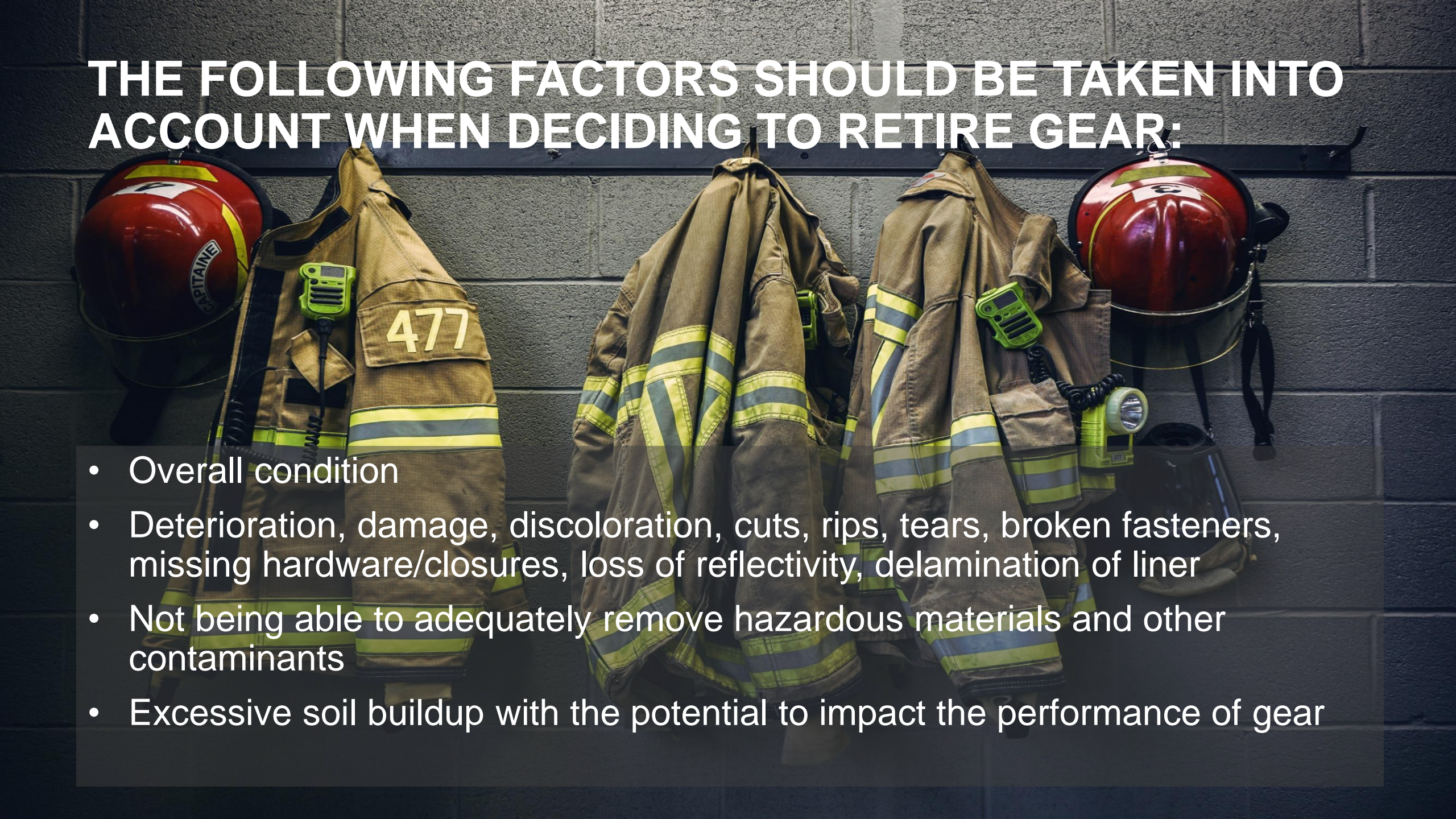
1910.156 (d)

Fire fighting equipment that is in damaged or unserviceable condition shall be removed from service and replaced.

The responsibility for the safe working condition of turnout gear rests with the employer.



THE FOLLOWING FACTORS SHOULD BE TAKEN INTO ACCOUNT WHEN DECIDING TO RETIRE GEAR:

- 
- The background image shows firefighter gear hanging on a grey brick wall. On the left is a red helmet with 'CAPITAINE' written on it. Next to it is a tan firefighter jacket with the number '477' on the chest and reflective yellow and silver stripes. In the center are two more tan firefighter jackets, also with reflective stripes. On the right is another red helmet and a black air cylinder. The gear appears to be in good condition but shows signs of use.
- Overall condition
 - Deterioration, damage, discoloration, cuts, rips, tears, broken fasteners, missing hardware/closures, loss of reflectivity, delamination of liner
 - Not being able to adequately remove hazardous materials and other contaminants
 - Excessive soil buildup with the potential to impact the performance of gear

CONSIDERATIONS FOR TURNOUT GEAR



- Purchase 2 sets of gear for interior firefighters
- Purchase a washer and dryer for gear
- Newest gear should be given to interior firefighters
- Establish SOPs to limit exposure to contaminated gear
 - Not storing gear in passenger compartments of vehicles
 - Gross decon on scene
 - Wash gear after exposure to fire or smoke

DO FIREFIGHTERS NEED EXTRICATION GLOVES?

1910.132 (d)(1)

Yes, if they perform extrication

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use PPE.

Firefighting Gloves- offer good protection from cuts and abrasions, but at the cost of a significant loss of manual dexterity

Extrication Gloves- provide lots of protection for the hands while also permitting manual dexterity, allowing the user a full range of motion



The background image shows the lower bodies and legs of several firefighters. They are wearing dark-colored turnout pants with bright yellow-green reflective stripes. They are also wearing heavy-duty black safety boots. The scene is outdoors, likely at a fire station or emergency scene, with a blurred fire truck in the background.

DOES TURNOUT GEAR, BOOTS, & GLOVES NEED TO FIT PROPERLY?

1910.132 (d)(1)(iii)

Yes

The employer shall select PPE that properly fits each affected employee.



ARE BALLISTIC VESTS REQUIRED?

1910.132 (d)(1)

Not specifically

The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use PPE.

Consider: Is there a likelihood of a weapons related incident in your district that would classify ballistic vests as PPE?

ARE THERE REQUIREMENTS IF BALLISTIC VESTS ARE ISSUED?

1910.132 (e)

Yes- if they are considered PPE

- The employer must complete a hazard assessment and determine if the assessment requires vests (Is there a history of weapon threats?).
- Defective or damaged PPE shall not be used.
- The employer must follow all manufacturer's recommendations, including replacement of the plates.
- The use of ballistic vests must be in compliance with manufacturer's recommendations. Can they be worn under turnout gear?



SELF-CONTAINED BREATHING APPARATUS (SCBA) QUESTIONS

WHEN DO WE NEED TO WEAR SCBAS?

1910.156 (f)(1)(ii), 1910.134 (d)(1)(iii), 1910.134 (g)(4)(iii)

- Engaged in interior structural fire fighting
- Inside buildings (including attics and stairwells)
- Contamination or toxic substances may be present
- Oxygen deficiency may be present
- Unknown atmospheres

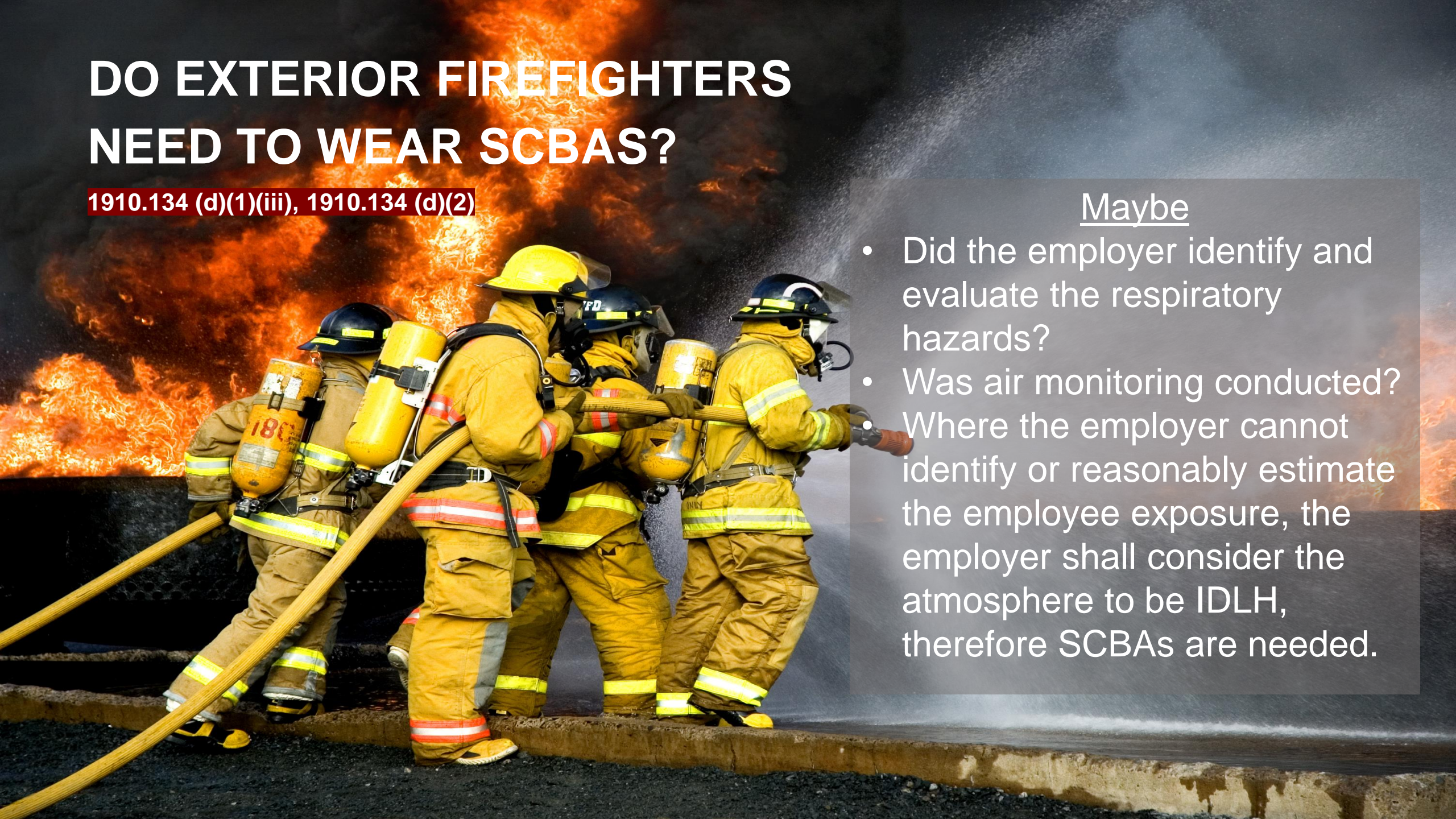


DO EXTERIOR FIREFIGHTERS NEED TO WEAR SCBAS?

1910.134 (d)(1)(iii), 1910.134 (d)(2)

Maybe

- Did the employer identify and evaluate the respiratory hazards?
- Was air monitoring conducted?
- Where the employer cannot identify or reasonably estimate the employee exposure, the employer shall consider the atmosphere to be IDLH, therefore SCBAs are needed.



BESIDES INTERIOR FIREFIGHTING, ALSO CONSIDER SCBA USE DURING:

- Overhaul
- Vehicle fires
- Any exterior fire where air monitoring has not been conducted to determine the hazards



CAN WE USE REBUILT SCBAS?

1910.156 (f)(1)(iv)

No

All compressed air cylinders used with SCBAs shall meet DOT and NIOSH criteria.



CAN YOU WEAR AN SCBA WITH A BEARD OR SIMILAR FACIAL HAIR?

1910.134 (g)(1)(i)(A)

No

Facial hair cannot:
come between the seal of
the facepiece and your face
OR
interfere with valve function.



ACCEPTABLE

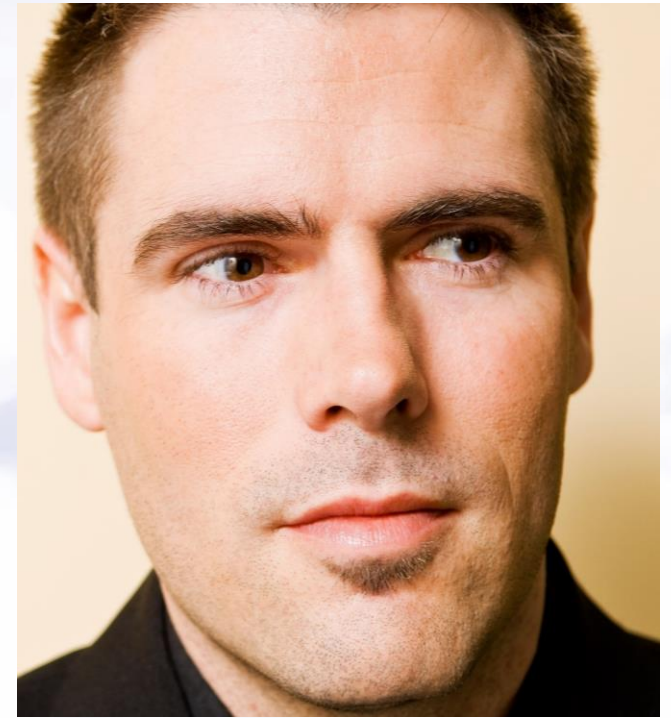
Clean Shaven



Moustache



Soul Patch



UNACCEPTABLE

Not Clean-shaven



Beard



Moustache
Too Long



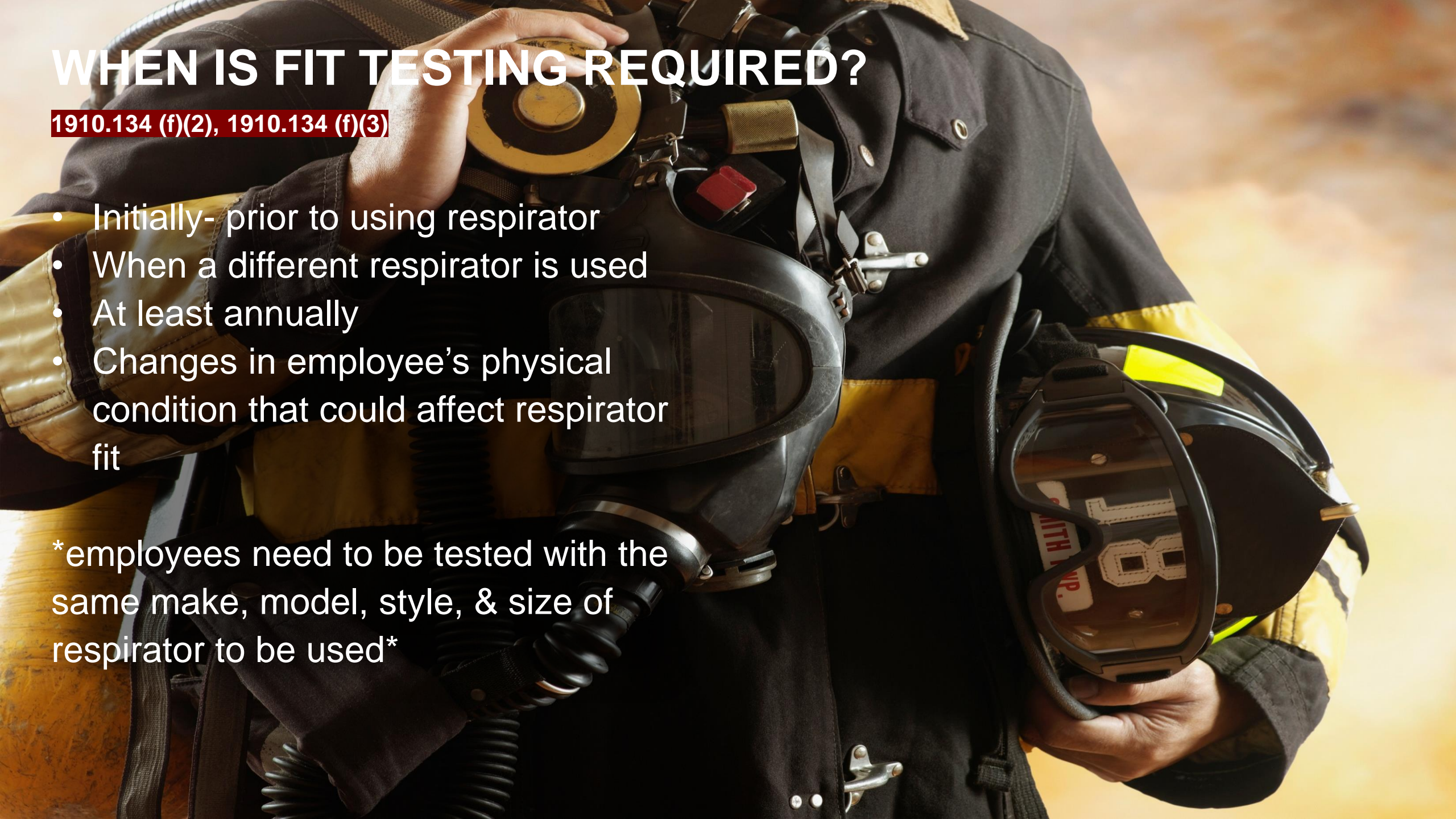
Hair in Facepiece Seal

WHEN IS FIT TESTING REQUIRED?

1910.134 (f)(2), 1910.134 (f)(3)

- Initially- prior to using respirator
- When a different respirator is used
- At least annually
- Changes in employee's physical condition that could affect respirator fit

employees need to be tested with the same make, model, style, & size of respirator to be used



IS THE EMPLOYER REQUIRED TO PAY FOR LENS INSERTS & PRESCRIPTIVE LENSES FOR SCBA FACE PIECES?

1910.132 (h)(2), OSHA Interpretation Letter “Employer payment for personal protective equipment.” 11/13/14,
Final Rule “Employer payment for personal protective equipment.” (72 FR 64342-64430) 11/15/07

Yes

PPE shall be provided by the employer at no cost to employees.

Table V-2 - Examples of PPE for Which Employer Payment Is Required

Includes prescription eyewear inserts/lenses for full face respirators: since the temples of prescription glasses break the face seal, OSHA believes that it is appropriate for the employer to provide & pay for special-use prescription glasses used inside the respirator face piece.

DO WE NEED TO TEST THE COMPRESSOR FOR AIR QUALITY?

1910.134 (i)(1)(ii)

Yes, annually is recommended

Compressed breathing air shall meet at least the requirements for Grade D breathing air.

Must have a certificate of analysis indicating the compressor provides Grade D.

Grade E is allowed



DOES THE AIR COMPRESSOR NEED MAINTENANCE?

1910.134 (i)(5)(iii)

The employer shall ensure that compressors used to supply breathing air to respirators are constructed and situated so as to have suitable in-line air purifying sorbent beds & filters to further ensure breathing air quality. Sorbent beds & filters shall be maintained and replaced or refurbished following manufacturer's instructions.

check what the manufacture requires for their warranty

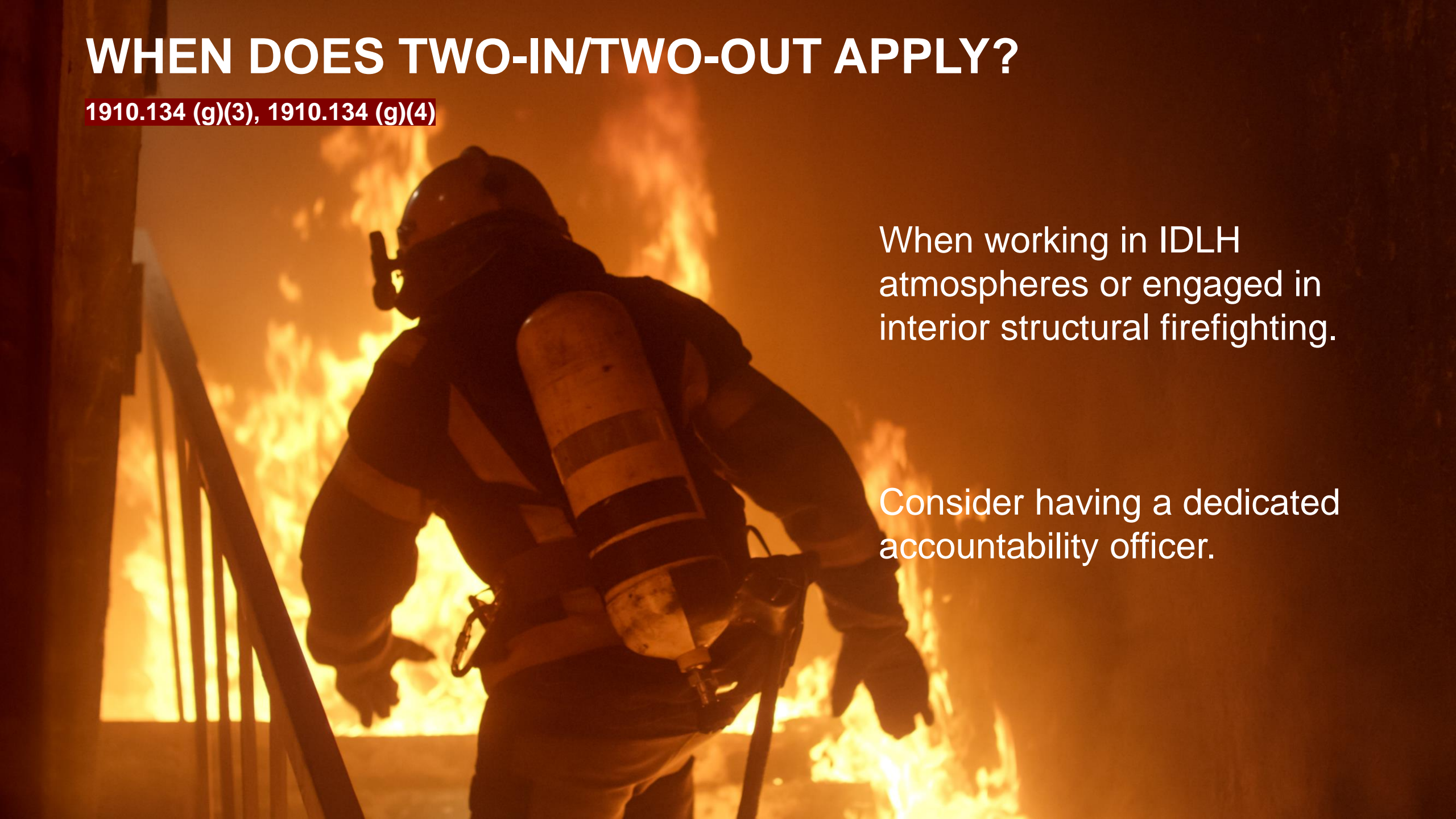


WHEN DOES TWO-IN/TWO-OUT APPLY?

1910.134 (g)(3), 1910.134 (g)(4)

When working in IDLH atmospheres or engaged in interior structural firefighting.

Consider having a dedicated accountability officer.



WHAT DOES TWO-IN MEAN?

1910.134 (g)(4)(i), OSHA Interpretation Letter “Respiratory protection standard two-in/two-out policy.” 12/15/98

- At least 2 employees enter and remain in visual or voice contact (voice or radio) at all times.
- 2 firefighters need to enter together so they can monitor each other’s whereabouts as well as the work environment
- Applies when performing interior structural firefighting

WHAT DOES TWO-OUT MEAN?

1910.134 (g)(4)(ii), Note 1 to paragraph (g), OSHA Interpretation Letter
“Respiratory protection standard two-in/two-out policy.” 12/15/98

- At least 2 employees are located outside the IDLH atmosphere.
- They must be prepared to rescue the inside firefighters should the need arise.
- 1 outside firefighter must actively monitor the status of the inside firefighters and have no other assigned duties.
- The other outside firefighter may perform other duties (such as pump operator, IC, exterior firefighter) as long as they can immediately transfer their duties.

IS TWO-IN/TWO-OUT A ONE FOR ONE POLICY?

1910.134 (g)(4), OSHA Interpretation Letter "Two-in/two-out rule for interior structural fire fighting." 11/13/98

No

- There must always be at least 2 firefighters outside during interior structural firefighting, prepared to enter if necessary to rescue the firefighters inside.
- If 4 are in, 4 don't need to be out. The IC should determine if additional outside firefighters are needed when more than 2 go inside. When firefighting involves entry from different locations, 2 outside firefighters may have to be stationed at each point of entry.

CAN WE START INTERIOR FIREFIGHTING IF WE HAVE LESS THAN 4 INTERIOR FF'S ON SCENE?

1910.134 (g)(3), 1910.134 (g)(4), OSHA Interpretation Letter “Respiratory protection standard two-in/two-out policy.” 12/15/98, OSHA Interpretation Letter “Complying with the “two-in, two-out” policy for interior structural firefighting.” 3/12/99

No

- ❖ Interior firefighters can perform scene size up, exterior firefighting, and other exterior duties.
- ❖ Firefighters can perform emergency rescue operations when there is a reasonable belief that victims may be inside.
- ❖ The IC and FF's must decide whether the risks posed by entering an interior structural fire prior to having at least 4 FF's available is outweighed by the need to rescue victims who are at risk of death or serious physical harm.

The requirements of this standard are not meant to preclude FF's from performing emergency rescue activities before an entire team has been assembled.

MEDICAL QUESTIONS

DO ALL FIREFIGHTERS NEED MEDICAL EVALUATIONS?

1910.134 (e)(1), NFPA "Firefighter Fatalities in the US in 2021" August 2022

No

- Medical evaluations are needed for any employee that wears a respirator
AND
- Must be done before being fit tested or using a respirator

However, consider medical evaluations for all firefighters as overexertion, stress, and medical issues are the leading cause of LODDs (57.1% in 2021)

DO MEDICAL EVALUATIONS NEED TO BE DONE ANNUALLY?

1910.134 (e)(7)

No

There are 4 requirements that trigger a medical evaluation (beyond the initial evaluation):

- Employee reports medical signs or symptoms related to their ability to use a respirator
- Information from the respiratory protection program indicates a need for reevaluation
- Change in workplace conditions that substantially increases the physiological burden placed on the employee

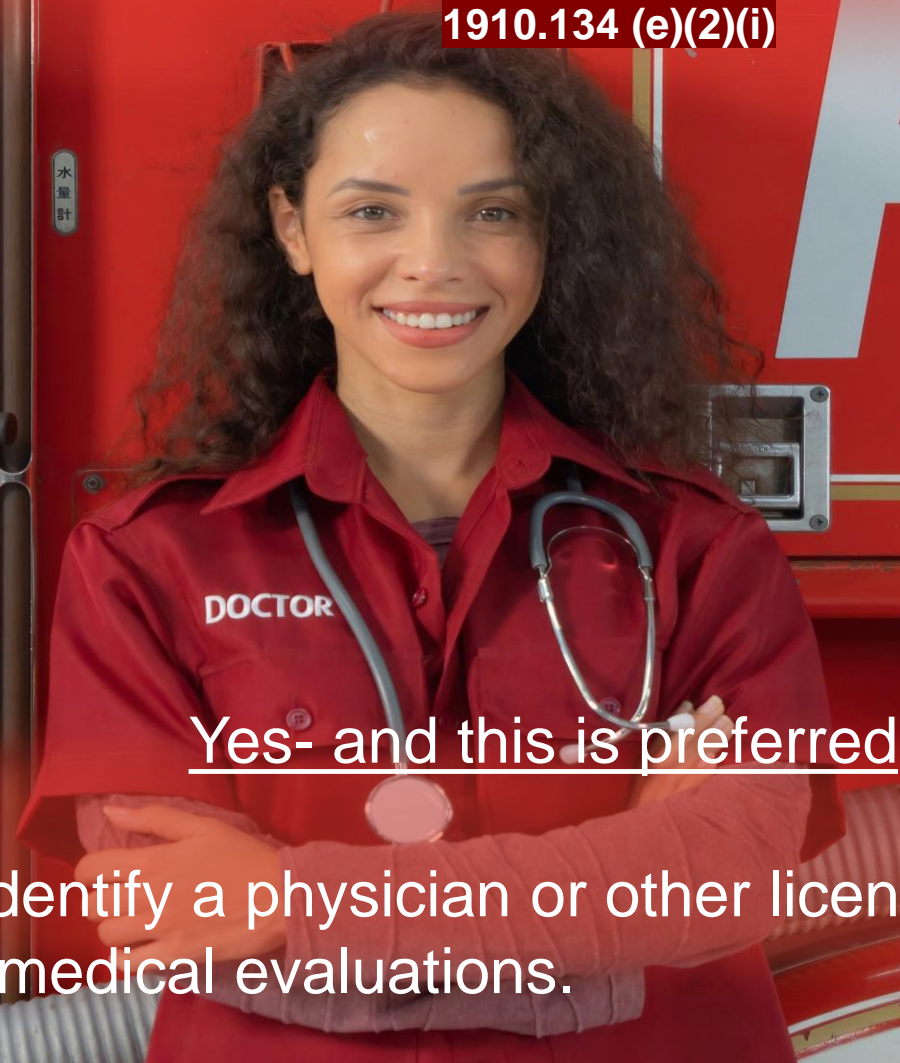
OR

- The PLHCP or employer determines it is necessary



CAN THE EMPLOYER REQUIRE FIREFIGHTERS TO RECEIVE A MEDICAL EVALUATION FROM THEIR PROVIDER AND NOT USE THEIR PERSONAL PHYSICIAN?

1910.134 (e)(2)(i)



Yes- and this is preferred

The employer shall identify a physician or other licensed health care provider (PLHCP) to perform medical evaluations.

CAN THE EMPLOYER ALLOW A FIREFIGHTER TO CHOOSE TO RECEIVE MEDICAL EVALUATIONS FROM THEIR PERSONAL PHYSICIAN?

1910.134 (e)(5), OSHA Interpretation Letter "Respiratory protection medical evaluations: additional evaluations; use of employee's physician; testing; medical removal; and confidentiality." 10/21/04, OSHA Interpretation Letter "Clarification of the medical evaluation provisions of the revised respiratory protection standard." 11/16/98

Yes- this can be done with some requirements

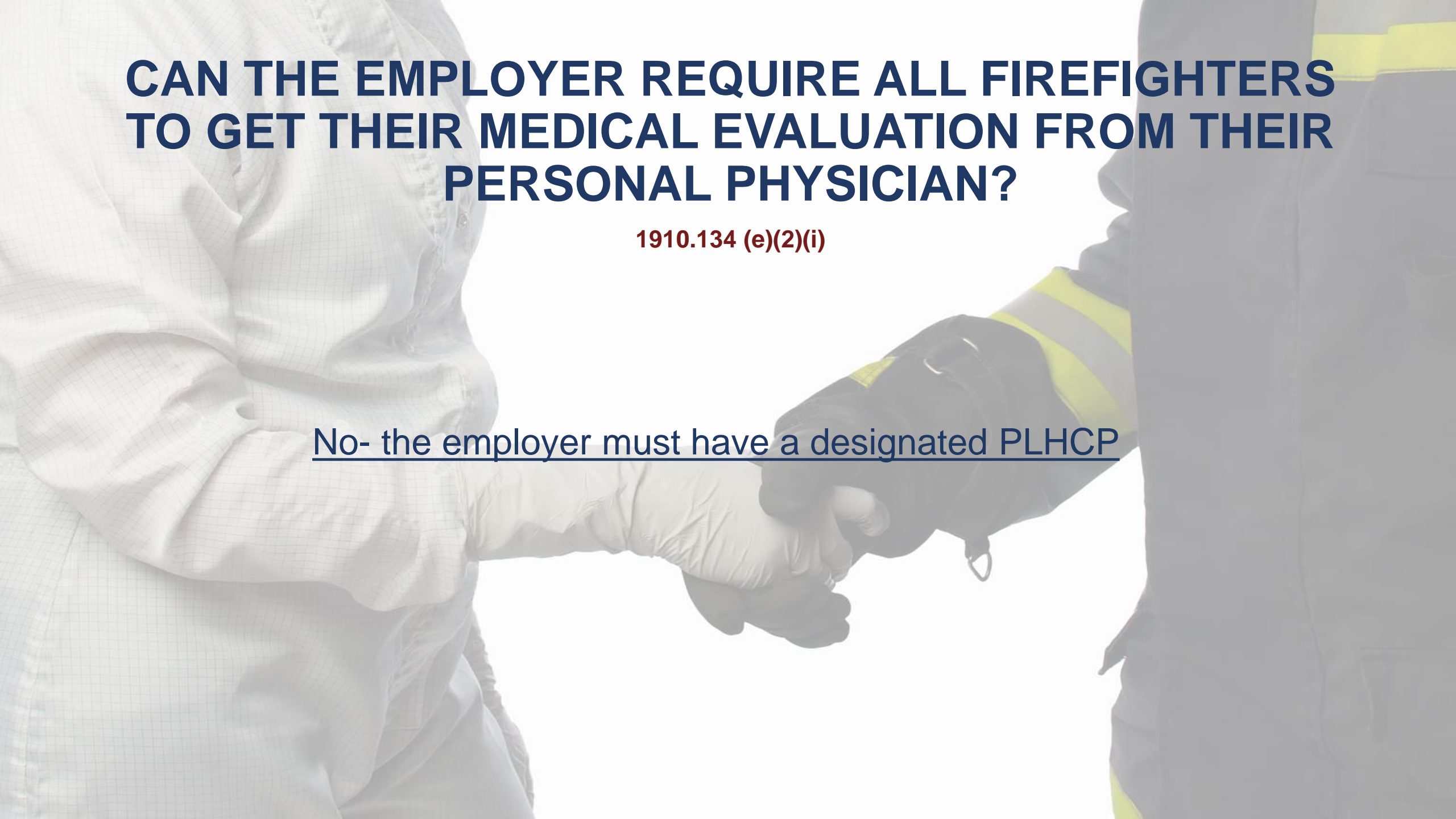
The employee can use their own physician, however the physician's fees need to be paid by the employer.

WHAT IS REQUIRED IF THE EMPLOYER ALLOWS A FIREFIGHTER TO RECEIVE A MEDICAL EVALUATION FROM THEIR PERSONAL PHYSICIAN?

1910.134 (e)(5)

The physician must be provided with:

- Type & weight of respirator the employee will be using
- Duration & frequency of respirator use
- Expected physical work effort
- Protective clothing & equipment to be worn
- Temperature & humidity extremes that may be encountered
- A copy of the employer's written respiratory protection program
- A copy of the OSHA Respiratory Protection Standard **(29 CFR 1910.134)**



CAN THE EMPLOYER REQUIRE ALL FIREFIGHTERS TO GET THEIR MEDICAL EVALUATION FROM THEIR PERSONAL PHYSICIAN?

1910.134 (e)(2)(i)

No- the employer must have a designated PLHCP

DO HAZMAT TEAM MEMBERS NEED MEDICAL EVALUATIONS?

1910.120(f)(3)(i)(B), 1910.120(f)(2)

Yes

At least once every twelve months unless the attending physician believes a longer interval is appropriate, but not more than every other year.

The medical evaluation program shall be instituted by the employer who organized the hazmat team (fire department, county hazmat team, etc.).



CAN THE MEDICAL PROVIDER KEEP MEDICAL RECORDS?

1910.1020 (d), OSHA Interpretation Letter “Medical record retention requirements when companies contract outside agencies.” 5/12/81

Yes

The employer is responsible to establish and maintain medical records.

- May be kept off-site with the healthcare provider

EQUIPMENT QUESTIONS

HOW OFTEN DOES HOSE AND LADDER TESTING NEED TO BE DONE?

1910.156 (d)

Annually

The employer shall maintain and inspect, at least annually, fire fighting equipment to assure the safe operational condition of the equipment.



WHAT IS THE LIFE SPAN OF EQUIPMENT (HOSES, LADDERS)?

A firefighter is positioned on a tall, extendable aerial ladder of a fire truck. The ladder is extended high into the air, and the firefighter is spraying a powerful stream of water from a hose. The background shows a large, multi-story building that is heavily on fire, with thick black smoke billowing from the windows and roof. The scene is set at night or in low light, with the fire providing the primary illumination. In the foreground, the tops of several fire trucks with blue emergency lights are visible. The overall atmosphere is one of a major fire incident.

Follow the manufacturers
recommendations for inspection
requirements and life span.

WHAT ARE THE REQUIREMENTS FOR DRIVER TRAINING?

NFPA "Firefighter Fatalities in the US in 2021" August 2022

PESH does not have specific requirements for drivers.

However, consider

- 16 out of 70 (22.8%) LODDs in 2021 were vehicle related
- Check with your insurance company for additional requirements (minimum age, training)

*Best Practices: EVOC

HAZMAT QUESTIONS

DO FIREFIGHTERS NEED HAZMAT TRAINING?

1910.120 (q)(6)(ii), OSHA Interpretation Letter “Firefighter training requirements to respond to emergency releases, or potential emergency releases, of hazardous substance.” 8/1/03

Yes

All firefighters need Hazmat Operations level training because they respond to potential hazmat incidents defensively (establishing safe distances, ensuring site security, placing booms & pads, etc.).

If the fire department receives an emergency call reporting a suspected release of a hazardous substance, they must be trained to the operations level.

DOES THE INCIDENT COMMANDER NEED ADDITIONAL HAZMAT TRAINING?

1910.120 (q)(6)(v), 1910.120 (q)(8)

Yes

Incident commanders, who will assume control of the incident beyond the first responder awareness level, shall receive at least 24 hours of training equal to the first responder operations level & have additional competencies (equivalent to OFPC course "Hazardous Materials Incident Safety Officer").

- There must be an IC for hazmat incidents
- Requires an annual refresher

*Best Practices for IC/Chief: Fire Officer 1, ICS 200

WHO CAN PROVIDE HAZMAT OPERATIONS LEVEL TRAINING?

1910.120 (q)(7)

Requirements

Have instructor training program for hazmat ops offered
through OFPC or National Fire Academy

OR

Have training and/or academic credentials & instructional experience needed to
demonstrate competent instructional skills & a good command of the subject.

EMERGENCY ESCAPE SYSTEM QUESTIONS



IS THE BAILOUT LAW STILL IN EFFECT?

12 NYCRR 800.7, PESH Staff Directive A10-2

Yes

It was established in 2009, with revisions made in 2010. Nothing has changed with the law since 2010.

ARE BAILOUT ROPES REQUIRED?

12 NYCRR 800.7 (f)(2)

Yes- if the risk assessment determines they are needed

If the risk assessment establishes that FF's performing interior structural firefighting are reasonably expected to be exposed to the risk of entrapment at elevation, the employer shall provide each interior FF with escape rope & system components.

Interior firefighters at elevation need to be able to safely exit any window of a building quickly. That can be done in a variety of ways, including ladders and bailout systems.

Ladders will only be effective if they are either raised to the windows prior to entry or are quickly available (example- there are 2 windows on the same side of the building in close proximity. One ladder could be used for both windows if that ladder is located close by and there is personnel immediately available to move the ladder if needed.)

Ladder trucks can be used to exit windows on one side of a building, but it would need to be set up prior to entry.

IS ANNUAL BAILOUT TRAINING REQUIRED?

12 NYCRR 800.7 (g)(1) & (2)

No

Initial training requires instruction on proper use by a competent instructor.

Training shall include hands-on use of the equipment in a controlled environment.





HOW OFTEN CAN A BAILOUT TRAINING ROPE BE USED?

12 NYCRR 800.7 (h)(2)

Training rope can continue to be used as long as it passes monthly inspection.

CAN WE USE A BAILOUT ROPE IF IT HAS BEEN USED FOR AN EMERGENCY ESCAPE?

12 NYCRR 800.7 (h)(1)(c)

No

Any escape rope that has been used under load for the purpose of self rescue/emergency escape is immediately removed from service, destroyed, or rendered unusable as an escape rope and immediately replaced.



RECORDKEEPING QUESTIONS

HOW LONG DO RECORDS NEED TO BE KEPT?

It depends

See handout

“How Long Do Records
Need to Be Kept?”





CAN RECORDS BE KEPT IN ELECTRONIC FORMAT?

1910.1020 (c)(10)

Yes

Record means any item, collection, or grouping of information regardless of the form or process by which it is maintained (e.g., paper document, any form electronically).

The background of the slide is a blurred photograph of a group of people sitting around a table in a meeting or conference room. The image is out of focus, showing the silhouettes and some details of the participants and the table.

WORKPLACE VIOLENCE PREVENTION PROGRAM (WVPP) QUESTIONS

DOES EVERY FIRE DEPARTMENT NEED A WVPP?

12 NYCRR 800.6 (a) & (c)

Yes

All employers are required to have a workplace violence prevention program.

DO WE NEED A WRITTEN WVPP?

12 NYCRR 800.6 (g)(1)

It depends

Yes if 20 or more full time employees. No if less than 20.

Fire department not part of a village/city:

- No- there are no full time employees

Fire department part of a village/city:

- Probably- if there are 20 or more full time employees in the village/city
- If so, they need a village/city-wide written program

Town fire department (fire district, fire protection district, association):

- No- there are not full time employees

REQUIREMENTS OF WVPP

12 NYCRR 800.6

- Perform a risk assessment
 - See handout "Fire Department WPV Risk Assessment"
- Develop, implement, and post a policy statement
- Develop a workplace violence incident report form
- Provide initial and annual training
- Annual review of all WPV incident reports
- Written program (if 20 or more full time employees)

PESH TRAINING QUESTIONS

IS THERE A MINIMUM NUMBER OF TRAININGS OR DRILLS REQUIRED ANNUALLY?

1910.156 (c)(2), Notification of OFPC “Recommended Best Practices for Fire Department Training Programs” for compliance with 1910.156 Fire Brigade Standard 4/14/15

No- but training needs to be done annually

Training does not have to occur in one single class, but must occur each year.

Annual training is within 12 months of the previous training.

The employer is required to provide training based upon job requirements/exposures expected to be encountered.



DOES PESH HAVE ACTUAL DRILL REQUIREMENTS FOR INTERIOR vs. EXTERIOR FIREFIGHTERS?

1910.156 (c)(2)

No

The employer must provide training that covers work tasks/exposures that FF's are expected to have.

Interior firefighters need training at least quarterly. Related to interior FF activities

- SCBA use
- Accountability



CAN TRAININGS BE COMPLETED ONLINE?

Notification of OFPC “Recommended Best Practices for Fire Department Training Programs”

**for compliance with 1910.156 Fire Brigade Standard
4/14/15**

Yes

All online trainings must cover site specific information and have the ability to ask questions live (during your training).

PESH places importance on the competencies achieved during training, not the specific source of training.

Some of standards have their own requirements for documentation.

REQUIRED INITIAL TRAININGS

- Initial fire brigade (PESH/OSHA) training **1910.156 (c)(2)**
- Hazmat operations **1910.120 (q)(6)(ii)**
- Respiratory protection **1910.134 (k)(3)**
 - For employees that wear SCBAs/respirators
 - Mandatory use of N95's requires training
- Ropes **12 NYCRR 800.7 (g)**
- Bloodborne pathogen (FFs & EMTs) **1910.1030 (g)(2)(ii)(A)**
- Workplace violence prevention **12 NYCRR Part 800.6 (h)(1)**
- Hazard communication/NYS Right to Know **1910.1200 (h)(1), Article 28 Section 878 2**

Sexual harassment- not required by PESH, required by NYS Division of Human Rights

REQUIRED ANNUAL TRAININGS

- PESH/OSHA training **1910.156 (c)(2)**
- Hazmat operations **1910.120 (q)(8)(i)**
- Respiratory protection **1910.134 (k)(5)**
- Bloodborne pathogen (FFs & EMTs) **1910.1030 (g)(2)(ii)(B)**
- Workplace violence **12 NYCRR Part 800.6 (h)(1)**
- NYS Right to Know **Article 28 Section 878 2**

Sexual harassment



REQUIRED WRITTEN PROGRAMS

- Organizational statement **1910.156 (b)(1)**
- Hazards **1910.156 (c)(4)**
- Respiratory protection program **1910.134 (c)(1)**
 - Update when respirator type changes
- Bailout SOGs **12 NYCRR 800.7 (f)(1)(ii), Staff Directive A10-2**
- Bloodborne pathogen program **1910.1030 (c)(1)(i)**
 - Must be reviewed annually **1910.1030 (c)(1)(iv)**
- Workplace violence prevention **12 NYCRR 800.6 (g)(1)**
 - If 20 or more FT employees
 - Hazard communication **1910.1200 (e)(1)**
 - EAP- **1910.38/1910.157**



REQUIRED POSTINGS

- PESH Poster **12 NYCRR 801.47 (a)**
- RTK Poster **12 NYCRR 820 Section 876 (1)**
- WVP policy statement **12 NYCRR 800.6 (e)**
- Summary of Work-Related Injuries & Illnesses (SH-900.1) (from February 1 – April 30) **12 NYCRR 801.32 (a)(4)**
 - See handout "Injury & Illness Recordability Determination"
- Safety Data Sheets (SDS) **1910.1200 (g)(1)**

DO WE NEED SDSs OR CAN WE USE MSDSs?

1910.1200 (g)(1), OSHA Interpretation Letter “Hazard communication effective dates and SDSs.” 7/27/15

Probably

MSDSs can be used for chemicals that were received before June 1, 2015.

SDSs must be used for chemicals that were received by June 1, 2015.

SO.....WHAT'S NEXT?

FOR EVERY EMERGENCY RESPONSE

Conduct a risk vs. benefit analysis

Have situational awareness

Perform a scene size up- do a 360

IS THERE A NEW FIRE BRIGADE STANDARD?

Not yet

1910.156- Emergency Responder Preparedness Program

Next Step: Notice of Proposed Rule Making, which would include a draft of the proposed rule (this will take years)

Start with compliance of current standard

BEST PRACTICES

Start implementing best practices in preparation for the new standard.

See handout "Fire Protection & Ambulance Services" (P212)

DON'T CALL ME, I'LL CALL YOU.....

WHEN SHOULD YOU CALL PESH?

- Accident resulting in hospitalization (admission) of 2 or more employees: within 8 hours
12 NYCRR 801.39 (a)
- Fatality: within 8 hours
12 NYCRR 801.39 (a)
- If you have questions or concerns
- If you want to file a complaint
- If you want to schedule consultation services
 - See handout "Consultation Assistance Fact Sheet" (P206)



WHEN WILL PESH CONTACT YOU?

- Media referral resulting in an inspection
- Unannounced inspection (planned enforcement, complaint)
- Injury and illness record request



HOW TO CONTACT PESH

Safety:

Jen Puerner: 716-777-0367

Jennifer.puerner@labor.ny.gov

Buffalo Office: 716-847-7133

Health:

Chuck Riley: 585-509-7234

Charles.riley@labor.ny.gov

Ask.SHNYPESH@labor.ny.gov



QUESTIONS?



WE ARE YOUR DOL



**Department
of Labor**

Jennifer Puerner
NYS Department of Labor
Public Employee Safety & Health Bureau
Compliance Assistance Specialist
290 Main Street, Mezzanine
Buffalo, NY 14202
O: 716-847-7603 | C: 716-777-0367 | F: 716-847-7108

Charles Riley
NYS Department of Labor
Public Employee Safety & Health Bureau
Associate Industrial Hygienist
109 S. Union Street, Room 402
Rochester, NY 14607
C: 585-509-7234