

LABOR LAW  
ARTICLE 2. THE DEPARTMENT OF LABOR  
(Relevant sections pertaining to emergency escape systems)

§ 27-a. Safety and health standards for public employees

4. Safety and health standards.

c. Except for an employer located in a city with a population of over one million, any employer who employs a firefighter determined to be at risk of entrapment at elevations pursuant to regulations promulgated by the commissioner, shall provide emergency escape systems for use by such firefighter. The commissioner shall by rule identify the codes, standards and recommended practices of the National Fire Protection Association and other appropriate standards approved by the commissioner as are appropriate to the nature of the risk to which the firefighter shall be exposed and shall, at a minimum, include in such rule language requiring employers to (1) identify whether firefighters employed by them would be exposed to the hazard of entrapment at elevated surfaces; (2) identify those firefighters who would be exposed to the hazard; and (3) determine the appropriate emergency escape systems to address the hazard. Such emergency escape systems shall be adequate to protect the health and safety of the firefighter. The employer shall ensure that the firefighter is instructed in the proper use of the emergency escape systems. As used in this subdivision, the term "entrapment at elevations" shall mean a situation where a fire or other emergency conditions require a firefighter inside a structure to immediately exit the structure but where such conditions make the normal route of exit unusable, thereby requiring the firefighter to exit the structure from an opening that is not designed as an exit and is above the ground floor or at an elevation above the surrounding terrain that would reasonably be expected to cause injury to a firefighter exiting by means of this opening without any emergency escape systems. As used in this subdivision, the term "emergency escape system" shall mean safety ropes and system components and any other system that (1) is compliant with the codes, standards and recommended practices of the National Fire Protection Association or other appropriate standard identified by the commissioner through regulation, as a means of emergency self-rescue from an above grade, immediately hazardous environment, (2) has been certified by a nationally recognized safety testing and certification organization, and (3) the commissioner has recognized through regulation.

In order to ensure the adequacy of the emergency escape systems, the employer must routinely inspect and ensure that:

- (1) Existing emergency escape systems meet the codes, standards and recommended practices adopted by the commissioner.
- (2) Existing emergency escape systems still perform their function and to identify any of their limitations such as but not limited to:
  - (i) Checking the labels or stamps on the equipment; and
  - (ii) Checking any documentation or equipment specifications; and
  - (iii) Contacting the supplier or the approval agency;
- (3) Firefighters are informed of the limitations of emergency escape systems;
- (4) Firefighters are not allowed or required to use any emergency escape systems beyond their limitations;
- (5) Existing and new emergency escape systems have no visible defects that limit their safe use;
- (6) Emergency escape systems are used, cleaned, maintained and stored according to manufacturer's instructions;
- (7) The firefighter is instructed in identifying to the employer any defects that the firefighter may find in emergency escape systems; and
- (8) Any identified defects are corrected or immediate action is taken by the employer to eliminate the use of this equipment.