

Questions & Answers for Firefighter Requirements: Myth vs. Fact Presentation

Updated 9/8/23

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:

- 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.

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 manufactures 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.

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 facepieces? 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.

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 firefighters 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 firefighters must decide whether the risks posed by entering an interior structural fire prior to having at least 4 firefighters 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 firefighters 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/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.

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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)?

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)

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 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 firefighters performing interior structural firefighting are reasonably expected to be exposed to the risk of entrapment at elevation, the employer shall provide each interior firefighter with escape rope and system components. Interior firefighters at elevation need to be able to safely exit any window of 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)

Workplace Violence Prevention Program (WVPP) Questions

Does every fire department need a workplace violence prevention program? 12 NYCRR 800.6 (a) & (c)

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

Do we need a written workplace violence prevention program? 12 NYCRR 800.6 (g)(1)

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 a Workplace Violence Prevention Program 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
- 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 firefighters 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.

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.

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)

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)