

CR 90-85

RULES CERTIFICATE

STATE OF WISCONSIN)
) SS
DEPT. OF INDUSTRY,)
LABOR & HUMAN RELATIONS)

TO ALL TO WHOM THESE PRESENTS SHALL COME, GREETINGS:

I, Gerald Whitburn, Secretary of the Department of Industry, Labor and Human Relations, and custodian of the official records of said department, do hereby certify that the annexed rule(s) relating to Fire Department Health and Safety Standards were duly approved and adopted by this department on December 18, 1990.
(Subject)
(Date)

I further certify that said copy has been compared by me with the original on file in this department and that the same is a true copy thereof, and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the official seal of the department at 8:00 a.m. in the city of Madison, this 18th day of December A.D. 1990.



Secretary

RECEIVED

DEC 18 1990
3:05 pm
Revisor of Statutes
Bureau

ORDER OF ADOPTION

Pursuant to authority vested in the Department of Industry, Labor and Human Relations by section(s) 101.02 (1) and 101.055 (3) (a), Stats., the Department of Industry, Labor and Human Relations creates; amends; repeals and recreates; repeals and adopts rules of Wisconsin Administrative Code chapter (s):

ILHR 30

(Number)

Fire Department Health and Safety Standards

(Title)

The attached rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register pursuant to section 227.22, Stats.

Adopted at Madison, Wisconsin, this

date: December 18, 1990

DEPARTMENT OF INDUSTRY, LABOR AND HUMAN
RELATIONS



Secretary

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RULES in FINAL DRAFT FORM

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Rule: Chapter ILHR 30
Relating to: Fire Department Health and Safety Standards

CR - 90-85

SECTION 1. Chapter ILHR 30 is created to read:

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Chapter ILHR 30

FIRE DEPARTMENT HEALTH AND SAFETY STANDARDS

SUBCHAPTER 1 - PURPOSE AND SCOPE

ILHR 30.001 PURPOSE. Pursuant to s. 101.055 (3)(a), Stats., the purposes of this chapter are to: (1) Establish health and safety standards for public sector fire department employes; and

(2) [1-2.1] Specify the minimum requirements for an occupational safety and health program for a fire department and safety procedures for those individuals involved in fire suppression, rescue, and related activities.

ILHR 30.002 SCOPE. (1) APPLICATION. The provisions of this chapter shall apply to all fire departments having public sector employees.

(2) EXEMPTION. The provisions of this chapter do not apply to private sector employer fire companies and fire departments either of which are organized as non-stock, non-profit corporations under ch. 181, Stats. or under ch. 213, Stats., without the input of a municipality.

Note #1: Private sector employer fire companies and fire departments are regulated under 29 CFR 1910, especially s. CFR 1910.156.

* * * * *

Special Note: Most of the requirements of this chapter, except Subch. XI, are based upon the National Fire Protection Association Standard NFPA No. 1500-1987 - Standard on Fire Department Occupational Safety and Health Program. Subchapters V through XII have a similar format to that of NFPA No. 1500. Requirements taken from or based upon NFPA No. 1500 are identified by the corresponding NFPA rule number appearing in brackets prior to the text of the rule. See s. ILHR 30.05 for example. The requirements of subch. XI are based upon section 1910.156 (b)(2) of the Federal Occupational Safety and Health Administration (OSHA) Regulations.

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SUBCHAPTER II - DEFINITIONS

ILHR 30.01 [1-4] DEFINITIONS. In this chapter:

(1) "Aerial device" means any extendable, or articulating device that is designed to position fire fighters and handle fire fighting equipment.

(2) "Approved" means acceptable to the department.

(3) "Authority having jurisdiction" means the department.

(4) "Basic life support" means emergency medical treatment at a level authorized to be performed by emergency medical personnel, as defined in s. 941.37 (1)(c), Stats.

NOTE: Section 941.37 (1)(c), Stats. defines "emergency medical personnel" to be: "...An emergency medical technician licensed under s. 146.50, peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle."

(5) "Contaminant" means a harmful, irritating or nuisance material foreign to the normal atmosphere.

(6) "Debilitating illness or injury" means any effect of an illness or injury that prevents a fire fighter from engaging in his or her normal fire fighting duties.

(7) "Department" means the department of industry, labor and human relations.

(8) "Emergency operation" means the provision of fire fighting, law enforcement, medical or other emergency service.

(9) "Fire apparatus" means a vehicle used for emergency operations.

(10) "Fire chief" means the highest ranking officer in charge of a fire department.

(11) "Fire department" means any public organization engaged in fire fighting.

(12) "Fire department facility" means any building or area owned, operated, occupied, or used by a fire department on a routine basis.

(13) "Fire fighter" means any person performing the powers and duties of a fire department, whether or not that person is engaged in emergency operations. "Fire fighter" includes full-time and part-time employes and paid and unpaid volunteers.

(14) "Fire fighter organization" means an organization such as a collective bargaining group or a fire fighters association that represents the collective and individual rights and interests of fire fighters, including any fire fighter organization that fire fighters authorize to represent their interests in negotiations with fire department managers.

(15) "Fire fighting" means any activity related to controlling and extinguishing an unwanted fire or a fire set for training fire fighters, including any activity that exposes a fire fighter to the danger of heat, flame, smoke or any other product of combustion, explosion or structural collapse, but does not include any activities pertaining to fighting wildland fires.

(16) "Fire vehicle" means any vehicle operated by a fire department, including fire apparatus.

(17) "Fully enclosed area" means a cab or passenger compartment of fire apparatus providing total enclosure with positive latching doors provided for entry and exit.

(18) "Hazardous area" means any area where there is a risk of exposure to a special hazard.

(19) "Hazardous atmosphere" means any atmosphere that is oxygen deficient or that contains a toxic or disease producing contaminant, whether or not it is immediately dangerous to life or health.

(20) "Hazardous material" means a substance that presents an unusual danger to persons due to properties of toxicity, chemical reactivity or decomposition, corrosivity, explosion or detonation, etiological hazards, or similar properties.

(21) "Health data base" means a compilation of records and data relating to the health experience of a group of individuals, maintained in a manner such that it is retrievable for study and analysis over a period of time.

(22) "Health promotion" means preventive health activities that identify real and potential health risks in the workplace, and that inform, motivate, and otherwise help people to adopt and maintain healthy practices and life styles.

(23) "Imminent hazard" means an act or condition that is judged to present a danger to persons or property that is so urgent and severe that it requires immediate corrective or preventive action.

(24) "Incident command system" means an organized system of roles, responsibilities and suggested operating guidelines used to manage and direct emergency operations.

(25) "Member" means a person involved in performing the duties and responsibilities of a fire department, under the auspices of the organization. For the purposes of this chapter, a fire department member:

(a) May be a full-time or part-time employee, or a paid or unpaid volunteer;

(b) May occupy any position or rank within the fire department; and

(c) May or may not engage in emergency operations.

(26) "Member Assistance Referral Program" or "(MARP)" means methods used in the workplace for the control of alcohol and other substance abuse, stress, and personal problems that adversely affect job performance.

(26m) "New", as it relates to s. ILHR 30.08, means a person hired, appointed or promoted to a position within an individual fire department after [the effective date of this section. . . (Revisor inserts date). . .].

(27) "Occupational illness" means an illness or disease caused or aggravated by serving as a fire fighter.

(28) "Occupational injury" means an injury sustained during the performance of the duties, responsibilities and functions of a fire fighter.

(29) "Officer in command" means a fire fighter assigned to direct emergency operations or manage the activities of a group of fire fighters.

(30) "Oxygen deficient atmosphere" means an atmosphere in which the concentration of oxygen is less than 19.5 percent.

(30m) "Public sector employer" has the meaning as given in s. 101.055 (2) (d), Stats.

Note: Section 101.055 (2) (d), Stats., reads: "Public employer" or "employer" means the state, any state agency or any political subdivision of the state.

(31) "Related activities" means any and all functions that fire department members may be called upon to perform in the performance of their duties.

(32) "Rescue incident" means an emergency incident that primarily involves the rescue of persons subject to physical danger and may include the provision of emergency medical services to those persons.

(33) "Service testing" means the regular, periodic inspection and testing of apparatus and equipment, according to an established schedule and procedure, to ensure that it is in safe and functional operating condition.

(34) "Special hazard" means a substance, device, event, circumstance or condition that presents an unusual and severe danger to fire fighters or abnormally high level of fire danger.

(35) "Suggested operating guideline" means an organizational directive that establishes a standard course of action.

(36) "Structural fire fighting" means fire fighting that involves buildings, enclosed structures, vehicles or vessels.

Subchapter III Administration and Enforcement

ILHR 30.011 Inspections. (1) RIGHT OF ENTRY TO INVESTIGATE OR INSPECT. The authorized representatives of the department, upon presentation of the appropriate credentials to an employer, may:

(a) Enter without delay and at reasonable times any building, place of employment or workplace of a public employer, or an environment where work is performed by an employe of the employer; and

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any employer or employe.

(2) PARTICIPATION IN INSPECTIONS. Pursuant to s. 101.055 (5), Stats., a representative of the employer, an employe, or an employe representative shall be provided an opportunity to accompany a department inspector on any inspection made under this chapter.

(3) REQUESTS FOR INSPECTIONS. (a) Any person who believes a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection.

(b) If an employe or employe representative requesting an inspection so designates, that person's name may not be disclosed to the employer or any other person, including any state agency except the department.

(c) When determined necessary by the department, a request for inspection shall be made on a form provided by the department.

Note: Copies of the request for inspection form (SBD-5907) may be obtained from the Safety and Buildings Division, P.O. Box 7969, Madison, Wisconsin 53707.

(4) ORDERS. The department shall issue orders for violation of this chapter in accordance with s. 101.055 (6), Stats.

ILHR 30.012 POSTING DEPARTMENT ORDER. (1) Upon issuance of an order of noncompliance, the employer shall post a copy of the order at or near the site of the violation.

(2) An order issued shall be posted for a period of 3 days, or until the violation is abated, whichever is longer.

(3) The employer shall ensure that the order is not altered, defaced or covered by other materials.

(4) An order issued shall be posted regardless of whether there has been a petition for variance or hearing.

ILHR 30.013 VARIANCES. Pursuant to s. 101.055 (4), Stats., the department shall consider and may grant a temporary variance, an experimental variance or a permanent variance in accordance with s. ILHR 3.04 for a safety and health issue affecting public employes.

ILHR 30.014 NOTICES. Every employer shall post a notice which summarizes the employe's protections and rights as granted under s. 101.055, Stats.

ILHR 30.015 PENALTIES. Penalties for violations of this chapter may be assessed in accordance with s. 101.02, Stats.

Note 1: Section 101.02 (12) (a), Stats., indicates penalties will be assessed against any employer, employe, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employe, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

Note 2: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employe thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

SUBCHAPTER IV - ADOPTED STANDARDS

ILHR 30.02 [10-1] INCORPORATION OF STANDARDS BY REFERENCE. (1) CONSENT. Pursuant to s. 227.21, Stats., the attorney general and the revisor of statutes have consented to the incorporation by reference of the standards adopted under this section listed in sub. (4).

(2) COPIES. Copies of the adopted standards are on file in the offices of the department, the secretary of state and the revisor of statutes. Copies of the standards may be purchased through the respective organizations listed in sub. (4).

(3) INTERIM AMENDMENTS. Interim amendments of the adopted standards shall have no effect in the state until such time as the provision of this chapter is correspondingly revised to reflect the changes.

(4) ADOPTION OF STANDARDS. [10-1.1] (a) The following standards of the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, Massachusetts, 02269 are hereby incorporated by reference into this chapter:

1. NFPA 1003-1987, Standard for Professional Qualifications for Airport Fire Fighter;
2. NFPA 1403-1986, Standard on Live Fire Training Evolutions in Structures;
3. NFPA 1901-1985, Standard on Automotive Fire Apparatus;
4. NFPA 1911-1987, Standard on Acceptance and Service Tests of Fire Department Pumping Apparatus;
5. NFPA 1914-1988, Standard for Testing Fire Department Aerial Devices;
6. NFPA 1971-1986, Standard on Protective Clothing for Structural Fire Fighting;
7. NFPA 1972-1987, Standard on Helmets for Structural Fire Fighting;

8. NFPA 1973-1988, Standard on Gloves for Structural Fire Fighting;
9. NFPA 1974-1987, Standard for Protective Footwear for Structural Fire Fighting;
10. NFPA 1981-1987, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters;
11. NFPA 1982-1988, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters; and
12. NFPA 1983-1985, Standard on Fire Service Life Safety Rope, Harnesses, and Hardware.

(b) The following standard of the Compressed Gas Association (CGA), 1235 Jefferson Davis Highway, Arlington, Virginia 22202, is hereby incorporated by reference into this chapter:

1. CGA Standard G-7.1, 1989, Commodity Specification for Air.

SUBCHAPTER V - ORGANIZATION

ILHR 30.03 FIRE DEPARTMENT SAFETY POSITION.

Note: The safety position may be filled by a single individual or by several individuals as determined by need and at the discretion of the fire chief. When several individuals are assigned to the position, at least one should be a member of the Health and Safety Advisory Committee. The intent of the rule is to staff the safety position with existing personnel, which may be filled by a fire department member who performs other duties in addition to those set forth in this section.

- (1) ASSIGNMENT.
 - (a) Each fire department shall have a safety position.
 - (b) The safety position shall assist the fire chief in his or her ultimate responsibility for the safety and health of the fire fighter.
 - (c) The safety position shall report directly to the fire chief.
- (2) QUALIFICATIONS. The safety position shall:
 - (a) Be a fire department member;
 - (b) Have a knowledge of the federal, state and local laws regulating safety and health applicable to the fire service;
 - (c) Have a knowledge of the potential safety and health hazards involved in fire fighting; and
 - (d) Have a knowledge of the principles and techniques of managing a safety and health program.

(3) AUTHORITY. The safety position shall

(a) Have the responsibility to identify and recommend corrections of violations of health and safety standards;

(b) Have the authority to recommend immediate correction of situations that create an imminent hazard to personnel; and

(c) Have the authority to alter, suspend or terminate activities at the emergency scene when he judges those activities to be unsafe or an imminent hazard.

(4) FUNCTIONS.

(a) Liaison. The safety position shall:

1. Be a member of the safety and health committee; and

2. Maintain a liaison with staff officers, fire fighters, equipment manufacturers, regulatory agencies, safety specialists and the fire department physician.

(b) Rules and regulations.

1. The safety position shall develop and revise rules and regulations and suggested operating guidelines pertaining to safety and health and report to the fire chief on the adequacy and effectiveness of the rules and regulations.

2. The fire chief shall define the role of the safety position in the enforcement of rules and regulations.

(c) Incident scene safety.

1. The safety position shall identify and mitigate safety hazards at incidents.

2. The safety position shall be involved in post-incident critiques.

(g) Training and education. The safety position shall ensure that training in safety procedures is provided to all fire fighters. Training shall address corrective actions recommended by accident investigations.

ILHR 30.05 [2-5] OCCUPATIONAL SAFETY AND HEALTH COMMITTEE. (1)

[2-5.1] Every fire department shall establish an occupational safety and health committee which shall advise the chief of the fire department on issues related to the program. The committee shall include representatives of fire department management and fire fighters or representatives of fire fighter organizations or other persons. Any representatives of a fire service organization shall be selected by the fire fighter organization. The chief of the fire department shall appoint the other members of the committee.

(2) [2-5.2] The committee appointed under sub. (1) shall: (a) Conduct research, develop recommendations and study and review matters pertaining to the program.

(b) [2-5.3] Hold regularly scheduled meetings at least biannually and may hold special meetings as it determines necessary. The committee shall make a written record of its meetings available to all fire fighters in the fire department.

ILHR 30.06 [2-6] RECORDS. Every fire department shall:

(1) [2-6.1 and 2-6.2] Establish a data collection system and maintain permanent records of all reported accidents, injuries, illnesses and deaths that are or may be job related. The system shall include individual records of any occupational exposure to known or suspected toxic products or contagious diseases.

(2) [2-6.4] Maintain a training record for each fire fighter indicating dates, subjects covered and certifications achieved.

SUBCHAPTER VI - TRAINING AND EDUCATION

ILHR 30.07 [3-1] TRAINING AND EDUCATION. (1) Every fire department shall:

(a) [3-1.1] Establish and maintain a training and education program for fire fighters, the purpose of which is to prevent occupational accidents, deaths, injuries and illnesses. The program shall be consistent with this section.

(b) [3-1.2 and 3-1.3] Provide training and education that does all of the following:

1. Prepares a fire fighter to safely perform his or her duties.
2. Prepares a fire fighter for any change in a procedure or technology or for any new hazard identified in his or her work environment.
3. [3-3.6] Prepares a new fire fighter whose duties include emergency operations to perform emergency operations. The training under this subdivision shall include training in the incident command system under s. ILHR 30.14 (1)(b).
4. [3-4.1 to 3-4.3] Gives a fire fighter whose duties include structural fire fighting training consistent with established fire ground operating procedures. The training under this subdivision shall be at least monthly, shall be based on each fire department's suggested operating guidelines which are maintained in written form and which address all emergency scene operations and shall be supervised by qualified instructors.
5. [3-5] Prepares a fire fighter for special hazards to which they may be exposed during fires and other emergencies. The procedures for actions to address special hazards shall be in writing.

(2) (a) [3-1.5] All training and education under sub. (1) shall be provided by individuals who are qualified to teach the subject they are teaching.

(b) [3-1.6] The training shall be overseen by the fire chief or designee who has completed at least the 12-hour National Fire Academy Field Course for Instructional Techniques for Company Officers or equivalent.

(3) A fire department shall provide the training required under sub. (1) (b) 1 and 2 biannually or more often, if necessary.

(4) [3-4.4] Any training of fire fighters which includes live fire fighting exercises shall be conducted in compliance with National Fire Protection Association standard NFPA 1403.

(5) [3-3.7] A training program for any fire fighter engaged in fire ground operations shall include procedures to effect his or her safe exit from a dangerous area if equipment fails or fire conditions change suddenly.

ILHR 30.08 [3-3] EMPLOYMENT STANDARDS. (1) Any new fire fighter engaged in structural fire fighting shall meet the minimum requirements of Fire Fighter I as specified by:

- (a) 1. The Wisconsin Board of Vocational, Technical and Adult Education;
2. An approved state apprenticeship program; or
3. An in-house training program approved by the Board of Vocational, Technical and Adult Education.

(b) All new firefighters shall be permitted the opportunity to obtain the training specified in this subsection within 24 months of the date of his or her appointment to the fire department.

(c) No new firefighter may be permitted to participate in structural fire fighting activities which require the individual to enter or be in close proximity to the building, enclosed structure, vehicle or vessel until that individual has completed the Fire Fighter I Course specified in this subsection.

(2) Every new pumper operator or new aerial operator shall meet the minimum requirements as specified by:

- (a) 1. The Wisconsin Board of Vocational, Technical and Adult Education;
2. An approved state apprenticeship program; or
3. An in-house training program approved by the Board of Vocational, Technical and Adult Education.

(b) New fire pumper operator and new aerial operators shall comply with the provisions of this subsection no later than [The first day of the month 30 months from the effective date of this subsection . . .(Revisor inserts date). . .].

(3) [3-3.4] Every new fire fighter who is primarily assigned to aircraft rescue and fire fighting shall meet the minimum requirements specified in National Fire Protection Association standard NFPA 1003.

(4) A new fire officer, after appointment, shall be provided with the opportunity to take the basic officer training program within 12 months of appointment. The training program shall meet the minimum standards as specified by:

(a) The Wisconsin Board of Vocational, Technical and Adult Education;

(b) An approved state apprenticeship program; or

(c) An in-house training program approved by the Board of Vocational, Technical and Adult Education.

SUBCHAPTER VII - VEHICLES AND EQUIPMENT

ILHR 30.09 VEHICLES. (1) Every fire department shall:

(a) [4-1.1] Give substantial consideration to the health and safety of fire fighters in relation to the specification, design, construction, acquisition, operation, maintenance, inspection and repair of all vehicles and equipment.

(b) [4-2.1] Require that the new pumper operators and new aerial operators be trained and certified in the operation of that vehicle in accordance with fire department policy or Wisconsin vocational, technical and adult education standards, whichever is more restrictive.

(c) [4-3.2] Provide helmet and eye protection to any person riding in any part of a fire vehicle that is not enclosed and require that the person wear the protection while riding in that part.

(d) [4-3.3] 1. Except as provided in subd. 2., when specifying and ordering any fire apparatus after [The effective date of this paragraph . . .(revisor inserts date). . .], require a sufficient number of seats in an enclosed area for the maximum number of persons who may ride on the apparatus at any time, as specified by National Fire Protection Association standard NFPA 1901.

2. Fire apparatus manufactured prior to [The effective date of this section . . .(Revisor inserts date) . . .] may be sold, traded or given to another fire department for use after [The effective date of this subdivision . . .(Revisor inserts date) . . .] provided the fire apparatus is maintained in accordance to the standards in effect at the time of its manufacture.

(e) [4-4.1] Inspect every fire vehicle at least weekly and within 24 hours after any use or repair to identify and correct unsafe conditions and establish a preventive maintenance program. All maintenance, inspections and repairs of fire vehicles shall be according to the instructions of the manufacturer of that vehicle.

(f) [4-4.2] Take any fire vehicle found to be unsafe out of service until it is repaired and inspect that vehicle before placing it back in service.

(g) [4-4.3] Test fire pumps on apparatus under National Fire Protection Association standard NFPA 1911.

(h) [4-4.4] Inspect and service test all aerial devices under National Fire Protection Association standard NFPA 1904.

(2) [4-2.2 and 4-2.3] A driver of a fire vehicle shall have a valid driver's license for the operation of the vehicle. The driver is directly responsible for the safe and prudent operation of the vehicle in all conditions. Any officer directly supervising the driver is responsible for the actions of the driver.

(3) [4-2.4] The driver of a fire vehicle may not move the vehicle until every person on the vehicle is seated and secured with a seat belt or safety harness in an approved riding position.

(4) [4-3.1] (a) Except as provided in par. (b), any person riding on a fire apparatus shall be seated and secured to the vehicle by a seat belt or safety harness at any time the vehicle is in motion. No person may ride on the tail steps or other exposed part of a fire apparatus. No person may stand while riding a fire apparatus.

(b) Emergency medical specialists performing emergency medical duties are exempt from the provisions of par. (a).

NOTE: See ss. ILHR 30.01 (9) and (16) for definition of the terms "fire apparatus" and "fire vehicle".

ILHR 30.10 [4-5] PORTABLE EQUIPMENT. Every fire department shall:

(1) [4-5.1] Visually inspect at least weekly and within 24 hours after any use all equipment carried on fire apparatus or designated for training.

(2) [4-5.1] Maintain inventory records for equipment carried on each fire vehicle and for equipment designated for training.

(3) [4-5.2] Test all equipment carried on fire apparatus or designated for training at least annually according to the instructions and applicable standards of the manufacturer of that equipment.

(4) [4-5.3] Remove from service and repair or replace any fire fighting equipment which is defective or unserviceable in accordance with the applicable National Fire Protection Association standard.

- (5) [4-5.4] Inspect and service test all ground ladders.
- (6) [4-5.5] Inspect and service test all fire hose.
- (7) [4-5.6] Inspect and test all fire extinguishers.

SUBCHAPTER VIII - PROTECTIVE CLOTHING AND PROTECTIVE EQUIPMENT

ILHR 30.11 [5-1] PROTECTIVE CLOTHING AND EQUIPMENT. (1) Every fire department shall:

(a) [5-1.1] Provide each fire fighter with the protective clothing and protective equipment to provide protection from hazards related to his or her job duties.

(b) [5-1.2] Require fire fighters to use protective clothing and protective equipment provided under par. (a) whenever they are exposed to hazards or potential hazards.

(c) [5-1.3] Fully train every fire fighter in the care, use, inspection, maintenance and limitations of the protective clothing and protective equipment assigned to them or available for their use.

(d) [5-1.4] Use and maintain protective clothing and protective equipment according to the instructions of the manufacturer of that clothing and equipment.

(e) [5-1.4] Establish a maintenance and inspection program for protective clothing and protective equipment, assigning specific responsibilities for inspection and maintenance.

(2) [5-2.1] Every fire department shall provide all of the following to any fire fighter engaged in or exposed to the hazards of structural fire fighting:

(a) [5-2.1] A protective coat and protective trousers that satisfy National Fire Protection Association standard NFPA 1971. The coat shall overlap the trousers by not less than 8 inches.

(b) [5-2.2] A helmet that satisfies National Fire Protection Association standard NFPA 1972.

(c) [5-2.3 and 5-2.3.1] Gloves that satisfy National Fire Protection Association standard NFPA 1973. If the protective coats provided under par. (a) have protective resilient wristlets secured through a thumb opening, the gloves may be gauntlet type gloves. If those coats do not have such wristlets, the gloves shall be wristlet type gloves.

(d) [5-2.4] Footwear that satisfies the requirements of National Fire Protection Association standard NFPA 1974.

(e) [5-2.5] Approved protective hoods or a combination of ear flaps and collar to provide protection for the ears and neck and to interface with the self-contained breathing apparatus, protective coat and helmet required under this subsection.

(3) No fire department may use any protective clothing or equipment which did not meet the applicable standard of the National Fire Protection Association in effect on the date the clothing or equipment was purchased.

ILHR 30.12 [5-3] SELF-CONTAINED BREATHING APPARATUS. (1) [5-3.1] Every fire department shall:

(a) Provide self-contained breathing apparatus and require fire fighters to use that apparatus in any area where the atmosphere is hazardous, is suspected of being hazardous or may become hazardous.

(b) [5-3.1] Provide all fire fighters working below ground level or inside any confined space with self-contained breathing apparatus and require them to use that self-contained breathing apparatus unless the safety of the atmosphere can be established by testing and continuous monitoring.

(c) [5-3.3] Adopt and maintain a respiratory protection program that satisfies the requirements of s. Ind 1910.134.

Note: See sub (4) note for additional information.

(d) [5-3.4.1] Assure that all sources of compressed gaseous breathing air, such as compressors, used for filling self-contained breathing apparatus are tested to assure their compliance with sub. (3).

(e) [5-3.4.3] Hydrostatically test each self-contained breathing apparatus tank within the time limits specified by the manufacturer of the apparatus and by any federal, state or local agency with jurisdiction over the possession and use of the apparatus.

(f) [5-3.5] Inspect, use and maintain all self-contained breathing apparatus as recommended by the manufacturer.

(g) [5-3.9] 1. The facepiece seal capability of each member qualified to use SCBA shall be verified by qualitative fit testing on an annual basis and any time that new types of self-contained breathing apparatus are issued.

2. Each new member shall be tested before being permitted to use SCBA in a hazardous atmosphere.

3. Only members with a properly fitting facepiece shall be permitted by the fire department to function in a hazardous atmosphere with self-contained breathing apparatus.

(2) [5-3.2] (a) A self-contained breathing apparatus of the open-circuit design shall be positive pressure. Any self-contained breathing apparatus placed into service after the effective date of this section [. . . Revisor inserts date] shall meet the requirements of National Fire Protection Association standard NFPA 1981 and shall be of positive pressure type only.

(b) The provisions of par. (a) do not prohibit the use of a self-contained breathing apparatus where the apparatus can be switched from a demand to a positive-pressure mode.

(c) The apparatus shall be in the positive-pressure mode when fire department members are working in a hazardous atmosphere.

(d) 1. A closed-circuit type self contained breathing apparatus shall be approved by the national institute of occupation safety and health and shall operate in the positive pressure mode only. The supply air tank shall have a minimum service duration of 30 minutes.

2. The intent of this subsection is to prohibit the use of on demand type breathing apparatus whenever self contained breathing apparatus is required to be worn.

(3) [5-3.4] Compressed gaseous breathing air in a self-contained breathing apparatus cylinder shall meet the requirements of the Compressed Gas Association Standard G-7.1, with a minimum air quality of Grade D and a water vapor level of less than 25 ppm.

(4) [5-3.6] Any fire fighter using a self-contained breathing apparatus shall be certified on an annual basis and shall be regularly trained, tested and certified in the safe and proper use of that apparatus in compliance with the requirements of s. Ind 1910.134.

Note: The intent of this subsection is: 1) to recognize certification done within the individual fire departments; 2) not to require an annual physical; and 3) not to require the service of a physician to certify the fire fighter.

(5) [5-3.7] Fire fighters using self-contained breathing apparatus shall operate in teams of 2 or more members who are: (a) In communication with each other through visual, audible, physical, safety guide rope, electronic or other means to coordinate their activities; and

(b) In close enough proximity to each other to be able to provide assistance in case of an emergency.

(6) [5-3.10] A fire fighter may not wear a beard or facial hair that comes in contact with a facepiece seal if that fire fighter's duties require him or her to use a self-contained breathing apparatus. If a fire fighter wears eyeglasses, the fire fighter shall use frames that do not pass through the seal area of the facepiece.

(7) EFFECTIVE DATE. Fire departments shall comply with the provisions of subs. (1) and (2) of this section no later than [the first day of the month 36 months from the effective date of this section . . . (Revisor inserts date) . . .].

ILHR 30.13 [5-4, 5-5, 5-7 and 5-8] PERSONAL ALERT SAFETY SYSTEM; LIFE SAFETY ROPES, HARNESSSES AND HARDWARE; EYE, FACE AND HEARING PROTECTION. (1) [5-4] PERSONAL ALERT SAFETY SYSTEMS. Every fire department shall:

(a) [5-4.1] Provide every fire fighter using self-contained breathing apparatus involved in rescue, fire fighting or other hazardous duties with a personal alert safety system and require the fire fighter to use that system.

(b) [5-4.1] Test every personal alert safety system at least weekly and prior to each use.

(c) [5-4.1] Maintain each personal alert safety system according to the instructions of the manufacturer of that system.

(d) [5-4.2] Use personal alert safety system devices which meet the requirements of National Fire Protection Association standard NFPA 1982.

(2) [5-5] LIFE SAFETY ROPES, HARNESSSES AND HARDWARE. Every fire department shall:

(a) [5-5.1] Use life safety ropes, harnesses and hardware which meet the requirements of National Fire Protection Association standard NFPA 1983.

(b) [5-5.1.1] Use Class I life safety harnesses for fire fighter attachment to aerial devices.

(c) [5-5.1.2] Use Class II and Class III life safety harnesses for fall arrest and rappelling operations.

(d) [5-5.2 and 5-5.3] Use unused life safety rope to support the weight of any person during rescue, fire fighting and other emergency operations.

(e) [5-5.4] Use for training evolutions, life safety rope which is designated training rope if that rope is inspected before and after each use according to the manufacturer's instructions.

(f) [5-5.4] Destroy any training rope subjected to impact loading or showing signs of weakness or wear and maintain a written record of the use of each rope.

(3) [5-6] NEW AND EXISTING PROTECTIVE CLOTHING AND PROTECTIVE EQUIPMENT.

(a) [5-6.1] All new protective clothing and protective equipment shall meet the standards specified in s. ILHR 30.02 (4)(a) as referenced in ss. ILHR 30.12 to 30.14.

(b) [5-6.2] Existing protective clothing and protective equipment shall have met the edition of the respective NFPA standard that was current when the protective clothing or protective equipment was obtained by the fire department.

(4) [5-7 and 5-8] EYE, FACE AND HEARING PROTECTION. Every fire department shall:

(a) [5-7.1] Provide face and eye protection for any fire fighter engaged in fire suppression and other operations involving hazards to the eyes and face at all times when the fire fighter's face is not protected by the full facepiece of a self-contained breathing apparatus.

(b) [5-8.1] Provide hearing protection for any fire fighter operating or riding in fire apparatus when subject to noise in excess of 90 dBA.

(c) [5-8.2] Provide hearing protection for any fire fighter exposed to noise in excess of 90 dBA from power tools or equipment unless the use of that equipment would create an additional hazard to the fire fighter.

(d) Hearing protection shall comply with the provisions of s. Ind 1910.95.

SUBCHAPTER IX - EMERGENCY OPERATIONS

ILHR 30.14 EMERGENCY OPERATIONS. (1) [6-1] ORGANIZATION. Every fire department shall:

(a) [6-1.1] Conduct emergency operations and other hazardous situations, including training exercises, in a manner to recognize hazards and to prevent accidents and injuries.

(b) [6-1.2] Establish an incident command system which has written guidelines applying to all fire fighters involved in emergency operations and which identifies fire fighter roles and responsibilities relating to the safety of operations.

Note: Suggested Operating Guidelines (SOG) have been developed and published by the Wisconsin Department of Vocational, Technical and Adult Education. Copies of the Suggested Operating Guidelines are available at all district VTAE campuses.

(c) [6-1.3] Train fire fighters involved in emergency operations in the incident command system established under par. (b) and assign safety responsibilities to supervisory personnel at each level of operations.

(d) [6-1.4] Require the officer in command of an emergency operation to be responsible for the overall safety of all fire fighters and activities occurring at the scene of the operation.

(e) [6-1.5] Require the officer in command of an emergency operation to establish an organization with sufficient supervisory personnel to control the position and function of all fire fighters operating at the scene of that emergency operation to ensure that safety requirements are satisfied.

(f) [6-1.6] Use a standard system to identify and account for the assignment of each fire fighter at the scene of an emergency operation.

(g) [6-1.7] At an emergency operation where special hazards exist, require the officer in command to assign qualified personnel with specific responsibility to identify and evaluate hazards and to provide direction with respect to fire fighter safety during the operation.

(2) [6-2] INCIDENT SAFETY REQUIREMENTS. (a) Every fire department shall:

1. [6-2.1] Provide a number of personnel to safely conduct emergency scene operations and limit such operations to those that can be safely performed by the personnel available at the scene.

2. [6-2.2] If inexperienced fire fighters are working at an emergency operation, provide direct supervision by more experienced officers or members.

(b) [6-2.3] If any fire fighter is operating at an emergency operation and his or her assignment places him or her in potential conflict with motor vehicle traffic, that fire fighter shall wear:

1. a. The helmet specified under s. ILHR 30.11 (2) (b); or

b. Alternate protective headgear providing equivalent protection to that specified in subpar. a.; and

2. A garment with fluorescent retroreflective material.

(3) [6-3] INCIDENTS INVOLVING SPECIAL HAZARDS. (a) [6-3.1] A fire fighter assigned duties in a hazardous area shall be assigned the duties with a team of two or more other fire fighters. One member of the team shall be assigned to remain outside the hazardous area and to monitor the operations inside the hazardous area.

(b) [6-3.2 and 6-3.3] If a fire fighter is assigned a position or function that includes special hazards, a fire department shall require:

1. Backup personnel to stand by with equipment to provide assistance or rescue;

2. Persons trained in basic life support procedures to stand by with medical equipment; and

3. Transportation capability.

SUBCHAPTER X - FACILITY SAFETY

Note: See chs. ILHR 50 to 64 - Wisconsin Administrative Building and Heating, Ventilating and Air Conditioning Code for requirements pertaining to fire department buildings and facilities.

SUBCHAPTER XI - MEDICAL

ILHR 30.15 PHYSICAL AND MEDICAL CAPABILITIES (1) An employer to the best of his or her ability shall assure that employees who are expected to do structural fire fighting are physically capable of performing duties which may be assigned to them during emergencies.

(2) The employer may not permit employees with known heart disease, epilepsy, or emphysema to participate in fire department emergency activities unless a physician's certificate of the employees' fitness to participate in such activities is provided.

Note #1: The intent of this subchapter is not to require an annual physical for each fire fighter.

Note #2: This subchapter is taken from s. 1910.156 (b)(2) of the Federal Occupational Safety and Health Administration (OSHA) Regulations and is to be considered a minimum rule. Compliance with the provisions of NFPA standards 1001 and 1500, Chapter 8, is strongly recommended for all fire departments.

SUBCHAPTER XII - MEMBER ASSISTANCE REFERRAL PROGRAM

ILHR 30.16 [9-1] MEMBER ASSISTANCE REFERRAL PROGRAM. Every fire department shall:

(1) [9-1.1 to 9-1.3] (a) Establish and adopt a written policy statement for a fire fighters assistance referral program that identifies and assists fire fighters with alcohol or substance abuse, stress and personal problems adversely affecting their job performance.

(b) The assistance program shall refer fire fighters to health care services appropriate for the recovery of their health and job performance abilities.

(2) [9-1.4] (a) Through the program established under sub. (1), provide health promotion activities that identify a fire fighter's physical and mental health risk factors and provide education and counseling to fire fighters for the purpose of preventing health problems and enhancing overall well-being.

(b) Use of municipal or county level programs satisfies the intent of this subchapter.

Pursuant to s. 227.22 (2) (intro.), Stats., these rules shall take effect on the first day of the month following publication in the Wisconsin Administrative Register.

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DEC 18 1990

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Bureau

Tommy G. Thompson
Governor
Gerald Whitburn
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State of Wisconsin Department of Industry, Labor and Human Relations

December 18, 1990

Gary Poulson
Assistant Revisor of Statutes
Suite 702
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Madison, Wisconsin 53703

Douglas LaFollette
Secretary of State
10th Floor
30 West Mifflin Street
Madison, Wisconsin 53703

Dear Messrs. Poulson and LaFollette:

TRANSMITTAL OF RULE ADOPTION

CLEARINGHOUSE RULE NO. 90-85

RULE NO. Chapter ILHR 30

RELATING TO: Fire Department Health and Safety Standards

Pursuant to section 227.20, Stats., agencies are required to file a certified copy of every rule adopted by the agency with the offices of the Secretary of State and the Revisor of Statutes.

At this time, the following material is being submitted to you:

1. Order of Adoption.
2. Rules Certificate Form.
3. Rules in Final Draft Form.

Pursuant to section 227.114, Stats., a summary of the final regulatory flexibility analysis is also included.

Respectfully submitted,

Handwritten signature of Gerald Whitburn in cursive.

Gerald Whitburn
Secretary

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