

Chapter SPS 330

FIRE DEPARTMENT SAFETY AND HEALTH STANDARDS

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Note: Chapter ILHR 30 as it existed on August 31, 1995, was repealed and a new chapter ILHR 30 was created effective September 1, 1995. Chapter ILHR 30 was renumbered Chapter Comm 30 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1999, No. 518. Chapter Comm 30 was renumbered chapter SPS 330 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

(d) All requirements that mandate fire apparatus operator certification.

(e) All requirements that mandate instructor certification.

History: CR 01–044: cr. Register December 2001 No. 552, eff. 1–1–02; CR 17–067: r. (1), (2), am. (3), cr. (4) Register September 2018 No. 753, eff. 10–1–18.

Subchapter I — Purpose and Scope

SPS 330.001 Purpose. Pursuant to s. 101.055 (3) (a), Stats., the purpose of this chapter is to establish minimum safety and health standards for public sector fire department employers and their employees.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: r. and recr. Register December 2001 No. 552, eff. 1–1–02; CR 17–067: am. Register September 2018 No. 753, eff. 10–1–18.

SPS 330.002 Scope. In addition to the requirements in ch. SPS 332, this chapter contains minimum requirements for an occupational safety and health program for public sector fire department employees involved in fire department operations.

Note: Private sector fire department employers and their employees are regulated under the federal Occupational Safety and Health Administration (OSHA) regulations.

Note: Many of the requirements of this chapter are based upon the National Fire Protection Association (NFPA) 1500—Standard on Fire Department Occupational Safety and Health Program and 29 CFR 1910.156 of the OSHA regulations.

Note: Chapter SPS 332 contains additional safety and health requirements for all public employees.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: r. and recr. Register December 2001 No. 552, eff. 1–1–02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 330.003 Application. (3) **CONFLICTS.** If requirements of the statutes, this chapter, or other Wisconsin administrative code chapters specify varying requirements, the requirement more protective of employee safety and health shall apply.

(4) **GLOBAL DELETIONS FOR THE NFPA STANDARDS.** Unless specified in subch. IV or specifically applied by another section in this chapter, the following requirements of the NFPA standards do not apply as rules of the department:

(a) All requirements of a secondary standard or publication that is referenced in a standard adopted in subch. IV.

(b) All requirements pertaining to emergency medical services.

(c) All requirements that mandate fire fighter certification.

Subchapter II — Definitions

SPS 330.01 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.

(1m) “Ambulance service provider” has the meaning given under s. 256.01 (3), Stats.

(2) “Approved” means acceptable to the department.

(3) “Authority having jurisdiction” means the department.

(4) “Basic life support” has the meaning given under s. 256.15 (1) (d), Stats.

(5) “Department” means the department of safety and professional services.

(6) “Emergency operation” means activities of the fire department relating to rescue, fire suppression, emergency medical care, and special operations, including response to the scene of the incident and functions performed at the scene.

(6h) “Employee” or “public employee”, as defined in s. 101.055 (2) (b), Stats., means any employee of the state, of any state agency or of any political subdivision of the state.

(6m) “Employer” or “public employer”, as defined in s. 101.055 (2) (d), Stats., means the state, any state agency or any political subdivision of the state.

(7) “Fire apparatus” means a vehicle operated by a fire department and used for emergency operations to transport personnel and equipment and to support the suppression of fires and mitigation of other hazardous situations.

(8) “Fire chief” means the highest ranking officer in charge of a fire department.

(9) “Fire department” means any public organization engaged in fire fighting.

(10) “Fire fighter” means any person performing the powers and duties of a public fire department, whether or not that person

is engaged in emergency operations. “Fire fighter” includes full– and part–time employees and paid and unpaid volunteers.

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

(12) “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. Fire fighting includes emergency operations and responses related to rescues, terrorism, and special hazards.

(13g) “Fit test” means the use of a testing protocol to qualitatively or quantitatively evaluate and verify the proper fit and seal of a respirator on an individual.

Note: See also qualitative fit test (QLFT) and quantitative fit test (QNFT).

(13r) “Hazard” means a condition, an object, or an activity with the potential of causing personal injury, equipment damage, loss of material, or reduction of the ability to accomplish the mission.

(14) “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.

(14g) “Health and safety officer” means the person assigned and authorized by the fire chief as the manager of the fire department’s health and safety programs.

(14r) “Immediately dangerous to life or health” or “IDLH” means any condition that would pose an immediate or delayed threat to life, cause irreversible adverse health effects, or interfere with an individual’s ability to escape from a hazardous environment.

(15) “Imminent hazard” means an act or condition that presents a danger to persons or property that is so urgent and severe that it requires immediate corrective or preventive action.

(15m) “Incident commander” means the individual who has the overall authority and responsibility for the management of emergency operations and personnel activities, including the development of strategies and tactics and the ordering and release of resources.

(16) “Incident management system” means an organized system that defines the roles and responsibilities assumed by emergency responders and the standard operating guidelines used to manage and direct emergency operations and other related functions.

(16m) “Incident safety officer” means the individual designated by the fire chief or incident commander who has obtained training from a qualified instructor on the roles and responsibilities of an incident safety officer.

(17) “Member” means a person occupying any position or rank within a fire department and involved in performing any type of duties or responsibilities under the authority of a fire department. “Member” includes a full– or part–time employee or paid or unpaid volunteer.

(17m) “National Incident Management System” or “NIMS” means a system that provides a consistent, nationwide approach for organizations to work effectively and efficiently together to prepare for, respond to, and recover from domestic incidents, regardless of cause, size, or complexity.

(19) “Occupational illness” means an illness or disease contracted through or aggravated by the performance of the duties, responsibilities, and functions of a fire department member.

(20) “Occupational injury” means an injury sustained during the performance of the duties, responsibilities, and functions of a fire department member.

(21c) “Qualified instructor” means a fire service instructor who is determined by the fire chief to be knowledgeable in the topic and has demonstrated the knowledge and ability to deliver instruction effectively from a prepared lesson plan, including instructional aids and evaluation instruments; adapt lesson plans to the unique requirements of the students and authority having jurisdiction; organize the learning environment so that learning and safety are maximized; and meet the record–keeping requirements of the authority having jurisdiction.

(21g) “Qualitative fit test” or “QLFT” means a pass or fail fit test to assess the adequacy of respirator fit that relies on the individual’s response to the test agent.

(21n) “Quantitative fit test” or “QNFT” means an assessment of the adequacy of respirator fit by numerically measuring the amount of leakage into the respirator.

(21r) “Personal alert safety system” or “PASS” means a device that continually senses for lack of movement of the wearer and automatically activates the alarm signal, indicating the wearer is in need of assistance.

(21w) “Self–contained breathing apparatus” or “SCBA” means an atmosphere–supplying respirator for which the breathing air source is designed to be carried by the user.

(23) “Service test” 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.

(24) “Special hazard” means a substance, device, event, circumstance or condition that presents an unusual and severe danger to fire fighters or an abnormally high level of fire danger. Special hazards include water rescue, confined space entry, high–angle rescue, and operations requiring specialized training.

(25) “Standard operating guideline” means a written organizational directive that establishes or prescribes specific operational or administrative methods to be followed routinely, which can be varied due to operational need in the performance of designated operations or actions.

(26) “Structural fire fighting” means fire fighting that involves buildings, enclosed structures, enclosed vehicles, or enclosed vessels.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: cr. (6h) and (6m), r. (22), Register December 2001 No. 552, eff. 1–1–02; correction in (5), (18) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672; CR 17–067: cr. (1m), am. (4), (6), (7), (10), (12), r. (13), cr. (13g), (13r), (14g), (14r), (15m), am. (16), cr. (16m), renum. (17) (intro.) to (17) and am., r. (17) (a) to (c), cr. (17m), r. (18), am. (19), (20), r. (21), cr. (21c), (21g), (21n), (21r), (21w), am. (25), (26) Register September 2018 No. 753, eff. 10–1–18.

Subchapter III — Administration and Enforcement

SPS 330.011 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 do all of the following:

(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 employee of the employer.

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

(2) PARTICIPATION IN INSPECTIONS. Pursuant to s. 101.055 (5), Stats., a representative of the employer, an employee, or an employee 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 by completing a complaint registration form designated by the department.

Note: The online complaint form is available on the Department's website at dps.wi.gov/Pages/SelfService. See s. 101.055, Stats., for information regarding the complaint process.

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

(4) ORDERS. Pursuant to s. 101.055 (6), Stats., the department shall issue orders for violation of this chapter.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 17–067: am. (1), (3) (a), (b), r. (3) (c) Register September 2018 No. 753, eff. 10–1–18.

SPS 330.012 Posting department order. Upon issuance of an order of noncompliance, the employer shall post a copy of the order in accordance with s. 101.055 (6) (a) 1., Stats.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: r. and recr. Register December 2001 No. 552, eff. 1–1–02.

SPS 330.013 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 as specified in s. SPS 303.04 for a safety and health issue affecting public employees.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 330.014 Notices. Every employer shall post a notice which summarizes the employee's protections and rights as granted under s. 101.055, Stats.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95.

SPS 330.015 Penalties. Penalties for violations of this chapter may be assessed as specified in s. 101.02, Stats.

Note: Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, 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 employee, 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: Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95.

Subchapter IV — Adopted Standards

SPS 330.02 Incorporation of standards by reference. The following standards are incorporated by reference into this chapter:

(1) NFPA 1001–2013, Standard for Fire Fighter Professional Qualifications.

(2) NFPA 1002–2017, Standard for Fire Apparatus Driver/Operator Professional Qualifications.

(3) NFPA 1021–2014, Standard for Fire Officer Professional Qualifications, subject to the modifications specified in this chapter.

(4) NFPA 1403–2018, Standard on Live Fire Training Evolutions.

(5) NFPA 1901–2016, Standard for Automotive Fire Apparatus.

(6) NFPA 1911–2017, Standard for the Inspection, Maintenance, Testing, and Retirement of In-Service Emergency Vehicles, subject to the modifications specified in this chapter.

(7) NFPA 1971–2018, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.

(8) NFPA 1981–2013, Standard on Open-Circuit Self-Contained Breathing Apparatus for Emergency Services.

(9) NFPA 1982–2013, Standard on Personal Alert Safety Systems (PASS).

(10) NFPA 1983–2017, Standard on Life Safety Rope and Equipment for Emergency Services, subject to the modifications specified in this chapter.

(11) CGA Standard G–7.1, 2011, Commodity Specification for Air.

Note: Copies of the standards are on file in the offices of the department and the legislative reference bureau.

Note: NFPA standards may be viewed online at NFPA.org or purchased from the National Fire Protection Association, 1 Batterymarch Park, Quincy, MA 02169.

Note: CGA standards may be purchased from the Compressed Gas Association, 14501 George Carter Way, Suite 103, Chantilly, VA 20151 or at www.cganet.com.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: r. and recr. Register December 2001 No. 552, eff. 1–1–02; CR 17–067: renum. (1) (intro.), (a) to (f) to (intro.), (1) to (6) and am., r. (1) (g), renum. (1) (h) to (k) to (7) to (10) and am., r. (2) (intro.), renum. (2) (a) to (11) and am. Register September 2018 No. 753, eff. 10–1–18.

Subchapter V — Organization

SPS 330.03 Fire department health and safety officer. **(1) ASSIGNMENT.** (a) Each fire department shall have a health and safety officer.

(b) The health and safety officer shall assist the fire chief in his or her responsibility for the safety and health of the fire fighter.

(c) The health and safety officer shall report directly to the fire chief.

(d) The health and safety officer 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 occupational safety and health committee. The health and safety officer position may be staffed by an existing fire department member who performs other duties in addition to those set forth in this section.

Note: The health and safety officer is distinct from the incident safety officer and may be the incident safety officer or can be a separate function.

(2) QUALIFICATIONS. The health and safety officer's qualifications shall include all of the following:

(a) Fire department membership.

(b) Knowledge of state and local laws regulating fire fighter safety and health.

(c) Knowledge of the potential safety and health hazards involved in fire fighting.

(d) Knowledge of the principles and techniques of managing a safety and health program.

(3) AUTHORITY AND RESPONSIBILITY. The health and safety officer's authority and responsibility shall include all of the following:

(a) The authority and responsibility to identify and recommend corrections of violations of safety and health standards.

(b) The authority and responsibility to recommend immediate correction of situations that create an imminent hazard to personnel.

(c) The authority and responsibility to alter, suspend, or terminate activities at the emergency scene when those activities are determined by the health and safety officer to be unsafe or an imminent hazard.

(4) FUNCTIONS. The health and safety officer shall do all of the following:

(a) Be a member of the safety and health committee and maintain a liaison with staff officers, fire fighters, equipment manufac-

turers, regulatory agencies, safety specialists, and the fire department physician.

(b) Develop and revise rules, regulations, and standard operating guidelines pertaining to safety and health, and report to the fire chief on the adequacy and effectiveness of the rules and regulations. The fire chief shall define the role of the health and safety officer in the enforcement of the rules and regulations.

(c) Identify and mitigate safety and health hazards and be involved in critiques.

(d) Ensure that training in safety procedures is provided to all fire fighters. Training shall address corrective actions recommended by accident investigations.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 01–044: am. (1) (b), Register December 2001 No. 552, eff. 1–1–02; CR17–067: am. (title), (1) (a) to (c), cr. (1) (d), am. (2), (3), (4) (intro.), (a) to (c) Register September 2018 No. 753, eff. 10–1–18; correction in (1) (d) made under s. 35.17, Stats., Register September 2018 No. 753.

SPS 330.05 Occupational safety and health committee. (1) Every fire department shall establish an occupational safety and health committee, which shall advise the fire chief 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 fire chief shall appoint the other members of the committee.

(2) The committee appointed under sub. (1) shall do all of the following:

(a) Conduct research, develop recommendations, and review matters pertaining to the program.

(b) Hold regularly scheduled meetings, which shall occur at least biannually, and may hold special meetings as deemed necessary. The committee shall make a written record of its meetings available to all fire department members.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 17–067: am. Register September 2018 No. 753, eff. 10–1–18.

SPS 330.06 Records. Every fire department shall do all of the following:

(1) 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) Maintain a training record for each fire fighter indicating dates, subjects covered, and certifications achieved.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 17–067: am. Register September 2018 No. 753, eff. 10–1–18.

Subchapter VI — Training and Education

SPS 330.07 Training and education program. Every fire department shall do all of the following:

(1) Establish and maintain a member training and education program that identifies specific goals and objectives for the prevention and elimination of occupational accidents, injuries, illnesses, exposures to communicable disease, and fatalities.

(2) Assure that the training and education provided under this section are based upon the fire department's written standard operation guidelines.

(3) Assure that the training and education required under this section and s. SPS 330.08 are provided by a qualified instructor.

Note: The intent of this rule is not to require an instructor to be certified. Fire departments should ensure that instructors are qualified in that particular area of expertise familiar with the fire department, its organization, and its operations.

(4) Provide training and education commensurate with the duties and functions the member is expected to perform.

(5) Assure that a member obtains the minimum fire fighter training and education requirements before that member performs

any interior structural fire fighting activity or within an IDLH environment as determined by the incident safety officer in accordance with s. SPS 330.14 (1) (g).

Note: The use of a structured on–the–job training program with close supervision can assist fire departments to utilize new members in non–IDLH environments during emergency operations.

(6) Provide training and education to fire fighters about special hazards to which they may be exposed during a fire and other emergencies and advise of any changes that occur in relation to the special hazards. The procedures to address special hazards shall be maintained in written form. Training and education under this subsection shall be provided at least biannually.

(7) Assure that the training and education are conducted frequently enough to ensure that each fire fighter is able to perform the assigned duties and functions satisfactorily and in a safe manner so as not to endanger other fire department members or employees.

(8) Assure that fire fighters whose duties include interior structural fire fighting receive training and education consistent with established fire ground operating procedures. Training and education under this subsection shall be provided at least monthly.

(9) Assure that training and education involving live fire fighting exercises meet the standards specified in NFPA 1403.

(10) Assure that a training and education program for any fire fighter engaged in fire ground operations includes procedures to perform a safe exit from a dangerous area in the event of equipment failure or sudden change in fire conditions.

(11) Assure that fire fighters receive training and education on the incident management system in accordance with s. SPS 330.14 (1) (c).

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; correction in (1) (b) 3, made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17–067: r. and recr. Register September 2018 No. 753, eff. 10–1–18.

SPS 330.08 Minimum training and education standards. (1) No member may be permitted to participate in fire fighting activities until that individual has completed the minimum training and education requirements as specified by any of the following:

Note: Sub. (1) (intro.) is shown as amended eff. 10–1–19 by CR 17–067. Prior to 10–1–19 it reads:

(1) Any new fire fighter engaged in structural fire fighting shall meet the minimum requirements specified by:

(a) An entry–level fire fighter course approved by the technical college system board.

(bm) An approved state apprenticeship program.

(cm) An in–house training program approved by the technical college system board.

(d) NFPA 1001: Standard for Fire Fighter Professional Qualifications.

(2) No member may act as a pumper or aerial operator during an emergency operation until that individual meets the minimum training and education requirements as specified by any of the following:

Note: Sub. (2) (intro.) is shown as amended eff. 10–1–19 by CR 17–067. Prior to 10–1–19 it reads:

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

(a) An entry–level driver/operator–pumper or driver/operator–aerial course approved by the technical college system board.

(bm) An approved state apprenticeship program.

(c) An in–house training program approved by the technical college system board.

(d) NFPA 1002: Standard for Fire Apparatus Driver/Operator Professional Qualifications.

(3) Effective October 1, 2019, a fire officer appointed after October 1, 2018 may not act as a fire officer during an emergency operation until that individual completes NIMS training in accordance with s. SPS 330.14 and obtains the minimum training and education requirements as specified by any of the following:

- (a) A fire officer course approved by the technical college system board.
- (b) An approved state apprenticeship program.
- (c) An in-house training program approved by the technical college system board.
- (d) NFPA 1021: Standard for Fire Officer Qualifications.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 17–067: am. (title), renum. (1) (a) (intro.) to (1) (intro.), renum. (1) (a) 1. to 4. to (1) (a), (bm), (cm), (d) and am., r. (1) (b), (c), renum. (2) (a) (intro.) to (2) (intro.), renum. (2) (a) 1. to 4. to (2) (a), (bm), (c), (d) and am., r. (2) (b), am. (3), r. (4) Register September 2018 No. 753, eff. 10–1–18; CR 17–067: am. (1) (intro.) and (2) (intro.) Register September 2018 No. 753, eff. 10–1–19; **republished to correct transcription error in (2) (a) Register October 2018 No. 754.**

Subchapter VII — Apparatus and Equipment

SPS 330.09 Apparatus. (1) Every fire department shall do all of the following:

(a) 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 fire apparatus and equipment.

(b) Provide, and enforce the use of, a helmet and eye protection to any person riding in any part of an open cab or open tiller seat that does not provide protection of an enclosed cab.

(c) 1. Except as provided in subd. 2., when specifying and ordering any fire apparatus, 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 NFPA 1901.

2. Fire apparatus may be sold, traded, or given to another fire department provided the fire apparatus is maintained in accordance with the standards in effect at the time of its manufacture.

(d) Establish a preventative maintenance program that includes all of the following:

1. Inspection of all fire apparatus and equipment at least monthly and within 24 hours after any use to repair or identify and correct unsafe conditions.

2. Maintenance, inspections, and repairs of fire apparatus and equipment that follows the instructions of the manufacturer.

3. Inspection of tires for signs of damage or wear and replacement of tires when the tread wear exceeds manufacturer standards. NFPA 1911 section 8.3.6 is not included as part of this chapter.

4. Removal from service of any fire apparatus or equipment found to be unsafe, as specified by NFPA 1911. No apparatus or equipment found to be unsafe may be placed back in service until it is inspected and repaired or replaced and determined to be safe.

5. Inspection and servicing of test fire pumps and aerial devices on apparatus as specified in NFPA 1911.

Note: There was an inadvertent error in CR 17–067. The phrase “servicing of test” should be “service testing of”. The error will be corrected in future rulemaking.

(2) A driver of a fire apparatus shall have a valid driver’s license and training relating to the operation of fire apparatus. The driver shall in all conditions operate the fire apparatus in a safe and prudent manner.

(3) The driver of a fire apparatus may not move the apparatus until every person on the apparatus is seated and secured with a seat belt or safety harness in an approved riding position, except as allowed under sub. (4) (a).

(4) (a) Except as provided in par. (c), any person riding on a fire apparatus shall be seated and safely secured by a seat belt or safety harness at any time the apparatus is in motion. No person may stand or ride on the tail steps, sidesteps, running boards, fully enclosed personnel areas, or other exposed part of a fire apparatus while the apparatus is in motion.

(c) Hose loading operations may be performed on moving fire apparatus only when all of the following conditions are met:

1. Hose loading procedures shall be specified in a written standard operating procedure that includes the conditions set forth in this paragraph. All members involved in the hose loading shall be trained in these procedures.

2. There shall be a member, other than those members loading hose, assigned as a safety observer. The safety observer shall have an unobstructed view of the hose loading operation and be in visual and voice contact with the apparatus operator.

3. Nonfire department vehicular traffic shall be excluded from the area or shall be under the control of authorized traffic control persons.

4. The fire apparatus shall be driven only in a forward direction at a speed of 5 mph or less.

5. No person may stand on the tail step, sidesteps, running boards, or any other location on the fire apparatus while the apparatus is in motion.

6. Members may be in the hose bed but no person may stand while the fire apparatus is in motion.

7. Before each hose loading operation, the situation shall be evaluated to ensure compliance with the standard operating guidelines. If the standard operating guideline cannot be met, or if there is any question as to the safety of the operation for the specific situation, the hose may not be loaded on a moving fire apparatus.

(d) Tiller training, where both the instructor and the trainee are at the tiller position, may be performed on tractor–drawn aerial apparatus only if all of the following conditions are met:

1. Tiller training procedures shall be specified in written standard operating guidelines that include the conditions set forth in this paragraph. All members involved in tiller training shall be trained in these procedures.

2. The aerial apparatus shall be equipped with seating positions for both the tiller instructor and the tiller trainee. Both seating positions shall be equipped with seat belts for each individual. The tiller instructor may take a position alongside the tiller trainee.

3. The tiller instructor’s seat may be detachable. If the instructor’s seat is detachable, the detachable seat assembly shall be structurally sufficient to support and secure the instructor. The detachable seat assembly shall be attached and positioned in a safe manner immediately adjacent to the regular tiller seat. The detachable seat assembly shall be equipped with a seat belt or vehicle safety harness. The detachable seat assembly shall be attached and used only for training purposes.

4. Both the tiller instructor and the tiller trainee shall be seated and belted.

5. The instructor and trainee shall wear a helmet and use eye protection if seated in an open cab or open tiller seat that does not provide protection of an enclosed cab.

6. If the aerial apparatus is needed for an emergency response during a tiller training session, the training session shall be terminated, and all members shall be seated and belted in the approved riding positions. There shall be only one person at the tiller position. During the emergency response, the apparatus shall be operated by qualified operators.

History: Cr. Register, August, 1995, No. 476, eff. 9–1–95; CR 17–067: am. (title), (1) (intro.), (a) to (c), r. and recr. (1) (d), r. (1) (e) to (g), am. (2), (3), (4) (a), r. (4) (b), am. (4) (c) 5. to 7., (d) 1., 5. Register September 2018 No. 753, eff. 10–1–18.

SPS 330.10 Portable equipment. (1) INSPECTION AND TESTING OF PORTABLE EQUIPMENT. Every fire department shall do all of the following:

(a) Visually inspect, at least monthly and within 24 hours after use, all equipment carried on fire apparatus or designated for training.

(b) Maintain inventory records for equipment carried on each fire apparatus and for equipment designated for training.

(c) At least annually, test all equipment carried on fire apparatus or designated for training according to the instructions and applicable standards of the manufacturer.

(d) Remove from service and repair or replace any fire fighting equipment that is defective or unserviceable as specified in the applicable NFPA standard as specified under s. SPS 330.02.

(e) Inspect and service test all ground ladders.

(f) Inspect and service test all fire hose.

(g) Inspect, maintain, and test all fire extinguishers in compliance with ch. SPS 314.

(2) LIFE SAFETY ROPES, HARNESSSES, AND HARDWARE. Every fire department shall do all of the following:

(a) Use life safety ropes, harnesses, and hardware that meet the standards specified in NFPA 1983.

(b) Use Class I life safety harnesses for fire fighter attachment to aerial devices.

(c) Use Class II and Class III life safety harnesses for fall arrest and rappelling operations.

(d) Use for training evolutions, life safety rope which is designated training rope if the rope is inspected before and after each use according to the manufacturer's instructions.

(e) Maintain records to document the use of each life safety rope used for training or at fires and other emergency incidents.

(3) INSPECTION AND RECERTIFICATION OF LIFE SAFETY ROPE. The following are department exceptions to the requirements in NFPA 1983:

(a) A life safety rope shall be inspected by qualified individuals before and after each use in accordance with the manufacturers' instructions.

(b) If an inspection or test of a life safety rope indicates any weakness, wear, or damage or there is any question regarding the safety or serviceability of a life safety rope, the rope shall be taken out of service and altered in such a manner that it could not be mistakenly used as a life safety rope.

(c) Unused life safety ropes, harnesses, and hardware shall be recertified in accordance with the manufacturer's instructions. NFPA 1983 section 4.4.1 and table 4.4.1 are not included as part of this chapter.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 17-067: renum. SPS 330.10 to (1) and as renumbered am. (1) (intro.), (a) to (d), (g), renum. SPS 330.13 (2) (intro.) to SPS 330.10 (2) (intro.) and as renumbered am. (2) (intro.), (a), cr. (2) (e), (3) Register September 2018 No. 753, eff. 10-1-18.

Subchapter VIII — Protective Clothing and Equipment

SPS 330.11 Minimum Standards. **(1) PROTECTIVE CLOTHING AND EQUIPMENT.** Every fire department shall do all of the following:

(a) Provide, and enforce the use of, a protective ensemble and equipment to all fire fighters who engage in structural fire fighting or are exposed to hazards or potential hazards in accordance with 29 CFR 1910.132, subject to all of the following:

1. Protective clothing and equipment shall provide protection related to the fire fighter's job duties.

2. New protective clothing and equipment shall meet the applicable standards as specified in NFPA 1971.

3. Existing protective clothing and equipment shall meet the NFPA standard that was current when the protective clothing or equipment was purchased or obtained by the fire department.

4. Required protective clothing and equipment shall be provided at no cost to the fire fighter.

5. Ensure protective clothing and equipment is used and maintained in accordance with manufacturer instructions and 29 CFR 1910.132.

6. Establish a maintenance and inspection program for protective clothing and equipment and assign specific responsibilities for inspection and maintenance.

7. When protective clothing and equipment is assigned or available for use to a fire fighter, provide training to each fire fighter under this paragraph in the proper care, use, inspection, cleaning, decontamination, maintenance, and limitations of the protective clothing and equipment.

(2) EYE, FACE, AND HEARING PROTECTION. Every fire department shall do all of the following:

(a) Provide, and enforce the use of, eye and face protection in accordance with 29 CFR 1910.133 for any fire fighter engaged in fire suppression and other operations involving hazards to the eyes and face whenever the fire fighter's face is not protected by an SCBA facepiece.

(b) Provide, and enforce the use of, hearing protection for any fire fighter operating or riding in fire apparatus when exposed to noise in excess of 90 dBA.

(c) Provide, and enforce the use of, hearing protection in accordance with 29 CFR 1910.95 for any fire fighter exposed to noise in excess of 90 dBA from power tools or equipment unless the use of the protective equipment would create an additional hazard to the fire fighter.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and recr. (2), am. (3) (a), Register December 2001 No. 552, eff. 1-1-02; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17-067: r. and recr., renum. SPS 330.13 (3) to (2) and am. Register September 2018 No. 753, eff. 10-1-18.

SPS 330.12 Self-contained breathing apparatus.

(1) RESPIRATORY PROTECTION. Every fire department shall do all of the following:

(a) Provide, and enforce the use of, SCBA for all fire fighters engaged in interior structural fire fighting or who enter any area where the atmosphere is hazardous, is suspected of being hazardous, or may become hazardous.

(b) Provide, and enforce the use of, SCBA for all fire fighters working below ground level or inside any confined space unless the safety of the atmosphere can be established by testing and continuous monitoring.

(c) Adopt and maintain a respiratory protection program that satisfies the requirements of 29 CFR 1910.134.

(d) Assure that all sources of compressed breathing air, such as compressors, used for filling SCBA are tested to assure their compliance with sub. (4).

(e) Hydrostatically test each SCBA 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) Inspect, use, and maintain all SCBA as recommended by the manufacturer.

(2) RESPIRATOR FIT TESTING. Every fire department shall do all of the following:

(a) Conduct a fit test in accordance with 29 CFR 1910.134 to verify the seal and proper fit of the facepiece for each fire fighter required or qualified to use an SCBA.

(b) Conduct a fit test using a qualitative or quantitative test method.

(c) Conduct a fit test prior to initial use and at least annually thereafter.

(d) Conduct a fit test whenever a different type of SCBA is issued.

(e) Conduct a fit test whenever a fire fighter has a change in facial structure that could affect the seal of the SCBA facepiece.

(f) Ensure that SCBA is not worn by a fire fighter who has facial hair or any condition that interferes with the seal of the SCBA facepiece.

(g) Ensure that a fire fighter's corrective glasses or goggles are worn in a manner that does not interfere with the seal of the SCBA facepiece.

(h) Ensure that only a fire fighter who has been fit tested for an SCBA is permitted to function in a hazardous or IDLH atmosphere.

(3) POSITIVE PRESSURE. (a) SCBA of the open-circuit design shall be of the positive pressure type and shall meet the standards specified in NFPA 1981.

(b) Paragraph (a) does not prohibit the use of SCBA if 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) A closed-circuit type SCBA shall be certified by the National Institute of Occupational Safety and Health and shall operate in the positive pressure mode only when worn in a hazardous or IDLH environment. The supply air tank shall have a minimum service duration of 30 minutes.

(4) CGA STANDARDS. Compressed breathing air in an SCBA cylinder shall meet the requirements of CGA standard G-7.1, with a minimum air quality of Grade D and a water vapor level of less than 25 ppm.

(6) TEAMS. Fire fighters using SCBA shall operate in teams of 2 or more members who shall comply with all of the following:

(a) The team members shall be in continuous communication with each other through visual, audible, physical, safety guide rope, electronic, portable radio, or other means to coordinate their activities.

(b) The team members shall be in close enough proximity to each other so as to be able to provide assistance in case of an emergency.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044; am. (1) (c), r. (5) and (7), Register December 2001 No. 552, eff. 1-1-02; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17-067; cr. (1) (title), am. (1), r. and recr. (2), cr. (3) (title), am. (3) (a), (b), (d), cr. (4) (title), am. (4), cr. (6) (title), am. (6) (intro.), (a), (b) Register September 2018 No. 753, eff. 10-1-18.

SPS 330.13 Personal alert safety system. Every fire department shall provide, and enforce the use of, a PASS device to every fire fighter using SCBA while engaged in rescue, fire fighting, or other hazardous operations. Each PASS device shall be tested at least weekly and prior to each use as specified in NFPA 1982 and shall be maintained in accordance with the manufacturer's instructions.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044; am. (3) (a) and (c), Register December 2001 No. 552, eff. 1-1-02; correction in (3) (a), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17-067; r. and recr. (1) as SPS 330.13, renum. (2) (intro.), (a) to (c) to SPS 330.10 (2) (intro.), (a) to (c), r. (2) (d), renum. (2) (e) to SPS 330.10 (2) (d), r. (2) (f), renum. (3) to SPS 330.11 (2) Register September 2018 No. 753, eff. 10-1-18.

Subchapter IX — Emergency Operations

SPS 330.14 Emergency operations. **(1) INCIDENT MANAGEMENT.** Every fire department shall do all of the following:

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

(b) Establish, and ensure use of, an incident management system in accordance with NIMS that includes written standard operating guidelines applicable to all members involved in an emergency operation.

(c) Provide NIMS training to all members involved in emergency operations.

Note: Information on NIMS training is available on FEMA's website at training.fema.gov/nims.

(d) Require the incident commander of an emergency operation to be responsible for the overall safety of all fire fighters and

activities occurring at the scene of the operation. The incident commander has overall authority and responsibility for conducting incident operations and is responsible for the management of emergency operations and the activities of emergency personnel at the incident site.

(e) Require the incident commander of an emergency operation to assign safety responsibilities to supervisory personnel at each level of operations and 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) Use a standardized system to identify and account for the assignment of each fire fighter at the scene of an emergency operation.

(g) At an emergency operation where hazards may exist, require the incident commander to assign an incident safety officer with responsibility and authority to do all of the following:

1. Identify, monitor, and assess safety hazards or unsafe situations.
2. Develop measures for ensuring personnel safety.
3. Recommend corrections of violations of safety and health standards.
4. Recommend immediate correction of situations that create an imminent hazard to personnel.

5. Alter, suspend, or terminate activities at the emergency scene when those activities are deemed by the incident safety officer to be unsafe or an imminent hazard.

(2) INCIDENT SAFETY REQUIREMENTS. (a) Every fire department shall comply with all of the following:

1. Provide sufficient 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. If inexperienced fire fighters are working at an emergency operation, provide direct supervision by more experienced officers or members.

(b) All fire fighters operating at an emergency operation and assigned to a position that may place them in potential contact with motor vehicle traffic shall wear a helmet as specified in NFPA 1971 and high-visibility safety apparel as specified in the ANSI 107 standard.

Note: The ANSI/ISEA standard 107, American National Standard for High-Visibility Safety Apparel and Accessories, may be accessed at www.ansi.org.

(3) RESCUE OF MEMBERS. (a) A fire fighter using SCBA and operating in an interior structural fire shall operate in a team of 2 or more fire fighters. Except in the case of a structural fire that can be controlled or extinguished by portable fire extinguishers, a back-up team of at least 2 fire fighters wearing SCBA shall be assigned to remain available to perform assistance or rescue activities. One back-up team member with a charged line shall be assigned to a safe non-affected area in or near the structure. The other back-up team member shall remain within voice contact and may be assigned to additional roles so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire fighter working at the scene. At least one additional member shall be assigned to remain outside the structural fire and monitor the operations.

Note: It is not the intent of this rule to prevent any number of persons from responding to a fire call, setting up equipment and initiating exterior suppression at the fire scene. Also, it is not the intent of this rule to prohibit an individual fire fighter from taking an action to preserve the life or safety of another person.

(b) During an emergency operation, the incident commander shall evaluate the risk to fire fighters and, if necessary, request that at least a basic life support ambulance service provider be available at the scene.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044; am. (2) (b) 1. and (3) (a), Register December 2001 No. 552, eff. 1-1-02; correction in (2) (b) 1., Stats., Register December 2011 No. 672; CR 17-067; am. (1) (intro.), (b) to (f), renum. (1) (g) to (1) (g) (intro.) and am., cr. (1) (g) 1. to 5., am. (2) (a) (intro.), r. and recr. (2) (b), am. (3) (a), (b) Register September 2018 No. 753, eff. 10-1-18.

Subchapter X — Facility Safety

SPS 330.145 Facility safety. Fire department buildings and facilities shall comply with chs. SPS 332 and 361 to 366.

History: CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

Subchapter XI — Medical

SPS 330.15 Physical and medical capabilities.

(1) The employer shall assure that fire fighters who are expected to do structural fire fighting are physically capable of performing duties which may be assigned to them during emergency operations.

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

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: am. Register December 2001 No. 552, eff. 1-1-02.

Subchapter XII — Member Assistance Referral Program

SPS 330.16 Member assistance referral program.

(1) Every fire department shall establish and adopt a written policy statement for an employee assistance program that identifies and assists members with personal problems, alcohol or substance abuse, stress, or emotional, physical, and mental health issues that are adversely affecting their job performance. The assistance program shall include a resource list of available services and methods for referring a member to the appropriate mental or health care services for the recovery of the member's health and job performance.

(2) Through the program established under sub. (1), every fire department shall 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.

(3) The use of municipal or county programs shall meet the requirements of this section.

History: Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 17-067: am. (1) Register September 2018 No. 753, eff. 10-1-18.

Subchapter XIII — Miscellaneous Activities

SPS 330.20 Hazardous materials. Fire departments engaged in emergency operations relating to hazardous materials shall comply with s. 29 CFR 1910.120 as adopted by reference in ch. SPS 332.

History: CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 330.21 Confined spaces. Fire departments engaged in emergency operations relating to confined spaces shall comply with s. 29 CFR 1910.146 as adopted by reference in ch. SPS 332.

History: CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 330.22 Diving operations. Fire departments engaged in emergency operations relating to diving operations shall comply with 29 CFR 1910 subpart T as adopted by reference in ch. SPS 332.

History: CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

SPS 330.23 Miscellaneous hazardous situations. Fire departments engaged in miscellaneous emergency operations and hazardous situations such as structural collapse rescue, elevator rescue, trench rescue, and terrorism responses shall comply with s. SPS 330.14, 29 CFR 1910.132, and any other applicable standard in 29 CFR 1910 and 29 CFR 1926, as adopted by reference in ch. SPS 332.

Note: Requirements for fire departments providing emergency medical services are administered and enforced by the Department of Health Services under ch. DHS 110 and ch. 256, Stats.

History: CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672; CR 17-067: am. Register September 2018 No. 753, eff. 10-1-18.