



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Labor and Industries

- Preproposal Statement of Inquiry was filed as WSR 08-22-082; or
- Expedited Rule Making--Proposed notice was filed as WSR; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: Chapter 296-305 WAC, Safety Standards for Firefighters

Hearing location(s):

Double Tree Hotel
322 North Spokane Falls Court
Salon 1
Spokane, WA 99201
September 25, 2012 9:00 a.m.

Tumwater Dept. of Labor and Industries
7273 Linderson Way SW
Room S117/S118
Tumwater, WA 98501
October 2, 2012 9:00 a.m.

Submit written comments to:

Name: Devin Proctor
Address: PO Box 44620, Olympia, WA 98504-4620
e-mail devin.proctor@lni.wa.gov
fax (360) 902-5619 by 5:00 p.m. October 12, 2012

Assistance for persons with disabilities: Contact

Beverly Clark by 5:00 p.m. September 20, 2012

(360) 902-5516 or beverly.clark@lni.wa.gov

Date of intended adoption: January 22, 2013

(Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The Federal Occupational Safety and Health Administration (OSHA) advised the department of a couple of areas in the firefighters standard where we are not as effective as the federal rules. Stakeholders asked us to look at our firefighter standards and bring them up-to-date with current consensus standards and practices.

See attachment 1 for changes other than updating to current consensus standards and housekeeping corrections.

Reasons supporting proposal: The department held extensive meetings with a wide-ranging group of stakeholders and the following are some of the many changes to our rules that were agreed upon:

- Use more current consensus standards as our references.
- Add in sections on incident management to be in line with national requirements.
- Address insufficiencies in wildland fire fighting and technical rescue disciplines.
- Address other technical issues identified by the stakeholder groups.

Statutory authority for adoption: RCW 49.17.010, 49.17.040, 49.17.050, and 49.17.060.

Statute being implemented: Chapter 49.17 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|---|--|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:
29 CFR 1910.156

DATE
August 21, 2012

NAME (type or print)
Judy Schurke

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 21, 2012

TIME: 9:33 AM

WSR 12-17-119

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Labor and Industries

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Margaret Leland	Tumwater, Washington	(360) 902-4504
Implementation.... Anne Soiza	Tumwater, Washington	(360) 902-5090
Enforcement..... Anne Soiza	Tumwater, Washington	(360) 902-5090

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

Fire departments, as public agencies, do not fall under the purview of the Regulatory Fairness Act, which monitors the effects of rules on small businesses. However, a cost-benefit analysis has been prepared.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Devin Proctor

Address: PO Box 44620

Olympia, WA 98504-4620

phone (360) 902-5541

fax (360) 902-5619

e-mail devin.proctor@lni.wa.gov

No: Please explain:

CR-102 RULE-MAKING ORDER (RCW 34.05.320)

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Attachment (1) Purpose Statement for Safety Standards for Firefighters

NEW SECTIONS:

296-305-02002 Structural firefighting clothing (SFF)

- Existing Personal Protection Equipment (PPE) sections were combined and updated to be in line with the National Fire Protection Association (NFPA) format and references.

296-305-02004 Protection ensemble for structural firefighting

- Existing PPE sections were combined and updated to be in line with the NFPA format and references.

296-305-02012 Body armor

- This section was rewritten to be more specific about determining when and how body armor should be used along with being updated to current National Institute of Justice standards for vests.

296-305-03002 Hazardous materials

- Requirements were rewritten to remove pieces that duplicated the Emergency Response standard, and reordered to read more easily. Additionally, terminology was updated to match the NFPA.

296-305-04510 Aerial apparatus

- WACs 296-305-04509, Aerial ladders, and 296-305-04511, Elevated platforms, were combined, updated, and formatted to be consistent with the NFPA.

296-305-05000 Incident management

- Our rule currently applies only to a structural fireground, not hazmat, vehicle emergencies, wildfires, drills, etc. Requirements were added to apply to these situations. Additionally, we added requirements to bring our rule into compliance with the presidential declaration creating the National Incident Management System. We also added language about different zones and addressed firefighters being struck by vehicles at the scene of incidents.

296-305-05002 Fire suppression

- This section contains parts of 296-305-05001, Emergency fireground operations-structural, which is being repealed. We removed “structural” from the rule, and made it apply to general suppression. This is also the section that addresses the 2-in/2-out issue. We will no longer allow both standby firefighters to have other duties in addition to standing by. We further clarified that the standby firefighter cannot be doing something critical to the safety of the firefighters on the scene. Additionally, we cleared up language about what types of communication can be used, and now require the use of Self Contained Breathing Apparatus throughout the overhaul phase of fire fighting.

296-305-05004 Occupational exposure to heat and cold stress

- Requirements were added to combine L&I’s requirements for WAC 296-62-095, Outdoor heat exposure, with the NFPA on rehabilitation.

296-305-05101 Technical rescue general requirements.

296-305-05103 Technical rescue training

296-305-05105 Technical rescue standard operating procedures

296-305-05107 Technical rescue incident response planning

296-305-05109 Technical rescue equipment

296-305-05111 Technical rescue safety

296-305-05113 Technical rescue operational specialties

- These sections have been rewritten to bring our technical rescue pieces into one section and more in line with the NFPA, which is the industry standard. We added subjects that had not been previously addressed, such as swift water, tunnel, and mine rescue, along with updating the rope rescue section. We also made it clear that the specialty requirements apply only to those departments who chose to do this work.

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Attachment (1)
Purpose Statement for
Safety Standards for
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296-305-05502 Training and member development

- Combined training requirements from 296-305-05501, Fire training, and 296-305-05503, Summary of training requirements. We added a section covering the use of structures for training other than live fires, such as destruction or dealing with asbestos. We also made the training language clear and put the information contained in 296-305-05503 into a table.

296-305-06006 Ground ladders

- Rewrote requirements from the current section to come into compliance with NFPA standards.

296-305-06008 Electrical

- Rewrote the electrical section to apply to all electrical equipment and to come into compliance with other L&I electrical requirements.

296-305-07002 Wildland fire personnel accountability

296-305-07004 Heat-related illness prevention for wildfire firefighters

296-305-07006 Equipment for wildland firefighting

296-305-07008 Aircraft operations for fighting wildland fires

296-305-07010 Training for wildland firefighting

296-305-07012 Personal protective clothing and equipment for wildland firefighting

296-305-07014 Apparatus standards for wildland firefighting

296-305-07016 Falling and equipment in forest lands

296-305-07018 Occupant restraints and enclosures for wildland firefighting

- The above sections were clarified, updated, and reordered from the previous wildland firefighting section, with new requirements for working in forested areas added.

AMENDED SECTIONS:

In addition to housekeeping corrections throughout the rule, the following amendments were made:

296-305-01003 Scope and application

- Deleted language “the provisions of this standard do not apply to industrial fire brigades, as defined in this chapter”.

296-305-01005 Definitions

- Definitions have been updated to fit the terminology used in the firefighting standard. Added several definitions to clarify the rules and amended others to be consistent with other L&I standards.

296-305-01007 Variance and procedure

- Deleted the references to RCW 49.17.080 and 49.17.090.

296-305-01501 Injury and illness reports for firefighters

- Housekeeping changes were made to give the correct phone number and forms for reporting injuries/illness.

296-305-01503 Accident investigation

- Housekeeping changes were made to give the correct phone number and forms for reporting injuries/illness.
- The title was amended to “Accident/Incident investigation,” due to the difference in definitions in other L&I standards.
- Modified language to add exposure to substances known to cause occupational disease as an incident that requires investigation.

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Attachment (1) Purpose Statement for Safety Standards for Firefighters

296-305-01505 Accident prevention program

- The term “safety officer” was changed to “health and safety officer”.

296-305-01507 Fire department safety officer

- The term “safety officer” was changed to “health and safety officer”.

296-305-01509 Management’s responsibility

- Requirements for management policies were added and clarified.

296-305-01513 Safe place standards

- Changed wording from “All firefighting work methods,” to “All work methods.”

296-305-01517 First-aid kits

- Removed the additional references to Chapter 296-800 WAC sentence.

296-305-02001 Personal protective equipment and protective clothing

- Terminology and NFPA editions were updated.
- Included information from the Washington Industrial Safety and Health Act (WISHA) directive that clarified the rule and removed the need for a directive.

296-305-02017 Personal alert safety system (PASS) protection

- Changed wording from “working in a hazardous area” to “engage in structural fire fighting.”
- Changed reference date to NFPA.
- Changed reference from “296-305-07019” to “296-305-07018.”

296-305-02019 Life safety ropes, harnesses, and hardware protection

- Changed wording from “All life safety ropes, harnesses, and hardware used by fire departments shall meet the applicable requirements of” to “Organizations performing rope rescue operations must make sure previously purchased life safety ropes and equipment comply with the 2001 edition of.”
- Added language “Ropes and equipment purchased after the effective date of this rule must meet the 2006 edition of NFPA 1983, Standard on Life Safety Rope and Equipment for Emergency Services.”
- Added information on Class III harnesses.

296-305-02501 Emergency medical protection

- Changed reference date to NFPA.
- Removed references to Chapter 296-823 and 296-62.
- Added a requirement that current guidelines issued by the Centers for Disease Control (CDC) and Epidemiology be followed.

296-305-04001 Respiratory equipment protection

- Requirements for respirator use and testing vendor-supplied breathing air were updated and clarified.

296-305-04501 Automotive fire apparatus design and construction

- Changed reference to NFPA and U.S. Department of Transportation standards.
- Added language about securing equipment.

296-305-04503 Automotive fire apparatus equipment

- Changed reference to U.S. Department of Transportation.

296-305-04505 Automotive apparatus operational rules

- Changed language in additional reference section.

296-305-04507 Fire apparatus maintenance and repair

- Added requirement that suppression components of emergency vehicles are only to be repaired by specifically qualified individuals.

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Purpose Statement for
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296-305-05013 Aircraft rescue and firefighting

- Updated standard to require compliance with NFPA.

296-305-06001 Fire service equipment

- Updated references.

296-305-06003 Testing fire service equipment

- Added testing requirements; removed requirements around life safety belts and rescue ropes.

296-305-06501 Requirements for fire station facilities

- Changed the title of the section from “station” to “department”.

296-305-06503 General requirements

- Added language outlining requirements for departments that choose to install sliding poles.
- Added language addressing asbestos in properties used by fire departments.

296-305-06505 Sanitation, disinfection, cleaning, and storage areas

- Changed language from “needs to be decontaminated and/or disinfected” to “... is contaminated or potentially contaminated.”

296-305-06507 Sleeping areas

- Added language “and carbon monoxide.”

296-305-06511 Indoor air quality

- Updated references.

296-305-06513 Refueling areas

- Changed wording from “Uniform Fire Code” to “International Fire Code.”

296-305-06515 Hose drying towers

- Removed the additional reference language.

296-305-06517 Drill tower training facilities

- Changed rappelling anchors support from 4500 to 5000 pounds per person.

296-305-06519 Fire station equipment and tools

- Added the word “WAC” in a reference.

296-305-07001 Wildland fire operations

- Updated, clarified and reordered the requirements relating to fighting wildfires. Added requirements about working in forested areas.
- Language throughout this section was modified to use the term wildland fire consistently, and to follow industry definitions.

296-305-08000 Appendices

- Changed spelling of fungicidal.
- Updated wording for poly sheeting.
- Removed the appendices and pointed users to manufacturer’s requirements of the NFPA standard.

REPEALED SECTIONS:

296-305-01002 Effective date

- This section no longer applies to the rule.

296-305-01009 Appeals

- The requirements in this section were moved to Chapter 296-900, Administrative rules, in a previous rulemaking so are now being repealed from the firefighting standard.

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Purpose Statement for
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296-305-02003 Eye and face protection

- Requirements were moved to 296-305-02004.

296-305-02005 Hearing protection

- Requirements were moved to 296-305-02004.

296-305-02007 Hand protection

- Requirements were moved to 296-305-02004.

296-305-02009 Body protection

- Requirements were moved to 296-305-02004.

296-305-02011 Body armor

- Requirements were moved to 296-305-02012.

296-305-02013 Foot protection for structural firefighting

- Requirements were moved to 296-305-02004.

296-305-02015 Head protection

- Requirements were moved to 296-305-02004.

296-305-03001 Hazardous materials protection

- Requirements were moved to 296-305-03002.

296-305-04509 Aerial ladders

- Requirements combined with 296-305-04511, Elevated platforms, and rewritten as 296-305-04510, Aerial apparatus.

296-305-04511 Elevated platforms

- Requirements combined with 296-305-04509, Aerial ladders, and rewritten as 296-305-04510, Aerial apparatus.

296-305-05001 Emergency fireground operations – structural

- Requirements revised and moved to 296-305-05000 and 296-305-05002.

296-305-05003 Confined space rescue operations

- Requirements updated and moved to the new Technical Rescue section, 296-305-05101 through 05113.

296-305-05005 Rope rescue operations

- Requirements updated and moved to the new Technical Rescue section, 296-305-05101 through 05113.

296-305-05007 Trench rescue operations

- Requirements updated and moved to the new Technical Rescue section, 296-305-05101 through 05113.

296-305-05009 Watercraft rescue operations

- Requirements updated and moved to the new Technical Rescue section, 296-305-05101 through 05113.

296-305-05011 Hazardous materials operations

- Requirements updated and moved to the new Technical Rescue section, 296-305-05101 through 05113.

296-305-05501 Fire training

- Combined requirements, updated and reordered into new section 296-305-05502, Training and member development.

296-305-05503 Summary of training requirements

- Combined requirements, updated and reordered into new section 296-305-05502, Training and member development.

296-305-06005 Ground ladders

- Requirements moved to 296-305-06006, Ground ladders.

296-305-06007 Electrical

- Requirements moved to 296-305-06008, Electrical.

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296-305-07003 Personal protective clothing and equipment for wildland firefighting

296-305-07005 Respiratory protection for wildland firefighters

296-305-07007 Wildland personnel accountability

296-305-07009 Apparatus standards for wildland firefighting

296-305-07011 Occupant restraints and enclosures for wildland firefighting

296-305-07013 Equipment for wildland firefighting

296-305-07015 Aircraft operations for fighting wildland fires

296-305-07017 First aid for wildland firefighters

296-305-07019 Training for wildland firefighting

- The above sections were clarified, reordered and updated into the new and amended sections 296-305-07001 through 07018.