

DLS Safety Requirements for Fire Departments

Frequently Asked Questions

1. Personal Protective Equipment (PPE) questions:

a. Will firefighter station uniforms be required to be Flame Retardant?

No. Continue to use the station uniforms that you are using. OSHA does not require station uniforms to be flame retardant. The selection of PPE is based on hazard of the task. Visit [osha.gov/laws-regs/standardinterpretations/1991-07-08-0](https://www.osha.gov/laws-regs/standardinterpretations/1991-07-08-0).

b. Are steel toe boots required for station uniform? The standard boot is a black uniform boot or black sneaker.

No. A safety toe shoe ("steel toe" or "composite toe") is not required for station uniform.

c. What if bunker gear is older than the recommended NFPA expiration?

The OSHA standard requires that PPE is in good condition, and washed, stored and inspected according to manufacturer instructions. The Department of Labor Standards (DLS) will refer to OSHA standards, which do not enforce an expiration date.

d. When is hearing protection required?

Hearing loss is a known hazard in the Fire Services due to truck sirens and pump equipment. However, each fire department will have different noise levels depending upon the types of equipment and types of responses conducted.

DLS will not assume that your department has excessive noise. DLS will conduct noise testing first. There are calculations based on noise level, number of hours exposed, and number of days exposed per year to determine if noise levels are excessive.

Departments that have noise levels above 85 decibels for eight continuous hours, for more than 30 days per year, should evaluate workplace noise exposure. The results of testing will indicate whether hearing protection is required.

2. Respirators:

a. Is facial hair allowed?

DLS will follow OSHA interpretation which allows some, but not all, types of facial hair. A Department may elect to have a stricter policy. Visit [osha.gov/laws-regs/standardinterpretations/2012-09-14](https://www.osha.gov/laws-regs/standardinterpretations/2012-09-14).

There can be no facial hair that comes between the sealing surface of facepiece and the face, and no facial hair that interferes with valve function. This rule stays in effect even if the person passes a fit test with facial hair.

b. What type of fit test is required for SCBA?

Qualitative or Quantitative is acceptable. See [osha.gov/laws-regs/standardinterpretations/1999-01-15](https://www.osha.gov/laws-regs/standardinterpretations/1999-01-15).

c. Can Fire Departments administer fit tests?

Yes, Fire Departments can administer fit tests to their own employees. A vendor is not required. Keep a record of each employee fit test. Fit tests are required annually.

d. When a FF passes the fit test, doesn't this mean that they are medically cleared to wear the respirator?

No. These are different concepts. A fit test confirms that air does not leak into the facepiece. This is required at new hire before a person is assigned to wear a respirator, and on an annual basis.

A medical evaluation for respirator use confirms that the firefighter is physically able to wear a respirator. This is required at new hire before a person is assigned to wear a respirator. See below section on Medical Exams.

e. Can a respirator be used by more than one person?

Yes. Each employee does not need to be issued their own respirator. The OSHA standard requires that a respirator is cleaned and disinfected before being used by another person.

f. Is a SCBA required for all fires where smoke is present?

No. A respirator is required when air contaminants exceed the OSHA permissible exposure limit. Contaminants include particulate, carbon monoxide, cyanide, acid gas, volatile organic compounds and other byproducts of combustion.

A SCBA is traditionally worn when air contaminants are above IDLH conditions (immediately dangerous to life and health). It is important to remember that air contaminants of particulate and combustion byproducts can be above the OSHA permissible exposure limit for those compounds while being below IDLH conditions. Firefighters should protect their breathing in both conditions - above the OSHA permissible limit and IDLH.

An OSHA interpretation letter explains that the Incident Commander may determine choice of respirator based on the hazards of the scene. For example, an incipient stage fire might not require a SCBA, and excessive smoke during overhaul might require a SCBA. See [osha.gov/laws-regs/standardinterpretations/2002-07-08-0](https://www.osha-slc.gov/laws-regs/standardinterpretations/2002-07-08-0)

g. The OSHA 2-in/2-out rule: What if 4 personnel are not available on scene?

• The 2-in/2-out rule applies when conducting interior structural firefighting, except when performing emergency rescue activities before an entire team has assembled.

- o The respirator standard, 1910.134 (g) provides an exception to the 2-in/2-out rule for life saving operations.
- o One of the "two out" may be assigned other roles, such as Incident Commander.

• Non IDLH conditions: The 2-in/2-out rule is not required. See [osha.gov/laws-regs/standardinterpretations/1995-11-01](https://www.osha-slc.gov/laws-regs/standardinterpretations/1995-11-01)

h. What are requirements to refill SCBA cylinders?

OSHA does not specify who may fill SCBA cylinders.

DLS expects the following:

- o Periodic inspection is conducted of compressor equipment to ensure quality of breathing air; At a minimum, an air sample is sent for laboratory analysis at least once a year.
- o Annual respirator training should include information on using the compressor and refilling SCBA cylinders.
- o Fire Departments who conduct a periodic skill assessment by observing individuals refill cylinders will be determined by DLS to fulfill the requirement to provide compressor training.

The OSHA standard provides requirements for air quality, couplings, cylinders, and carbon monoxide alarms on compressors that are oil-lubricated.

3. Medical Questions

The OSHA standards require three different types of medical exams for firefighters. The following questions will address these separate concepts.

1. Medical exam for performance of job duties;
2. Medical exam for authorization to use a respirator; and
3. Medical exam for Hazmat Team.

a. Medical Exam for Performance of Job Duties

OSHA regulation 29 CFR 1910.156(b)(2) states that “the employer shall assure that employees who are expected to do interior structural firefighting are physically capable of performing duties which may be assigned to them during emergencies.”

• What DLS expects for Medical Fitness for Duty:

See: *Interpretation Letter 01 - Documentation Requirements for Fire Services Fitness for Duty and Respirator Clearance* dated January 15, 2019)

- o For firefighters hired on or after February 1st, 2019, DLS will require employers to maintain proof of fitness for duty, which may be one of the following (in order of preference):
 - § Statement that employee has successfully passed a NFPA 1582 physical.
 - § HRD Civil Service new hire form confirming fitness for duty.
 - § Statement from healthcare provider (NP, PA, DO, MD, RN) stating employee is fit for duty (may be employee’s primary care physician).
 - § Firefighter 1 or 2 certificate from any training source.
 - § CDL medical exam or other physical exam the department has recognized as proving fitness for duty.
 - § Signed statement by the Employer (Chief or other town official) that the employee is fit for duty
- **Repeat Exams:** An annual physical exam is not required in OSHA standards for firefighting personnel who are not assigned to hazmat teams. NFPA 1582 contains an annual fitness evaluation, but the OSHA standards do not. Repeat the medical exam for performance of job duties when the firefighter demonstrates difficulty performing duties, or the firefighter has known heart disease, epilepsy, or emphysema. It is the employer’s responsibility to confirm that individuals can physically perform their job duties, so DLS will expect that each Fire Department has a policy in place to provide new hire, and repeat medical fitness exams when indicated. DLS will not single out individual firefighters and require a repeat medical exam.
- **Use of SCBA more than 30 days per year:** The OSHA respirator standard 1910.134 does not require annual medical exams for persons who wear a SCBA more than 30 days per year. This language is contained in the HazMat standard for HazMat personnel only.

b. Medical Exam for Authorization to use a Respirator

OSHA regulation 29 CFR 1910.134 (e) requires medical evaluation before a person is authorized to use a respirator. This is a different and separate concept from a fit test. A fit test confirms that air does not leak into the facepiece. The medical respirator approval confirms that the individual is physically capable of wearing a respirator. These are two different concepts in the OSHA respirator standard. Both must be passed in order to wear a respirator.

- **What DLS expects for Respirator Approval**

See: *Interpretation Letter 01 - Documentation Requirements for Fire Services Fitness for Duty and Respirator Clearance* dated January 15, 2019)

- o **Contents of Exam (for firefighters hired on or after February 1st, 2019):**

- a. Provide the OSHA Respirator Questionnaire at new hire, before an individual is assigned to wear a respirator. The questionnaire is evaluated by a licensed healthcare provider.
- b. Based on the results of the questionnaire, the healthcare provider may approve the individual for respirator use, or may request an in-person exam that includes spirometry.
- c. Provide an in-person respirator medical exam when requested by the healthcare Provider.

- o **Healthcare providers:** The licensed healthcare provider for respirator approvals can be an MD, RN, PA, or NP. It may also be performed by other healthcare provider (such as a town's public health nurse), but not by paramedics or EMTs. There are several vendors that offer the respirator questionnaire online.

§ **Respirator Approval vs. New Hire Medical:** The Respirator questionnaire contains information that is not contained in the HRD new hire medical exam. The HRD "Medical Examination Form Initial-Hire Medical Standards (2014)" does not satisfy the documentation requirement for respirator approval.

§ **Documentation:** DLS may request a copy of the healthcare provider's statement that an individual is approved to wear a respirator. This document includes the firefighter's name, healthcare provider information, date of exam, and healthcare provider's statement that the examinee is cleared to use a respirator. This document does not include questionnaire answers, spirometry results or other personal medical information.

§ **Repeat Exams:** The respirator approval is not annual under OSHA requirements. The respirator approval must be repeated when:

- i. Employee reports signs or symptoms that are related to ability to wear a respirator;
- ii. A healthcare provider, Fire Department supervisor, or the Fire Department respirator program administrator informs the employer that an individual needs to be reevaluated;
- iii. Information from the respirator program, including observations made during fit testing, indicate the need for a reevaluation;
- iv. A change occurs in work conditions (i.e. physical work effort, protective clothing, temperature) that may result in substantial increase in the physiological burden placed on an individual while wearing a respirator.

c. Medical Exam for HazMat Team

OSHA regulation 29 CFR 1910.120(f) requires medical exams for individuals assigned to hazmat teams.

- **What DLS expects for HazMat medical evaluation**

- o **Contents of Exam:** Provide a medical exam consistent with 29 CFR 1910.120(f)(4).
- o **Documentation:** DLS can request documentation that a medical exam has been provided. DLS will not request personal medical information.
- o **Repeat exams:** Repeat the exam annually, and whenever an individual reports symptoms of chemical overexposure during a hazmat response.

4. Hazmat Questions

a. When FF responds to a Carbon Monoxide alarm, is this a hazmat incident?

No. Carbon Monoxide is not included in the scope and definitions of the OSHA Hazmat standard. Since Carbon Monoxide is a combustion byproduct and not a traditional chemical spill, it does not meet scope of the OSHA Hazmat standard.

b. As part of minimum training, all FF receive a 16-hour hazmat awareness training. Does this make them hazmat team? (i.e. trigger requirement for annual medical exam).

No. The OSHA requirements for Hazmat teams are triggered when an employee is assigned to perform hazmat tasks.

c. If a FF wears a SCBA more than 30 days a year, does this make them hazmat category under OSHA? (i.e. trigger requirement for periodic medical exam).

No. The scope of 29 CFR 1910.120(a) governs which tasks are considered hazmat. Wearing a SCBA more than 30 days per year does not trigger the scope of the hazmat regulation.

The concept of a 30-day trigger is in the medical section of the hazmat standard, CFR1910.120(f) (2). For persons assigned to a hazmat team, a medical exam is required if they wear a respirator during hazmat activities more than 30 days per year, are exposed to hazardous substances during hazmat activities above OSHA permissible limits more than 30 days per year, or show symptoms of overexposure to a hazardous substance.

d. Can the medical exam used for authorization to wear a respirator be used to satisfy the medical requirements in the hazmat standard?

No. The evaluations are different. See [osha.gov/laws-regs/standardinterpretations/1999-01-15-1](https://www.osha.gov/laws-regs/standardinterpretations/1999-01-15-1)

e. Is training required on Hazard Communication GHS, SDS, and labeling?

Yes, and this has been a part of standard training at the fire academy for several years.

5. Employee Qualifications

a. **Training:** The updated law for OSHA compliance does not change Massachusetts Fire Academy requirements. OSHA requires that firefighters are trained commensurate with those duties and functions they are expected to perform.

i. OSHA 10 training is not required for Fire Departments.

6 Fall Protection

a. **Workers routinely climb over trucks to repack hoses, axes and other equipment. The walking surface is higher than 4 feet off the ground. When do they need to be tied off to Fall Protection?**

Falling from the truck is a known hazard, and we know that firefighters in Massachusetts have been injured when falling off a truck. DLS will ask Fire Departments to assess the danger and explain their strategy for keeping firefighters safe on vehicle tops.

Each Fire Department should evaluate their stations and apparatus, and implement methods to prevent falls from the top surface of equipment.

b. **Firefighters routinely climb onto the roof of a burning building to cut a vent hole. When do they need to be tied off to fall protection?**

DLS will ask Fire Departments to explain their strategy for keeping firefighters safe on roofs and minimizing their exposure to the risk of falling. The OSHA Standard 29 CFR 1910.28(b) (1)(ii) allows employers to develop an alternative fall protection plan when tying off to fall protection is not feasible.

c. Is fall protection required in ladder trucks and aerial platforms?

Yes. OSHA 1910.67 requires fall protection and operator training in elevated and rotating work platforms.

d. Is fall protection required around the pole in the station?

Yes. Railings or some other type of protection are required at floor openings.

7. Is a plymovent ventilation system now mandatory in all Fire Stations?

Diesel exhaust is a known human carcinogen. Each station should have a strategy to reduce the migration of diesel exhaust in the fire station. A flexible ventilation hose attached to vehicle exhaust is the most effective method. DLS bulletin *Engine Exhaust Fumes in Fire Stations: Health Effects and Recommendations (1997)* contains information on ventilation and other strategies.

8. CDL: Is a commercial driver license required to operate fire trucks?

The RMV has jurisdiction over this question. The updated law for OSHA compliance in public sector does not change RMV requirements.

9. Hoist License: Is a hoist license required to operate the ladder truck?

The updated law for OSHA compliance in public sector does not change 520 CMR 6.00 which is overseen by the Division of Professional Licensure (formerly Department of Public Safety).

10 Department of Labor Standards (DLS)

Currently, DLS is inspecting public sector workplaces due to accident reports, complaints, and on a voluntary basis. Fire departments are encouraged to contact DLS for a voluntary, non-enforcement, site visit to prepare for implementation of the new law on February 1st, 2019. Starting on that date, DLS will begin to conduct programmed (random) inspections to address hazards found consistently at similar workplaces.

Regardless of the reason for the inspection they are all conducted in the same manner.

1. DLS contacts agency and makes appointment for inspection.
2. DLS meets with leadership, and labor, from the agency for an opening conference to discuss the inspection and review paperwork.
3. DLS conducts a walkthrough with management and labor of the workplace to evaluate tasks, equipment and conditions to determine if any could cause a work related injury or illness.
 - a. Noise and air testing may be conducted.
 - b. Photos may be taken.
 - c. Questions are encouraged.

As a matter of policy if DLS finds a violation it will issue a *Written Warning* first. A *Civil Citation* with Civil Penalty (fine) will only be issued when the employer is found to willfully create an unsafe workplace, has repeat violations or fails to abate violations found during previous inspections.