

## MEMORANDUM

TO: Fire Protection Specialists & State Fire Instructors

FROM: Bryant D. Stevens, State Fire Administrator

SUBJECT: Student Personal Protective Equipment

DATE: April 24, 2014

Questions have been raised regarding the applicability of National Fire Protection Association (NFPA) 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting and its applicability to New York State Fire Training Courses.

NFPA 1851, 2014 edition establishes a standard for the selection, care, and maintenance of firefighting protective ensembles to reduce health and safety risks associated with improper maintenance, contamination, or damage. More specifically, NFPA 1851 states that all structural fire protective ensembles be retired and removed from service ten years after manufacture.

In New York State, firefighter health and safety is regulated by the Department of Labor's Public Employee Safety and Health Bureau (PESH), pursuant to section 27-a of the Labor Law. PESH enforces the United States Department of Labor, Occupational Safety and Health Administration's (OSHA) laws and regulation, contained in 29 C.F.R. 1910.156, which establishes requirements for firefighters who are actively conducting operations in atmospheres that are immediately dangerous to life and health (IDLH).

OSHA 1910.156(e) establishes requirements related to structural firefighter protective clothing, including that "[t]he performance, construction, and testing of fire-resistive coats and protective trousers shall be at least equivalent to the requirements of the National Fire Protection Association (NFPA) standard NFPA No. 1971-1975, 'Protective Clothing for Structural Fire Fighting' [with limited permissible variations]".

OSHA 1910.156 does not require compliance with NFPA 1851. Therefore, in New York State, NFPA 1851 is a voluntary standard. While fire departments should ensure personal protective equipment issued to firefighters is routinely inspected for serviceability and safety, there is currently no state requirement identifying a set time period for retirement of such equipment.

OFPC's policy on personal protective equipment used during state fire training programs, which is contained in Appendix B-6 of the Fire Training Administrative Procedures Manual, authorizes employees of the Office to restrict student participation in State Fire Training courses if it is obviously unsafe or if he

or she becomes aware that the students' personal protective equipment is not in compliance with OSHA standards.

OFPC Instructors should not restrict student participation based on non-compliance with NFPA 1851, including the "10 year rule". The decision to voluntarily comply with NFPA 1851 rests with the firefighter's home fire department which is the firefighter's employer. It is important to note that a county or municipality may require compliance with other standards, which could include NFPA 1851 when using their training facilities. In these cases, this information should be shared with firefighters in advance of the scheduled use of the facility. We will provide this information as soon as we become aware.

Please contact your supervisor with any questions or concerns.

## **Appendix B-6**

### **Training Policy-Personal Protective Equipment Used by Students**

**Date of Issue: 8-1-96**

Employees of the Office of Fire Prevention and Control are authorized to restrict a student's activities during state training courses, if they are made aware of the student using personal protective equipment that is not appropriate or not in compliance with applicable OSHA standards.

This does not require that instructors inspect the student's equipment, it merely authorizes them to restrict activities once the instructor is aware of the situation.