

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ **LICENSING AND REGULATORY AFFAIRS**

~~BUREAU OF SAFETY AND REGULATION~~ **DIRECTOR'S OFFICE**

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION

FILED WITH THE SECRETARY OF STATE ON APRIL 22, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306.

Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

~~These rules take effect 15 days after filing with the Secretary of State~~

(By authority conferred on the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ by sections 16 and 21 of **1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030** Act No. 154 of the Public Acts of 1974, as amended, and ~~Executive Reorganization Order No. 1996-2, being §§408.1016, 408.1021, and 445.2001 of the Michigan Compiled Laws~~)

R 408.17303, R 408.17310, R 408.17315, R 408.17318, and R 408.17320
of the Michigan Administrative Code are amended as follows:

PART 73. FIRE BRIGADES

R 408.17303. Definitions; A to E.

Rule 7303. (1) "Approved" means approval by the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ or his or her duly designated representative.

(2) "Approved label" means a label or other identifying mark of a nationally recognized testing laboratory, such as underwriters laboratory, inc. or factory mutual research corp., that maintains a periodic inspection of production of labeled equipment or materials and by whose labeling indicates compliance with nationally recognized standards or tests to determine suitable usage in a specified manner.

(3) "Education" means the process of imparting knowledge or skill through systematic instruction. "Education" does not require formal classroom instruction.

(4) "Enclosed structure" means a structure that has a roof or ceiling and not less than 2 walls that may present fire hazards to employees, such as accumulations of smoke, toxic gases, and heat similar to those found in buildings.

R 408.17310. Employer responsibilities.

Rule 7310. (1) The employer having a fire brigade shall prepare and maintain a statement or written policy which establishes the existence of a fire brigade; and the basic organizational structure; the type, amount, and frequency of training to be provided to fire brigade members; the expected number of members in the fire brigade; and the functions that the fire brigade is to perform at the workplace. The organizational statement shall be available for inspection by the director of the department of **licensing and regulatory affairs** ~~consumer and industry services~~ and by employees or their designated representatives.

(2) The employer shall assure that employees who are expected to do structural fire fighting are physically capable of performing duties which may be assigned to them during emergencies. The employer shall not permit employees with known heart disease, epilepsy, or emphysema to participate in fire brigade emergency activities unless a physician's certificate of the employees' fitness to participate in such activities is provided. For employees assigned to fire brigades before the effective date of this part, this rule is effective on September 15, 1985. For employees assigned to fire brigades after the effective date of this part, this rule applies.

(3) The employer shall provide training and education for all fire brigade members commensurate with those duties and functions that fire brigade members are expected to perform. Such training and education shall be provided to fire brigade members before they perform fire brigade emergency activities. Fire brigade leaders and training instructors shall be provided with training and education which is more comprehensive than that provided to the general membership of the fire brigade.

(4) The quality of training and education programs for fire brigade members shall be similar to the training and programs conducted by such fire training schools as any of the following:

- (a) Maryland fire and rescue institute.
- (b) Iowa fire service extension.
- (c) West Virginia fire service extension.
- (d) Georgia fire academy.
- (e) New York state department, fire prevention and control.

- (f) Louisiana state university firemen training program.
- (g) Michigan's Macomb community college, fire and emergency services training center.
- ~~(h) Michigan's Great Lakes fire training institute at Kellogg community college.~~
- ~~(h) (i)~~ Washington state's fire service training commission for vocational education.
- (5) The training and education program for oil refinery industry fire brigade members shall be similar in quality to the training and education program conducted by any of the following:
 - (a) Macomb community college of Michigan, fire and emergency services training center.
 - ~~(b) Michigan's Great Lakes fire training institute at Kellogg community college.~~
 - ~~(b) (c)~~ Texas A & M university.
 - ~~(c) (d)~~ Lamar university.
 - ~~(d) (e)~~ Reno fire school.
 - ~~(e) (f)~~ Delaware state fire school.
- (6) Training for incipient fires shall be similar to the training provided by the fire training schools listed in subrule (4) of this rule or to the fire training for incipient fires offered by the school of labor and industrial relations at Michigan state university.
- (7) An employer shall assure that training and education is conducted frequently enough to ensure that each member of the fire brigade is able to perform the member's assigned duties and functions satisfactorily and in a safe manner so as not to endanger fire brigade members or other employees. All fire brigade members shall be provided with training at least annually. In addition, fire brigade members who are expected to perform interior structural fire fighting shall be provided with an education session or training at least quarterly.
- (8) An employer shall inform fire brigade members about special hazards, such as the storage and use of flammable liquids and gases, toxic chemicals, radioactive sources, and water reactive substances, to which they may be exposed during a fire and other emergencies. The fire brigade members shall also be advised of any changes that occur in relation to the special hazards.
- (9) An employer shall develop written procedures that describe the actions to be taken in situations involving special hazards and shall include these written procedures in the training and education program. An employer shall make the procedures available for inspection by fire brigade members.

R 408.17315. Foot and leg protection.

Rule 7315. (1) Foot and leg protection shall be provided and may be achieved by either of the following methods:

- (a) Fully extended boots which provide protection for the legs.
- (b) Protective shoes or boots worn in combination with protective trousers that meet the requirements of R 408.17316.
- (2) An employer shall ensure that protective footwear meets the requirements of NFPA 1971-97, protective ensemble for structural fire fighting. NFPA 1971-97 is adopted by reference in these rules and may be purchased from the Michigan Department of **Licensing and Regulatory Affairs** Consumer and Industry Services, **MIOSHA Standards Section** Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909, or from the National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, Massachusetts 02269-9101, (1-800-344-3555), **website: www.nfpa.org**, at a cost as of the time of adoption of these rules of **\$50.50** ~~\$24.75~~.

R 408.17318. Head, eye, and face protection.

Rule 7318. (1) Head protection shall consist of a protective head device that has ear flaps and a chin strap which meet the performance, construction, and testing requirements of NFPA 1971-97, protective ensemble for structural fire fighting. NFPA 1971-97 is adopted by reference in R 408.17315(2).

- (2) Protective eye and face devices that comply with R 408.13301 et seq. shall be used by fire brigade members when performing operations where the hazards of flying or falling materials are present and might cause eye and face injuries. Protective eye and face devices provided as accessories to protective head devices (face shields) are permitted if the devices meet the requirements of R 408.13301 et seq. The provisions of R 408.13301 et seq. are available from the Michigan Department of **Licensing and Regulatory Affairs** Consumer and Industry Services, **MIOSHA Standards Section** Division, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909.
- (3) Full facepieces, helmets, or hoods of breathing apparatus that meet the requirements of R 408.13301 et. seq. are acceptable as meeting the eye and face protection requirements of this part.

R 408.17320. Respiratory protection devices.

Rule 7320. (1) An approved self-contained breathing apparatus that has a full facepiece shall be provided to and worn by fire service personnel while working in atmospheres where toxic products of combustion or an oxygen deficiency may be present. The apparatus shall also be worn during emergency situations involving toxic substances. An employer shall ensure that respirators are provided to and used by fire brigade members and that the respirators meet the requirements of 29 C.F.R. 1910.134 and this rule.

- (2) Self-contained breathing apparatus shall have a minimum service life rating of 30 minutes in accordance with the methods and requirements of the national institute for occupational safety and health (NIOSH) except for escape self-contained breathing apparatus (ESCBAs) used only for emergency purposes.

(3) All compressed air cylinders used with self-contained breathing apparatus shall meet department of transportation (DOT) requirements which are available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402 or the criteria of the national institute for occupational safety and health (NIOSH), Cincinnati Technical Center, 435 Elm Street, Suite 500, Cincinnati, Ohio 45202.

(4) Self-contained breathing apparatus shall be provided with an indicator that automatically sounds an audible alarm when the remaining service life of the apparatus is reduced to within a range of 20% to 25% of its rated service time.

(5) An employer shall ensure that self-contained breathing apparatus for use by fire service personnel is of the positive-pressure type. All breathing apparatus that is purchased after the effective date of these amendatory rules shall be in compliance with the national fire protection association standard NFPA 1981-87, open circuit self-contained breathing apparatus. NFPA 1981-87 is adopted by reference in these rules and is available from the National Fire Protection Association, 1 Batterymarch Park, Quincy, Massachusetts 02269, (1-800-344-3555), **website: www.nfpa.org**, or from the Michigan Department of **Licensing and Regulatory Affairs** Consumer and Industry Services, **MIOSHA** Standards **Section** Division, P.O. Box 30643, Lansing, Michigan 48909, at a cost as of the time of adoption of these amendatory rules of ~~\$27.00~~ \$14.50.

(6) Subrule (5) of this rule does not prohibit the use of a self-contained breathing apparatus if the apparatus can be switched from a demand mode to a positive-pressure mode when fire service personnel are performing emergency operations. However, the apparatus shall be in the positive-pressure mode as required in Subrule (7) of this rule.

~~(7) Negative-pressure self-contained breathing apparatus which has a rated service life of more than 2 hours and which has a minimum protection factor of 5,000, as determined by an acceptable quantitative fit test performed on each individual, is acceptable for use only during interior structural fire fighting situations for which the employer demonstrates that long-duration breathing apparatus is necessary. Quantitative fit test procedure shall be available for inspection by the director of the department of consumer and industry services or his or her authorized representative. Such negative-pressure breathing apparatus will continue to be acceptable for 18 months after a positive-pressure breathing apparatus that has the same or a longer rated service life is certified by the national institute for occupational safety and health (NIOSH). After the 18-month period, all self-contained breathing apparatus used for long-duration situations shall be of the positive-pressure type.~~