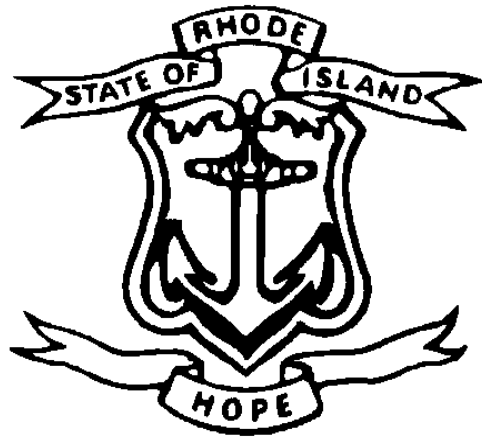




**NFPA 1500 IMPLEMENTATION PLAN
REVIEW COMMISSION IN THE STATE OF
RHODE ISLAND**

Report Submitted to the
Rhode Island General Assembly
December 2011

TABLE OF CONTENTS

Commission Membership	3
A letter from Senator Beatrice A. Lanzi and Representative Scott J. Guthrie, Commission Co- Chairs	4
Background	5
Time Line of the Legislative Commission	6
Commission Findings	7
Commission Recommendations	9
Addenda:	
1. 2011 - S 1081 – A Joint Resolution Creating a Special Legislative Commission to be known as the NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island	13
2. Agenda and Minutes from the NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island	16

NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island

Commission Members

Senator Beatrice A. Lanzi

Co-Chairperson
D-Dist. 26, Cranston

Representative Scott J. Guthrie

Co-Chairperson
D-Dist. 28, Coventry

Representative Joseph A. Trillo

R- Dist. 24, Warwick

Matthew Weldon (designee)

Chief of Program Development
Department of Labor and Training

Chief George Farrell (ret. (designee))

Rhode Island Fire Chiefs Association

William Booth (designee)

Rhode Island Association of Firefighters

Thomas B. Coffey, Jr., Esq.

Executive Director
Fire Safety Code Board of Appeals and Review

Daniel L. Beardsley Jr.

League of Cities and Towns

Staff:

Karyn Lowe

Senate Policy Analyst II

Anne Marie DeMello

Senate Policy Analyst



Rhode Island General Assembly

On behalf of the NFPA 1500 Implementation Plan Review Commission, we are pleased to present this report which represents the best thinking of a distinguished and dedicated membership.

In 1987, the National Fire Protection Association issued the first national standard creating a fire department occupational safety and health program, hereinafter referred to as NFPA 1500. The NFPA recognized at that time that fire fighting had become one of the most hazardous occupations in North America in terms of occupational death and injury statistics. Also, there was a growing concern with the number of fire fighters who suffered disabling injuries and/or occupational diseases and conditions that had debilitating or fatal consequences. As a result the NFPA 1500 was established to provide the framework for a safety and health program for fire departments.

Shortly thereafter, the Rhode Island General Assembly required fire departments, excluding volunteer departments, to comply with the NFPA 1500 and allotted those departments three years to comply with these safety and health standards. Unfortunately, many of Rhode Island's fire departments do not fully comply with these standards today.

The Commission examined the extent of compliance to these basic safety and health standards. The result of this examination revealed many issues. While many fire departments are almost entirely compliant to the NFPA 1500, some fire fighters are exposed to exhaust from fire trucks due to a lack of provisions to ventilate exhaust emissions in living and sleeping areas, while others are housed in buildings that do not meet current building and fire codes. Other fire departments need to establish an Occupational Safety and Health Committee, or maintain data of all accidents, injuries, illnesses or deaths that may be job related or require annual physicals for the fire fighters. These are a few of the areas of noncompliance that the Commission discovered.

The NFPA 1500 Implementation Plan Review Commission had the responsibility of conducting a comprehensive study and making recommendations related to fire departments' compliance to these basic safety and health standards. The members recognized the importance of these occupational safety standards and health programs for fire departments along with the need for fiscal prudence.

We are grateful to every member of the Commission for their time, efforts and perspective on this topic. Without them, the findings and recommendations contained in this report would not have been possible.

We dedicate this report to our local fire fighters who deserve a safe work environment as they risk their lives every day to protect all Rhode Islanders.

Sincerely,

Senator Beatrice A. Lanzi
District 26, Cranston

Representative Scott J. Guthrie
District 28, Coventry

Background

On July 12, 2011, Governor Chafee signed Senate Resolution 1081 and House Resolution 6307 which created a Special Legislative Commission to be known as The NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island. The nine-member Commission, chaired by Senator Beatrice A. Lanzi (District-26, Cranston) and Representative Scott J. Guthrie (District- 28, Coventry) was authorized to study and make recommendations related to the compliance of fire stations to the occupational safety and health program standards for fire service in the State of Rhode Island.

The Commission consisted of elected officials, representatives from the Department of Labor and Training, Rhode Island Fire Chiefs Association, Rhode Island Association of Firefighters, Fire Safety Code Board of Appeals and Review, and the League of Cities and Towns. Each member of the Commission, along with others who provided testimony, presentations, opinions, and assistance to the Commission, has been instrumental in preparing this document throughout the series of hearings and commission meetings.

The Commission met four times over the past four months: September 27, 2011; October 19, 2011; November 14, 2011; December 5, 2011. The Commission was charged with presenting its findings and recommendations to the General Assembly on or before March 29, 2012. This document represents the final report of the NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island. While this is the final report, the legislative process with continued discussion and broad public input will determine the content of any legislation that may result from the report.

NFPA 1500 Implementation Plan Review Commission in the State of Rhode Island

Timeline

September 27, 2011 – Room 212, State House

- Discussion regarding compliance of all Rhode Island fire departments/districts to the NFPA 1500 (1987)
- Presentation of responses to letter requesting information on compliance of fire departments/districts

October 19, 2011 – Room 212, State House

- Discussion regarding compliance of all Rhode Island fire department/districts to the NFPA 1500 (1987) common areas of noncompliance
- Discussion about previous legislation and possible applicability to volunteer departments

November 14, 2011 – Room 212, State House

- Public Comment
- Decisions regarding the following issues
 - o NFPA 1500 (1987 version or newer)
 - o Applicability to volunteer fire departments
 - o Enforcement agency – DLT or Fire Marshals
 - o Statutory exemptions
 - o Compliance time frame
 - o Commission membership

December 5, 2011

- Review November 14, 2011 decisions
- Additional Public Comment

Findings

1. The Commission found that the Rhode Island General Laws §§ 23-28.4-4 through 6 needs clarification as to which version of the NFPA 1500 that the fire departments should comply with. Rhode Island General Laws § 23-28.4-4, entitled “General requirements” states as follows:

It is the intent of this chapter to ensure that NFPA 1500: Standard on Fire Department Occupational Safety and Health Program is adopted and adhered to by all applicable fire departments in the state.

This section, as well as other sections contained within chapter 28.4, does not specify which edition of the NFPA 1500 that fire departments are required to comply with. At the time that the General Assembly enacted this legislation only one edition of the NFPA 1500 existed. This edition was promulgated in 1987. Since that time, however, other editions of the NFPA 1500 have been published. The Commission found that chapter 28.4 of title 23 of Rhode Island General Laws should specify the edition of the NFPA 1500 that the state requires fire departments to adhere to.

2. Volunteer fire departments/districts are not currently required to comply with the provisions of the NFPA 1500. The Commission members had significant discussions on this topic.

RIGL § 23-28.4-3, entitled “Applicability” states, “the requirements of this chapter apply to public fire departments, private, or contractual type fire departments primarily performing duties normally performed by public fire departments.” Section 6, however states that chapter 28.4 does not apply to volunteer fire departments. The job duties performed by volunteer fire fighters are essentially the same as that of full-time paid fire fighters. Accordingly, the majority of the Commission found that volunteer departments are encouraged to work closely with the NFPA Plan Review Committee and submit a plan for compliance.

3. The Commission finds that Office of the State Fire Marshal would be a more efficient and effective state office for the NFPA Implementation Plan Review Committee to be located. Currently, the Implementation Plan Review Committee is within the auspices of Department of Labor and Training. By placing the Plan Review Committee within the Office of the State Fire Marshal, its staff is familiar with the intricacies of the fire code and can inspect fire departments for compliance with the NFPA 1500 (1987) safety standards. The Office of State Fire Marshal also has the technical ability to review the implementation plans submitted by the fire departments. Accordingly, the majority of the Commission finds that the NFPA Implementation Plan Review Committee should be relocated to the Office of the State Fire Marshal.

4. The Commission reviewed the current statutory exemptions of the NFPA 1500 that exist in Rhode Island General Laws § 23-28.4-6(b). Specifically, the statute does not

require fire departments to comply with the NFPA 1500 (1987) Chapter 3, training and education; Ch. 8-4, fire department physicians; and Ch. 8-5 physical fitness programs. The Commission finds that these exemptions should continue to remain in the statute.

5. Rhode Island General Laws § 23-28.4-5.1 defines the membership of the Implementation Plan Review Committee as three (3) members: one (1) of whom shall be appointed by the Rhode Island League of Cities and Towns, one (1) of whom shall be appointed by the Rhode Island State Association of Fire Fighters, and one (1) of whom shall be appointed by the Rhode Island Fire Chiefs' Association. Moreover, the members shall serve a four (4) year term. The Commission discussed the Committees current representation and found that the membership should be modified.

RECOMMENDATIONS

NFPA 1500 (1987 edition)

1. The Commission recommends that Rhode Island General Laws, Title 23, Chapter 28.4, Safety and Health Programs for Fire Departments (§§ 23-28.4 sections 1-7) refer to the NFPA 1500 (1987 edition). In addition, the Commission recommends that this standard be the minimum standard. Any fire department that wishes to comply with a newer NFPA 1500 standard may do so.

In 1987, the National Fire Protection Association approved a national standard for Fire Department Occupational Safety and Health Program. In the years preceding 1987, many line-of-duty deaths occurred. Also, fire fighters had an increased role in the delivery of emergency and rescue services and response to incidents involving hazardous materials. As a result, fire fighters were exposed to a wide range of dangers arising from these activities that presented further occupational health and safety concerns.¹ Prior to this standard, no consensus standard for fire service personnel existed.

The intent of the NFPA 1500 was to provide a framework for a health and safety program for fire departments. The General Assembly enacted legislation that required fire departments to comply with these health and safety standards. This Commission recommends that fire departments continue to be required to comply with the 1987 version of the NFPA 1500.

Applicability to Volunteer Departments

2. The Commission recommends that the volunteer fire departments work closely with the NFPA Plan Review Committee and submit a plan for compliance with the NFPA 1500 (1987) or a statement of compliance. All non-volunteer departments shall submit their Implementation Plan or statement of compliance to the Implementation Plan Review Committee by January 2013.

The NFPA 1500 (1987) provides in its “Origin and Development of NFPA 1500” as follows:

...the generic use of the term ‘fire department’ to refer to any organization engaging in activities of a similar nature is intended to support the applicability of this standard to career, volunteer, mixed career and volunteer, part-time, private, military, and public sector organizations of any type that engage in the activities normally associated with a fire department.

The Commission discussed and reviewed the appropriateness and feasibility of requiring volunteer fire departments to comply with this standard.

¹ NFPA 1500 (1987 edition), 1500-1 Origin and Development of NFPA 1500.

In August, 2011, Senator Lanzi and Representative Gallison, co-sponsors of the legislation creating the NFPA Implementation Plan Review Commission sent letters to each fire department/district chief, including volunteer and combination departments as well as the local town executive or its public safety official asking them to state whether the fire departments were in compliance with the NFPA 1500 (1987ed) fire department occupational safety and health program. If they were not in compliance, the fire department/district was asked to identify the areas of noncompliance and the cost to comply. The NFPA Implementation Plan Review Commission, co-chaired by Senator Lanzi and Representative Guthrie met in September and reviewed the initial responses from 21 departments/districts.

A second letter was then sent to those fire departments/districts' chiefs that did not respond explaining further that the Commission was considering making the NFPA 1500 (1987) applicable to volunteer departments. The letter stated in part, "The Commission is reviewing several issues with respect to the application of NFPA 1500, such as the allotment of time to allow the department/district to comply with the standards, *the possible applicability to all departments, volunteer, combination and career* and clarification in other areas." (Emphasis added) As a result of this letter, the Commission received an additional 38 responses from both volunteer and paid departments.

The Commission thereafter reviewed all of the responses and noted that many "volunteer" fire departments who responded appeared to be in compliance with the majority of areas within the NFPA 1500 (1987) with the exception of some administrative areas and some of the requirements regarding employee assistance programs.

The majority members of the Commission recommend that the volunteer fire departments work closely with the NFPA Plan Review Committee and submit a plan for compliance or a statement of compliance. All non-volunteer departments shall submit their Implementation Plan or statement of compliance to the Implementation Plan Review Committee by January 2013.

Agency responsible for enforcement and Implementation Plan Review Committee

3. The Commission recommends that the NFPA 1500 Implementation Plan Review Committee be placed under the Office of the State Fire Marshal instead of the Department of Labor and Training as provided in the current law.

Currently, Rhode Island General Laws § 23-28.4-5 provides that fire departments shall submit its Implementation Plan to the Department of Labor and Training. DLT is charged with the responsibility of forwarding the plans to the Implementation Plan Review Committee. A member of the Department of Labor and Training explained that the Department of Labor and Training was willing to maintain the Implementation Plan Review Committee and the Implementation Plans within its auspices. The problem, however, was that they did not have the expertise to verify the information contained in the plans or to inspect various fire departments for compliance. The Commission was also provided with an email from the State Fire Marshal that stated that he supported the move of the Implementation Plan Review Committee and the associated plans to the Office of

the State Fire Marshal. Employees of the Office of the State Fire Marshal have the expertise and the staffing to perform inspections of fire departments. With one member dissenting, the majority of the Commission recommends that the NFPA 1500 Implementation Plan Review Committee should be placed under the authority of the State Fire Marshal. The dissenting member wished to see the fiscal impact on the fire marshal's office.

Statutory Exemptions

4. The Commission recommends that the current statutory exemptions under RIGL § 23-28.4-6(b) be maintained. (Ch. 3 Training and Educational Standards, 8-4 Fire Department Physicians and 8-5 Physical Fitness Programs)

During the discussions, Commission members agreed to keep the same statutory exemptions for training and educational standards due to the opening of the Rhode Island Fire Academy, which provides state-of-the-art training for fire fighters throughout the state. Also, the Commission saw no need to require fire departments to have their own physician as required by NFPA 1500, Ch. 8-4. Finally, physical fitness programs have historically been within the local control of the fire department and the Commission chose to maintain that exemption also. The Commission therefore recommends that the current statutory exemptions contained within RIGL § 23-28.4-6(b) be maintained.

Compliance Time Frame

5. The Commission recommends that the NFPA 1500 Implementation Plan Review Committee be given the authority and discretion to determine an appropriate amount of time for a fire department to come into compliance with the NFPA 1500 (1987ed) standards. In addition, the Fire Safety Code Board of Appeals and Review could entertain appeals from the Commission as well as hear variance requests from fire departments/districts.

The Commission sent letters to each fire department/district in Rhode Island asking them to state whether they were in compliance with the NFPA 1500 (1987ed) health and safety standards. Also, a second request was sent to those departments that did not respond. The Commission thereafter reviewed all of the responses received which comprised the majority of Rhode Island fire departments and all of the departments from our major metropolitan areas, such as Providence, Warwick, Cranston, Pawtucket, Woonsocket, Newport, Central Falls, and others.

After reviewing those responses, the Commission noted that some of the areas of noncompliance are administrative while other areas may be potentially very costly. A few departments have older fire stations that have problems with the facilities for which a variance may be sought through the Fire Safety Code Board of Appeals and Review. Other departments may not be in compliance because they do not have a written policy and procedures regarding the employee assistance program. While the departments that lack written policies are not in compliance, there is minimal cost, if any, associated with compliance. The majority of the Commission agreed that the Implementation Plan Review

Committee should have the flexibility to decide the time frame for which the fire departments have to comply depending on the area on noncompliance.

Committee Membership

6. The Commission recommends that the membership of the committee change from three (3) to seven (7) members with membership as follows:

- a) one (1) of whom shall appointed by the League of Cities and Towns;
- b) two (2) of whom shall be appointed by the president of the Rhode Island Association of Firefighters;
- c) two (2) of whom shall be appointed by the president of the Rhode Island Fire Chiefs Association, one (1) of whom shall represent a volunteer fire department, one (1) of whom shall represent a paid department;
- d) one (1) of whom shall be a member of the general public appointed by the Senate President; and
- e) one (1) of whom shall be a member of the general public appointed by the Speaker of the House.

Appointments to the committee should be staggered and the Chair will be elected from the membership. The first meeting shall be held within 90 days of passage and meet bi-monthly thereafter. It was suggested that we model the NFPA 1500 Implementation Plan Review Commission after the Fire Education and Training Board (RIGL § 23-28.2-23).

Addendum 1: Resolution

=====
LC02961
=====

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2011

JOINT RESOLUTION

CREATING A SPECIAL LEGISLATIVE COMMISSION TO BE KNOWN AS THE NFPA 1500 IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

Introduced By: Senators Lanzi, and Tassoni

Date Introduced: June 27, 2011

Referred To: Placed on the Senate Consent Calendar

RESOLVED, That a special legislative commission be and the same is hereby created consisting of nine (9) members: two (2) of whom shall be members of the Senate, to be appointed by the President of the Senate, not more than one of whom shall be from the same political party; two (2) of whom shall be members of the House of Representatives, to be appointed by the Speaker of the House, not more than one of whom shall be from the same political party; one of whom shall be the Director of the Department of Labor and Training, or designee; one of whom shall be the President of the Rhode Island Fire Chiefs Association, or designee; one of whom shall be the President of the Rhode Island State Association of Firefighters, or designee; one of whom shall be the Executive Director of the Fire Safety Code Board of Appeals and Review, or designee; and one of whom shall be a representative from the League of Cities and Towns, or

designee. Five (5) members shall constitute a quorum.

In lieu of any appointment of a member of the legislature to a permanent advisory commission, a legislative study commission, or any commission created by a General Assembly resolution, the appointing authority may appoint a member of the general public to serve in lieu of a legislator; provided, that the Majority Leader or the Minority Leader of the political party which is entitled to the appointment consents to the appointment of the member of the general public.

The purpose of said commission shall be to perform a comprehensive study and make recommendations related to the compliance of fire stations to the occupational safety and health program standards for fire service in the State of Rhode Island.

Forthwith upon passage of this resolution, the President of the Senate and the Speaker of the House shall appoint co-chairs. Thereafter, the members of the commission shall meet at the call of the co-chairs.

Vacancies in said commission shall be filled in like manner as the original appointment.

The membership of said commission shall receive no compensation for their services.

All departments and agencies of the state shall furnish such advice and information, documentary and otherwise, to said commission and its agents as is deemed necessary or desirable by the commission to facilitate the purposes of this resolution.

The Joint Committee on Legislative Services is hereby authorized and directed to provide suitable quarters for said commission; and be it further

RESOLVED, That the commission shall report its findings and recommendations to the General Assembly on or before March 29, 2012, and said commission shall expire on June 30, 2015.

Addendum 2: Agendas and Minutes

NFPA 1500 IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

NOTICE OF MEETING

DATE: Tuesday, September 27, 2011
TIME: 3:00 – 5:00 pm
PLACE: Room 212

- 1) Welcome and Introduction
- 2) Discussion regarding compliance of all Rhode Island fire stations to the NFPA 1500
- 3) Additional Business, Scheduling of Next Hearing, if necessary
- 4) Adjournment

NFPA IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

September 27, 2011 Meeting Minutes

The following is a synopsis of the NFPA 1500 Implementation Plan Review Commission, which was held on Tuesday, September 27, 2011.

Welcome and Introductions

Co-Chairs Lanzi and Guthrie called the meeting to order at 3:10 and welcomed everyone to the first NFPA 1500 Implementation Plan Review Commission hearing. Chairperson Lanzi asked the members to introduce themselves and the organization they represent. After which, she explained that the purpose of this Commission will be to examine whether all fire departments/districts in Rhode Island are in compliance with the NFPA 1500 (1987 edition).

To that end, in August, staff sent 114 letters to the leaders of each city and town including copies sent to every fire chief asking if his/her department/district was in compliance with the NFPA 1500 (1987), the cost to comply and the area of noncompliance. We received responses from 21 out of 77 fire department/districts.

Discussion

The Commission decided that they would like to have responses from each of the 77 fire departments/districts so that the discussion can be fully informed.

Also, one member raised the question whether this Commission wants to require compliance to the 1987 edition of the NFPA 1500 or whether the membership is inclined to review a newer edition. The consensus is that the NFPA 1500 (1987) version should remain the standard; however, we should clarify state law to specify the 1987 edition.

Next, one member stated that Rhode Island General Laws currently exempts volunteer fire departments. The members discussed whether volunteer departments should be required to comply with NFPA 1500 (1987). Almost immediately, it became apparent that a statutory definition for “volunteer fire departments” is needed. The Co-Chairs asked members to be prepared to further discuss whether volunteer departments, irrespective of the definition, should be required to the NFPA 1500 (1987) fire safety standards at the next meeting.

Finally, the membership discussed the issue of enforcement. Current law provides that the Department of Labor and Training’s Implementation Plan Review Committee is required to review each fire department’s implementation plan. According to some members, this Implementation Plan Review Committee has never met.

The co-chairs stated that for the next meeting the membership would discuss volunteer fire departments (definition and exemption status), an updated report on fire department/district compliance and last year's legislation SB 542 regarding compliance with the NFPA 1500 (1987). The meeting adjourned at 4:45.

**SPECIAL LEGISLATIVE COMMISSION -
NFPA 1500 IMPLEMENTATION PLAN REVIEW
COMMISSION IN THE STATE OF RHODE ISLAND**

NOTICE OF MEETING

DATE: Wednesday, October 19, 2011

TIME: 3:00 – 5:00 pm

PLACE: Room 212

1. Welcome and Introduction
2. Discussion regarding compliance of all Rhode Island fire stations to the NFPA 1500.
3. Additional Business, Scheduling of Next Hearing, if necessary
4. Adjournment

NFPA IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

October 19, 2011 Meeting Minutes

The following is a synopsis of the NFPA 1500 Implementation Plan Review Commission, which was held on Wednesday, October 19, 2011.

Welcome

Co-Chair Lanzi called the meeting to order at 3:00 and welcomed everyone to the NFPA 1500 Implementation Plan Review Commission hearing. Co-Chair Lanzi discussed the issues that were to be discussed at the meeting and asked that staff provide an update of the work that had been done since the last meeting.

Staff reported that 56 letters were sent to the fire departments/districts that had not responded to the first request for information. We received responses from 39 fire department/districts and in total have heard from 61 of 76 departments/districts. The area of non compliance from a number of volunteer departments appeared to be from the lack of an Employee Assistance Program (EAP). Also, a number of full-time fire departments who responded had various administrative areas that need to be brought into compliance, such as formal written policies on health and safety programs and/or EAP programs. The Chair opened the floor for discussion.

Discussion

The members discussed the differences with fire departments classified as volunteers. Some may pay the fire fighters a stipend, some may have a full-time paid chief and others may have a combination of full-time fire fighters and volunteers. One member stated that it does not matter if the fire fighter is paid or not, they should still have basic safety provisions to protect that individual.

One member discussed the minimum staffing recommendations and suggested that it be exempted by statute as many unions and towns have negotiated and have made concessions on that issue and we should be cautious not to usurp those concessions.

A discussion also ensued about the different levels of non compliance, such as “administrative issues” including NFPA requirements to have written policies regarding safety and health policies and about assistance programs for substance abuse, stress and other issues. Also, the NFPA requires that departments maintain data regarding accidents, illnesses and occupational exposure to toxic products or diseases. These types of areas can be readily complied with and are not costly.

The suggestion was made that departments that may have older facilities and have a high-cost associated with compliance to the NFPA 1500 (1987) should be provided with a longer timetable to comply in order to budget and to develop a plan to comply. Also, it was recommended that the statute specifically state that departments/districts have the ability to seek a variance from the Fire Safety Code Board of Appeals and Review from any of the requirements of the NFPA 1500 (1987).

Co-Chair Lanzi stated that for the next meeting we would begin the meeting with public testimony to be followed by discussion and decisions regarding volunteer fire departments, possible new exemptions or phase-in time, legislative enforcement agency (DLT or Fire Marshals) and timeline for compliance. Also, staff would ask that the League of Cities and Towns and the Fire Chiefs Association send the meeting notice to their respective memberships to notify them of the public comment element.

The meeting adjourned at 4:50.

SPECIAL LEGISLATIVE COMMISSION - NFPA 1500 IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

NOTICE OF MEETING

DATE: Monday, November 14, 2011

TIME: 3:00 – 5:00 pm

PLACE: Room 212

- 1) Welcome
- 2) Public Comment
- 3) Discussion and decisions regarding compliance of fire departments/districts to the NFPA 1500.
 - Applicability to Volunteer Fire Departments
 - Inclusion/Exclusion/Phase-In of Sections of NFPA 1500 (1987)
 - Review Committee – Agency and Enforcement
 - Compliance Time Frame for Administrative Areas and Larger Cost Areas, such as Facilities issues.
- 4) Additional Business, Scheduling of Next Meeting
- 5) Adjournment

NFPA IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

November 14, 2011 Meeting Minutes

The following is a synopsis of the NFPA 1500 Implementation Plan Review Commission, which was held on Monday, November 14, 2011.

Call to Order

Co-Chair Lanzi called the meeting to order at 3:03 and explained that staff sent emails out to the Fire Chiefs Association, League of Cities and Towns and the Fire Fighters Association to distribute to their respective membership informing them of the public testimony component to this meeting. The Chair then opened the floor for public comment.

Public Comment

Two people provided the Commission with public testimony and one with written testimony. Paul Valletta representing the Rhode Island State Association of Firefighters testified that the fire fighters wanted the Commission to recommend fire departments continue to be required to comply with the NFPA 1500 (1987 edition). Further, Mr. Valletta stated that the majority of noncompliance areas are administrative and have little to no cost; however, for the higher cost areas such as facilities' issues and annual physicals that a three (3) to five (5) year time frame for compliance be recommended.

Chief Barrington from the Kingstown Fire District asked that volunteer departments remain excluded from complying with the NFPA 1500 standards. He also stated that the standards that exist in the NFPA 1500 (1987) were not onerous.

Chief Finlay from the Cumberland Hill Fire Department submitted written testimony expressing his support for the continued enforcement of the NFPA 1500 standard as it has not adversely impacted his budget and provides a regulation that keeps his firefighters properly protected.

Discussion

NFPA 1500 (1987 edition)

Under current law, fire departments are required to comply with the NFPA 1500, Standard on Fire Department Occupational Safety and Health Program. This law was adopted by the legislature in 1988. (See P.L. 1988, ch. 542, § 2) During that time the applicable standard was the 1987 edition of the NFPA 1500. The Commission discussed whether they would like the standard to remain the 1987 edition or some newer one. The

Commission agreed that the law should specify the 1987 or any newer edition of the NFPA 1500.

Volunteer Fire Departments

The Commission discussed whether or not it will recommend that the NFPA 1500 standards would apply to volunteer fire departments. Members discussed the possible cost to volunteer departments, especially since they are currently exempt from compliance. One member stated that it is in the best interest of the state to have all fire departments, regardless of whether the fire fighter is paid or not, comply with these minimum safety standards. One member suggested that departments that are currently exempt from the NFPA 1500 standards could phase-in compliance by making the Implementation Plans submitted in January 2014.

With 2 members dissenting, the Commission recommends that Rhode Island General Laws, Title 23, Chapter 28.4, Safety and Health Programs for Fire Departments (§§ 23-28.4 sections 1-7) shall apply to all fire departments, including but not limited to volunteer, combination and full-time departments. Further, any department/district that is not currently required to comply with NFPA standards will submit an Implementation Plan to the Implementation Plan Review Committee beginning January, 2014.

Agency overseeing NFPA 1500 Implementation Plan Review Committee

The Commission discussed whether the NFPA 1500 Implementation Plan Review Committee created by RIGL § 23-28.4-5.1 should remain under the purview of the Department of Labor and Training or the Office of the State Fire Marshal. The Commission member representing the Department of Labor and Training said that they were willing to assist with the Plan Review Committee but did not have the staff to perform field inspections. The Commission was presented with an email from State Fire Marshal John E. Chartier expressing his support for the Commission to be moved to the Fire Marshal's office. The Commission agreed that the NFPA 1500 Implementation Plan Review Committee should be placed under the authority of the State Fire Marshal.

Statutory Exemptions

Rhode Island General Laws § 23-28.4-6 provides fire departments with exemptions. Those exemptions are Chapter 3, training and educational standards, Ch. 8-4 and Ch. 8-5. The Commission discussed whether the exemptions should remain the same or be modified. A recommendation was made that the current exemptions remain the same. The Commission unanimously agreed.

Fire Department Compliance Time Frame

The Commission stated that volunteer fire departments would not be required to submit an Implementation Plan to the NFPA 1500 Implementation Plan Review Committee until January, 2014. For the remainder of the fire departments that are currently required to comply with the NFPA 1500 standards, an Implementation Plan will be reviewed by the Committee which will have the flexibility to determine the appropriate time frame for compliance.

Commission Composition and Structure

A discussion that the membership of the committee be comprised of more than 3 members and also that the League of Cities and Towns have more than one representative appointment. Another member suggested that the appointments to the committee should be staggered and the statute could define the Chair. It was also suggested that we model the NFPA 1500 Implementation Plan Review Commission after the Fire Education and Training Board (RIGL § 23-28.2-23).

Chairs Lanzi and Guthrie asked that a meeting be scheduled to review the aforementioned suggestions on December 5, 2011 from 3:00 - 4:00 p.m.

The meeting adjourned at 4:50.

SPECIAL LEGISLATIVE COMMISSION - NFPA 1500 IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

NOTICE OF MEETING

DATE: Monday, December 5, 2011

TIME: 3:00 – 4:00 pm

PLACE: Room 212

- 1) Call to Order
- 2) Review decisions regarding compliance of fire departments/districts to the NFPA 1500.
 - NFPA 1500 (1987 edition)
 - Volunteer Fire Departments
 - Review Committee Agency – State Fire Marshal
 - Statutory exemptions of NFPA 1500 (1987)
 - Review Committee membership
- 3) Approve Committee Report
- 4) Adjournment

NFPA IMPLEMENTATION PLAN REVIEW COMMISSION IN THE STATE OF RHODE ISLAND

December 5, 2011 Meeting Minutes

The following is a synopsis of the NFPA 1500 Implementation Plan Review Commission, which was held on Monday, December 5, 2011.

Call to Order

Co-Chair Lanzi called the meeting to order at 3:09pm and explained that the Commission received some faxes and emails regarding the Commission recommendations. As a courtesy to the volunteer chiefs that were in attendance at this meeting, the Co-Chair asked if any member had objections to hearing public testimony from those attendees who wished to testify. Hearing none, the Chair opened the floor for public comment.

Public Comment

Three people provided the Commission with public testimony.

Chief Frederick Stanley, President of the Southern Fire League, asked that the law requiring fire departments to comply with the NFPA 1500 (1987) edition be entirely repealed. In the alternative he asked that volunteer departments continue to remain exempt from these requirements. He testified that he represents about 20 fire departments which is the largest block of volunteer fire fighters.

Chief Alexander Galinelli from the Warren Fire Department testified that he would like the NFPA 1500 compliance to be voluntary not mandated by legislation.

Paul Valletta representing the Rhode Island State Association of Firefighters testified that the fire fighters wanted the Commission to recommend all fire departments comply with the NFPA 1500 (1987 edition). He stated that the standard should be afforded to all fire fighters regardless of whether they are paid or not. He asked however that the volunteer fire departments' exemption to continue, if the legislation would not pass otherwise.

Discussion

NFPA 1500 (1987 edition)

Under current law, fire departments are required to comply with the NFPA 1500, Standard on Fire Department Occupational Safety and Health Program. This law was adopted by the legislature in 1988. (See P.L. 1988, ch. 542, § 2) During that time the applicable standard was the 1987 edition of the NFPA 1500. The Commission discussed whether they would like the standard to remain the 1987 edition or some newer one. The Commission agreed that the law should specify the 1987 or any newer edition of the NFPA 1500 with the added language that a fire department may adopt any newer NFPA standard. One member dissented.

Volunteer Fire Departments

The Commission discussed whether or not it will recommend that the NFPA 1500 standards would apply to volunteer fire departments. One member stated that it is in the best interest of the state to have all fire departments, regardless of whether the fire fighter is paid or not, comply with these minimum safety standards. However, one member recommended a compromise that volunteer fire departments “will work closely with the NFPA Implementation Plan Review Committee and submit a plan for compliance.” With 1 member dissenting, the Commission approved the suggestion.

Agency overseeing NFPA 1500 Implementation Plan Review Committee

The Commission discussed whether the NFPA 1500 Implementation Plan Review Committee created by RIGL § 23-28.4-5.1 should remain under the purview of the Department of Labor and Training or the Office of the State Fire Marshall. The Commission member representing the Department of Labor and Training that they were willing to assist with the Plan Review Committee but did not have the staff do perform field inspections. The Commission reiterated the email from State Fire Marshal John E. Chartier expressing his support the Commission to be moved to the Fire Marshal’s office. With one member dissenting, the majority of the Commission agreed that the NFPA 1500 Implementation Plan Review Committee should be placed under the authority of the State Fire Marshal. The dissenting member wished to see the fiscal impact of the fire marshal’s office taking over the Commission.

Statutory Exemptions

Rhode Island General Laws § 23-28.4-6 provides fire departments with exemptions. Those exemptions are Chapter 3, training and educational standards, Ch. 8-4 and Ch. 8-5. The Commission discussed whether the exemptions should remain the same or be modified. A recommendation was made that the current exemptions remain the same. The Commission unanimously agreed.

Fire Department Compliance Time Frame

For the applicable fire departments, an Implementation Plan will be reviewed by the Committee which will have the flexibility and authority to determine the appropriate time frame for compliance. The majority of the Commission agreed to this recommendation.

Commission Composition and Structure

The Commission discussed that the membership of the committee should be increased from three (3) to seven (7) members. The membership would be comprised as follows:

- (a) one (1) of whom shall appointed by the League of Cities and Towns;
- (b) two (2) of whom shall be appointed by the president of the Rhode Island Association of Firefighters;
- (c) two (2) of whom shall be appointed by the president of the Rhode Island Fire Chiefs Association one (1) of whom shall represent a volunteer fire department, one (1) of whom shall represent a paid department;

(d) one (1) of whom shall be a public member appointed by the Senate President;
and

(e) one (1) of whom shall be a public member appointed by the Speaker of the House.

The appointments to the committee should be staggered and the membership will elect the chair. It was also suggested that we model the NFPA 1500 Implementation Plan Review Committee after the Fire Education and Training Board (RIGL § 23-28.2-23). With one member dissenting, the Commission accepted the recommendation.

Chairs Lanzi and Guthrie thanked the membership for taking the time to participate in the Commission and for all of their hard work. Staff was asked to email the final recommendations and the Commission report for members to review and make corrections, if needed.

The meeting adjourned at 4:36.