

## Chapter SPS 330

### FIRE DEPARTMENT SAFETY AND HEALTH STANDARDS

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**Note:** Chapter ILHR 30 as it existed on August 31, 1995, was repealed and a new chapter ILHR 30 was created effective September 1, 1995. Chapter ILHR 30 was renumbered Chapter Comm 30 under s. 13.93 (2m) (b) 1., Stats., and corrections made under s. 13.93 (2m) (b) 6. and 7., Stats., Register, February, 1999, No. 518. Chapter Comm 30 was renumbered chapter SPS 330 under s. 13.92 (4) (b) 1., Stats., Register December 2011 No. 672.

requirements, the requirement more protective of employee safety and health shall apply.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02.

#### Subchapter I — Purpose and Scope

**SPS 330.001 Purpose.** Pursuant to s. 101.055 (3) (a), Stats., the purpose of this chapter is to establish minimum safety and health standards for public sector fire department employees.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and recr. Register December 2001 No. 552, eff. 1-1-02.

**SPS 330.002 Scope.** In addition to the requirements in ch. SPS 332, this chapter contains minimum requirements for an occupational safety and health program for public sector fire department employees involved in fire department operations.

**Note:** Chapter SPS 332 contains additional safety and health requirements for all public employees.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and recr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.003 Application.** (1) COVERED. This chapter applies to all fire departments having public employees, whether existing prior to the effective date of this chapter or subsequently established.

(2) NOT COVERED. This chapter does not apply to private sector employer fire companies and fire departments either of which are organized as non-stock, non-profit corporations under ch. 181, Stats., or under ch. 213, Stats., without the input of a municipality.

**Note:** Private sector employer fire companies and fire departments are regulated under 29 CFR 1910, especially section CFR 1910.156, of the federal Occupational Safety and Health Administration (OSHA) regulations.

**Note:** Most of the requirements of this chapter are based upon the National Fire Protection Association Standard NFPA No. 1500 – Standard on Fire Department Occupational Safety and Health Program. The requirements of subch. XI are based upon 29 CFR section 1910.156 (b) (2) of the OSHA regulations.

(3) CONFLICTS. If requirements of the statutes, this chapter or other Wisconsin administrative code chapters specify varying

#### Subchapter II — Definitions

**SPS 330.01 Definitions.** In this chapter:

(1) “Aerial device” means any extendable or articulating device that is designed to position fire fighters and handle fire fighting equipment.

(2) “Approved” means acceptable to the department.

(3) “Authority having jurisdiction” means the department.

(4) “Basic life support” means emergency medical treatment at a level authorized to be performed by emergency medical personnel, as defined in s. 941.37 (1) (c), Stats.

**Note:** Section 941.37 (1) (c), Stats., defines “emergency medical personnel” to be: “...an emergency medical technician licensed under s. 256.15, first responder certified under s. 256.15 (8), peace officer or fire fighter, or other person operating or staffing an ambulance or an authorized emergency vehicle.”

(5) “Department” means the department of safety and professional services.

(6) “Emergency operation” means the provision of fire fighting, law enforcement, medical or other emergency service.

(6h) “Employee” or “public employee”, as defined in s. 101.055 (2) (b), Stats., means any employee of the state, of any state agency or of any political subdivision of the state.

(6m) “Employer” or “public employer”, as defined in s. 101.055 (2) (d), Stats., means the state, any state agency or any political subdivision of the state.

(7) “Fire apparatus” means a vehicle used for emergency operations.

(8) “Fire chief” means the highest ranking officer in charge of a fire department.

(9) “Fire department” means any public organization engaged in fire fighting.

(10) “Fire fighter” means any person performing the powers and duties of a fire department, whether or not that person is engaged in emergency operations. “Fire fighter” includes full-time and part-time employees and paid and unpaid volunteers.

(11) “Fire fighter organization” means an organization that represents the collective and individual rights and interests of fire fighters, such as a collective bargaining group or a fire fighters association. “Fire fighter organization” includes any organization that fire fighters authorize to represent their interests in negotiations with fire department managers.

(12) “Fire fighting” means any activity related to controlling and extinguishing an unwanted fire or a fire set for training fire fighters, including any activity that exposes a fire fighter to the danger of heat, flame, smoke or any other product of combustion, explosion or structural collapse, but does not include any activities pertaining to fighting wildland fires.

(13) “Fire vehicle” means any vehicle operated by a fire department, including fire apparatus.

(14) “Hazardous atmosphere” means any atmosphere that is oxygen deficient or that contains a toxic or disease producing contaminant, whether or not it is immediately dangerous to life or health.

(15) “Imminent hazard” means an act or condition that presents a danger to persons or property that is so urgent and severe that it requires immediate corrective or preventive action.

(16) “Incident command system” means an organized system of roles, responsibilities and suggested operating guidelines used to manage and direct emergency operations.

(17) “Member” means a person involved in performing the duties and responsibilities of a fire department, under the auspices of the organization. For the purposes of this chapter, a fire department member:

(a) May be a full-time or part-time employee, or a paid or unpaid volunteer;

(b) May occupy any position or rank within the fire department; and

(c) May or may not engage in emergency operations.

(18) “New”, as it relates to s. SPS 330.08, means a person hired, appointed or promoted to a position within an individual fire department after April 1, 1991.

(19) “Occupational illness” means an illness or disease caused or aggravated by serving as a fire fighter.

(20) “Occupational injury” means an injury sustained during the performance of the duties, responsibilities and functions of a fire fighter.

(21) “Officer in command” means a fire fighter assigned to direct emergency operations or manage the activities of a group of fire fighters.

(23) “Service test” means the regular, periodic inspection and testing of apparatus and equipment, according to an established schedule and procedure, to ensure that it is in safe and functional operating condition.

(24) “Special hazard” means a substance, device, event, circumstance or condition that presents an unusual and severe danger to fire fighters or an abnormally high level of fire danger. Special hazards include water rescue, confined space entry, high-angle rescue, and operations requiring specialized training.

(25) “Suggested operating guideline” means an organizational directive that establishes a standard course of action.

(26) “Structural fire fighting” means fire fighting that involves buildings, enclosed structures, enclosed vehicles or enclosed vessels.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: cr. (6h) and (6m), r. (22), Register December 2001 No. 552, eff. 1-1-02; correction in (5), (18) made under s. 13.92 (4) (b) 6., 7., Stats., Register December 2011 No. 672.

**Subchapter III — Administration and Enforcement**

**SPS 330.011 Inspections. (1) RIGHT OF ENTRY TO INVESTIGATE OR INSPECT.** The authorized representatives of the department, upon presentation of the appropriate credentials to an employer, may:

(a) Enter without delay and at reasonable times any building, place of employment or workplace of a public employer, or an environment where work is performed by an employee of the employer; and

(b) Inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and question privately any employer or employee.

(2) PARTICIPATION IN INSPECTIONS. Pursuant to s. 101.055 (5), Stats., a representative of the employer, an employee, or an employee representative shall be provided an opportunity to accompany a department inspector on any inspection made under this chapter.

(3) REQUESTS FOR INSPECTIONS. (a) Any person who believes a safety or health standard or variance is being violated, or that a situation exists which poses a recognized hazard likely to cause death or serious physical harm, may request the department to conduct an inspection.

(b) If an employee or employee representative requesting an inspection so designates, that person’s name may not be disclosed to the employer or any other person, including any state agency except the department.

(c) When determined necessary by the department, a request for inspection shall be made on a form provided by the department.

**Note:** The complaint registration form (SBD-192) is available at the Department’s Web site at <http://dsps.wi.gov> through links to Division of Industry Services forms. See s. 101.055, Stats., for information regarding the complaint process.

(4) ORDERS. Pursuant to s. 101.055 (6), Stats., the department shall issue orders for violation of this chapter.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**SPS 330.012 Posting department order.** Upon issuance of an order of noncompliance, the employer shall post a copy of the order in accordance with s. 101.055 (6) (a) 1., Stats.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and recr. Register December 2001 No. 552, eff. 1-1-02.

**SPS 330.013 Variances.** Pursuant to s. 101.055 (4), Stats., the department shall consider and may grant a temporary variance, an experimental variance or a permanent variance as specified in s. SPS 303.04 for a safety and health issue affecting public employees.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.014 Notices.** Every employer shall post a notice which summarizes the employee’s protections and rights as granted under s. 101.055, Stats.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**SPS 330.015 Penalties.** Penalties for violations of this chapter may be assessed as specified in s. 101.02, Stats.

**Note:** Section 101.02 (13) (a), Stats., indicates penalties will be assessed against any employer, employee, owner or other person who fails or refuses to perform any duty lawfully enjoined, within the time prescribed by the department, for which no penalty has been specifically provided, or who fails, neglects or refuses to comply with any lawful order made by the department, or any judgment or decree made by any court in connection with ss. 101.01 to 101.25, Stats. For each such violation, failure or refusal, such employee, owner or other person must forfeit and pay into the state treasury a sum not less than \$10 nor more than \$100 for each violation.

**Note:** Section 101.02 (12), Stats., indicates that every day during which any person, persons, corporation or any officer, agent or employee thereof, fails to observe and comply with an order of the department will constitute a separate and distinct violation of such order.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**Subchapter IV — Adopted Standards**

**SPS 330.02 Incorporation of standards by reference. (1) NFPA STANDARDS.** The following standards of the National Fire Protection Association, One Batterymarch Park,

P.O. Box 9101, Quincy, Massachusetts, 02269-9101 are hereby incorporated by reference into this chapter:

(a) NFPA 1001-1997, Standard for Fire Fighter Professional Qualifications.

(b) NFPA 1002-1998, Standard for Fire Apparatus Driver/Operator Professional Qualifications.

(c) NFPA 1021-1997 Standard for Fire Officer Professional Qualifications.

(d) NFPA 1403-1997, Standard on Live Fire Training Evolutions in Structures.

(e) NFPA 1901-1999, Standard for Automotive Fire Apparatus.

(f) NFPA 1911-1997, Standard for Service Tests of Pump Systems on Fire Department Apparatus.

(g) NFPA 1914-1997, Standard for Testing Fire Department Aerial Devices.

(h) NFPA 1971-2000, Standard on Protective Ensemble for Structural Fire Fighting.

(i) NFPA 1981-1997, Standard on Open-Circuit Self-Contained Breathing Apparatus for the Fire Service.

(j) NFPA 1982-1998, Standard on Personal Alert Safety Systems (PASS).

(k) NFPA 1983-2001, Standard on Fire Service Life Safety Rope and System Components.

**(2) CGA STANDARDS.** The following standard of the Compressed Gas Association, 1235 Jefferson Davis Highway, Arlington, Virginia 22202 is hereby incorporated by reference into this chapter:

(a) CGA Standard G-7.1, 1997, Commodity Specification for Air.

**Note:** Copies of the standards are on file in the offices of the department and the legislative reference bureau. Copies may be purchased through the organizations listed.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and rec. Register December 2001 No. 552, eff. 1-1-02.

## Subchapter V — Organization

### SPS 330.03 Fire department safety position.

**(1) ASSIGNMENT.** (a) Each fire department shall have a safety position.

(b) The safety position shall assist the fire chief in his or her responsibility for the safety and health of the fire fighter.

(c) The safety position shall report directly to the fire chief.

**Note:** The safety position may be filled by a single individual or by several individuals as determined by need and at the discretion of the fire chief. When several individuals are assigned to the position, at least one should be a member of the occupational safety and health committee. The intent of the rule is to staff the safety position with existing personnel, which may be filled by a fire department member who performs other duties in addition to those set forth in this section.

**(2) QUALIFICATIONS.** The safety position shall:

(a) Be a fire department member;

(b) Have a knowledge of state and local laws regulating fire fighter safety and health;

(c) Have a knowledge of the potential safety and health hazards involved in fire fighting; and

(d) Have a knowledge of the principles and techniques of managing a safety and health program.

**(3) AUTHORITY.** The safety position shall:

(a) Have the responsibility to identify and recommend corrections of violations of safety and health standards;

(b) Have the authority to recommend immediate correction of situations that create an imminent hazard to personnel; and

(c) Have the authority to alter, suspend or terminate activities at the emergency scene when he or she judges those activities to be unsafe or an imminent hazard.

**(4) FUNCTIONS.** The safety position shall:

(a) Be a member of the safety and health committee, and maintain a liaison with staff officers, fire fighters, equipment manufacturers, regulatory agencies, safety specialists and the fire department physician;

(b) Develop and revise rules and regulations and suggested operating guidelines pertaining to safety and health, and report to the fire chief on the adequacy and effectiveness of the rules and regulations. The fire chief shall define the role of the safety position in the enforcement of the rules and regulations;

(c) Identify and mitigate safety hazards at incidents, and be involved in post-incident critiques; and

(d) Ensure that training in safety procedures is provided to all fire fighters. Training shall address corrective actions recommended by accident investigations.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: am. (1) (b), Register December 2001 No. 552, eff. 1-1-02.

### SPS 330.05 Occupational safety and health committee.

**(1)** Every fire department shall establish an occupational safety and health committee which shall advise the chief of the fire department on issues related to the program. The committee shall include representatives of fire department management and fire fighters or representatives of fire fighter organizations or other persons. Any representatives of a fire service organization shall be selected by the fire fighter organization. The chief of the fire department shall appoint the other members of the committee.

**(2)** The committee appointed under sub. (1) shall:

(a) Conduct research, develop recommendations and study and review matters pertaining to the program; and

(b) Hold regularly scheduled meetings at least biannually and may hold special meetings as it determines necessary. The committee shall make a written record of its meetings available to all fire fighters in the fire department.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

### SPS 330.06 Records.

Every fire department shall:

**(1)** Establish a data collection system and maintain permanent records of all reported accidents, injuries, illnesses and deaths that are or may be job related. The system shall include individual records of any occupational exposure to known or suspected toxic products or contagious diseases.

**(2)** Maintain a training record for each fire fighter indicating dates, subjects covered and certifications achieved.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

## Subchapter VI — Training and Education

**SPS 330.07 Training and education.** **(1)** Every fire department shall:

(a) Establish and maintain a training and education program for fire fighters to prevent occupational accidents, deaths, injuries and illnesses.

(b) Provide training and education that does all of the following:

1. Prepares a fire fighter to safely perform his or her duties.

2. Prepares a fire fighter for any change in a procedure or technology or for any new hazard identified in his or her work environment.

3. Prepares a new fire fighter whose duties include emergency operations to perform emergency operations. The training under this subdivision shall include training in the incident command system under s. SPS 330.14 (1) (b).

4. Gives a fire fighter whose duties include structural fire fighting training consistent with established fire ground operating procedures. The training under this subdivision shall be at least monthly, shall be based on each fire department's suggested operating guidelines which are maintained in written form and which address all emergency scene operations, and shall be supervised by qualified instructors.

**Note:** A qualified instructor can be anyone who is knowledgeable in the topic, and not necessarily an instructor from the Wisconsin technical college system.

5. Prepares a fire fighter for special hazards to which he or she may be exposed during fires and other emergencies. The procedures for actions to address special hazards shall be in writing.

(2) (a) All training and education under sub. (1) shall be provided by individuals who are qualified to teach the subject they are teaching.

(b) The training shall be overseen by the fire chief or a designee who has completed at least the 12-hour National Fire Academy Field Course for Instructional Techniques for Company Officers or equivalent.

(3) A fire department shall provide the training required under sub. (1) (b) 1. and 2. biannually or more often, if necessary.

(4) Any training of fire fighters which includes live fire fighting exercises shall be conducted in compliance with NFPA 1403.

(5) A training program for any fire fighter engaged in fire ground operations shall include procedures to effect his or her safe exit from a dangerous area if equipment fails or fire conditions change suddenly.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; correction in (1) (b) 3. made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.08 Employment standards.** (1) (a) Any new fire fighter engaged in structural fire fighting shall meet the minimum requirements specified by:

1. The Wisconsin technical college system board;
2. An approved state apprenticeship program;
3. An in-house training program approved by the Wisconsin technical college system board; or
4. NFPA 1001.

(b) All new fire fighters shall be permitted the opportunity to obtain the training specified in this subsection within 24 months of the date of his or her appointment to the fire department.

(c) No new fire fighter may be permitted to participate in structural fire fighting activities which require the individual to enter or be in close proximity to the building, enclosed structure, vehicle or vessel until that individual has completed the training specified in this subsection.

(2) (a) Every new pumper operator or new aerial operator shall meet the minimum requirements specified by:

1. The Wisconsin technical college system board;
2. An approved state apprenticeship program;
3. An in-house training program approved by the Wisconsin technical college system board; or
4. NFPA 1002.

(b) New pumper operators and new aerial operators shall obtain the training specified in this subsection within 12 months of the date of appointment.

(3) A new fire officer, after appointment, shall be provided with the opportunity to take the basic officer training program within 12 months of appointment. The training program shall meet the minimum requirements specified by:

- (a) The Wisconsin technical college system board;
- (b) An approved state apprenticeship program;
- (c) An in-house training program approved by the Wisconsin technical college system board; or
- (d) NFPA 1021.

(4) Any member of a fire department on March 31, 1991, shall have his or her level of ability and training specified in writing by the fire chief or shall have a current fire fighter certification from the Wisconsin technical college system board. The level of ability and training specified by the fire chief may not be transferred to any other fire department.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**Subchapter VII — Vehicles and Equipment**

**SPS 330.09 Vehicles.** (1) Every fire department shall:

(a) Give substantial consideration to the health and safety of fire fighters in relation to the specification, design, construction, acquisition, operation, maintenance, inspection and repair of all vehicles and equipment.

(b) Provide helmet and eye protection to any person riding in any part of a fire vehicle that is not enclosed and require that the person wear the protection while riding in that part.

(c) 1. Except as provided in subd. 2., when specifying and ordering any fire apparatus after April 1, 1991, require a sufficient number of seats in an enclosed area for the maximum number of persons who may ride on the apparatus at any time, as specified by NFPA 1901.

2. Fire apparatus manufactured prior to April 1, 1991, may be sold, traded or given to another fire department for use after April 1, 1991, provided the fire apparatus is maintained in accordance to the standards in effect at the time of its manufacture.

(d) Inspect every fire vehicle at least weekly and within 24 hours after any use or repair to identify and correct unsafe conditions and establish a preventive maintenance program. All maintenance, inspections and repairs of fire vehicles shall follow the instructions of the manufacturer.

(e) Take any fire vehicle found to be unsafe out of service until it is repaired and inspect that vehicle before placing it back in service.

(f) Test fire pumps on apparatus as specified in NFPA 1911.

(g) Inspect and service test all aerial devices as specified in NFPA 1914.

(2) A driver of a fire vehicle shall have a valid driver's license for the operation of the vehicle. The driver is directly responsible for the safe and prudent operation of the vehicle in all conditions. Any officer directly supervising the driver is responsible for the actions of the driver.

(3) The driver of a fire vehicle may not move the vehicle until every person on the vehicle is seated and secured with a seat belt or safety harness in an approved riding position, except as allowed under sub. (4).

(4) (a) Except as provided in pars. (b) to (d), any person riding on a fire apparatus shall be seated and secured to the vehicle by a seat belt or safety harness at any time the vehicle is in motion. No person may ride on the tail steps or other exposed part of a fire apparatus. No person may stand while riding a fire apparatus.

(b) Emergency medical specialists performing emergency medical duties are exempt from the requirements of par. (a).

(c) Hose loading operations may be performed on moving fire apparatus only when all of the following conditions are met:

1. Hose loading procedures shall be specified in a written standard operating procedure that includes the conditions set forth in this paragraph. All members involved in the hose loading shall be trained in these procedures.

2. There shall be a member, other than those members loading hose, assigned as a safety observer. The safety observer shall have an unobstructed view of the hose loading operation and be in visual and voice contact with the apparatus operator.

3. Nonfire department vehicular traffic shall be excluded from the area or shall be under the control of authorized traffic control persons.

4. The fire apparatus shall be driven only in a forward direction at a speed of 5 mph or less.

5. Members shall not stand on the tailstep, sidesteps, running boards, or any other location on the apparatus while the apparatus is in motion.

6. Members may be in the hose bed, but shall not stand while the apparatus is in motion.

7. Before each hose loading operation, the situation shall be evaluated to ensure compliance with the standard operating procedure. If the standard operating procedure cannot be met, or if there is any question as to the safety of the operation for the specific situation, the hose shall not be loaded on moving fire apparatus.

(d) Tiller training, where both the instructor and the trainee are at the tiller position, may be performed on tractor-drawn aerial apparatus only if all of the following conditions are met:

1. Tiller training procedures shall be specified in a written standard operating procedure that includes the conditions set forth in this paragraph. All members involved in tiller training shall be trained in these procedures.

2. The aerial apparatus shall be equipped with seating positions for both the tiller instructor and the tiller trainee. Both seating positions shall be equipped with seat belts for each individual. The tiller instructor may take a position alongside the tiller trainee.

3. The tiller instructor's seat may be detachable. If the instructor's seat is detachable, the detachable seat assembly shall be structurally sufficient to support and secure the instructor. The detachable seat assembly shall be attached and positioned in a safe manner immediately adjacent to the regular tiller seat. The detachable seat assembly shall be equipped with a seat belt or vehicle safety harness. The detachable seat assembly shall be attached and used only for training purposes.

4. Both the tiller instructor and the tiller trainee shall be seated and belted.

5. The instructor and trainee shall wear and use both helmet and eye protection if not seated in an enclosed area.

6. If the aerial apparatus is needed for an emergency response during a tiller training session, the training session shall be terminated, and all members shall be seated and belted in the approved riding positions. There shall be only one person at the tiller position. During the emergency response, the apparatus shall be operated by qualified operators.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

**SPS 330.10 Portable equipment.** Every fire department shall:

(1) Visually inspect at least weekly and within 24 hours after any use all equipment carried on fire apparatus or designated for training.

(2) Maintain inventory records for equipment carried on each fire vehicle and for equipment designated for training.

(3) Test all equipment carried on fire apparatus or designated for training at least annually according to the instructions and applicable standards of the manufacturer.

(4) Remove from service and repair or replace any fire fighting equipment which is defective or unserviceable as specified in the applicable National Fire Protection Association standard.

(5) Inspect and service test all ground ladders.

(6) Inspect and service test all fire hose.

(7) Inspect and test all fire extinguishers.

**Note:** Under ch. SPS 314, fire extinguishers are to be maintained as specified in NFPA 10, Standard for Portable Fire Extinguishers.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

### Subchapter VIII — Protective Clothing and Protective Equipment

**SPS 330.11 Protective clothing and equipment.**

(1) Every fire department shall:

(a) Provide each fire fighter with the required fire fighting protective clothing and the required fire fighting protective equipment to provide protection from hazards related to his or her job duties, at no cost to the fire fighter.

(b) Require fire fighters to use protective clothing and protective equipment provided under par. (a) whenever they are exposed to hazards or potential hazards.

(c) Fully train every fire fighter in the care, use, inspection, maintenance and limitations of the protective clothing and protective equipment assigned to them or available for their use.

(d) Use and maintain protective clothing and protective equipment according to the instructions of the manufacturer.

(e) Establish a maintenance and inspection program for protective clothing and protective equipment, assigning specific responsibilities for inspection and maintenance.

(2) Every fire department shall provide any fire fighter engaged in or exposed to the hazards of structural fire fighting with a protective ensemble that meets the applicable standards specified in NFPA 1971.

(3) (a) All new protective clothing and protective equipment provided under this subchapter shall meet the standards specified in s. SPS 330.02 as referenced in ss. SPS 330.11 to 330.13.

(b) Existing protective clothing and protective equipment shall meet the National Fire Protection Association standard that was current when the protective clothing or protective equipment was purchased or obtained by the fire department.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: r. and recr. (2), am. (3) (a), Register December 2001 No. 552, eff. 1-1-02; correction in (3) (a) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.12 Self-contained breathing apparatus.**

(1) Every fire department shall:

(a) Provide self-contained breathing apparatus and require fire fighters to use the apparatus in any area where the atmosphere is hazardous, is suspected of being hazardous or may become hazardous.

(b) Provide all fire fighters working below ground level or inside any confined space with self-contained breathing apparatus and require them to use that self-contained breathing apparatus unless the safety of the atmosphere can be established by testing and continuous monitoring.

(c) Adopt and maintain a respiratory protection program that satisfies the requirements of s. 29 CFR 1910.134 as adopted by reference in ch. SPS 332.

(d) Assure that all sources of compressed gaseous breathing air, such as compressors, used for filling self-contained breathing apparatus are tested to assure their compliance with sub. (4).

(e) Hydrostatically test each self-contained breathing apparatus tank within the time limits specified by the manufacturer of the apparatus and by any federal, state or local agency with jurisdiction over the possession and use of the apparatus.

(f) Inspect, use and maintain all self-contained breathing apparatus as recommended by the manufacturer.

(2) (a) The facepiece seal capability of each member qualified to use self-contained breathing apparatus shall be verified by qualitative fit testing on an annual basis and any time that new types of self-contained breathing apparatus are issued.

(b) Each new member shall be tested before being permitted to use self-contained breathing apparatus in a hazardous atmosphere.

(c) Only members with a properly fitting facepiece shall be permitted to function in a hazardous atmosphere with self-contained breathing apparatus.

(d) A fire fighter may not wear a beard or facial hair that comes in contact with a facepiece seal if the fire fighter's duties require him or her to use a self-contained breathing apparatus. If a fire fighter wears eyeglasses, the fire fighter shall use frames that do not pass through the seal area of the facepiece.

(3) (a) A self-contained breathing apparatus of the open-circuit design shall be positive pressure. Any self-contained breath-

ing apparatus placed into service after April 1, 1991, shall meet NFPA 1981 and shall be of the positive pressure type only.

(b) Paragraph (a) does not prohibit the use of a self-contained breathing apparatus if the apparatus can be switched from a demand to a positive-pressure mode.

(c) The apparatus shall be in the positive-pressure mode when fire department members are working in a hazardous atmosphere.

(d) A closed-circuit type self-contained breathing apparatus shall be approved by the National Institute of Occupation Safety and Health and shall operate in the positive pressure mode only. The supply air tank shall have a minimum service duration of 30 minutes.

**Note:** The intent of this subsection is to prohibit the use of on demand type breathing apparatus whenever self-contained breathing apparatus is required to be worn.

(4) Compressed gaseous breathing air in a self-contained breathing apparatus cylinder shall meet the requirements of CGA standard G-7.1, with a minimum air quality of Grade D and a water vapor level of less than 25 ppm.

(6) Fire fighters using self-contained breathing apparatus shall operate in teams of 2 or more members who are:

(a) In communication with each other through visual, audible, physical, safety guide rope, electronic or other means to coordinate their activities; and

(b) In close enough proximity to each other to be able to provide assistance in case of an emergency.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044; am. (1) (c), r. (5) and (7), Register December 2001 No. 552, eff. 1-1-02; correction in (1) (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.13 Personal alert safety system; life safety ropes, harnesses and hardware; eye, face and hearing protection. (1) PERSONAL ALERT SAFETY SYSTEMS.** Every fire department shall:

(a) Provide every fire fighter using self-contained breathing apparatus involved in rescue, fire fighting or other hazardous duties with a personal alert safety system and require the fire fighter to use the system.

(b) Test every personal alert safety system at least weekly and prior to each use.

(c) Maintain each personal alert safety system according to the instructions of the manufacturer of that system.

(d) Use personal alert safety system devices which meet the standards specified in NFPA 1982.

**(2) LIFE SAFETY ROPES, HARNESSES AND HARDWARE.** Every fire department shall:

(a) Use life safety ropes, harnesses and hardware which meet the standards specified in NFPA 1983.

(b) Use Class I life safety harnesses for fire fighter attachment to aerial devices.

(c) Use Class II and Class III life safety harnesses for fall arrest and rappelling operations.

(d) Use unused life safety rope to support the weight of any person during rescue, fire fighting and other emergency operations.

(e) Use for training evolutions, life safety rope which is designated training rope if the rope is inspected before and after each use according to the manufacturer's instructions.

(f) Destroy any training rope subjected to impact loading or showing signs of weakness or wear and maintain a written record of the use of each rope.

**(3) EYE, FACE AND HEARING PROTECTION.** Every fire department shall:

(a) Provide face and eye protection for any fire fighter engaged in fire suppression and other operations involving hazards to the eyes and face whenever the fire fighter's face is not protected by the full facepiece of a self-contained breathing apparatus. Eye and face protection shall comply with s. 29 CFR 1910.133 as adopted by reference in ch. SPS 332.

(b) Provide hearing protection for any fire fighter operating or riding in fire apparatus when subject to noise in excess of 90 dBA.

(c) Provide hearing protection for any fire fighter exposed to noise in excess of 90 dBA from power tools or equipment unless the use of the protective equipment would create an additional hazard to the fire fighter. Hearing protection shall comply with s. 29 CFR 1910.95 as adopted by reference in ch. SPS 332.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044; am. (3) (a) and (c), Register December 2001 No. 552, eff. 1-1-02; correction in (3) (a), (c) made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**Subchapter IX — Emergency Operations**

**SPS 330.14 Emergency operations. (1) INCIDENT MANAGEMENT.** Every fire department shall:

(a) Conduct emergency operations and other hazardous situations, including training exercises, in a manner to recognize hazards and to prevent accidents and injuries.

(b) Establish an incident command system which has written guidelines applying to all fire fighters involved in emergency operations and which identifies fire fighter roles and responsibilities relating to the safety of operations.

**Note:** Suggested Operating Guidelines have been developed and published by the Wisconsin technical college system board. Copies of the Suggested Operating Guidelines are available at all technical college district campuses.

(c) Train fire fighters involved in emergency operations in the incident command system established under par. (b) and assign safety responsibilities to supervisory personnel at each level of operations.

(d) Require the officer in command of an emergency operation to be responsible for the overall safety of all fire fighters and activities occurring at the scene of the operation.

(e) Require the officer in command of an emergency operation to establish an organization with sufficient supervisory personnel to control the position and function of all fire fighters operating at the scene of that emergency operation to ensure that safety requirements are satisfied.

(f) Use a standard system to identify and account for the assignment of each fire fighter at the scene of an emergency operation.

(g) At an emergency operation where special hazards exist, require the officer in command to assign qualified personnel with specific responsibility to identify and evaluate hazards and to provide direction with respect to fire fighter safety during the operation.

**(2) INCIDENT SAFETY REQUIREMENTS.** (a) Every fire department shall:

1. Provide sufficient personnel to safely conduct emergency scene operations and limit such operations to those that can be safely performed by the personnel available at the scene.

2. If inexperienced fire fighters are working at an emergency operation, provide direct supervision by more experienced officers or members.

(b) If any fire fighter is operating at an emergency operation and his or her assignment places him or her in potential contact with motor vehicle traffic, that fire fighter shall wear:

1. The helmet specified under s. SPS 330.11 (2) or alternate protective headgear providing equivalent protection; and

2. A garment with fluorescent retroreflective material.

**(3) RESCUE OF MEMBERS.** (a) A fire fighter using self-contained breathing apparatus and operating in an interior structural fire shall operate in a team of 2 or more fire fighters. Except in the case of a structural fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, a back-up team of at least 2 members wearing self-contained breathing apparatus shall be available at the scene for rescue if the need arises. One back-up team member with a charged line shall be committed to a safe non-affected area in or near the structure. The other back-up team member shall remain within

voice contact and may be assigned to additional roles so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire fighter working at the scene. In all structural fires in which fire fighters use self-contained breathing apparatus, at least one additional member shall be assigned to remain outside the structural fire and monitor the operations.

**Note:** It is not the intent of this rule to prevent any number of persons from responding to a fire call, setting up equipment and initiating exterior suppression at the fire scene. Also, it is not the intent of this rule to prohibit an individual fire fighter from taking an action to preserve the life or safety of another person.

(b) At emergency operations, the officer in command shall evaluate the risk to fire fighters and, if necessary, request that at least basic life-support personnel and patient transportation be available.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: am. (2) (b) 1. and (3) (a), Register December 2001 No. 552, eff. 1-1-02; correction in (2) (b) 1., Stats., Register December 2011 No. 672.

### Subchapter X — Facility Safety

**SPS 330.145 Facility safety.** Fire department buildings and facilities shall comply with chs. SPS 332 and 361 to 366.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; CR 01-139: am. Register June 2002 No. 558, eff. 7-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

### Subchapter XI — Medical

**SPS 330.15 Physical and medical capabilities.**

(1) The employer shall assure that fire fighters who are expected to do structural fire fighting are physically capable of performing duties which may be assigned to them during emergency operations.

(2) The fire chief may not permit a fire fighter with known heart disease, epilepsy, or emphysema to participate in fire department emergency operations unless a physician's certificate of the fire fighter's fitness to participate in such operations is provided.

**Note:** The intent of this subchapter is not to require an annual physical for each fire fighter.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95; CR 01-044: am. Register December 2001 No. 552, eff. 1-1-02.

### Subchapter XII — Member Assistance Referral Program

**SPS 330.16 Member assistance referral program.**

(1) Every fire department shall establish and adopt a written policy statement for a fire fighters assistance referral program that

identifies and assists fire fighters with alcohol or substance abuse, stress and personal problems adversely affecting their job performance. The assistance program shall refer fire fighters to health care services as appropriate for the recovery of their health and job performance abilities.

(2) Through the program established under sub. (1), every fire department shall provide health promotion activities that identify a fire fighter's physical and mental health risk factors and provide education and counseling to fire fighters for the purpose of preventing health problems and enhancing overall well-being.

(3) The use of municipal or county programs shall meet the requirements of this section.

**History:** Cr. Register, August, 1995, No. 476, eff. 9-1-95.

### Subchapter XIII — Miscellaneous Activities

**SPS 330.20 Hazardous materials.** Fire departments engaged in emergency operations relating to hazardous materials shall comply with s. 29 CFR 1910.120 as adopted by reference in ch. SPS 332.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.21 Confined spaces.** Fire departments engaged in emergency operations relating to confined spaces shall comply with s. 29 CFR 1910.146 as adopted by reference in ch. SPS 332.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.22 Diving operations.** Fire departments engaged in emergency operations relating to diving operations shall comply with 29 CFR 1910 subpart T as adopted by reference in ch. SPS 332.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.

**SPS 330.23 Miscellaneous hazardous situations.** Fire departments engaged in miscellaneous emergency operations and hazardous situations such as, but not limited to, structural collapse rescue, elevator rescue, trench rescue and terrorism responses shall comply with s. SPS 330.14, and with s. 29 CFR 1910.132 and any other applicable standard in 29 CFR 1910 and 29 CFR 1926, as adopted by reference in ch. SPS 332.

**Note:** Requirements for fire departments providing emergency medical services are administered and enforced by the Department of Health Services under ch. DHS 110.

**History:** CR 01-044: cr. Register December 2001 No. 552, eff. 1-1-02; correction made under s. 13.92 (4) (b) 7., Stats., Register December 2011 No. 672.