

UPDATES ON THE NEW LEGISLATION REQUIRING ROPE BAGS FOR
FIREFIGHTERS

THE FOLLOWING INFORMATION IS FORWARDED BY THE NEW YORK STATE
ASSOCIATION OF FIRE CHIEFS PUBLIC RELATIONS COMMITTEE FOR YOUR
INFORMATION.

September 19, 2007

0907-39

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Update On Recent New York State Legislation Requiring FF Bail-out Rope System From  
NYS AFC Executive Director Tom LaBelle.

0First off STOP, if you are buying equipment to be in compliance with this new  
regulation, don't. Nobody, and I mean nobody knows what it is going to entail as of  
9/18/07 and likely will not for at least another week or two. There are several questions  
that I'll try and answer in this note and more will follow but please share this with anyone  
interested.

Question #1 HOW DID THIS EVEN HAPPEN? I certainly can't speak for other  
associations but I can tell you what happened with NYSAFC. We had discussed the bill  
with the sponsors for three years, letting them know our concerns. Up until this year  
those concerns weren't addressed but the bill wasn't becoming law either. Also in the last  
few years the association has had to cut costs, this has hurt our government affairs  
program dramatically, this is part of the reason for the recent dues increase, there must be  
a voice of sanity in Albany , but it costs money to make that voice heard and to keep  
people informed. The bill was passed but both houses waited until the days right after the  
NYSAFC conference. NYSAFC staff take all of our computers and files to the show and  
it takes a few days to bring things back on line, by the time we had everything set up here  
the bills had already passed. Although many associations wrote letters of opposition to  
the bill as well as opposition from the Department of State, Department of Labor and the  
Division of Budget, Governor Spitzer signed the bill anyway. It is also clear that some  
sponsors believed that this would only apply to career fire personnel. The largest problem  
is that we now have a LAW that says what kind of equipment to carry. This is a very  
dangerous precedent as it is much harder to change a law then a regulation. It is also  
worth pointing out that the Department of Labor had unofficially stated that this type of  
regulation was going to happen with or without a law sometime in the near future.

Question #2 DOES THIS APPLY TO VOLUNTEERS? Although some of the sponsors  
didn't mean for it to, which is a bad policy in general as fire doesn't care if your drawing a  
salary, the Department of Labor has no choice but to consider all firefighters  
“employees” and so yes it does apply to career and volunteer alike.

Question #3 WE ALL KNOW THIS STARTED FROM AN FDNY FIRE, WHY IS THE CITY OF NEW YORK EXEMPT? There are two reasons. Exemption for NYC is standard in virtually all bills in the legislature in Albany . The language used was very common and is often thrown in without any real thought, second there is a belief that since the City had already addressed this issue they didn't need a regulation. It is worth pointing out however that the City had issued bail rope before and then recalled it without replacing it.

Question #4 ARE THERE SYSTEMS THAT ARE ALREADY APPROVED? Although you can find systems that already meet the NFPA requirements, that does not mean they meet whatever new regulation the state will create. It appears that the new regulation, which can be seen and commented on at the following site: [http://www.labor.state.ny.us/workerprotection/safetyhealth/DOSH\\_INDEX.shtm](http://www.labor.state.ny.us/workerprotection/safetyhealth/DOSH_INDEX.shtm) will allow each AHJ to create an assessment of bail out risks and choose an appropriate solution. The solution must be NFPA compliant, but it doesn't appear that it necessarily needs to be more than safety rope, and compliant carabineers. But again, don't buy anything until you have an actual final regulation in front of you. Also recognize that the draft will also be reviewed by Governor Spitzer's office and it is unclear what their desire might be on this matter.

NYS AFC is working on a statewide web-cast that we will be announcing this week to bring folks up to speed on this issue.

From the Rochester PESH (Public Employee Safety & Health Office) The proposed rule as well as the Law itself talks about providing ropes and system components "appropriate for the risk"

The rule would require a hazard assessment to determine the level of risk in the area you provide fire protection to and then equip those who are exposed to a hazard.

There is no intent to just require the protection for anyone who has no risk. I keep failing to understand why anyone would think we would require you to equip individuals who don't enter the building and would never be expected to need the equipment. ( pump operators, fire police, those not interior qualified) We are asking the employer to make that determination.

If your hazard assessment show that only 1 and 2 story buildings are in the area and there are other procedures which can be used to insure the safety of fire fighters operating in the building ( ladders placed for emergency egress as a matter of SOP on each call) then you may not have to provide anything.

The proposed rule is clear that you only provide to those who have exposure.

Be conservative in your purchase. Generally you only need a rope and a belt if you are going to rappel with your feet against the building. You need a harness if you are going to lower yourself without touching the building surface. The rope can be as long as you want. You will need a couple of carabineers and descender.

Some interesting equipment is listed on the web at reasonable cost. You do not need the \$500.00 NYC rig unless you have NYC hazards so don't let the suppliers sell you a bill of goods. You should be able to provide a pretty good rig for under \$100.00 a person. All components of the system should meet the 2006 edition of 1983 and the supplier should provide you evidence that the equipment meets that standard. Everything but the rope must have a label and the receipt for the rope should state that that conforms.