

**OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

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**Fire Fighters' Personal Protective Equipment- Labor Code Section 147.4(C)
Advisory Committee (AC)
April 30, 2024
CAL FIRE Headquarters
715 P Street, 2nd Floor Conference Rm
Sacramento, CA 95814**

Start Time: 10:00 am

End Time: 4:00 pm

Facilitator Name: Maryrose Chan, Safety Engineer

Analyst Name: Bernie Osburn, Associate Governmental Program Analyst

Participants:

Hannah Billows, CAL FIRE
Anthony Boone, San Francisco Fire
Department
Joe Buchmeier, CAL FIRE
Chad Christensen, LA County Fire
Department
John Danciart, City of Sacramento
Jim Evans, Solution Safety
Kevin Greene, California Professional
Firefighters
Jerimiah Herterich, Bullard Safety
Joe Humphrey, Western Fire Supply
Jeff Knobbe, Alameda County Fire
Department
Jeremy Lawson, CAL FIRE

Bill Lianides, LN Curtis
Mike Loput, LA County Fire Department
Jesse Morris, CAL FIRE
Paul Pham, Los Angeles Fire
Department
Masoumeh Ramazani, City of
Sacramento
Angel Sanchez, Phenix Technologies
Melissa Sanchez, Phenix Technologies
Brian Spence, Sacramento Metropolitan
Fire District
Chris Sperber, LA County Fire
Department
Nina Spillner, CAL FIRE
Hannah Strickler, CAL FIRE
Michael Wilson, Cal OSHA

Summary of Rulemaking Topic:

The rulemaking is to implement Labor Code 147.4(c).

Announcement:

Federal OSHA is engaged in Emergency Response standard rulemaking. After a federal rule is passed, California is required to be as effective as the federal standard within six months of promulgation per [Labor Code 142.3\(a\)\(4\)](#). The Occupational Safety and Health Standards Board (OSHSB) will engage in rulemaking after the rule passes.

Opening Comments:

Should the Occupational Safety and Health Standards Board's preliminary rulemaking process stop due to the proposed emergency response federal rule? (Written comment, AC Participant)

The Fire Fighter Personal Protective Equipment advisory committee meetings are to fulfill Labor Code 147.4. The Fire Fighter Personal Protective Equipment advisory committee meetings are separate from the Federal OSHA rulemaking. (Chair Maryrose Chan, OSHSB)

Discussion

- I. **At the November 2023 meeting, the committee reached a consensus to amend the title of Section §3401 to include “General Requirements”**

Proposed Amendment: Amend section 3401 title:

§3401. Application and General Requirements.

Outcome: Affirmed

Action Item: None

- II. **At the November 2023 meeting, section 3401(1) a consensus was reached to amend section 3401(a) as follows:**

Proposed Amendment: Amend section 3401(a)

(a) These Orders establish minimum requirements for personal protective clothing and equipment for fire fighters when exposed to the hazards of firefighting activity and take precedence over any other Safety Order with which they are inconsistent. Personal protective clothing, equipment or devices include protective ensembles or ensemble elements as defined by the NFPA standards, which are incorporated by reference in Article 10.1.

Outcome: Affirmed

Action Item: None

- III. **Issue: Are subsections (b)(1) and (b)(4) inconsistent? Subsection (b)(1) states that employees must wear PPE, while (b)(4) denotes that the use of PPE by employees is at the discretion of an officer in charge.**

Section 3401. Application.

Subsection (b) General Requirements

(1) Personal protective clothing and equipment specified in these Orders shall be provided and used whenever such employees are required to work in a hazardous environment that may be encountered during fire fighting activities or under similar conditions during training activities. *[Consistent with NFPA 1500-2021, section 7.1.1, 7.1.2, 7.1.3]*

(4) Employees shall be instructed to wear or utilize appropriate personal protective clothing and equipment when directed to work in a hazardous environment until such time as the officer in charge determines that such protection is no longer required.

Proposed Amendments/Comments:

- Delete the phrase “and used”, (CAL FIRE)
- Add phrase: “shall be provided and used as directed” (Mike Wilson, Cal OSHA)
- Add phrase: “shall be provided and used as directed by Company Officer” (Mike Loput, LA County Fire Department).
- “Company Officer” is not a regularly used term within the Fire Service, which may create confusion. (CAL FIRE)
- Amend “company officer” to supervisor throughout the text. (CAL FIRE)
- Amend “officer and commanding officer” throughout Article 10.1 with supervisor. (CAL FIRE)

Outcome: OSHSB will amend the CCR to establish consistency between Section 3401 Application. (b)(1) and (b)(4)

Action Item: OSHSB will draft the proposed text for consistency between (b)(1) and (b)(4) “provided to and used as directed” and replace “officer” with “supervisor”. Aside from subsection (b)(4), the incident commander or incident safety officer was found in section 3408(a). Updates to section 3408 will be handled by Cal/OSHA.

IV. Issue: Does section 3401(b)(2)(B) require clarification?

(B) Protective ensembles shall be properly sized and fitted to the user.

Proposed Amendment/Comments:

- The protective ensembles that shall be properly sized should be defined. (Kevin Greene, California Professional Firefighters)
- The proposed text is not the same as NFPA 1500, section 7.2.1.1. It is important to note that NFPA 1500, section 7.2.1.1 refers to structural PPE, not Wildland Firefighting. CAL FIRE is not against providing properly fitted PPE. The concern that I have is that the proposed text as written sets up the end user for citations based on the opinion of an OSHA Inspector. (Jeremy Lawson, CAL FIRE)
- Would you be fine with NFPA 1500, section 7.2.1.1. verbatim used in this subsection with a clarification that the section is referring to structural PPE. (Chair Maryrose Chan, OSHSB)
- Yes (Jeremy Lawson, CAL FIRE)

- Is there another section that references wildland gear? (Jeff Knobbe, Alameda County Fire Department)
- Some ensembles are one size fits all. However, employers are obligated to accommodate all employees. (Jeff Knobbe, Alameda County Fire Department)
- Employers are limited to what is available, and what the manufacturer produces.
- Is there an objection to using section 3380(e) instead of NFPA 1500? (Jeremy Lawson, CAL FIRE)
- 3380(e) is more feasible to use in the proposed text. (Mike Loput, LA County Fire Department)
- If using section 3380(e), change protectors to protective ensembles. (Mike Loput, LA County Fire Department)

Outcome: Revise section 3401(b)(2)(B) using language from section 3380(e)

Action Item: OSHSB will revise the proposed text

V. Issue: CAL FIRE was concerned with the reference to NFPA 1500, section 7.1.6.2 in braces. Can Fire Departments meet the requirements of NFPA 1581?

(C) Employers shall designate areas for cleaning protective ensembles.

Proposed Amendment/Comments: None

Outcome: No proposed change. The Chair stated that the reference in braces is not part of the regulation. They are notes for the Chair. The idea for requiring designated areas for cleaning came from NFPA 1500, but the proposal does not require that the designated areas meet NFPA 1581.

Action Item: None

VI. Issue: Does Section 3401(b)(3)(A) need clarification?

~~(2)~~(3) The employer shall ensure the availability, maintenance, and use of all protective clothing and equipment in accordance with these Orders.

(A) Protective ensembles shall be maintained in a location of readiness for immediate response to fires and like emergencies. *[From 3403(a), which should apply for the entire ensemble]*

Proposed Amendment/Comments:

- Cal/OSHA maintained in a location and state of readiness. (Cal/OSHA)
- “State” needs to be defined (Mike Loput, LA County Fire Department)

Action Item: OSHSB will consider the suggestions and comments. The Chair is concerned with the lack of clarity regarding the definition and broad language of “state of readiness”.

Outcome: No proposed change. There are discrete sections on each ensemble item that regulate the serviceability of each element. There are inspection and maintenance requirements for PPE to make sure that the protective elements that are in service are in a state where they can be used safely.

VII. Issue: Who are other “other employees” referring to in subsection (b)(6)? CAL FIRE is requesting to delete other employees.

Proposed Amendment/Comments: None

Outcome: Subsection(b)(6) was a relocation. The scope of the rulemaking is to review NFPA standards and make changes accordingly, not to review the entire article. The Chair will review the rulemaking record to answer your question.

Action Item: Research who “other employees” refer to in the prior rulemaking.

VIII. Issue: Will AB 2408 contradict the PFAS statement in subsection (b)(8)?

(8) If the employer purchases personal protective equipment containing perfluoroalkyl and perfluoroalkyl substances (PFAS), the employer shall retain a copy of the written notice provided by the seller or manufacturer for three years from the date of the transaction. The written notice would indicate that the personal protective equipment contains PFAS chemicals and the reason PFAS chemicals were added to the equipment.

Proposed Amendment/Comments:

- Subsection (b)(8) was drafted based on existing Health and Safety Code Section 13029. and reviewed by the OSHSB Attorneys. (Chair Maryrose Chan, OSHSB)
- Will AB 2408 conflict with subsection (b)(8)? (Unidentified Speaker 1:00:58)
- Subsection (b)(8) allows PPE that contains PFAS to be worn. However, the new legislation does not allow PPE that contains PFAS.
- The new legislation has not become code yet. The bill is still in the legislative process. If the bill becomes law, then the proposed text will be amended. (Chair Maryrose Chan, OSHSB)
- If AB 2408 is passed will the new law supersede subsection (b)(8)? (Jeremy Lawson, CAL FIRE)

- The final text of the potential new law would determine if subsection (b)(8) is inferior. (Chair Maryrose Chan, OSHSB)
- Please amend the proposed text perfluoroalkyl and ~~perfluoroalkyl~~ substances to perfluoroalkyl and “polyfluoroalkyl” substances. (Mike Wilson, Cal/OSHA)
- Please consider amending “The written notice ~~would~~ indicate” to “The written notice shall indicate.” (Mike Wilson, Cal/OSHA)

Action: If AB 2408, regarding prohibiting the manufacture and selling of PPE containing intentionally added PFAS, becomes law Subsection (b)(8) will be revised. Corrected “perfluoroalkyl” by replacing it with “polyfluoroalkyl”. Amended the proposal to replace “would” with “shall”

Outcome: Subsection (b)(8) is written in response to Section 13029, Health and Safety Code. AB 2408 has not passed yet.

IX. Issue: Should subsection (b)(8)(A) be deleted?

(A) The employer shall provide a copy of the written notice to the fire fighter using the personal protective equipment upon initial issuance.

Outcome: Employers would like the language amended to allow flexibility in the manner in which they can inform their employees of the presence of PFAS in their PPE.

X. At the November 2023 meeting, a consensus was reached to amend section 3402(a) as follows:

§3402. Definitions.

Overhaul. The final stages of fire extinguishment, after the main body of a fire has been controlled, during which all traces of fire are extinguished, where the potential for harmful exposure still exists.

Proposed Amendment: Add the definition of Personal Protective Equipment Personal Protective Equipment. Clothing, equipment or devices necessary to comply with Article 10.1. Personal Protecting Clothing and Equipment for Fire Fighters.

(A) Ensemble Elements. The compliant products that provide protection to the upper and lower torso, arms, legs, head, hand, and feet.

(B) Proximity Fire Fighting Protective Ensemble. Multiple elements of compliant protective clothing and equipment that when worn together provide protection from some risks, but not all risks, of emergency incident operations.

(C) Structural Fire Fighting Protective Ensemble. Multiple elements of compliant protective clothing and equipment that when worn together provide protection from risks, but not all risks, of emergency incident operations.

(D) Wildland Fire Fighting and Urban Interface Protective Clothing and Equipment. Items of compliant protective clothing and equipment products that provide protection from some risks, but not all risks, of emergency incident operations.

Action Item: None

Outcome: The stakeholders agreed to the text above.

**XI. Issue: Should the purchase of a non-approved NFPA helmet be allowed?
§3402.1. Purchase Quality Standards for Personal Protective Clothing and Equipment for Structural Fire Fighting and Proximity Fire Fighting.**

EXCEPTION 2: Helmets can be purchased without ear covers, faceshield, or goggles, or both, provided that the shell, energy absorbing system, fluorescent and reflective trim meet the performance requirements of NFPA 1971, 2018 edition. For any head protection that does not come with assembled ear protection or eye protection, the employer shall provide ear protection and/or eye protection that meets the minimum NFPA requirements in conjunction with the helmet.

Proposed Amendments/Comments:

- LA County disagrees with Exception 2. NFPA 1971 intent is for ear and head protection to meet the total PPE of a firefighter's turn-out gear. Integrated PPE items such as eye protection are valuable to firefighters. (Chad Christensen, LA County Fire)
- Exception 2 focuses on how structural helmets are purchased, specifically not requiring ear flaps and or goggles as standard components. This will prevent forcing the purchases of unwanted ear flaps and or goggles that will not be used in structural fires and limit exposure to carcinogens for firefighters. (Jeremy Lawson, CAL FIRE)
- Exception 2 is not discouraging the purchase of ear flaps or goggles. The exception clarifies that fire departments are not required to purchase ear flaps and or goggles with structural helmets. (Maryrose Chan, AC Chairperson OSHSB)
- Alameda County Fire Department agrees with LA County that structural helmets should be purchased with all the components per NFPA 1971. The standard allows the removal of goggles after the purchase of a structural helmet. However, the end-user must have eye protection on their person. (Jeff Knobbe, Alameda Fire Department)
- Bullard Safety has a total of five to seven NFPA1971 compliant eye protections and a total of six approved ear & neck protections. The company is open to innovating so fire departments are not forced to purchase a goggle base system which may potentially increase carcinogen exposure to firefighters. (Jerimiah Herterich, Bullard Safety)

- The National Fire Protection Association (NFPA)1851 includes requirements for the decontamination of fire helmets, gloves, boots, hoods pants, and coats. NFPA 1851 was enacted in January 2024. (Mike Loput, LA County)
- How can CAL FIRE verify that the helmets purchased without the eye protection and ear flaps are NFPA 1971-compliant in terms of their performance? (Chair Maryrose Chan, OSHSB)
- Do we identify the certified laboratories and request documentation from the manufacturers to allow for the removal of the eye protection and ear flaps from the helmets? (Chad Christensen, LA Fire Department)
- Can we guarantee that the manufacturer will be able to produce data and a letter to verify that the helmets without eye protection and ear flaps are NFPA 1971-compliant? (Mike Loput, LA County)
- Based on the discussions, it may be best for CAL FIRE to apply for a variance. (Chair Maryrose Chan, OSHSB)
- As a state agency limiting competition by purchasing a specific set of goggles with the helmet is not allowed due to violations of Department of General Services (DGS) rules which is a challenge for CAL FIRE. In addition, a helmet with an NFPA certification can be purchased with only a face shield. However, a face shield is not eye protection per NFPA 1971. (Hannah Billows, CAL FIRE)
- We are spending a lot of time on helmets. My recommendation is that this subject should be taken offline directly with that department to discuss the variance to be submitted. (Jeff Knobbe, Alameda County Fire Department)

Outcome: Multiple stakeholders agreed to avoid a variance request and draft precise language. CAL FIRE, LA County, and LA City will propose language for consideration.

Action Item: CAL FIRE, LA County, and LA City will draft language to ensure the NFPA 1971 standard is achieved while allowing the fire departments feasible options without seeking a variance. The language will be provided to OSHSB within two months.

XII. Issue: The most recent specification in Section 3402.2(a)and (b) was not included in the proposed text

§3402.2. Purchase Quality Standards for Personal Protective Clothing and Equipment for Wildland Fire Fighting.

(b) Purchase Quality Standards for Fire Shelter. Fire shelters ordered or purchased on or after ~~July 1, 2023~~ [OAL to insert - 6 months after the effective date] shall meet or exceed the U.S. Department of Agriculture, Forest Service Specification, Shelter, Fire (M-2002), 5100-606C, August 22, 2011, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.

Proposed Amendments/Comments:

- Update specification in 3402.2(a) and (b) from 5100-606C, August 22, 2011, to 606E September 2023, to reflect the most recent specification. (Jeremy Lawson, CAL FIRE)

Outcome: Maryrose, OSHSB Chairperson updated the specification during the AC meeting.

Action Item: Amend text to reflect the latest edition

XIII. Issue: Is section 3402.2(c) redundant because it is covered by subsection(a)?

§3402.2. Purchase Quality Standards for Personal Protective Clothing and Equipment for Wildland Fire Fighting

(a) Wildland fire fighting personal protective clothing and equipment ordered or purchased on or after ~~July 1, 2017~~ [OAL to insert - 6 months after the effective date], shall meet the requirements of the National Fire Protection Association (NFPA) 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting, ~~2016~~ 2022 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases. EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1977 edition will be deemed as meeting the standard.

(c) Purchase Quality Standards for Fire Chainsaw Chaps. Chainsaw chaps ordered [OAL to insert - 6 months after the effective date] shall meet U.S Department of Forest Service, Specification 6170-4K, Chaps, Chain Saw, M-2020.

Proposed Amendments/Comments:

- Delete Section 3402.2(c) below to reduce redundancy. Subsection(a) is sufficient. US Forest Service specifications require that it meets the NFPA standard. (Hannah Billows, CAL FIRE)

Outcome: Maryrose Chan, OSHSB Chairperson deleted Section 3402.2(c) during the AC meeting. CAL FIRE only purchases NFPA-approved Chain Saw chaps.

Action Item: None

XIV. At the November 2023 meeting, a consensus was reached to create an application section by relocating the contents from section 3402.3 to section

3402.4 and adding a new section 3402.5 that incorporates NFPA 1851(2020) edition by reference with some exceptions and clarifications.

Outcome: Affirmed

Action Item: None

XV. Issue: The retirement of non-approved NFPA helmets.

Section 3402.5 Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting (NFPA 1851, 2020 Edition).

(b) Non-NFPA certified head protection shall be retired 10 years from the date of manufacture. *[May need to be revisited]*

Proposed Amendments/Comments:

- This is a global issue for the fire service. From the end-user perspective, the fire service must be given time to comply with this rule. For manufacturers to reasonably fulfill demand ten years is necessary. Also, the ten-year requirement establishes consistency. (Jeremy Lawson, CAL FIRE)
- Due to CAL FIRE and a few other departments having non-NFPA approved equipment, and cost concerns the strike-through language in 3402.5(b) is preferred to be kept in the text. (CAL FIRE)

Outcome: Stakeholders agreed to the proposed text. Non-NFPA approved that are in-service should follow the same retirement schedule as NFPA-approved helmets regarding a 10-year life span. Additional amendments may be required depending on whether non-approved NFPA helmets (without eye protection and ear flaps) can be purchased.

Action Item: Amend after section 3402.1 has been decided.

XVI. At the November 2023 meeting, an action item was to draft language to make the record-keeping requirements of section 3402.5 for the training to be consistent with section 3203(b)(2) action item. The Chair proposed the text below.

(2) Training records demonstrating the implementation of subsection (c)(2) shall be made available to the Division within seven days upon request. Records shall be kept as required by section 3203(b)(2).

Outcome: Stakeholders agreed upon the proposed text.

XVII. Issue: Should the risk assessment subsection(g) in section 3402.5 include a similar statement as section 3410.2 for wildland?

Outcome: Section 3402.5(g) was not amended.

Action Item: None

Rationale: For structural firefighting, fire departments should conduct their own risk assessment to account for the fire hazard unique to their area of jurisdiction. For example, the risk assessment of a fire department in an industrial area, or cities with airports.

XVIII. Issue: What does “Where an employer can demonstrate” and “as soon as practically possible” mean in Section 3402.5 EXCEPTION to (h)(1)?

(1) Preliminary exposure reductions shall be carried out by the end user of the PPE as required by chapter 7 Cleaning and Decontamination, subchapter 7.2.2.1 of the NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2020 edition.

EXCEPTION to (h)(1): Where an employer can demonstrate that it is infeasible to perform preliminary exposure reductions immediately, preliminary exposure reduction shall be performed as soon as practically possible.

Proposed Amendments/Comments:

- Shouldn't this be defined through guidelines? (Jim Evans, Solution Safety & Mike Loput, LA Fire Department)
- NFPA does not have an exception. Moreover, Exception to (g)(1) was drafted during one of our advisory committee meetings. (Maryrose Chan, OSHSB Chair)
- The intent for Exception to (g)(1) was to account for factors such as weather conditions. (Jeff Knobbe, Alameda County Fire Department)
- The broad language drafted for Exception to (g)(1) was meant to account for a variety of factors. The problem with listing factors is we may not be able to list them all. (Maryrose Chan, OSHSB Chair)
- If the department is going to be subject to fine, I would prefer a clear expectation. (Mike Loput, LA Fire Department)
- If the Fire Departments would agree on a list of general factors, then the list can be inserted in the proposed text. (Maryrose Chan, OSHSB Chair)
- It is vitally important that more specific expectations are listed in Exception to (g)(1). (Jim Evans, Solution Safety)

Outcome: Jim Evans, Solution Safety, and Mike Loput, LA Fire Department will draft language with more specific expectations for EXCEPTION to (g)(1). The text will be provided to OSHSB. The drafted text will be discussed at the next AC meeting.

Action Item: Follow up with Jim Evans and Mike Loput so that the proposed text can be included in the next meeting.

XIX. Issue: NFPA 7.3.2 prohibits machine cleaning of helmets, but there are machines designed for cleaning helmets.

(d) Cleaning and Decontamination.

(1) In lieu of chapter 7 Cleaning and Decontamination, subchapter 7.3.2 of the NFPA 1877, Standard on Selection, Care, and Maintenance of Protective Ensembles of Wildland Fighting Clothing and Equipment, 2022 edition, the employer may use a machine designed for washing helmets.

Outcome: Subsection (d)(1) will be deleted

Action Item: The Chairperson will add the applicable reference

XX. Issue: Section 3403(b) will need to be amended depending on whether non-NFPA helmets will be allowed to be purchased.

Outcome: Section 3403(b) may be amended

Action Item: Amend as necessary after the January 2025 meeting

XXI. Issue: Should section 3403 be consistent with section 3401(b)(4) regarding supervisor discretion?

At the meeting subsection (c)(1) was amended to:

(1) Eye protection and/or face protection shall be provided to each fire fighter and used by ~~each fire fighter~~ as directed to protect from eye or face injuries such as punctures, abrasions, contusions, or burns-as-a-result-of-resulting from contact with flying particles, hazardous substances or projections which are inherent in the workplace or environment.

Outcome: The section will be revised

Action Item: Revise the rest of section 3403 for consistency

XXII. At the November 2023 meeting, a consensus was reached to create an application section by relocating the contents from section 3410 to section 3410.1 and adding a new section 3410.2 that incorporates NFPA 1877, 2022 edition by reference with some exceptions and clarifications.

Outcome: Affirmed

Action: None

XXIII. Issue: There was a typographical error. It should be 10.2.2(2). NFPA 7.3.2 should also be excluded because of the addition of subsection(d)

§3410.2. Selection, Care, and Maintenance of Protective Ensembles for Wildland Fire Fighting (NFPA 1877, 2022 Edition).

(a) The employer shall establish and implement the procedures and requirements of NFPA 1877, Standard on Selection, Care, and Maintenance of Protective Ensembles of Wildland Fighting Clothing and Equipment, 2022 edition, which is hereby incorporated by reference excluding the Annex, sections 4.3. and 10.2.22 (2).

Outcome: The Chairperson updated the text from 10.2.22(2) to 10.2.2(2)

Action Item: The typographical error was corrected and 7.3.2 was added to the list of exclusions.

XXIV. Issue: In subsection (b)(4), CPF would like to be notified in addition to the manufacturer.

(4) Reporting PPE Health and Safety Concerns.

(A) To implement chapter 4 Program, subchapter 4.6.1 of the NFPA 1877, Standard on Selection, Care, and Maintenance of Protective Ensembles of Wildland Fighting Clothing and Equipment, 2022 edition, the organization **or employer** shall notify the manufacturer and the certification organization in writing within 20 business days upon discovery of the PPE health and safety concern caused by a known or suspected element failure.

Proposed Amendments/Comments:

- In addition to the manufacturer, we would like the collective bargaining agent to be notified of a PPE safety concern caused by a known or suspected element failures. (Mike Wilson, Cal/OSHA)
- The intent of subsection (b)(4) was to add clarity to the notification requirement by specifying the number of days. (Maryrose Chan, OSHSB)
- CPF experienced a series of regulator (SCBA) failures. Our local unions had a difficult time getting the information from the agency. It would be helpful to include the collective bargaining agent in the notification. (Kevin Greene, CPF)
- I don't believe we have standards that require employers to notify the union. The Chair asked Cal/OSHA
- It's in the Process Safety Management (PSM) Regulation. If there is a process safety failure, the union is notified along with everyone else. (Mike Wilson, Cal/OSHA)

- I believe that the PSM is structured differently, wherein you are required to have a committee. There is a section for employee participation and committee members. I will consult with our legal unit. (Maryrose Chan, Chair)
- If the collective bargaining agent is notified it may cause unintended consequences for the Department. The issues raised are usually handled within the organization as labor standards. Equipment failure is a labor-focused concern. (Mike Loput, LA County Fire Department)
- The Chair asked about the recent update to the IIPP (Injury and Illness Prevention Program, which allows organization (designated representatives) to request information. Title 8 3203(a)(8) defines access to the program.

Action Item: Chair Maryrose Chan Consult with OSHSB legal counsel

Outcome: The text will remain unchanged. The union can address this in their collective bargaining agreements and exceed our authority under Labor Code 147.4.

XXV. Issue: Is section 3410.2(b)(5)(A) feasible?

(5) Records.

(A) Records of inspections as required by chapter 6 Inspection, subchapter 6.2.1 of the NFPA 1877, Standard on Selection, Care, and Maintenance of Protective Ensembles of Wildland Fighting Clothing and Equipment, 2022 edition shall be maintained for one year.

Proposed Amendments/Comments:

- There is no feasible way to account for a firefighter who may have multiple pairs of pants, helmets, etc. The firefighters are also given an allowance to purchase PPE, which would further complicate complying with the rule above. (Mike Loput, LA County Department)
- We tried to make the rule above as easy as possible so compliance can be achieved. (Jeremy Lawson, CAL FIRE)
- The language is very broad, requiring only to keep inspection records of the protective ensembles for a year. (Chair Maryrose Chan)

Outcome: The proposed text remained as written.

Action Item: None

XXVI. At the November 2023 meeting, the action item was to craft language to make the record-keeping requirements of section 3410.2 (b)(5)(B) for the training to be consistent with section 3203(b)(2) action item. The Chair proposed the text below.

(B) Training records demonstrating the implementation of subsection (b)(2) shall be made available to the Division within seven days upon request. Records shall be kept as required by section 3203(b)(2).

Outcome: Affirmed

Action Item: None

XXVII. Issue: NFPA 4.5.1,7.1.3 and 7.2.2.1 are not consistent with respect to the text below

Inconsistent NFPAs

4.5.3 Contaminated PPE shall not be brought into the home, washed in home laundries, or washed in public laundries.

7.1.3 The use of public laundries shall be permitted when a procedure to decontaminate the machines after use is established.

7.2.2.1 Public not being exposed to at any time to contaminated garments. – What does this mean? The Annex does not have an explanation.

Proposed Amendments/Comments:

- Are your employees allowed to wash their NFPA 1877 gear in public laundries? (Chair Maryrose Chan, OSHSB)
- It would be impractical, especially on big campaign fires to not allow employees to use public laundries. (Chad Christensen, LA County Fire Department)
- What would be the procedure for cleaning the public laundries after washing contaminated NFPA 1877 gear? (Chair Maryrose Chan, OSHSB)
- Currently there is no decontamination procedure (Jeremy Lawson, CAL FIRE)
- A standard should be established, so the text does not conflict. (Chair Maryrose Chan, OSHSB)
- The laws regarding the use of public laundries should be reviewed. The machines at public laundries have higher water temperatures that may provide some decontamination. (Unidentified Speaker)
- It is more important for the end user to not be in the gear rather than the possibility of the contaminated gear affecting the individual who uses the public machine proceeding a wash. (Unidentified Speaker)
- Firefighters may not have a choice but to wash their gear at a public laundry facility. I would like to stay silent regarding the issue; we should encourage the washing of PPE. (Jeremy Lawson, CAL FIRE)
- As written the text currently conflicts. (Chair Maryrose Chan, OSHSB)

- We are speaking about two separate items. 4.5.3 is contaminated PPE while what is written in the regulation states PPE shall not be washed. 4.5.3 is specific to contaminated PPE. (Hannah Billows, CAL FIRE)
- If PPE is used in a fire it is contaminated. This should be exempted. (Chair Maryrose Chan, OSHSB)
- 4.5.3 should not be included in the standard. (Jeremy Lawson, CAL FIRE)

Outcome: Exclude 4.5.3. The inconsistencies between the sections make the prohibition of contaminated PPE in public laundries unenforceable. NFPA does not explain what it means for the public to not be exposed to contaminated PPE. Furthermore, there is no consensus standard on how to decontaminate public washing machines and the fire departments do not have procedures on how to decontaminate them after use.

Action Item: Chair Maryrose Chan of OSHSB will exclude 4.5.3 in the proposed text from subsection(a).

Closing Comments:

When will the finalized regulatory text be provided to the stakeholders for cost estimates? (Hannah Billows, CAL FIRE)

The finalized regulatory text will be provided to the stakeholders by November 2024. (Chair Maryrose Chan). *Please note that the November 2024 meeting was cancelled and was rescheduled to January 22-23, 2025.*