

2013 -- H 5067 SUBSTITUTE A

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LC00221/SUB A
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE DEPARTMENTS

Introduced By: Representatives Guthrie, Edwards, Gallison, Johnston, and McNamara

Date Introduced: January 10, 2013

Referred To: House Municipal Government

It is enacted by the General Assembly as follows:

1 SECTION 1. Sections 23-28.4-4, 23-28.4-5, 23-28.4-5.1, 23-28.4-6 and 23-28.4-7 of the
2 General Laws in Chapter 23-28.4 entitled "Safety and Health Programs for Fire Departments" are
3 hereby amended to read as follows:

4 **23-28.4-4. General requirements.** -- It is the intent of this chapter to ensure that NFPA
5 1500: Standard on Fire Department Occupational Safety and Health Program ([1987 edition](#)) is
6 adopted and adhered to by all applicable fire departments in the state. [Any fire department may](#)
7 [comply with a more recent version of the NFPA 1500. Any fire department may petition the fire](#)
8 [safety code board of appeals and review for additional time, or a variance based upon other](#)
9 [hardship, pursuant to section 23-28.3-5.](#)

10 **23-28.4-5. Implementation plan.** -- Each applicable fire department in the state shall
11 formulate a written plan to implement the requirements of NFPA 1500 ([1987 edition](#)) ~~or a~~
12 [statement of compliance not more than one hundred twenty days \(120\) after July 10, 1990](#) ~~by~~
13 [January 1, 2014](#) which shall be updated annually and a copy shall be given to the ~~director of labor~~
14 ~~and training~~ [state fire marshal](#) to be kept on file, and a copy shall be given to the bargaining agent
15 representing employees within the fire department. A copy of each applicable fire department's
16 NFPA 1500 implementation plan shall be forwarded by the ~~department of labor and training~~ [state](#)
17 [fire marshal](#) to the NFPA 1500 ~~Implementation Plan Review Committee~~ implementation plan
18 review committee, as established pursuant to section 23-28.4-5.1, within thirty (30) days after its

1 receipt by the ~~department of labor and training~~ state fire marshal. The plan shall identify each
2 specific requirement of NFPA 1500 for which the fire department currently complies and each
3 specific requirement for which corrective action must be initiated for compliance. The plan shall
4 include a timetable for corrective action. The written plan shall be made available for review by
5 any fire department employee and/or employee representative. Compliance for each specific
6 requirement of NFPA 1500 shall be accomplished ~~not later than three (3) years after June 9, 1988~~
7 in a time frame as determined by the NFPA 1500 implementation plan review committee.
8 Decisions by the NFPA 1500 implementation plan review committee are appealable to the fire
9 safety code board of appeals and review for additional time, or a variance based upon other
10 hardship, pursuant to section 23-28.3-5. Volunteer departments are encouraged to work closely
11 with the NFPA 1500 implementation plan review committee and submit a plan for compliance
12 with the NFPA 1500 (1987 edition) or a statement of compliance.

13 **23-28.4-5.1. NFPA 1500 Implementation Plan Review Committee -- Creation and**
14 **membership. --** ~~There is hereby created a NFPA 1500 Implementation Plan Review Committee~~
15 ~~consisting of three (3) members: one (1) of whom shall be appointed by the Rhode Island League~~
16 ~~of Cities and Towns, one (1) of whom shall be appointed by the Rhode Island State Association~~
17 ~~of Fire Fighters, and one (1) of whom shall be appointed by the Rhode Island Fire Chiefs'~~
18 ~~Association. The terms of all members shall be for four (4) years.~~

19 ~~The NFPA Implementation Plan Review Committee shall meet at the call of the~~
20 ~~chairperson, but not less than bi-monthly to review the implementation plans as submitted by the~~
21 ~~applicable fire departments pursuant to section 23-28.4-5. The Implementation Plan Review~~
22 ~~Committee, after reviewing each fire department's implementation plan, shall make a report~~
23 ~~available as to the progress of each applicable department's compliance or noncompliance with~~
24 ~~NFPA 1500 by January 1, 2007.~~

25 There is hereby created a NFPA 1500 implementation plan review committee consisting
26 of seven (7) members:

27 (1) One of whom shall be appointed by the Rhode Island league of cities and towns,
28 whose first term shall be for three (3) years and four (4) years thereafter;

29 (2) Two (2) of whom shall be appointed by the president of the Rhode Island state
30 association of fire fighters, whose first term shall be for three (3) years and four (4) years
31 thereafter;

32 (3) Two (2) of whom shall be appointed by the president of the Rhode Island fire chiefs'
33 association, one of whom shall represent a volunteer fire department, and one of whom shall
34 represent a paid department, whose first terms shall be for three (3) years and four (4) years

1 thereafter.

2 (4) One of whom shall be a member of the general public appointed by the senate
3 president; and

4 (5) One of whom shall be a member of the general public appointed by the speaker of the
5 house.

6 The chair shall be elected by the majority of the members. The terms of all members shall
7 be for four (4) years, unless otherwise noted above. At the expiration of their terms, members
8 shall remain and continue in their official capacity until a new member is appointed.

9 The NFPA implementation plan review committee shall meet within ninety (90) days of
10 passage and meet bi-monthly thereafter to review the implementation plans as submitted by the
11 applicable fire departments pursuant to section 23-28.4-5. The implementation plan review
12 committee, after reviewing each fire department's implementation plan, shall make a report
13 available as to the progress of each applicable department's compliance or noncompliance with
14 NFPA 1500 by March 31, 2014 and annually thereafter.

15 **23-28.4-6. Exemptions.** -- (a) This chapter shall not apply to volunteer fire departments.

16 (b) The following NFPA 1500 chapters and sections shall not apply to this chapter:

17 (1) Chapter 3, training and educational standards;

18 (2) Chapter 8-4, fire department physicians;

19 (3) Chapter 8-5, physical fitness programs- ; and

20 (4) Chapter 7, facility safety, except the provisions of chapter 7-1.3 of the NFPA 1500,
21 1987 standards.

22 **23-28.4-7. Responsibility for enforcement.** -- The provisions of this chapter shall be
23 enforced by the ~~director of labor and training~~ state fire marshal.

24 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO HEALTH AND SAFETY - SAFETY AND HEALTH PROGRAMS FOR FIRE
DEPARTMENTS

1 This act would require that all applicable fire departments comply, at a minimum, with
2 the 1987 edition of the NFPA 1500; standards on fire department occupational safety and health
3 programs, and provide a written plan of implementation to the state fire marshal by January 1,
4 2014. This act would also exempt firefighting facilities from the compliance requirements of
5 NFPA 1500.

6 This act would transfer the responsibility of enforcement from the department of labor
7 and training to the state fire marshal.

8 This act would also increase the composition of the NFPA Implementation Plan Review
9 Committee from three (3) to seven (7) members.

10 This act would take effect upon passage.

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