

HOUSE BILL REPORT

HB 1517

As Reported by House Committee On:
Commerce & Labor

Title: An act relating to the occupational safety and health of fire department employees.

Brief Description: Establishing objectives for certain fire department services.

Sponsors: Representatives Cooper, Simpson, Conway, Sullivan and Wallace.

Brief History:

Committee Activity:

Commerce & Labor: 2/27/03, 3/4/03 [DPS].

Brief Summary of Substitute Bill

- Requires fire departments to maintain written policies on fire department services, turnout times, response times, and other performance objectives.
- Requires fire departments to make annual evaluations of and issue annual reports on their services and performance objectives.

HOUSE COMMITTEE ON COMMERCE & LABOR

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 5 members: Representatives Conway, Chair; Wood, Vice Chair; Hudgins, Kenney and McCoy.

Minority Report: Do not pass. Signed by 4 members: Representatives Chandler, Ranking Minority Member; Condotta, Assistant Ranking Minority Member; Crouse and Holmquist.

Staff: Jill Reinmuth (786-7134).

Background:

The National Fire Protection Association (NFPA) is an international nonprofit association. Its mission is "to reduce the worldwide burden of fire and other hazards on the quality of life by developing and advocating scientifically based consensus codes and standards, research, training, and education." Its activities include developing fire codes

and standards. In 2001 NFPA developed and approved standards for the organization and deployment of career fire departments (NFPA Standard 1710) and volunteer fire departments (NFPA Standard 1720).

The Department of Labor and Industries (Department) administers and enforces the Washington Industrial Safety and Health Act (WISHA). Under WISHA, the Department must adopt rules governing safety and health standards for most workplaces. These standards include general standards that apply to most industries, as well as additional specific standards for certain industries.

The specific standards for fire fighting apply to all activities related to providing fire protection services. There are also specific standards applicable to fire suppression equipment, wildland fire fighting, and industrial fire brigades. These standards make reference to some NFPA standards, but not those that address the organization or deployment of fire departments.

Summary of Substitute Bill:

The intent of the Legislature is to specify the minimum criteria for addressing the safety and health of fire department employees, and to establish response time objectives. The minimum criteria are comparable to National Fire Protection Association Standards 1710 and 1720 relating to fire department organization and deployment.

Fire protection districts and other fire departments must maintain written policies specifying fire department services, organizational structure, expected number of employees, and functions. In addition, they must maintain written policies specifying turnout time, response time, and performance objectives. Finally, they must make annual evaluations of their levels of service, turnout times, and response times. Beginning in 2005, they must also issue annual reports that specify circumstances in which objectives are not being met, and address the steps necessary to achieve compliance.

Definitions are added for multiple terms, including "advanced life support," "aircraft rescue and fire fighting," "fire suppression," "first responder," "marine rescue and fire fighting," and "response time," "special operations," and "turnout time."

These requirements are added to the Washington Industrial Safety and Health Act (WISHA).

Substitute Bill Compared to Original Bill:

The substitute bill provides that the Legislature intends to specify performance measures applicable to response time objectives, rather than to require certain response times. It also specifies that the Legislature does not intend to modify or limit the Department of

Labor and Industries' authority to adopt rules under the Washington Industrial Safety and Health Act (WISHA) that are applicable to fire departments or that otherwise address the occupational safety and health of firefighters. The requirements for written policies and annual evaluations and reports apply only to substantially career fire departments. These requirements are codified in a new chapter of Title 49 RCW, rather than in the WISHA. Other technical corrections are made.

Appropriation: None.

Fiscal Note: Requested on February 19, 2003.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill shows how deployment of resources can help or hurt. Fire departments are being asked to do more with less. Fire department professionals are prepared and willing to respond to whatever the needs may be. National Fire Protection Association (NFPA) Standards 1710 and 1720 were issued in 2001 with overwhelming support from fire fighters and fire chiefs. These standards apply proven science to effective fire fighting. They help communities determine whether resources are sufficient to meet public safety needs. Rapid response times save lives and property. NFPA offers an insurance policy for the local economy.

The bill is an opportunity to make advances toward protecting citizens and businesses from fire and other emergencies. NFPA Standard 1710 was developed by consensus. It establishes a quantifiable method of measuring the quality of local fire departments. By complying with this standard, communities can ensure that their fire departments are able to save lives and property, and protect fire fighters.

The bill does not require immediate compliance. Instead, it requires reporting to the community on how the community measures compared to international standards. Many fire departments already meet these objectives. It will be simple for municipalities to report to their citizens.

The standard was not based on a one-size-fits-all approach, but was built on what is common. It was based on a particular size of structure that is everywhere in America. The bill only requires that fire departments look at the standard, determine whether or not they meet the standard, and make plans to get there.

Testimony Against: NFPA Standard 1710 is an unreachable standard. There are no fire departments that meet all of its requirements. A fire department with a \$20 million budget would need an additional \$10 million to \$20 million to satisfy all of its requirements. This is a one-size-fits-all approach. It creates an unfunded mandate under

state law. Meeting the increased service levels, or even preparing the reports, could not be done without additional resources. Washington State fire chiefs strongly opposed NFPA Standard 1710. It reduces the ability of local officials to determine the necessary standards of care and to assess built-in fire protection in the community. Fire departments could be held liable for failing to meet this artificial and overly high standard.

Testified: (In support) Representative Cooper, prime sponsor; Paul Harvey, International Association of Fire Fighters; and Kelly Fox and Ricky Walsh, Washington State Council of Fire Fighters.

(Opposed) Ron Petrie, City of Bellevue Fire Department.