

SENATE BILL No. 784

August 27, 2009, Introduced by Senators JANSEN, STAMAS and GEORGE and referred to the Committee on Appropriations.

A bill to prescribe standards for municipal fire departments and their service personnel, equipment, and operation; to prescribe standards for training and for the construction, care, and use of equipment; to establish the safeguards to be furnished and maintenance required; to establish duties for certain state departments and agencies; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "municipal fire safety standards act".

3 Sec. 3. As used in this act:

4 (a) "Aerial apparatus" means a fire department vehicle that is
5 equipped with a hydraulically operated extension ladder or
6 elevating platform used for rescue, ventilation, elevated master
7 streams, and gaining access to upper levels and that carries ground
8 ladders, tools, and other equipment.

1 (b) "Bureau" means the bureau of fire services created in
2 section 1b of the fire prevention code, 1941 PA 207, MCL 29.1b.

3 (c) "Employee" includes all fire service personnel.

4 (d) "Emergency operations" means fire or nonfire incidents,
5 including, but not limited to, rescues, extrications, hazardous
6 material release, and natural disasters, for which a fire
7 department response can be anticipated and that may subject fire
8 personnel to personal injury or hazards. Vegetative cover fires are
9 not emergency operations.

10 (e) "Exhaust emissions" means exhaust by-products of
11 combustion from internal combustion engines that are capable of
12 causing occupational illness or disease.

13 (f) "Fire apparatus" means mobile firefighting equipment,
14 including, but not limited to, pumper/engine, aerial apparatus,
15 tanker/tender, or any other similar equipment that has fire
16 suppression or rescue as its primary use. A vehicle not designed,
17 equipped, or utilized for emergency firefighting is not fire
18 apparatus.

19 (g) "Fire service personnel" means employees and volunteers
20 who are engaged in fire suppression, fire inspection, or fire
21 investigation or who are subjected to the hazards of emergency
22 operations.

23 Sec. 5. As used in this act:

24 (a) "Head protection" means a firefighter's helmet and hood.

25 (b) "Ladder pipe" means a large-capacity water delivery device
26 attached to an aerial ladder.

27 (c) "Operator's control station" means a work station where

1 the operator of apparatus, such as an aerial ladder or pumper, is
2 stationed.

3 (d) "Personal alert safety system" or "PASS" means a device
4 that senses movement or lack of movement, that automatically
5 activates an audible alarm signal, and that can also be manually
6 activated to alert and to assist others in locating a firefighter
7 or emergency services personnel who are in danger.

8 (e) "Protective ensemble" means multiple elements of clothing
9 and equipment designed to provide a degree of protection for
10 firefighters from adverse exposures to the inherent risks of
11 structural firefighting operations and certain other emergency
12 operations. The elements of the protective ensemble include coats,
13 trousers, coveralls, head protection, gloves, footwear, and
14 interface components.

15 (f) "Structural firefighting" means activities of rescue, fire
16 suppression, and property conservation in buildings, enclosed
17 structures, aircraft, vehicles, vessels, or like properties that
18 are involved in a fire or emergency situation.

19 (g) "Training" means the process of making firefighters
20 proficient through instruction and hands-on practice in the
21 operation and care of equipment that is expected to be used and in
22 the performance of assigned duties.

23 Sec. 7. A person who is functioning as a municipal firefighter
24 and who is exposed to the hazards of an emergency operation shall
25 comply with this act.

26 Sec. 9. The following national fire protection association
27 standards, available for review and purchase at the department of

1 energy, labor, and economic growth, bureau of fire services, are
2 adopted by reference:

3 (a) NFPA 1901: standard for "Automotive Fire Apparatus", 1999
4 edition.

5 (b) NFPA 1983: standard on "Fire Service Life Safety Rope and
6 System Components", 1995 edition.

7 (c) NFPA 1971: standard on "Protective Ensemble for Structural
8 Fire Fighting", 2000 edition.

9 (d) NFPA 1981: standard on "Open Circuit Self-contained
10 Breathing Apparatus for Fire Fighter", 1997 edition.

11 (e) NFPA 1982: standard on "Personal Alert Safety System
12 (PASS) for Fire Fighters", 1998 edition.

13 Sec. 11. (1) A municipal fire department shall comply with all
14 of the following requirements:

15 (a) Provide training to an employee commensurate with the
16 duties and functions that the employee is expected to perform. The
17 training shall be provided before the employee is permitted to
18 perform emergency operations.

19 (b) Assure that prospective fire service personnel are
20 physically fit and have the ability to perform assigned emergency
21 operations.

22 (c) Assure that job-required equipment and tools are
23 maintained free of recognized defects that could cause an injury.

24 (d) Develop a basic procedure that covers the treatment and
25 transport of injured employees from the emergency scene to a
26 medical facility.

27 (e) Provide in the workplace first aid supplies/kits

1 appropriate for the hazard history, to meet at least the minimal
2 recommendations as prescribed in the provisions of 29 CFR 1910.151.

3 (f) Ensure that all equipment and apparatus complies with, and
4 is used as required in, this act.

5 (2) A municipal fire department shall prepare and maintain a
6 statement or written policy that establishes its basic
7 organizational structure and establishes the type, amount, and
8 frequency of training to be provided to fire service personnel. The
9 organizational statement shall be available for inspection by the
10 state fire marshal or his or her authorized representative and by
11 an employee or his or her authorized representative.

12 Sec. 13. An employee of a municipal fire department shall
13 comply with all of the following requirements:

14 (a) Use personal protective equipment as prescribed by this
15 act.

16 (b) Report defective equipment, tools, and hazardous
17 conditions to a supervisor.

18 (c) Not remove safeguards from equipment except when necessary
19 to service. The safeguard or equivalent shall be replaced before
20 returning the equipment to operation.

21 (d) Not use equipment and tools unless trained in their use
22 and authorized to do so.

23 Sec. 15. A municipal fire department shall ensure that all of
24 the following requirements are met for a structure in which fire
25 service equipment is housed or where fire service personnel are
26 quartered:

27 (a) The area within 3 feet of a slide pole on all sides shall

1 be maintained free of any obstruction. A floor-to-ceiling wall
2 shall not be construed to be an obstruction.

3 (b) A cushioned mat, not less than 3 feet in diameter, shall
4 be located around the base of the slide pole at all times.

5 (c) A dormitory and any means of egress from the dormitory,
6 apparatus bay, and aisleways shall be equipped with an emergency
7 lighting system that is automatically activated in case of power
8 failure. The system may be operated by battery or generator.

9 (d) Switches and electrical equipment located in a shower or
10 other areas subject to hazards created by moisture shall be
11 approved for the location or removed to a nonhazardous area.

12 (e) All sleeping quarters shall be equipped with a smoke
13 detection device and a carbon monoxide detection device.

14 (f) Facilities that house fire apparatus shall be equipped
15 with a controlled process exhaust ventilation system that
16 effectively controls exhaust emissions created by the fire
17 apparatus and assures that employee exposure to the exhaust
18 emissions does not exceed applicable federal occupational safety
19 and health administration exposure limits. If a general mechanical
20 exhaust ventilation system is utilized, then a mechanical air
21 supply system shall be provided if its absence will result in
22 building negative pressures sufficient to cause backdrafting of
23 vents from fuel-fired equipment. For purposes of this subdivision,
24 "controlled process" means an arrangement of equipment to control
25 exhaust emissions using any of the following:

26 (i) A point of source capture of exhaust emissions by a
27 mechanical tailpipe exhaust ventilation system.

1 (ii) A general mechanical exhaust ventilation system in a fire
2 apparatus building bay or bays.

3 (iii) A device that is permanently installed directly on the
4 fire apparatus exhaust system.

5 (g) This section applies to all new facilities and to
6 facilities if 50% or more of the area is remodeled.

7 (h) All equipment used for the control of exhaust emissions
8 from fire apparatus shall be used, inspected, and maintained in
9 accordance with the manufacturer's recommendations.

10 Sec. 17. (1) Fire apparatus shall be able to stop within 30
11 feet after application of the brakes at 20 miles per hour.

12 (2) Fire apparatus shall be equipped with all of the following
13 items:

14 (a) Windshield wipers.

15 (b) Headlights, taillights, stoplights, and backup lights and
16 a backup alarm.

17 (c) Horn and siren.

18 (d) Slip-resistant steps, tallboard, and work platforms.

19 (e) Seat belts for all seated employees. Seat belts shall be
20 used while the apparatus is in motion.

21 (f) If a municipal fire department allows an employee to ride
22 the apparatus in an unseated position while the apparatus is in
23 motion, the fire department shall provide for, and enforce the use
24 of, a safety harness.

25 (3) New fire apparatus that is manufactured and purchased
26 after the effective date of this act shall meet the applicable
27 requirements of the national fire protection association standard

1 NFPA 1901: standard for "Automotive Fire Apparatus", 1999 edition,
2 which is adopted by reference in section 9.

3 (4) Fire apparatus using a tillerman or other employees riding
4 on the apparatus remote from the cab shall be equipped with a voice
5 communication system or audible signal system at each location of
6 an operating employee. When the audible system is used, all of the
7 following signals shall be in effect:

8 (a) One long blast means stop.

9 (b) Two short blasts mean forward.

10 (c) Three short blasts mean reverse.

11 (5) An operator of fire apparatus shall not move the equipment
12 when his or her vision is obstructed, except on instructions of a
13 designated signalperson.

14 (6) A minimum distance of 10 feet from energized equipment or
15 high-voltage transmission lines, as distinguished from low-voltage
16 secondary lines and series streetlight construction, shall be
17 maintained when using fire apparatus equipped with elevating
18 platforms, aerial ladders, or snorkels. The training of fire
19 service personnel shall include development of the ability to
20 recognize and identify primary, high-voltage transmission lines and
21 series street lighting construction.

22 Sec. 19. (1) A thorough visual inspection of the tread and
23 sidewall areas of fire apparatus tires for cuts, cracks, splits, or
24 bruises, including a tread depth measurement, shall be made at
25 least annually. A record of the inspection shall be maintained for
26 a minimum of 10 years.

27 (2) A tire shall be replaced if any of the following occur:

1 (a) The average tread depth is worn to 5/32 of an inch or
2 less.

3 (b) The tread depth at any 1 location is 2/32 of an inch or
4 less.

5 (c) A cut or crack exposes the cord fabric.

6 (3) A replacement tire shall meet or exceed the standards of
7 the original tire furnished with the apparatus.

8 (4) Fire apparatus tires and rims shall be inspected inside at
9 least once every 10 years.

10 (5) All breakdowns of fire apparatus tires shall comply with
11 29 CFR 1910.177.

12 Sec. 21. (1) When an aerial apparatus is used, parking brakes
13 shall be set and stabilizing jacks or outriggers and safety locks
14 shall be used. When needed, ground plates shall be used under the
15 jack or outriggers.

16 (2) An instructional information plate, which is clearly
17 visible to the operator, shall be located at the operator's control
18 station. If the aerial is equipped with a platform, then a plate
19 shall also be located at the work station where the rider of an
20 elevating platform is stationed. The plate shall contain all of the
21 following information:

22 (a) Rated capacity of the aerial tip or platform.

23 (b) Operating controls identified for motion.

24 (c) Cautions or restrictions of operation.

25 (3) An operator shall comply with all of the following
26 provisions:

27 (a) Remain at the primary control station when the aerial

1 ladder or platform is occupied.

2 (b) Not move the apparatus unless the ladder or platform is in
3 the bed of the apparatus.

4 (c) Maintain a minimum distance of 10 feet from energized
5 equipment or high-voltage lines as prescribed in section 17(6).

6 Sec. 23. (1) An aerial apparatus that is equipped with a
7 ladder shall not be extended or retracted while an employee is
8 positioned on the ladder.

9 (2) While working from an aerial apparatus, an employee shall
10 be secured with a safety belt system as referenced in the national
11 fire protection association standard NFPA 1983: standard on "Fire
12 Service Life Safety Rope and System Components", 1995 edition,
13 which is adopted by reference in section 9.

14 (3) The tip of the aerial ladder shall not be forcefully
15 extended against a solid object or used to support the ladder.

16 (4) The steps and rungs of an aerial apparatus shall have a
17 slip-resistant surface.

18 (5) Jacks, outriggers, and safety locks shall be used as
19 prescribed in section 21(1).

20 (6) The rated capacity for an aerial apparatus shall not be
21 exceeded.

22 (7) The operator of an aerial ladder shall comply with all of
23 the following provisions:

24 (a) Remain at the turntable when the ladder is occupied.

25 (b) Not move the apparatus unless the ladder is in the bed.

26 (8) The operator of an aerial ladder shall maintain a minimum
27 distance of 10 feet from energized equipment or high-voltage lines,

1 as prescribed in section 17(6).

2 (9) The controls for the operation of an aerial apparatus
3 shall be of a type that returns to a neutral position when
4 released.

5 (10) Tools or equipment shall not be mounted or installed on
6 the turntable.

7 (11) A 2-way voice communication system shall be provided
8 between the employee on the raised portion of the equipment and the
9 operator control station.

10 (12) Only the operator shall manually rotate the ladder when
11 it is occupied by an employee.

12 (13) Detachable ladder pipes shall be operated in the
13 direction the ladder is facing.

14 (14) Ladder pipes shall be secured to the ladder so that the
15 pipe cannot be accidentally dislodged while in operation.

16 (15) A municipal fire department shall follow the
17 manufacturer's instructions and recommendations for the use,
18 testing, and maintenance of aerial apparatus.

19 Sec. 25. (1) Except as otherwise prescribed by this act, a
20 portable ladder shall be constructed, used, and maintained as
21 prescribed in 29 CFR 1910.21 to 1910.30.

22 (2) The rung spacing shall be not less than 12 inches or more
23 than 16 inches.

24 (3) The rungs of a metal ladder shall have a slip-resistant
25 surface.

26 (4) For a ladder equipped with folding hooks, the hooks that
27 provide a means of anchoring the ladder to the roof ridge or other

1 roof part shall be capable of supporting a direct load of not less
2 than 500 pounds.

3 (5) Poles attached to the rails of the long extension ladders
4 to aid in the raising and supporting of the ladder or "tormenters"
5 shall be furnished on any wood ladder that extends more than 36
6 feet. The spikes on the poles shall not project beyond the end of
7 the ladder when nested. The locking pins on the poles shall be
8 securely attached to the ladders.

9 (6) Portable ladders that are more than 4 feet in height and
10 less than 7 feet in height that are mounted to the side of a fire
11 apparatus and have ends that extend beyond the ladder's mounting
12 surface or compartment shall be protected from contact.

13 Sec. 27. (1) A line-throwing gun shall:

14 (a) Be loaded just prior to firing time.

15 (b) Not be pointed, whether loaded or unloaded, at any person.

16 (c) Not be left unattended or stored while loaded.

17 (d) Be stored in a box with the cleaning kit and breakdown
18 tools.

19 (2) The storage box shall have the words "Explosive Tool"
20 conspicuously printed on the top of the box.

21 Sec. 29. All equipment shall be stored in or on the fire
22 apparatus in a safe manner.

23 Sec. 31. (1) A municipal fire department shall assure that all
24 emergency service personnel use personal protective equipment
25 appropriate for the exposure involved when performing emergency
26 operations.

27 (2) Personal protective equipment shall be provided by the

1 municipal fire department at no cost to the employee and shall
2 comply with the requirements of this act.

3 (3) Equipment that is ordered or purchased shall be in
4 compliance with the requirements of this act.

5 (4) A municipal fire department shall assure that personal
6 protective equipment protects the head, body, and extremities and
7 consists of at least all of the following components:

8 (a) Foot and leg protection.

9 (b) Hand protection.

10 (c) Body protection.

11 (d) Face, eye, and head protection.

12 (5) Personal protective equipment that is required by this act
13 to comply with the requirements of a nationally recognized standard
14 shall have 1 of the following:

15 (a) A label or other identifying mark of a nationally
16 recognized testing laboratory, such as underwriters laboratory,
17 inc., or factory mutual research corporation, that maintains a
18 periodic inspection of production of labeled equipment or materials
19 and by whose labeling compliance with nationally recognized
20 standards or tests to determine suitable usage in a specified
21 manner is indicated.

22 (b) Written certification by the manufacturer as being in
23 compliance with the applicable standard.

24 (6) Head protection and eye protection shall be provided for,
25 and used by, persons who ride in cabs or tiller seats that are not
26 enclosed.

27 (7) Personal protective equipment that is used by more than 1

1 employee shall be cleaned or sanitized before reassignment.

2 (8) Personal protective equipment shall be inspected by the
3 user after each use.

4 (9) A municipal fire department shall implement procedures for
5 inspecting and servicing personal protective equipment,
6 particularly following fires or other emergency usage. The
7 procedures the municipal fire department employs for the servicing,
8 such as product washing or other cleaning, shall comply with the
9 manufacturer's recommendations.

10 (10) A municipal fire department shall implement a procedure
11 for determining whether personal protective equipment shall be
12 repaired or replaced. All repairs shall be made in compliance with
13 the manufacturer's recommendations.

14 (11) Respiratory equipment devices shall be inspected by the
15 user after each use. Malfunctioning or damaged components or units
16 shall be repaired by the manufacturer or a person who is certified
17 by the manufacturer or shall be replaced.

18 Sec. 33. A municipal fire department shall provide both
19 protective coats and protective trousers, or a protective coverall,
20 to all employees who engage in or are exposed to fire hazards of
21 emergency operations. The protective coat, trouser, or coverall
22 shall meet the applicable requirements of the national fire
23 protection association standard NFPA 1971: standard on "Protective
24 Ensemble for Structural Fire Fighting", 2000 edition, which is
25 adopted by reference in section 9.

26 Sec. 35. (1) A municipal fire department shall do all of the
27 following:

1 (a) Provide primary head, face, and eye protection appropriate
2 for a given specific hazard to all employees exposed, or
3 potentially exposed, to the specific hazard. A municipal fire
4 department shall assess potential emergency operation scenes to
5 determine what hazards requiring head, face, and eye protection are
6 present, or likely to be present, and match the protective device
7 to the particular hazard. A municipal fire department shall have
8 and implement written operational procedures specific to the type
9 of hazard to which an employee may be exposed.

10 (b) Maintain head, face, and eye protection in a location of
11 readiness for immediate response to structural fires or other
12 emergency operations.

13 (c) Ensure that protective eye and face devices that comply
14 with the provisions of 29 CFR 1910.132 to 1910.133 are used by
15 emergency service personnel when performing operations where the
16 hazards of flying or falling materials that might cause eye and
17 face injuries are present.

18 (2) An employee who is engaged in structural firefighting
19 shall utilize the face protection provided by the helmet face
20 shield, or the breathing apparatus face piece with helmet, while
21 engaged in structural firefighting operations. A municipal fire
22 department shall provide helmets to all employees who engage in or
23 are exposed to the hazards of structural firefighting. The helmets
24 shall meet the requirements of the national fire protection
25 standard NFPA 1971: standard on "Protective Ensemble for Structural
26 Fire Fighting", 2000 edition, which is adopted by reference in
27 section 9.

1 (3) A municipal fire department shall provide protective hoods
2 to all employees who engage in or are exposed to fire hazards of
3 emergency operations. The protective hoods shall meet the
4 applicable requirements of the national fire protection association
5 standard NFPA 1971: standard on "Protective Ensemble for Structural
6 Fire Fighting", 2000 edition, which is adopted by reference in
7 section 9.

8 Sec. 37. A municipal fire department shall provide foot and
9 leg protection to all employees who engage in or are exposed to the
10 hazards of emergency operations. The foot and leg protection shall
11 meet the applicable requirements of the national fire protection
12 association standard NFPA 1971: standard on "Protective Ensemble
13 for Structural Fire Fighting", 2000 edition, which is adopted by
14 reference in section 9.

15 Sec. 39. A municipal fire department shall provide hand
16 protection to all employees who engage in or are exposed to the
17 hazards of emergency operations. The hand protection shall meet the
18 applicable requirements of the national fire protection association
19 standard NFPA 1971: standard on "Protective Ensemble for Structural
20 Fire Fighting", 2000 edition, which is adopted by reference in
21 section 9.

22 Sec. 41. (1) A municipal fire department shall have a written
23 respiratory protection program to address the safe use of
24 respirators in dangerous atmospheres that may be encountered in
25 emergency operations, in accordance with the provisions of 29 CFR
26 1910.134.

27 (2) A municipal fire department shall assure that self-

1 contained breathing apparatus for use by fire service personnel is
2 of the positive-pressure type. All breathing apparatus that is
3 purchased shall be in compliance with the national fire protection
4 association standard NFPA 1981, standard on "Open Circuit Self-
5 contained Breathing Apparatus for Fire Fighters", 1997 edition,
6 which is adopted by reference in section 9.

7 (3) Subsection (2) does not prohibit the use of a self-
8 contained breathing apparatus that can be switched from a demand
9 mode to a positive-pressure mode when an employee is performing
10 emergency operations.

11 Sec. 43. A municipal fire department shall comply with the
12 provisions of 29 CFR 1910.95 and the accompanying appendices.

13 Sec. 45. A municipal fire department shall provide a personal
14 alert safety system (PASS) device to each employee utilizing a
15 self-contained breathing apparatus while engaged in structural
16 firefighting operations and enforce the use of that device. PASS
17 devices shall meet the requirements of the national fire protection
18 association standard NFPA 1982: standard on "Personal Alert Safety
19 System (PASS) for Fire Fighters", 1998 edition, which is adopted by
20 reference in section 9.

21 Sec. 47. (1) An explosive device shall not be used in an
22 explosive or flammable atmosphere.

23 (2) A fire service that uses an explosive device shall develop
24 a procedure for protecting the employees and general public.

25 Sec. 49. (1) If a chain saw is used, it shall be specifically
26 designed for firefighting operations to cut holes in roofs, floors,
27 and walls shall be used where cutting operations are performed. If

1 a chain saw is not in use, then the cutting teeth of the chain saw
2 shall be covered to prevent inadvertent contact.

3 (2) An axe or other sharp-edged or pointed tool shall be
4 protected when stored or carried on the apparatus. A rounded-tipped
5 pike pole is excluded from the requirements of this subsection.

6 Sec. 51. Air-moving equipment exposed to flammable or
7 explosive fumes, dust, or vapors shall be powered by an explosion-
8 proof motor and labeled as such.

9 Sec. 53. (1) Each municipal fire department shall establish
10 and implement written procedures for emergency operations. The
11 written procedures shall include all of the following:

12 (a) A requirement that a nationally recognized incident
13 management system be implemented at each emergency.

14 (b) A requirement that a personnel accountability system be
15 implemented at each emergency.

16 (c) A statement that the procedures apply to all employees who
17 are operating at the emergency.

18 (d) A requirement for initial training and annual refresher
19 training in emergency operations and the incident management
20 system.

21 (e) A requirement that the procedures be in accordance with
22 the "2 employees in/2 employees out" rules found in the provisions
23 of 29 CFR 1910.134(g)(4).

24 (2) A trained employee shall function as the incident
25 commander at each emergency.

26 Sec. 55. (1) All of the following items on the fire apparatus
27 shall be inspected for proper operation and for defects at least

1 once a month:

2 (a) Windshield washers and wipers.

3 (b) Defroster and heater.

4 (c) Headlights, taillights, stoplights, backup lights, and
5 flasher lights.

6 (d) Backup alarm.

7 (e) Horn and siren.

8 (f) Slip-resistant steps and platforms.

9 (g) Tires, rims, and suspension system.

10 (h) Steering mechanism.

11 (i) Braking system.

12 (j) Operational controls.

13 (2) Inspection records and records of repair or replacement
14 shall be maintained for the life of the fire apparatus.

15 (3) Lifeline guns and explosive devices shall be cleaned and
16 made ready for operation after each use.

17 (4) Fire apparatus and equipment involved in an accident shall
18 be inspected by a licensed mechanic and tested before subsequent
19 use.

20 (5) All portable equipment that is carried on a fire apparatus
21 shall be inspected for operation and for defects at least monthly
22 and within 24 hours after any use. Inspection records shall be
23 maintained for portable equipment.

24 (6) All equipment that is carried on fire apparatus or that is
25 designated for training shall be tested at least annually in
26 accordance with manufacturers' instructions and applicable
27 standards.

1 (7) Firefighting apparatus and equipment that is found to be
2 defective or in unserviceable condition shall be removed from
3 service or repaired or replaced.

4 Sec. 57. (1) All life safety ropes, harnesses, and hardware
5 used by employees shall meet the requirements of the national fire
6 protection association standard NFPA 1983: standard on "Fire
7 Service Life Safety Rope and System Components", 1995 edition,
8 which is adopted by reference in section 9.

9 (2) During fall arrest or rappelling operations, an employee
10 shall ensure that life safety harnesses are used as specified in
11 the national fire protection association standard NFPA 1983:
12 standard on "Fire Service Life Safety Rope and System Components",
13 1995 edition, which is adopted by reference in section 9.

14 (3) Fiber ropes shall be inspected visually after each use for
15 all the following conditions:

16 (a) Externally for abrasions, cut or broken fibers, decay,
17 burns, lack of strength, softness, variation in size or roundness
18 of the strands, and mildew or mold.

19 (b) Internally annually, by separating the strands at 3-foot
20 intervals, for broken fibers, presence of grit, mildew or mold,
21 color change of the fibers, or powdering and short, loose fibers.

22 (4) A fiber rope that has any of the conditions described in
23 subsection (3)(a) or (b) shall be replaced or repaired.

24 (5) Synthetic rope shall be inspected visually after each use
25 for all of the following conditions:

26 (a) Abrasions.

27 (b) Cut or broken fibers.

1 (c) Burns.

2 (d) Melted fibers.

3 (e) Variations in the size or roundness of the strands.

4 (6) A synthetic rope that has any of the conditions specified
5 in subsection (5) shall be replaced or returned to the manufacturer
6 for repair.

7 Sec. 59. (1) A representative of the bureau may enter a
8 municipal fire department to physically inspect the municipal fire
9 department for compliance with this act at reasonable times upon
10 presenting appropriate credentials. The inspection shall be
11 conducted without unreasonably disrupting the municipal fire
12 department's operations.

13 (2) In conducting or preparing to conduct an inspection,
14 advance notice of the inspection shall not be given except in the
15 following situations:

16 (a) In cases of apparent imminent danger, to enable the
17 municipal fire department to abate the danger as quickly as
18 possible.

19 (b) In circumstances where the inspection can be conducted
20 most effectively after regular business hours or if special
21 preparations are necessary.

22 (c) If necessary to assure the presence of representatives of
23 the municipal fire department, representatives of fire department
24 employees, or the appropriate personnel needed to aid in the
25 inspection.

26 (d) If the bureau determines that advance notice would enhance
27 the probability of an effective and thorough inspection.

1 (3) Advance notice in any of the situations described in
2 subsection (2) shall not be given more than 24 hours before the
3 scheduled inspection, except in apparent imminent danger situations
4 and in other unusual circumstances.

5 (4) During an inspection, the bureau representative may
6 conduct tests and gather samples of materials and substances as
7 necessary to aid in evaluating the municipal fire department.

8 (5) After completing an inspection, the bureau shall afford
9 the municipal fire department and the employee or employee
10 representative an opportunity for a separate or joint conference,
11 as requested.

12 Sec. 61. (1) Municipal fire department personnel or an
13 employee representative who believes that a violation of the act
14 that threatens physical harm to municipal fire department personnel
15 exists may request an inspection by giving written notice of the
16 condition to the bureau. The notice shall set forth with reasonable
17 detail the grounds for the request and shall be signed by the
18 municipal fire department personnel or an employee representative.
19 Upon receipt of a notice, if the bureau determines there are
20 reasonable grounds indicating a violation, the bureau shall conduct
21 an inspection. The bureau shall provide a copy of the notice to the
22 municipal fire department not later than the time of the
23 inspection. Upon the request of the person giving the notice, his
24 or her name and the names of municipal fire department personnel
25 referred to in the notice shall not appear in the copy or on a
26 record which is published, released, or made available to persons
27 outside the bureau. If the bureau determines that reasonable

1 grounds for conducting an inspection do not exist, it shall give
2 written notice of its determination to the person that submitted
3 the original notice.

4 (2) If municipal fire department personnel or an employee
5 representative believes that a condition exists that may present an
6 imminent danger to a person, written notice is not required.
7 Municipal fire department personnel or an employee representative
8 may notify the bureau in the most expedient manner. Upon
9 notification of an alleged imminent danger, the bureau shall cause
10 an immediate inspection to be made or take other action that it
11 finds necessary to abate the danger.

12 (3) A municipal fire department shall not retaliate,
13 discriminate, or take any adverse employment action against
14 municipal fire department personnel or an employee's representative
15 because he or she filed a notice under this section or assisted in
16 an investigation under this act.

17 Sec. 63. (1) If, as the result of an inspection, the bureau
18 representative believes that a municipal fire department has
19 violated this act, he or she shall issue a citation within 90 days
20 after the completion of the inspection. The citation shall be in
21 writing and shall describe with particularity the nature of the
22 violation, including a reference to the provision of this act
23 alleged to have been violated. The citation shall state a
24 reasonable time by which the violation is to be abated. The
25 citation shall state on its face that it is an allegation of a
26 violation. The deadline for abatement shall be set with due regard
27 to the seriousness of the hazard and the difficulty of abating it.

1 The citation and the proposed fine, if any, shall be sent by
2 certified mail to the municipal fire department.

3 (2) The municipal fire department shall post a copy of the
4 citation at or near the place of the violation. The citation copy
5 shall remain posted at that site until compliance is achieved, but
6 not less than 3 working days.

7 (3) A municipal fire department that receives a citation shall
8 notify the bureau when it completes the abatement of the violation.

9 (4) If a municipal fire department fails to correct a
10 violation for which it received a citation within the prescribed
11 abatement period, the bureau shall notify the municipal fire
12 department by certified mail of that failure and of the proposed
13 penalty.

14 (5) If an inspection confirms that a violation of this act
15 exists, but that the conditions that constitute the violation have
16 no direct or immediate relationship to the safety or health of
17 workers, the bureau may issue a notice of violation in place of a
18 citation. The municipal fire department shall comply with the
19 requirements in the notice of violation.

20 (6) A citation for an alleged violation of this act shall be
21 vacated if the municipal fire department demonstrates that it has
22 provided appropriate equipment or training, educated employees
23 regarding use of the equipment or implementation of the training,
24 and taken reasonable steps, including, where appropriate,
25 disciplinary action, to assure that employees utilize the equipment
26 and comply with the training.

27 Sec. 65. (1) The bureau shall assess civil fines, considering

1 the size of the municipal fire department, the seriousness of the
2 violation, the good-faith efforts of the municipal fire department,
3 and the history of previous citations, and may establish a schedule
4 of civil fines.

5 (2) A civil fine assessed under this act shall be paid to the
6 bureau within 15 working days after the date the fine becomes
7 final. A civil fine shall be credited to the state general fund.

8 (3) If a civil fine remains unpaid beyond the period of time
9 specified in subsection (2), the bureau shall issue a letter to the
10 employer demanding payment within 20 days after the date of the
11 letter.

12 (4) If the fine remains unpaid following the period specified
13 in subsection (3), the bureau shall request that the attorney
14 general recover the amount of the fine remaining unpaid, after
15 offsets, by instituting a civil action in the circuit court for the
16 county in which the violation occurred.

17 Enacting section 1. The Michigan occupational safety and
18 health act, 1974 PA 154, MCL 408.1001 to 408.1094, is repealed
19 effective March 1, 2010.

20 Enacting section 2. This act takes effect March 1, 2010.