

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1538

By: Representatives Lipton, Baker, Landers

"AN ACT TO REQUIRE ALL MUNICIPALITIES ABOVE 5,000 POPULATION TO USE THE STANDARDS OF THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), AS ANNUALLY REVISED, WHEN SPECIFYING, ORDERING, PURCHASING, ISSUING, USING AND TESTING FIREFIGHTER PROTECTIVE, HAZARDOUS CHEMICAL PROTECTIVE CLOTHING, AIRPORT CRASH/FIRE/RESCUE PROTECTIVE CLOTHING, FIRE APPARATUS AND ANY SAFETY EQUIPMENT OR DEVICE USED FOR RESCUE, FIREFIGHTING, HAZARDOUS MATERIAL OR CHEMICAL ACCIDENT RESPONSE AND AIRPORT FIRE PROTECTION; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. After January 1, 1987, all purchases, orders and deliveries to municipalities, above 5,000 population, of firefighter protective clothing and safety equipment must meet the standards of the National Fire Protection Association (NFPA), as annually revised for the following items:

- A. Protective clothing for structural firefighting.
- B. Structural firefighting helmets.
- C. Firefighter gloves.
- D. Protective footwear.
- E. Flame-retardant station/work uniforms.
- F. Self-contained breathing apparatus (SCBA).
- G. Personal alert safety systems (PASS).
- H. Fire service life safety rope, harness and hardware.
- I. Hazardous chemical protective clothing.
- J. Airport crash/fire/rescue protective clothing.

SECTION 2. By January 1, 1988 all municipalities, above 5,000 population, shall furnish, at no expense to any firefighter, the following:

A. At least one (1) NFPA approved self-contained breathing apparatus (SCBA) for each full-paid career firefighter that is on duty and assigned to fire suppression. The fire chief, with the assistance of the fire safety committee, shall determine the number of self-contained breathing apparatus (SCBA) necessary to protect the total number of part-paid or volunteer firefighters who respond to alarms.

B. An NFPA approved personal alert safety system (PASS) for each self-contained breathing apparatus (SCBA).

C. Two (2) pairs of NFPA approved waterproof firefighter gloves for each full-paid member of the fire department assigned to fire suppression.

D. An NFPA approved fire-retardant head/neck protective hood for each full-paid member of the fire department assigned to fire suppression.

E. An NFPA approved safety belt or harness for any firefighter assigned to ride the tailboard of any responding fire apparatus. The belt must be worn at all times while the apparatus is moving.

F. Sufficient numbers of disposable rubber gloves for firefighters performing EMT duties.

SECTION 3. By January 1, 1989 all municipalities, above 5,000 population, shall furnish, at no expense to any firefighter, the following:

A. Sufficient numbers of NFPA approved, flame-retardant station/work uniforms for all full-paid firefighters assigned to fire suppression.

B. All aerial apparatus shall be inspected and tested in accordance with NFPA guidelines and any additional inspection or testing deemed necessary at least every three years or 150 engine hours, whichever comes first. If the apparatus is more than 20 years old, according to the original date of manufacture, the apparatus must be tested annually. The inspection and testing must be done by a company specializing in aerial apparatus testing and the technicians performing the testing and inspections must be factory trained. All repairs that are classified as "required" must be completed before the apparatus can be placed into service. Any additional repairs must be completed within 60 days of the inspection. If all repairs are not completed within 60 days the Director of the Arkansas Department of Labor is authorized to place the apparatus "out of service" until the repairs are completed. "Aerial apparatus" shall mean any chassis mounted ladder, ladder tower, boom, snorkel, elevating platform, telesquirt or any device that, when extended,

exceeds 50 feet and is used for firefighting or rescue in a municipality or at an airport.

SECTION 4. By January 1, 1990 all municipalities, above 5,000 population, shall furnish, at no expense to any firefighter the following:

A. A complete ensemble of protective clothing consisting of NFPA approved helmet, turnout coat, pants, waterproof gloves, and protective footwear for each full-paid, part-paid, or volunteer firefighter assigned to fire suppression.

B. All self-contained breathing apparatus equipped with flammable straps and harness shall be retrofitted with flame-retardant straps and harness.

SECTION 5. All firefighter protective clothing ordered, purchased and delivered to municipalities, above 5,000 population, must be labeled as to compliance with the standards of the NFPA, proper use of the garment, proper cleaning and care instructions and trademarks.

SECTION 6. Any protective clothing or equipment referred to in Sections 1, 2, 3 and 4 shall be replaced immediately when damaged or contaminated in training, firefighting, or exposure to hazardous chemicals or waste, by the municipality, at no expense to any firefighter.

SECTION 7. Beginning January 1, 1988 the Director of the Department of Labor, or his/her designee, shall, upon written request from any firefighter safety committee, firefighter association, firefighter council or firefighter union, investigate complaints concerning non-compliance of this Act. The Director, upon validating any complaint, shall advise the mayor, city manager, city administrator and fire chief of the violation by certified letter. If the municipality has not corrected the violation within seven (7) days then the Director shall notify the State Treasurer who is authorized to withhold all state turnback funds due to the political subdivision until the violation is corrected to the satisfaction of all parties involved.

SECTION 8. EMERGENCY. It is hereby found and determined by the General Assembly that it is essential to effective, safe and efficient fire protection in larger cities that the firefighters be provided with certain approved and

essential equipment; that this Act is designed to assure that such equipment will be provided as soon as is practicable and should be given effect immediately to accomplish this worthy public purpose. Therefore, an emergency is hereby declared to exist and this Act being necessary for the preservation of the public peace, health and safety shall be in full force and effect from and after its passage and approval.

