

Village of Port Edwards

PUBLIC SAFETY MEETING

Wednesday, August 2, 2023

4 P.M. AT THE MARSHALL BUEHLER CENTER, 211 MARKET AVENUE

If you are a member of the public and wish to listen, please call the dial in number below and you will be acknowledged

ZOOM- <https://us06web.zoom.us/j/87804864388?pwd=bFlrY1VTL2tMVnNNMkd0VzVQdGdxOT09>

Meeting ID: 878 0486 4388 Passcode: 601482

One tap mobile, +13092053325,,87804864388#,,,,*601482# US

Regular PHONE LINE Meeting Dial-in number: 715-423-6698, Access Code ID: 02067

Agenda:

1. Call to order
2. Roll call
3. Approve Agenda
4. Approve previous month's minutes, July 5, 2023
5. Chairperson comments
6. Public comments on agenda items
 - *Public participation and comment are encouraged and valued. Each citizen that requests to speak shall give their full name and address for the record and this will be included in the minutes. The individual or group representative shall have 3 minutes to address the Board of Committee. Their comments can be answered directly by a trustee if the trustee deems it appropriate. There shall be no public comments taken outside this time unless an individual or group representative requests a "Point of Information" (to offer a piece of relevant information) by a silent raise of hand.*
7. Questions regarding April Hammond's written responses (*Wisconsin Fire Prevention Coordinator Section Chief*)
 - Discussion regarding SPS.330 statutory mandates. (*April will respond to previously submitted questions.*)
8. **FIRE DEPARTMENT – General Update**
 - Results of research into alternatives for PPE (Tim Leverance).
 - Lexipol, *if necessary*
 - EMS, *if necessary*
9. Discussion and possible **ACTION** regarding SCBA and Facial Hair SOG.
10. Discussion and possible **MOTION** to dissolve PEFD Membership Committee.
11. Discussion and possible **MOTION** regarding purchasing Rescue Vehicle. (~\$70,000.00).
12. **POLICE DEPARTMENT – General Update**
 - Status of new squad and old squad
 - Lexipol, *if necessary*
13. Discuss Old Business
14. Discuss New Business
15. Correspondence received
16. Agenda items for next meeting
17. Next meeting date – Wednesday, September 6, 2023 at 4:00 pm
18. Adjourn

Village of Port Edwards
Caleb McGregor – Committee Chairman

VILLAGE OF PORT EDWARDS
Port Edwards, Wisconsin

COMMITTEE: Public Safety

DATE: July 5, 2023

TO: BETSY MANCL

cc: JOSEPH ZURFLUH
DAILY TRIBUNE
WFHR/WGLX
JASON WORDEN

ERIK SAYLOR
CALEB MCGREGOR
SCOTT DREW
LONN RADTKE

JEN MOORE
TIARA GRUNDEN
NICK ABTS

Purpose of Meeting: **Regular Monthly Meeting**

Attendance: T. Grunden, C. McGregor, J. Moore, S. Drew, J. Worden, B. Mancl

Citizens: Cary Smith, Matt Fletcher

Subjects Discussed, Action Taken, and Board Action Required:

1. ***Call to order:*** Meeting called to order by C. McGregor at 5:00 p.m.
2. ***Roll Call:*** All Present.
3. ***Approve the previous months minutes and Agenda:*** **MOTION** (Grunden/2nd Moore) to approve minutes of the June 7, 2023 and 22 June 2023 special meeting and the agenda. Motion carried.
4. ***Public comments on agenda items:*** None
5. ***Committee Chairman's comments:*** None
6. ***Discuss/action Police Department Actions and Budget:***
 - Chief reviewed his monthly report, No issues
 - No new information on the school guardian act grant.
 - Lexipol update- 85 out of 166 policies have been issued
 - Still waiting on parts for new squad
 - The Chief is compiling data on state requirements for equipment- life span, amount of use expectations. These will be compiled by next month.
7. ***Discuss/action Fire Department Actions and Budget:***
 - a. **There was discussion regarding the EMS budget.** Three options were presented if the budget concerns pan out in the 3rd Quarter. No changes and just augment the budget at that time, cancel the EMS coverage, reduce the call rate for EMS calls. This will be reviewed in 3 months for a future discussion.

- b. FYI-- There will be a 40% increase in what we pay WRFD for ambulance service starting Jan 2024.
- c. **Regarding facial hair** -There was conversation regarding the state statute that requires clean shaven face to provide a safe seal with the SCBA. A variety of options to accommodate have been researched and only a second hood could assist with the seal but we require more details from the fire department. The Chief has presented a Policy that no bearded persons can enter the fire but can assist on other issues on scene, that's his mitigation plan. Annually the department conforms to the rules by a fit test, but no accountability is taken for failed test (no dismissal, etc...) At the next meeting a state fire district leader will be asked to attend to better explain this issue for the Board to decide its stance.
- d. Lexipol update, the department has identified 44 policies to be reviewed. Hard copies will be distributed to all leaders and in 60 days they will report the status of compliance. A decision by December needs to be made on keeping Lexipol for the fire department.
- e. PEFD Bylaws have been presented and will be voted on by the department. Next month they will bring them for a MOTION to the Board. The committee was fine with the additions presented by the Chief.
- f. Vehicle tires are reviewed annually by the Village inspection team (mid-state) per state statute we are in compliance based on the manufacturer standards. We will continue to check the status of the tires and other safety issues on the fire vehicles. We have an estimate for all tires to be replaced at approx. \$10K this was tabled pending more details from the inspection company.
- g. The Chief is compiling data on state requirements for equipment- life span, amount of use expectations. These will be compiled by next month

8. Correspondence received: No

9. Future Agenda Items: Review Proposed Police and Fire Staff Budgets. Continue EMS discussion.

10. Next meeting date: 2 August, 2023 at 4:00pm

11. Adjourn: Adjourned at 6:50pm.

Caleb McGregor – Chairman

VILLAGE OF PORT EDWARDS

Port Edwards, Wisconsin

COMMITTEE: Public Safety Special Meeting

DATE: June 22, 2023

TO: BETSY MANCL

cc: JOSEPH ZURFLUH

JEN MOORE

TIARA GRUNDEN

SCOTT DREW

CALEB MCGREGOR

ERIK SAYLOR

DAILY TRIBUNE

WFHR/WGLX

NICK ABTS

RAYMOND BOSSERT

JASON WORDEN

DIANE TREMMEL

LONN RADTKE

Purpose of Meeting: **Special PEFD Meeting**

Attendance: T. Grunden, C. McGregor, Fire Chief Worden, Administrator Bossert, J. Moore

Citizens: Cary Smith, Karly Tellerson, Erik Saylor, Tom Bartlett

Subjects Discussed, Action Taken & Board Action Required:

Regular Monthly Meeting

- ***Call to order:*** Meeting called to order by Chairman McGregor at 4:00 p.m.
- ***Roll Call:*** All present from above.

Public comments on agenda items:

- Ms. Tellerson provided a written statement and it will be entered into the record, her concerns about poor attitude displayed at a previous Public Safety meeting.
- Mr. Bartlett shared his experience as fire chief and his desire to have fire fighter safety. He stated he could not sell that in his time while he was chief. He offered his assistance as a former chief. He is not against the facial hair policy but he thinks it needs to be handled carefully.
- Erik Saylor- Just questioning the urgency of the meeting.
- Cary Smith- shared that he would not have a problem with a volunteer fire fighter risking his life while having facial hair to save his loved one.

Committee Chairperson's comments: McGregor commented, we established the committee's stance on this issue clearly (facial hair). We also established that we are willing to work with the fire department whenever they are willing to work with us. I think this is us working together, allowing a firm game plan to unfold, with deadlines that are quasi-firm.

- **FIRE DEPARTMENT- Issues to be discussed**

- a. Facial hair issue and proposed Policy adjustment from the Fire Chief
- b. Discussion by Jen Moore on she would be comfortable with the proposed changes to the Policy presented by the Chief for exceptions to job duties on a scene for those who cannot effectively wear a SCBA.
- c. President Mancl also expressed agreement as a temporary policy, until this can be discussed in more detail and see the impacts of that policy.
- d. Chairman McGregor also stated he could live with the policy presented. We are going to work (the committee and Chief Worden) on the equipment alternatives. The topic of funds will follow our research. He does not think it's viable to move forward, offering an established, permanent exemption without examining these OSHA-offered alternatives.
- e. The Policy gives the Chief the discretion to assign duties as he see's fit, regardless, the Incident commander has the prerogative to utilize members as they see fit regardless of circumstances per ICS policy.
- f. Consensus was given to the administrator to continue to work with the Chief on this issue and seek potential new equipment to accommodate if necessary.

- **Adjourn:** Adjourned at 4:55 p.m. by McGregor

Video Meeting Link- https://youtu.be/_cHWKW0RPY8

- Letter from Ms. Tellerson in the file.
- Notes from Chairman McGregor in File

Caleb McGregor – Chairman



STANDARD OPERATING GUIDELINES

Subject: Self-Contained Breathing Apparatus (SCBA)

Date Issued: 06-18-2023

1 Purpose:

This guideline establishes the framework within which all Port Edwards Fire Department personnel are expected to respond and function in areas of atmospheric contamination, including their training, use and maintenance of self-contained breathing apparatus (SCBA). The intent of the SCBA guideline is to avoid any respiratory contact with products of combustion, super heated gases, toxic products or other hazardous contaminants.

2 Definitions:

- a Hazardous Atmosphere:** Any atmosphere that is oxygen deficient or that contains a toxic or disease-producing contaminant. A hazardous atmosphere may or may not be immediately dangerous to life or health.
- b Oxygen deficient atmosphere:** Oxygen concentrations that are less than 19.5%.
- c Respiratory hazard:** Any exposure to products of combustion, superheated atmospheres, toxic gasses, vapors, dust, potentially explosive or oxygen deficient atmospheres, or any other condition that creates a hazard to the respiratory system.
- d SCBA:** Self Contained Breathing Apparatus.
- e Use SCBA:** The term "use" shall indicate that the firefighter shall be wearing, and breathing air from the SCBA.
- f Wear SCBA:** The term "wear" shall indicate that the firefighter shall be wearing the SCBA, but not breathing air from the cylinder. The firefighter shall be capable of breathing air from the cylinder within 15 seconds when deemed necessary to do so.
- g IDLH:** The acronym stands for Immediately Dangerous to Life or Health.

3 Qualifications and Equipment:

- a SCBA shall be used in accordance with the manufacturer's recommendations.
- b Only those firefighters who have successfully completed Entry Level Firefighter, and a PEFD SCBA training drill will be permitted to use SCBA under emergency conditions. Each member shall be able to demonstrate a high level of proficiency with SCBA under conditions which simulate those expected as a job requirement.
- c Wisconsin SPS 330.12(f) mandates: "Ensure that SCBA is not worn by a fire fighter who has facial hair or any condition that interferes with the seal of the SCBA facepiece"

Since there is no method to control or police the configuration or the amount of facial hair that is present or necessary to contribute to the failure of a facepiece seal, and to be in compliance with Wisconsin State Statutes, the Port Edwards Fire Department prohibits any firefighter from using SCBA if they do not meet the following facial hair requirements: (See SCBA SOG DSPS Facial Hair Styles 6-18-2023 for a visual reference)

More specifically:

- Acceptable mustaches do not extend more than 3/4 inch past the corners of the mouth or extend more than 1/2 inch below the corners of the mouth.
 - Hair between lower lip and half-way to the point of chin is restricted to 1/2 inch in length.
 - Chin hair is not allowed.
 - Side burns shall not extend below the ear lobe nor flare out from the hairline. Side burns shall only extend straight down from the natural hairline.
 - If it is necessary to make adjustments to facial hair in order achieve an acceptable seal then the facial hair is unacceptable.
 - See SCBA SOG DSPS Rules and Facial Hair Styles 6-18-2023 for a visual reference.
-
- d Wisconsin SPS 330.12(g) mandates: "Ensures that a fire fighter's corrective glasses or goggles are worn in a manner that does not interfere with the seal of the SCBA facepiece." When a member of the Port Edwards Fire Department must wear corrective lenses while using a SCBA, the member will be issued a spectacle kit for their facepiece. The use of regular eye glasses is prohibited.
 - e Members of the Port Edwards Fire Department will be issued their own personal facepiece for SCBA use. Each member is responsible for the proper cleaning and maintenance of their facepiece.

- f Annually all firefighters must pass a “fit test” to certify that each member achieves a non-leaking facepiece-to skin seal with the mask. Automated fit testing equipment will be used to provide an objective analysis of a member’s ability to maintain a proper facepiece seal. Under no circumstances will a member that is not compliant with the facial hair requirements set forth in section 3c above be allowed to perform the fit test. The member or members will be given the option to become compliant prior the end of the testing cycle, or they will be required to turn in their facepiece (SCBA mask) and they will not be allowed to perform duties where a SCBA is required. Do to the fact that the fit test testing equipment is only brought in annually for our testing, the member or members that fail to fit test will be restricted to support duties until the next annual fit test the following year.

4 Guidelines:

- a Self contained Breathing Apparatus shall be used by all personnel operating :
- In an IDLH atmosphere.
 - In a contaminated atmosphere.
 - In an atmosphere which may suddenly become contaminated.
 - In an atmosphere which is oxygen deficient.
 - In an atmosphere which is suspected of being contaminated or oxygen deficient.
 - Inside an active structure fire
 - Directly above an active structure fire.
 - In a potential explosion or fire area, including gas leaks and fuel spills.
 - Where products of combustion are visible in the atmosphere including vehicle fires and dumpster fires.
 - Where invisible contaminants are suspected to be present (i.e. carbon monoxide, cyanide and other toxic gases during overhaul).
 - Where toxic products are present, suspected to be present or may be released without warning.
 - In any confined space which has not tested to established respiratory safety standards. (also see confined space SOG)
- b SCBA shall be worn by all personnel expected or awaiting to enter into areas defined by the above in section 4a. In these circumstances only, the SCBA may be worn with the facepiece removed. The wearing of SCBA in these situations provides that it will be immediately available for use if conditions change or if personnel are to enter an area where the use of SCBA is required.

- c Premature removal of SCBA must be avoided at all times. This is particularly significant during overhaul when smoldering materials may produce increased quantities of carbon monoxide, cyanide and other toxic gases. In these cases SCBA must be used or the atmosphere must be changed. In routine fire situations the decision to remove SCBA shall be made by department officers with approval of the safety officer and the incident commander. Prior to removal fire areas shall be thoroughly tested, ventilated and where necessary, continuous ventilation shall be provided. If there is any doubt about respiratory safety, SCBA use shall be maintained until the atmosphere is established to be safe by testing. Area should test 35ppm CO or less before SCBA can be removed. The safety officer shall be responsible for that determination.
- d Exceptions: People with facial hair may participate in fire ground activities as long as they are not wearing an SCBA or expected to wear an SCBA, and are fully removed from any of the above conditions listed in 4a. People may drive trucks, tank water, perform Incident Command, participate in wildfires, carry equipment, and a multitude of other activities. It is everyone's responsibility to identify IDLH and other hazardous areas to ensure everyone on scene is safe.

Belco Vehicle Solutions, LLC

299 North St
Poynette, WI 53955 US
(608) 635-0519
belcovs@gmail.com
belcovehiclesolutions.com



Estimate

ADDRESS

Port Edwards Fire Department
431 Letendre Ave.
Port Edwards, WI 54469

ESTIMATE # 4908**DATE 11/17/2022**

DESCRIPTION	QTY	COST	AMOUNT
Captain Matt Fletcher 715-712-4403 mrmfletch@yahoo.com			
Installation 2023/2024 Chevy Suburban - Rescue 1	1	2,875.00	2,875.00
Purchase and installation of public safety equipment.			
WIRHUTILITY Belco custom wire harness. Includes 10' 4ga battery cable/ground cable.	1	198.50	198.50
Octply Black electronics mounting base.	1	56.00	56.00
COPETophatSS Copeland Engineering 6301 Top H.A.T SS Power Distribution Timer	1	157.57	157.57
100ampcbr Install bay 100 amp circuit breaker	1	42.50	42.50
8026B RT Fuse Block, 12 Circuit With Ground, With Cover And Failed Fuse LED Indicator	1	55.00	55.00
8028B RT Fuse Block, 6 Circuit, With Cover And Failed Fuse LED Indicator	1	32.08	32.08
8gang 8 Gang terminal block	1	16.97	16.97
10gang 10 Barrier Strip	1	20.99	20.99
RL3040 Install Bay 40 Amp Relay	2	3.99	7.98
Fuse 12 12 Gauge Covered Fuse Holder	1	2.49	2.49

DESCRIPTION	QTY	COST	AMOUNT
5168T-F Chevy, Tahoe PPV, 2021 - 2021, LR Series Push Bumper, steel, texture, Light Ready Push Bumper , 0, 0	1	574.07	574.07
C3-MR6MC-RW Code 3 MR6 LED Light Head Multi Color Red/White (Push bumper lights)	2	119.50	239.00
C3-100U Code 3, 100 Watt Siren speaker with universal bracket	2	184.49	368.98
7170-0848-00 2021+ Chevrolet Tahoe Wide Body Console Box Kit with Armrest and Cup Holder	1	744.00	744.00
C3-21TRMC Code 3 21TR. Multi Color 52" LED lightbar with 4 LED Takedowns, LED alleys, and black top lenses. Front secondary color white, rear secondary color amber. (price includes shipping and vehicle specific hook kit)	1	1,749.00	1,749.00
Z3SXP-1 Z3 Serial Siren With Banshee Built In, Push Button Control Head	1	1,015.29	1,015.29
CODE 3:C3-RNR-60RW Outliner 60" perimeter light red/white	2	392.48	784.96
CD3794RW Code 3 MegaFlex, Dual Color, Red/White (Open rear hatch emergency lights)	2	119.50	239.00
ETFBSSN-P Sound Off Flashback (Taillight flasher)	1	62.67	62.67
Shipping Freight charge from Go Rhino	1	75.00	75.00
Shipping - Gamber-Johnson Shipping - Gamber-Johnson products	1	15.00	15.00

Thank you for your business

TOTAL

\$9,332.05

Accepted By

Accepted Date

Fwd: Port Edwards Fire Department Graphics

mrmlfletch@yahoo.com | 8:01 AM | 1 min read

Sent from my iPhone

Begin forwarded message:

From: matt fletcher <mrmlfletch@yahoo.com>
Date: June 26, 2023 at 8:36:31 AM CDT
To: nicki fletcher <fletcher.nicki@marshfieldclinic.org>
Subject: Fwd: Port Edwards Fire Department Graphics

Sent from my iPhone

Begin forwarded message:

From: Belco Graphics <belcographics@gmail.com>
Date: March 22, 2023 at 9:29:29 AM CDT
To: matt fletcher <mrmlfletch@yahoo.com>
Subject: Re: Port Edwards Fire Department Graphics

Hi Matt,

Apologies for the delay, our move to a new location caused quite the backup. Are you still interested in graphics for this vehicle?

Thanks,

Lexi Zellmer

Belco Graphics - Senior Designer

608-635-0520

On Tue, Dec 27, 2022 at 9:45 AM matt fletcher <mrmlfletch@yahoo.com> wrote:

Looks good!!! Thanks

Can I get a price ?

Sent from my iPhone

On Dec 20, 2022, at 4:07 PM, Belco Graphics

<belcographics@gmail.com> wrote:

Hi Matt,

We spoke on the phone earlier today and here is what I came up with for your new squad. Since the reflective stripes and "Port Edwards Fire Department" take up so much space on the doors I thought It would be cool to put your maltese cross on the back window. I also went through and spruced up your maltese cross and have included a close up of that attached as well.

Let me know what you think and if you would like any other additions or changes.

Thank you,

Lexi



<image.png>

Lexi Zellmer

Belco Graphics - Senior Designer

608-635-0520

Fire and EMS calls for July 2023

Fire

1.	3-Jul	8:44	2822 Swiggum Ln	Lineman/squirrel grassfire	SEN - 3 Members
2.	5-Jul	8:23	1351 Wis River Dr	Fire Alarm	VPE - 2 Members
3.	8-Jul	3:41	6220 Evergreen Ave	Garage Fire	STGA - 7 Members
4.	19-Jul	18:35	90 Cherry St	Smoking microwave	WR - 6 Members
5.	22-Jul	17:21	960 2nd St	Limb on power line	VPE - 4 Members
6.	24-Jul	11:45	1041 2nd St	Backyard on fire	VPE - 4 Members
7.	25-Jul	14:37	579 Ten Mile Ave	Garage smoke detector	STGA - 0 Members
8.	28-Jul	22:22	911 Fawn Ln	Furnace duct fan	VPE - 4 Members
9.	30-Jul	10:40	2130 4th St	Garage Fire	WR - 5 Members

EMS

1.	7-Jul	3:41		60 YOF Heart Attack	CNMR - 1 Member
2.	8-Jul	17:35		85 YOF Pain, Sickness	SEN - 0 Members
3.	8-Jul	20:11		71 YOF Weak, Faint	VPE - 3 Members
4.	10-Jul	12:25		Medical Alarm	VPE - 1 Member
5.	12-Jul	3:25		Male "Someone is dying"	VPE - 3 Members
6.	14-Jul	3:51		83 YOF Barely breathing	VPE - 3 Members
7.	16-Jul	2:52		Male, Fallen	VPE - 3 Members
8.	16-Jul	12:19		Fall detection alarm	VPE - 3 Members
9.	18-Jul	21:53		32 YOF Pain	VPE - 2 Members
10.	19-Jul	13:23		67 YOF Fallen	VPE - Members
11.	19-Jul	17:40		Daughter bad trip	VPE - 5 Members
12.	21-Jul	2:36		80 YOF Fallen	SEN - 3 Members
13.	21-Jul	21:07		67 YOM Fallen	VPE - 2 Members
14.	21-Jul	22:26		67 YOF Can't move	VPE - 1 Member
15.	22-Jul	15:38		73 YOF Fallen	SEN - 3 Members
16.	23-Jul	14:03		68 YOM Blacking out	CNMR - 3 Members
17.	24-Jul	1:05		1120 3rd St	VPE - 3 Members
18.	24-Jul	20:16		741 3rd st	VPE - 3 Members
19.	25-Jul	16:58		71 YOM Chest pain	VPE - 2 Members
20.	26-Jul	10:52		Flipped 4 wheeler	VPE - 3 Members
21.	27-Jul	14:16		Broke down transport vehicle w/patient	VPE - 1 Member
22.	28-Jul	11:39		elderly M nose bleed	VPE - 0 Members

Port Edwards Fire Department

Jason Worden, Fire Chief



July 2023

Summary of monthly activity:

Busy month with a lot of First Responder calls. Could be heat related complications.

Lexipol packets have been distributed to each officer group.

Holding off on final Bylaws update, pending Membership Committee adjustments.

2023 Current 9 - Fire Calls / 22 – First Responder Calls / 145 – Total YTD

2022 Last Year 4 - Fire Calls / 8 – First Responder Calls / 144 – Total YTD

Activities for the month:

7/05 Officers Meeting

7/12 Family Picnic w/bingo

7/18 First Responder Training - cancelled

7/19 Training Drill – Water rescue, kayaker in distress – 9 people, 2 hours

7/26 Training Drill – EVOC driving course – 4 people, 2 hours

Main Vehicle Conditions:

Engine 1 (Main Rural Attack Engine)

2019 Darley Pumper/Tender

4,475.6 miles, 299.5 engine hrs, 61.53 pump hrs

No known issues

Engine 3 (Car accident/Second Engine)

1997 Darley Pumper Tender

6693.9 + 596.3 miles

969.0 engine hrs, 125.9 pump hrs

Needs fittings greased

Brush Truck

2000 Dodge Ram 2500

7,746 miles

Mild damage to rear bumper

Engine 2 (Main City Attack Engine)

2007 Darley Pumper

12,197.9 miles

No known issues

Rescue Squad (First Responder Vehicle)

2004 Dodge Ram 1500

34,350 miles

Rear Box – Rust bubbling through paint

Fuel leaking upon fill-up

Grinding noise in rear-end (being fixed)

Items for discussion:

- 1.) (April Hammond) Do we need to replace tires?
- 2.) (April Hammond) Do we need to replace turnout gear?

April Hammond's Responses to our Questions

(Wisconsin Fire Prevention Section Chief)

1. Does the State allow for firefighters with beards to work on volunteer fire departments, responding to fire calls to manage the scene from outside of the dwelling/structure? If so, please explain guidelines/parameters for this.

Facial hair becomes restricted when the use of SCBA or respirators is required. Respirators are required when working within an IDLH environment. See SPS 330.12(2)(f) for facial hair requirements and SPS 330.12(1)(a) for SCBA usage requirements. You can also find these requirements and additional through OSHA: 1910.134(g)(1). There are many interpretation letters regarding this provided through OSHA which can be found here (we would also use these letters to guide our interpretations):

- SPS 330.12(2)(f) Ensure that SCBA is not worn by a fire fighter who has facial hair or any condition that interferes with the seal of the SCBA facepiece.
- SPS 330.12(1)(a) Provide, and enforce the use of, SCBA for all fire fighters engaged in interior structural fire fighting or who enter any area where the atmosphere is hazardous, is suspected of being hazardous, or may become hazardous.
- 1910.134(g)(1) [https://www.osha.gov/laws-regs/interlinking/standards/1910.134\(g\)\(1\)/standard_interpretations](https://www.osha.gov/laws-regs/interlinking/standards/1910.134(g)(1)/standard_interpretations)
- [more content from 1910.134(g)(1) provided below]

[the content of each link below has been reprinted after our Q&A]

- 1910.134 - Facial hair and respirator wearing. - 03/29/1985
- 1910.134 - Facial hair and the wearing of respirators. - 02/21/1985
- 1910.134 - Facial hair and voluntary use of filtering facepiece respirators. - 02/06/2006
- 1910.134 - Facial Hair Under Seal of Tight-fitting Respirator - 09/14/2012
- 1910.134 - Inquiry on beards, respirator use, and fit testing of respirators. - 10/03/1996
- 1910.134 - Beards may not interfere with face seal; alternative respirators for bearded employees. - 03/07/2003
- 1910.134 - Clarification on firefighters with facial hair who enter IDLH atmospheres and use a self-contained breathing apparatus. - 04/01/2011
- 1910.134 - OSHA's decision not to provide a religious exemption from the respirator standard. - 08/05/2011
- 1910.134(g)(1)(i) - Beards may not interfere with face seal; alternative respirators for bearded employees. - 03/07/2003
- 1910.134(g)(1)(i) - Facial hair in the face sealing area is unacceptable. - 11/26/1985
- 1910.134(g)(1)(i) - Facial hair in the face sealing area is unacceptable. - 10/11/1984
- 1910.134(g)(1)(i) - Hair where the mask edges meet the skin is not permitted for wearers of 30 minute positive pressure SCBA respirators. - 08/18/1986
- 1910.134(g)(1)(i)(A) - Facial hair and respirator fit - 05/09/2016

2. What consists of the IDLH environment? See definition below. I think we have some confusion about where firefighters without SCBA masks are allowed to be as we know they can not be within the IDLH environment.

Can firefighters be on-scene if they have facial hair? Yes, if not required to perform work in an IDLH, which would require the use of SCBA/respirator.

What are some of the duties that can be performed by firefighters with facial hair? Duties in which firefighters have been trained in Non-IDLH areas. SPS 330.07(4) See #11 in the FAQ document for a similar type question/response: <https://dsps.wi.gov/Documents/Programs/FireDeptSafetyHealth/FAQ.pdf>

SPS 330.07(4) Provide training and education commensurate with the duties and functions the member is expected to perform.

What is the definition of the IDLH area and where are its typical boundaries?

An IDLH environment is defined in SPS 330: SPS 330.01(14r)(14r) “Immediately dangerous to life or health” or “IDLH” means any condition that would pose an immediate or delayed threat to life, cause irreversible adverse health effects, or interfere with an individual's ability to escape from a hazardous environment. This is also defined similarly in OSHA 1910.134: ***Immediately dangerous to life or health (IDLH)*** means an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

An IDLH boundary is not defined in code. An IDLH is a condition or atmosphere. Many departments will establish zones consisting of hot, warm, and cold to identify and determine where those hazard areas are on the fireground. Once in the hazard area, which is typically the hot and warm zones, the use of SCBA/respirators are required.

SPS 330.01(14r) “Immediately dangerous to life or health” or “IDLH” means any condition that would pose an immediate or delayed threat to life, cause irreversible adverse health effects, or interfere with an individual's ability to escape from a hazardous environment.

What do you think of the Fire Dept SOG pertaining to facial hair and SCBA usage? Any questions, comments, suggestions, or corrections?

I have not seen the Fire Department’s SOG related to or pertaining to facial hair.

Would carrying electric razors on each truck, to be utilized during structure fires, be an option to comply with the rules, and how would SCBA fit testing play into this? IDLH environments are not specific to structure fires and may include many other types of incidents. The seal between the mask and the face, must be free of hair, therefore the shave must be a clean shave. Any hair within the seal leads to unpredictability. Electric razors may not be able to provide a “clean-shave” as mentioned in interpretation letter, depending on the shaver.

How is this topic being dealt with amongst every other volunteer fire dept. in Wisconsin? Many Volunteer, Combination, and Career Department’s throughout the state establish their own SOP/SOGs related to SCBAs and facial hair in order be consistent with SPS 330 and OSHA requirements and to allow for internal enforcement, disciplinary actions, and ensuring the establishment of position descriptions. Fire Department’s are expected to follow the Standards that are referenced and adopted by the State.

What are the liabilities regarding mutual aid from people with facial hair?

I cannot comment on “liabilities”, that is outside the scope of the code. It should be noted that the Incident Commander is responsible for the overall safety of all firefighters and activities on an incident scene, including those wearing SCBAs/respirators

Scenario: December, 6 degrees, dark, icy roads. A house is fully involved on fire and rapidly intensifying. We’re short-handed. Mutual aid is 10 minutes out. There are 2 children in an upstairs bedroom with heavy smoke billowing out of their window and we can hear both of them screaming. Father ran back inside to help them. Their mother is on the front lawn hysterically crying and pleading with us to save them. Concerned neighbors are gathering and filming everything. There are 5 very experienced firefighters on-scene, and 2 of them have beards. What do I do?

Please refer to: SPS 330.14(3)(3) RESCUE OF MEMBERS.

(a) A fire fighter using SCBA and operating in an interior structural fire shall operate in a team of 2 or more fire fighters. Except in the case of a structural fire that can be controlled or extinguished by portable fire extinguishers, a back-up team of at least 2 fire fighters wearing SCBA shall be assigned to remain available to perform assistance or rescue activities. One back-up team member with a charged line shall be assigned to a safe non-affected area in or near the structure. The other back-up team member shall remain within voice contact and may be assigned to additional roles so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire fighter working at the scene. At least one additional member shall be assigned to remain outside the structural fire and monitor the operations.

Note: It is not the intent of this rule to prevent any number of persons from responding to a fire call, setting up equipment and initiating exterior suppression at the fire scene. Also, it is not the intent of this rule to prohibit an individual fire fighter from taking an action to preserve the life or safety of another person.

From everything you’ve seen, am I in violation of any State statutes or requirements? I’m not sure what this question is about.

It would be helpful to us to know how to interpret statutes and policies (state and OSHA, etc.) alongside local “home rule.” I would like to have some “tools” to have when having to handle future issues. Tell us about the importance of SOG’s when “filling in the gap” of laws and statutes and policies, and do FDs need to start from scratch or is there a place that has template SOG’s. Are SOG’s part of a FD’s bylaws and are they subject to village board review?

Wisconsin requires Public Sector Fire Departments to comply with SPS 330 Fire Department Safety and Health Standards. This standard also references SPS 332, Public Employee Safety and Health, which references OSHA standards. OSHA standards are also directly referenced several times within SPS 330. SPS 330, also references several NFPA Standards.

SPS 330 requires Fire Departments to have SOGs. Depending on how departments are organized locally, sometimes local leadership provides oversight with SOG development, sometimes they leave that up to the Fire Department leadership. Certain SOGs may require a certain level of subject matter expertise related to the fire service and fire operations.

LETTERS USED FOR INTERPRETATION:

(1) Facial Hair and Respirator Wearing

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/1985-03-29>

March 29, 1985

Mr. Kenneth R. Thorson

278 Belleville Turnpike

Kearny, New Jersey 07032

Dear Mr. Thorson:

This is in response to your letter of February 10, 1985, concerning questions on facial hair and respirator wearing. Answers to your questions are as follows: (Note: The numbered paragraphs below correspond to the numbers of your questions. There was no question III.)

I. There are several published studies which indicate that bearded individuals do not obtain a satisfactory facepiece seal on a **tight fitting face piece** because the growth, texture and density of beards vary around the face. A person may obtain an acceptable facepiece fit on a given day, but find that he is unable to achieve a consistently satisfactory fit on a daily basis, no matter whether the facepiece is of paper, fabric, plastic or rubber. We are enclosing these studies for your information.

II. The Occupational Safety and Health Administration (OSHA) regulation, 29 CFR [1910.134(g)(1)(i-iii)], addresses the safe use of respirators. Whenever a respirator is worn, proper precautions must be exercised to insure that the wearer is protected against overexposure to toxic air contaminants. The regulation does not differentiate whether the respirator is worn routinely or occasionally. We have been informed by Scott Aviation that they do not recommend that bearded individuals wear their tight fitting self-contained breathing apparatus.

IV. OSHA issues citations if it finds the employer is permitting bearded employees to wear tight fitting respirators. Respirators are only required if employees are overexposed to the toxic air contaminants. The employer must perform monitoring to determine whether the employee is exposed to toxic air contaminants in excess of the permissible exposure limit (PEL) as prescribed in our regulations, 29 CFR 1910, Subpart Z - Toxic and Hazardous Substances (enclosed). To achieve compliance with the Subpart Z, the employer must implement engineering or administrative controls whenever feasible. When such controls are not feasible to achieve full compliance, protective equipment or any other protective measures shall be used to keep the exposure of employees to air contaminants within the limits prescribed in Subpart Z.

(2) Facial Hair and the Wearing of Respirators

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/1985-02-21>

February 21, 1985

Honorable Bill Bradley

United States Senator

Post Office Box 1720

Union, New Jersey 07083

Dear Senator Bradley:

This is in response to your letter dated December 6, 1984, on behalf of your constituent, Mr. Kenneth R. Thorson, concerning facial hair and the wearing of respirators. Please accept my apology for the delay in our response.

Under current Occupational Safety and Health Administration (OSHA) regulations, engineering controls or administrative controls shall be implemented whenever it is feasible to control the employee's exposure to harmful air contaminants and physical agents. When such controls are not feasible, or during the period of implementation, personal protective equipment such as respirators may be used to keep the exposure of employees to air contaminants within the limits specified in the OSHA health standards.

There are many studies that indicate that bearded persons cannot achieve a satisfactory seal of the respirator facepiece, even with a positive-pressure respirator such as a self-contained breathing apparatus. A copy of a recent study on this subject is enclosed for your information. The U.S. Supreme Court has upheld the rulings made by police and fire departments concerning the length of hair of their employees (copies enclosed).

Several loose-fitting types respirators are available for routine or emergency use such as the hood or helmet-type powered air-purifying respirators (PAPRs), continuous flow supplied air respirators (SAR) and hood-type self-contained breathing apparatus. These respirators could accommodate bearded wearers because facial hair does not interfere with the facepiece seal of these units. However, each of these respirator types has its own limitations. Its acceptability of use must be determined on a case-by-case basis by the employer.

Sincerely,

Edward J. Baier
Director
Directorate of Technical Support

(3) Facial Hair and Voluntary Use of Filtering Facepiece Respirators

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/2006-02-06-0>
February 6, 2006

Mr. Gordon C. Miller
Lawrence Livermore Laboratory
P.O. Box 808 (L-379)
Livermore, California 94550

Dear Mr. Miller:

Thank you for your March 29, 2004 letter to the Occupational Safety and Health Administration (OSHA), Directorate of Enforcement Programs, concerning the voluntary use of filtering facepiece respirators. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any questions or situations not delineated within your original correspondence. Your questions are repeated below along with our response.

Question #1: Does a principal employer have an obligation to prohibit the voluntary use of filtering facepieces by workers who have beards or other facial hair that interfere with the functioning of the filtering facepieces? Does an employer have an obligation to prohibit the voluntary use of filtering facepieces by contractor employees working on the principal employer's premises who have beards or other facial hair that interfere with the functioning of the filtering facepieces?

Response: No, the voluntary use of respirators **in atmospheres which are not hazardous** does not require the mask to be fit tested or the wearer to maintain a tight fit, so beards that could interfere with the faceseal or functioning of filtering facepieces would not be prohibited by the standard.

Question #2: Does an employer have an obligation to ensure that a voluntarily used filtering facepiece is properly donned in accordance with manufacturer's instructions and worn properly (e.g., can the employer prohibit using a filtering facepiece if the user cuts off one of the straps)? Does an employer have an obligation to ensure that a voluntarily used filtering facepiece of a contractor employee working on the principal employer's premises is properly donned in accordance with manufacturer's instructions and worn properly (e.g., can the employer prohibit using a filtering facepiece if the user cuts off one of the straps)?

Response: The standard does not require employers to ensure that workers, voluntarily using filtering facepiece respirators **in atmospheres which are not hazardous**, wear these respirators according to the manufacturers' instructions, as long as the use of the mask itself is not creating a hazard. Employers may, however, prohibit such misuse as part of their respirator program.

Question #3: If an industrial hygienist specifies or suggests using a filtering facepiece respirator for situations where exposures above a permissible exposure limit (PEL) will not occur, is this considered a voluntary use of a respirator?

Response: If an industrial hygienist responsible for the safety and health of employees in a company **requires** a respirator to be worn in a particular area, even when airborne contaminants are determined to be below all PELs or other recognized exposure limits, any respirator use would not be considered voluntary.

Question #4: If the industrial hygienist allows or agrees to the use of a filtering facepiece, is this a voluntary use of a respirator?

Response: If an industrial hygienist **allows** the voluntary use of a respirator to be worn in the workplace and all airborne contaminants are below OSHA PELs or other recognized exposure limits, the respirator use would still be considered voluntary.

Question #5: Is there an occasion when a filtering facepiece respirator is not a "dust mask" per 29 CFR 1910.134(c)(2)(ii)?

Response: The Respiratory Protection standard considers the terms "filtering facepieces" and "dust masks" to be synonymous.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards, and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult the OSHA website at www.osha.gov. If you have any further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,

Richard E. Fairfax, Director
Directorate of Enforcement Programs

(4) Facial Hair Under Seal of Tight-Fitting Respirator

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/2012-09-14>
September 14, 2012

Mr. Sean Logan
Assistant Fire Chief
Helena Fire Department
300 Neill Ave.
Helena, MT 59601

Dear Mr. Logan:

Thank you for your April 27, 2012, letter to the Occupational Safety and Health Administration's (OSHA) Directorate of Enforcement Programs. Your letter requested clarification of OSHA's policy on facial hair, specifically hair at the temples, and use of a self-contained breathing apparatus.

The OSHA Respiratory Protection standard (29 CFR 1910.134) specifies certain requirements for employers to follow when their employees must wear respirators. The standard states that the employer cannot permit respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face, or that interferes with valve function. [1910.134(g)(1)(i)(B)] OSHA has addressed similar questions in several letters of interpretation, including a letter to Mr. Mathew C. Kurzius, issued October 11, 1984. Essentially, it does not matter if hair is allowed to grow on other areas of the face (e.g., hair grown at the temples), as long as it does not protrude under the respirator seal, or extend far enough to interfere with the device's function. An employee who is required to wear a respirator may have hair that falls under the respirator straps, but is not permitted to have hair that interferes with the respirator's sealing surface. Facial hair in the temple region of the face may or may not impact on the facial seal area of the respirator. Sideburns that don't enter the sealing surface area, for instance, are acceptable. However, thick sideburns that intrude into the sealing surface of the respirator are not permitted.

An employer whose records show a respirator wearer passing a fit-test with facial hair in the respirator sealing surface area is not considered to be compliant with the standard. The fit that is achieved with a beard or facial hair is unpredictable; it may change daily depending on growth of the hair and position of the hair at the time the fit is tested.

Please also be aware that the Occupational Safety and Health Act of 1970 exempt employees of state and local governments from coverage by Federal OSHA. The Montana Department of Labor's (MT DOL) Safety and Health Bureau enforce sector workplace compliance in safety and health standards. The MT DOL may be contacted at:

USF&G Building
1625 11th Avenue
Helena, MT 59601
(406) 444-6401

Thank you for your interest in occupational safety and health. We hope you find this information helpful. If you have any further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,

Thomas Galassi, Director
Directorate of Enforcement Programs

(5) Inquiry on Beard, Respirator Use, and Fit Testing of Respirators

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/1996-10-03>

October 3, 1996

(Name Withheld)

Dear (Name Withheld):

This letter is in response to your inquiry on beards, respirator use, and fit testing of respirators. As background information it may be helpful to state, in general terms, OSHA's requirements about the respirator face seal and beards. As you are aware, [29 CFR 1910.134(g)(1)(i)] states the following:

Respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses.

(Correction 03/29/99)

[(1) Facepiece seal protection.

(i) The employer shall not permit respirators with tight-fitting facepieces to be worn by employees who have:

(A) Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function; or

(B) Any condition that interferes with the face-to-facepiece seal or valve function.]

This requirement applies to both negative or positive pressure respiratory protective devices that rely on the principle of forming a face to facepiece seal.

Beard growth at points where the seal with the face and respirator occurs is a condition that has been shown by numerous studies to prevent a good face seal. Copies of relevant articles documenting this have been enclosed. Thus an employer using a respirator to protect an employee with a growth of beard where the seal is compromised by the beard growth is violating [29 CFR 1910.134(g)(1)(i)(A)]. The OSHA standard does allow beards with the use of respirators that do not rely on a tight facepiece seal between the respirator inlet covering and the underlying skin (i.e., both loose fitting helmets and hoods are acceptable in this regard).

In response to your list of questions, the following is provided:

1. If a hospital had a policy that any employee that has a beard and can achieve a good face seal may enter an "AFB" isolation room if he has documented proof of a consistent good face seal by quantitative fit testing, would OSHA fine or cite that hospital? Would that hospital be in violation of any OSHA regulation because of such a policy?

As has already been stated, it is OSHA's policy to enforce [29 CFR 1910.134(g)(1)(i)(A)]. Also, as already stated, it has been shown that beard growth prevents a good face seal. The regulatory language in the paragraph does not make any exceptions when fit testing shows that a good fit has been achieved for persons with beards. Also, seeing that facial-hair growth occurs daily and, thus, fit testing performed on a previous day may not be valid for the day the respirator is worn, OSHA cannot concur with your hospital policy as an allowable exception to the requirement in [1910.134(g)(1)(i)(A)].

2. Is there any OSHA standard that states that a person with a beard cannot be quantitatively fit tested?

No: our respiratory protection standard only requires that the user of a respirator be fit tested. The fit-test method accepted can be either quantitative or qualitative. As previously mentioned, there have been numerous studies conducted that have shown that individuals with a beard or beard growth cannot consistently achieve an adequate face to respirator seal.

[This document was edited on 03/29/99 to strike information that no longer reflects current OSHA policy.]

3. Is there any regulation stating that a beard that does not touch the area of the seal (and the area of the seal is clean shaven) is not permitted when entering a "TB" isolation room?

No: if employees can trim their beards so that the beards do not come between their face to respirator seals or interfere with respirator-valve function, then their use of the respirators would be acceptable provided they passed a proper fit test.

4. If OSHA is requiring an employer to abuse an employee's civil rights by forcing an employee to shave his beard or be fired - shouldn't OSHA require the employer to provide a positive pressure hood system instead?

The current 29 CFR 1910.134 respiratory protection standard requires that the respirator be certified by the National Institute for Occupational Safety and Health (NIOSH), be appropriate for the intended use, and provide adequate protection against the hazardous exposure. The standard does not require the employer to provide a more protective respirator if its use is not warranted by the hazardous exposure.

For your information, OSHA is completing revisions to the final respiratory protection standard that will replace the current 29 CFR 1910.134 standard. The new respirator standard is tentatively scheduled for release this fall. We hope these answers satisfactorily address your questions. If you have any other comments or concerns, please contact the Office of Health Compliance Assistance at [(202) 693-2190].

[This document was edited on 03/29/99 to strike information that no longer reflects current OSHA policy.]

Sincerely,

John B. Miles, Jr., Director

Directorate of Compliance Programs

Enclosure

May 16, 1996

Mr. Richard Fairfax
Department of Health Compliance Assistance
National Office of O.S.H.A.
200 Constitution Ave. NW
Washington, DC 20210

Dear Mr. Richard Fairfax:

I am a respiratory therapist in a New Jersey hospital which is currently debating a hospital policy on forcing employees to shave their beards due to O.S.H.A. regulations on "TB" (AFB) isolation. In an attempt to find out the current regulations on **"TB" isolation**, beards, positive and negative masks and hoods, and face mask seals, I contacted Charles Jenkins and Jim Clancy of the Marlton NJ Office of O.S.H.A. Jim Clancy suggested that I contact the National Office of O.S.H.A. in order to acquire an up to date interpretation since the most current interpretation we could find was from 1983. Upon reaching the National Office I spoke with Ira Wainless from Technical Support and John Steelneck from Health Standards.

The conclusion of my decisions to date is that it is the interference with the face mask seal that O.S.H.A. prohibits, not the presence of facial hair. Obviously then, O.S.H.A.'s position is that any beard style is fine when not in a **"TB" isolation** room, and a beard need only be shaved in the area of the face mask seal if it interferes with the seal, and then only prior to entering the **"TB isolation** room.

O.S.H.A. regulations state that items that **MAY** interfere with a face mask seal include - facial hair - dentures - glasses - etc., and thus this regulation states that facial hair **MAY NOT** interfere with a face mask seal. Therefore, an individual with a well trimmed beard that is able to consistently pass a quantitative fit test need not shave in the area of the face mask seal at all.

Please respond to the following questions:

If a hospital had a policy that any employee that has a beard and can achieve a good face seal may enter an "AFB" isolation room if he has documented proof of a consistent good face seal by quantitative fit testing, would O.S.H.A. fine or cite that hospital? Would that hospital be in violation of any O.S.H.A. regulation because of such a policy?

Is there any O.S.H.A. standard that states that a person with a beard cannot be quantitatively fit tested?

Is there any regulation stating that a beard that does not touch the area of the seal (and the area of the seal is clean shaven) is not permitted when entering a "TB" isolation room?

If O.S.H.A. is requiring an employer to abuse an employee's civil rights by forcing an employee to shave his beard or be fired - shouldn't O.S.H.A. require the employer to provide a positive pressure hood system instead?

Thank you for your time and effort. I look forward to your official written interpretation of the current O.S.H.A. regulations on this matter, especially those concerning the above questions. Sincerely, (Name Withheld)

(6) Beards May Not Interfere With Face Seal; Alternative Respirators for Bearded Employees

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/2003-03-07-0>

March 7, 2003

The Honorable Carl Levin
United States Senate
477 Michigan Avenue
Room 1860
Detroit, Michigan 48226

Dear Senator Levin:

This is to follow up on my letter to you of August 16, 2002, regarding your constituent, Mr. Amarjit Singh Bagga. Mr. Bagga felt that he was discriminated against by the City of Detroit and denied employment on the basis of his religious practices. He also felt that the Equal Employment Opportunity Commission dismissed his appeal without proper investigation. Since neither of these issues falls within the jurisdiction of the Occupational Safety and Health Administration (OSHA), they will not be addressed here.

Mr. Bagga contends that the City of Detroit acted improperly when it did not notify him at the time he submitted his application for a position as a Sewage Plant Attendant of OSHA regulations which prohibit persons with facial hair from using respirators with tight fitting facepieces. Please be aware that OSHA does not require employers to inform applicants of OSHA regulations that may be applicable after hire. OSHA regulations do not address matters related to employers' hiring and selection of employees, but do require employers to ensure that employees (once employed) are protected from exposure to workplace hazards.

OSHA's respiratory protection standard (29 CFR 1910.134) specifies certain requirements for employers to follow when their employees must wear respirators, which would be the case in sewage treatment facilities. The standard states that the employer cannot permit respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face, or that interferes with valve function. While the standard does not ban beards per se, it does require employers to ensure that bearded employees who are required to wear tight-fitting facepieces trim their beards so that they do not interfere with the sealing surface of the respirator or are not so large that they could interfere with valve function.

Some types of respirators do not require a face seal and can usually be worn by bearded employees. Specifically, these are positive pressure respirators of the hood and helmet type, and types that can be used with a continuous-flow, supplied-air respirator, where facial hair and beards will have less effect on the fit. For emergencies, there are also emergency-use respirators with a 15-minute service life that provide a continuous flow of air.

All respirators must be selected based on the respiratory hazard to which the worker is exposed. The employer must also consider user factors that affect respirator performance and reliability.

Please be aware that OSHA standards do not apply to state and local government employees, such as employees of the City of Detroit. However, the Michigan Department of Consumer and Industry Services operates an OSHA-approved State Plan which extends coverage to these workers. Mr. Bagga may want to contact the Michigan occupational safety and health program for more information about the occupational safety and health requirements for respiratory protection, how they apply in sewage treatment facilities such as those in the City of Detroit, and how they affect bearded employees. Michigan also offers extensive on-site consultation, training, and education services which are available, upon request, to employers such as the City of Detroit's sewage treatment authority. The Michigan OSHA program may be contacted as follows:

Ron Basso, Acting Director
Michigan Department of Consumer
and Industry Services
P.O. Box 30004 - 4th Floor, Law Building
Lansing, Michigan 48909
Telephone: (517) 373-7230

Thank you for your interest in occupational safety and health.

Sincerely,

John L. Henshaw
Assistant Secretary

(7) Clarification on Firefighters with Facial Hair Who Enter IDLH Atmospheres and Use a Self-Contained Breathing Apparatus

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/2011-04-01>
April 1, 2011

Mr. Randy Southard
7848 Highway 68 North
Stokesdale, NC 27357-9326

Dear Mr. Southard:

Thank you for your letter of December 2, 2009, to the Occupational Safety and Health Administration (OSHA) requesting clarification of OSHA's policy on facial hair and respirator use. This letter constitutes OSHA's interpretation only of the requirements discussed and may not be applicable to any question not delineated in your original correspondence.

The Respiratory Protection standard specifically provides that firefighters entering an immediately dangerous to life or health (IDLH) atmosphere must wear a self-contained breathing apparatus (SCBA). The section of the respirator standard that applies, 29 CFR 1910.134(g)(1)(i)(A), requires employers to prohibit respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face. This regulation does not ban facial hair on respirator users, per se. However, when a respirator must be worn to protect employees from airborne contaminants, it has to fit correctly, and this will require the wearer's face to be clean-shaven where the respirator seals against it.

It should be emphasized that all respirators must be properly fitted, regardless of which type is worn or whether the wearer has facial hair. Positive pressure-type respirators can have leakage paths that can cause aspiration of the outside atmosphere. With SCBAs, high leakage will markedly reduce the service life of the air cylinder. In addition, research has demonstrated that even modest facial hair growth can have a significant adverse impact on the protection of a positive-pressure system.

Although the Occupational Safety and Health Act of 1970 excludes State and local government employees, such as local firefighters, from Federal coverage, the State of North Carolina operates an OSHA-approved State plan which extends coverage to these workers. The North Carolina Department of Labor (NC-OSH) adopts and enforces occupational safety and health standards that are, for the most part, identical to Federal standards. North Carolina also provides coverage to volunteer firefighters under certain circumstances. See <http://www.nclabor.com/osha/osh.htm>. We suggest that you contact NC-OSH directly at the following address if you have additional questions about the respiratory protection requirements for firefighters and the State's coverage of volunteers:

Cherie Berry, Commissioner

North Carolina Department of Labor (NCDOL)

1101 Mail Service Center

Raleigh, North Carolina 27699-1101

Phone: (919) 807-2900

Fax: (919) 807-2855

http://www.osha.gov/dcsp/osp/stateprogs/north_carolina.html

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA requirements are set by statute, standards and regulations. Our interpretation letters explain these requirements and how they apply to particular circumstances, but they cannot create additional employer obligations. This letter constitutes OSHA's interpretation of the requirements discussed. Note that our enforcement guidance may be affected by changes to OSHA rules. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,

Thomas Galassi, Director

Directorate of Enforcement Programs

(8) OSHA's Decision Not to Provide a Religious Exemption from the Respirator Standard

1910.134 - <https://www.osha.gov/laws-regs/standardinterpretations/2011-08-05>

August 5, 2011

[Withheld]

Sikh American Legal Defense and Education Fund
1413 K Street, 5th Floor
Washington, DC 20005

Dear [Withheld]:

Thank you for meeting with us on March 15, 2011, to discuss clarification on exemptions from OSHA's Respiratory Protection Standard, 29 CFR 1910.134, due to the Sikh religious ban on removing facial hair.

As we discussed in the meeting, OSHA has no specific exemption from citations for employers whose workers, for reasons of personal religious convictions, object to wearing respirators in the workplace. The relevant federal statute dealing with the accommodation of religious practices by the Federal Government is the Religious Freedom Restoration Act (RFRA). It prohibits the Federal Government from substantially burdening a person's exercise of religion unless the Government "...demonstrates that application of the burden to the person-(1) is in furtherance of a compelling governmental interest; and (2) is the least restrictive means of furthering that compelling governmental interest." 42 U.S.C. 2000bb-1(a) and (b).

The RFRA is reflected in OSHA directive STD 01-06-005, Exemption for Religious Reason from Wearing Hard Hats. That directive "exempt[s] from citations employers of employees who, for reasons of personal religious convictions, object to wearing hard hats in the workplace." The directive makes clear, however, that there may be circumstances "that would involve a hard hat hazard sufficiently grave to raise a compelling governmental interest for requiring the wearing of hard hats, notwithstanding employee personal religious convictions." The directive also explains that employers may be cited for failing to instruct the workers exempted from wearing hard hats about the hazards hard hats address.

The situation for respirators is not identical to that for hard hats, however. As discussed below, the need for a respirator exemption is not as great, and the government's interest in protecting workers from the hazards that respirators address is more compelling. There are loose-fitting respirators available that can be used effectively by bearded workers in the majority of situations where respirators are required. Because of the availability of this alternative, there is no need for a general exemption from the requirement to use respirators.

Nevertheless, there are circumstances where a tight-fitting respirator must be worn, such as when a worker is exposed to an atmosphere that is immediately dangerous to life or health (IDLH), defined as "...an atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere." 29 CFR 1910.134(b). In these situations, a tight-fitting pressure demand respirator is required. Wearing a respirator that is less protective could pose a grave danger not only to the worker who is wearing it, but also to other workers who might be called on to rescue him from the IDLH atmosphere. Preventing these unnecessary risks is a compelling governmental interest that justifies OSHA's decision not to provide a religious exemption from the respirator standard, especially as there is no less restrictive way to provide this protection.

You also ask whether workers could pay for the excess cost of powered air purifying respirators (PAPRs) in those situations where they provide adequate protection. OSHA standards, including the Respiratory Protection Standard, generally require employers to pay for required personal protective equipment (PPE). The Respiratory Protection

Standard also requires employers to "select and provide an appropriate respirator based on the respiratory hazard(s) to which the worker is exposed and workplace and user factors that affect respirator performance and reliability." 29 CFR 1910.134(d)(1). However, OSHA's general PPE standard would permit an employer to allow the use of worker-owned PPE, provided it meets the minimum requirements for the protection level required by the standard. 29 CFR 1910.132(h)(6). An employer that allows such use, however, still must assure the adequacy of the PPE, "including proper maintenance and sanitation." 29 CFR 1910.132(b).

We hope you find this information helpful and we understand your interest in this issue. OSHA requirements are set by statute, standards, and regulations, and our interpretation letters explain these requirements and how they apply to particular circumstances. Also, from time to time we update our guidance in response to new information. To keep apprised of such developments, you can continue to consult OSHA's website at <http://www.osha.gov>. If you have any further questions, please feel free to contact the OSHA Office of Health Enforcement at (202) 693-2190.

Sincerely,

Thomas Galassi, Director
Directorate of Enforcement Programs

(9) Beards May Not Interfere With Face Seal; Alternative Respirators for Bearded Employees

1910.134(g)(1)(i) - <https://www.osha.gov/laws-regs/standardinterpretations/2003-03-07-0>

March 7, 2003

The Honorable Carl Levin
United States Senate
477 Michigan Avenue
Room 1860
Detroit, Michigan 48226

Dear Senator Levin:

This is to follow up on my letter to you of August 16, 2002, regarding your constituent, Mr. Amarjit Singh Bagga. Mr. Bagga felt that he was discriminated against by the City of Detroit and denied employment on the basis of his religious practices. He also felt that the Equal Employment Opportunity Commission dismissed his appeal without proper investigation. Since neither of these issues falls within the jurisdiction of the Occupational Safety and Health Administration (OSHA), they will not be addressed here.

Mr. Bagga contends that the City of Detroit acted improperly when it did not notify him at the time he submitted his

application for a position as a Sewage Plant Attendant of OSHA regulations which prohibit persons with facial hair from using respirators with tight fitting facepieces. Please be aware that OSHA does not require employers to inform applicants of OSHA regulations that may be applicable after hire. OSHA regulations do not address matters related to employers' hiring and selection of employees, but do require employers to ensure that employees (once employed) are protected from exposure to workplace hazards.

OSHA's respiratory protection standard (29 CFR 1910.134) specifies certain requirements for employers to follow when their employees must wear respirators, which would be the case in sewage treatment facilities. The standard states that the employer cannot permit respirators with tight-fitting facepieces to be worn by employees who have facial hair that comes between the sealing surface of the facepiece and the face, or that interferes with valve function. While the standard does not ban beards per se, it does require employers to ensure that bearded employees who are required to wear tight-fitting facepieces trim their beards so that they do not interfere with the sealing surface of the respirator or are not so large that they could interfere with valve function.

Some types of respirators do not require a face seal and can usually be worn by bearded employees. Specifically, these are positive pressure respirators of the hood and helmet type, and types that can be used with a continuous-flow, supplied-air respirator, where facial hair and beards will have less effect on the fit. For emergencies, there are also emergency-use respirators with a 15-minute service life that provide a continuous flow of air.

All respirators must be selected based on the respiratory hazard to which the worker is exposed. The employer must also consider user factors that affect respirator performance and reliability.

Please be aware that OSHA standards do not apply to state and local government employees, such as employees of the City of Detroit. However, the Michigan Department of Consumer and Industry Services operates an OSHA-approved State Plan which extends coverage to these workers. Mr. Bagga may want to contact the Michigan occupational safety and health program for more information about the occupational safety and health requirements for respiratory protection, how they apply in sewage treatment facilities such as those in the City of Detroit, and how they affect bearded employees. Michigan also offers extensive on-site consultation, training, and education services which are available, upon request, to employers such as the City of Detroit's sewage treatment authority. The Michigan OSHA program may be contacted as follows:

Ron Basso, Acting Director
Michigan Department of Consumer
and Industry Services
P.O. Box 30004 - 4th Floor, Law Building
Lansing, Michigan 48909
Telephone: (517) 373-7230

Thank you for your interest in occupational safety and health.

Sincerely,

John L. Henshaw
Assistant Secretary

(10) Facial Hair in the Face Sealing Area is Unacceptable

1910.134(g)(1)(i) - <https://www.osha.gov/laws-regs/standardinterpretations/1985-11-26>

November 26, 1985

The Honorable Christopher J. Dodd
United States Senate
Washington, D.C. 20510
The Honorable Nancy L. Johnson
House of Representatives
Washington, D.C. 20510

Dear Senator Dodd:

This is in response to your letter of October 29, on behalf of John F. Wildman of Bethlehem, Connecticut, regarding the use of respirators. Mr. Wildman is concerned about a provision of the Occupational Safety and Health Administration's (OSHA) respiratory protection standard which concerns the fitting of respirators.

A copy of the pertinent section of the respirator standard that applies, [29 CFR 1910.134(g)(1)(i-iii)], is enclosed. It states that respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. This regulation does not ban facial hair on respirator users, per se, from the workplace. However, when a respirator must be worn to protect employees from airborne contaminants, it has to fit correctly, and this will require the wearer's face to be clean-shaven where the respirator seals against it.

It does not matter if hair is allowed to grow on other areas of the face, if it does not protrude under the respirator seal, or extend far enough to interfere with the device's function (such as the interference with valve function). Accordingly, short mustaches, sideburns and small goatees that are trimmed so that no hair underlies the seal of the respirator present no hazard and do not violate [29 CFR 1910.134(g)(1)(i)]. In general, however, beards present serious problems of acceptability because their texture and density vary daily, there is no consistency to respirator fit, and there is higher leakage.

Some types of respirators do not require a face seal, and thus usually can be worn by bearded employees. Specifically, these are positive pressure respirators of the hooded and helmet type, and types that can be used with a continuous-flow, supplied-air respirator, where facial hair and beards will have less effect on the fit. For emergency use, there is an escape hood with a continuous flow of air and a fifteen-minute service life. Respirators of this type that have been approved by the National Institute for Occupational Safety and Health and the Mine Safety and Health Administration are available on the market.

[This document was edited on 03/29/99 to strike information that no longer reflects current OSHA policy.]

It should be emphasized that all respirators must be properly fitted, regardless of which type is worn or whether or not the wearer has facial hair. Positive pressure-type respirators can have leakage paths which can cause aspiration of the outside atmosphere. On self-contained breathing apparatus, high leakage will markedly reduce the service life of the tank. In addition, research reported at the American Industrial Hygiene Conference in June 1982 demonstrated that even modest facial hair growth can have a significant adverse impact on the protection of a positive pressure system.

In addressing this specific situation, Mr. Wildman may wish to contact the State of Connecticut, which administers its own occupational safety and health program for public employees under a provision of the Occupational Safety and Health Act of 1970, subject to close monitoring by Federal OSHA. OSHA requires States to cover volunteers only if they are considered "employees" under the State's occupational safety and health act. Under the Connecticut program, volunteer firefighters are deemed "employees" and therefore are required to be covered under the Connecticut public-employee-only plan. If Mr. Wildman needs further information from the administering State agency, the address and telephone number are:

P. Joseph Peraro, Commissioner
Connecticut Department of Labor

200 Folly Brook Blvd.
Wethersfield, Connecticut 06109
(203) 566-5123

If we may be of further assistance, please feel free to contact us again.

Sincerely,
John B. Miles, Jr., Director
Directorate of Field Operations

(11) Facial Hair in the Face Sealing Area is Unacceptable

1910.134(g)(1)(i) - <https://www.osha.gov/laws-regs/standardinterpretations/1984-10-11>

October 11, 1984

Mr. Mathew C. Kurzius
IBEW, Local 1673
235 Columbia Street
Dunellen, N.J. 08812

Dear Mr. Kurzius:

This is in response to your letter of September 29, 1984 concerning facial hair and the wearing of respirators. We are providing the following answers to your questions.

1. A copy of the pertinent section of the respirator standard that applies, [29 CFR 1910.134(g)(1)(i-iii)], is enclosed. It states that respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard, sideburns, a skull cap that projects under the facepiece, or temple pieces on glasses. This regulation does not ban facial hair on respirator users, per se, from the workplace.

However, when a respirator must be worn to protect employees from airborne contaminants, it has to fit correctly, and this will require the wearer's face to be clean-shaven where the respirator seals against it.

OSHA requires respirators to be used when they are necessary to protect employees against overexposure to air contaminants. When administrative or engineering controls have not kept workplace exposure to air, contaminants within OSHA's established permissible limits, then appropriate respirators must be worn by the exposed employees. The standard ([1910.134(g)(1)(i-iii)]) only applies to those employees who need the protection of a tight-fitting facepiece respirator, either routinely or in emergencies, because of such overexposure.

It does not matter if hair is allowed to grow on other areas of the face if it does not protrude under the respirator seal. Accordingly, mustaches, sideburns, and small goatees that are trimmed so that no hair underlies the seal of the respirator present no hazard and do not violate [1910.134(g)(1)(i)(A)].

2. The use of a self-contained breathing apparatus (SCBA), such as the Scott Air Pac, is not acceptable for bearded employees under emergency conditions. Since the SCBA is used in unknown concentrations for unspecified lengths of time, maximum protection must be achieved when the SCBAs are worn. The beard growth can significantly reduce the service life of the air cylinder on the SCBA which could restrict the performance in the emergency operation. The SCBA wearer can "overbreathe" when moderately heavy to heavy workloads are performed. If there is a leak caused by the beard, the air contaminant could be pulled inside the facepiece. Furthermore, the beard can interfere with the sealing of the exhalation valve and shortening the service life of the air supply. For emergency use, there is an escape hood with a continuous flow of air and a fifteen-minute service life which usually can be worn by bearded employees. Respirators of this type that have been approved by the National Institute for Occupational Safety and Health are available on the market.

3. The employer would be in violation of [1910.134(g)(1)(i)(A)] if a bearded employee wore a SCBA under a true emergency situation.

We hope this information is helpful. If we can be of further assistance, please let us know.

Sincerely,
Cathie M. Mannion
Assistant Regional Administrator
for Technical Support

(12) Hair Where the Mask Edges Meet the Skin is Not Permitted for Wearers of 30 Minute Positive Pressure SCBA Respirators

1910.134(g)(1)(i) - <https://www.osha.gov/laws-regs/standardinterpretations/1986-08-18-0>

August 18, 1986

Mr. Jack Manning
442 King Street
Woodbury, New Jersey 08096

Dear Mr. Manning:

This is in response to your letter of May 5 regarding respiratory protection.

We will begin by answering your second question and then will answer the remainder of your questions in the order that you asked them.

The MSA Model 401 Air Mask(TM) is a type of respirator mask that must form a seal with the wearer's skin in order to function at maximum effectiveness. Thick growths of hair where the mask edges meet the skin prevent the formation of a seal. Therefore, employers may not use this particular mask to protect employees who have thick hair growth at points where the seal with the skin is supposed to form. To do so would be a violation of 29 CFR [1910.134(g)(1)(i-iii)].

We can envision a chemical plant where the potential for accidental release of a toxic chemical is such as to warrant the providing of respirators for emergency use for the entire workforce. If that were the case and the employer chose to provide MSA Model 401 Air Masks for the employees, then as stated above, none of the employees may have thick hair growth at points where the seal with their skin is supposed to form.

In answer to all three parts of your third question, any time an employee is in a situation requiring respiratory protection and the respirator worn by the employee will not form a seal at some point where it is designed to do so the employer is put in the position of being in violation of 29 CFR [1910.134(g)(1)(i-iii)].

The amount and frequency of training to provide individuals assigned to conduct emergency rescue operations is whatever is necessary in order that the individuals attain and retain the ability to perform the associated duties and functions satisfactorily.

[This document was edited on 03/22/99 to strike information that no longer reflects current OSHA policy.]

We appreciate the opportunity to address your concerns. If you need our assistance again, please do not hesitate to contact us.

Sincerely,
John B. Miles, Jr., Director
Directorate of Field Operations

(13) Facial Hair and Respirator Fit

1910.134(g)(1)(i)(A) - <https://www.osha.gov/laws-regs/standardinterpretations/2016-05-09>

May 9, 2016

Mr. Matthew Sands
606 F Avenue
Altus Air Force Base, Oklahoma 73523

Dear Mr. Sands:

Thank you for your letter to the Occupational Safety and Health Administration (OSHA). Your letter has been referred to the Directorate of Enforcement Programs for an answer to your question. Your letter requested clarification on OSHA's Respiratory Protection standard, 29 CFR 1910.134, which addresses facial hair and respirator fit. This letter constitutes OSHA's interpretation only of the requirements herein, and may not be applicable to any questions not delineated within your original correspondence. Your paraphrased question and our response is below.

Question: If an employee with a neatly trimmed goatee is wearing a respirator and it does not interfere with the seal of the face piece or valve function, and has passed a fit test, does this meet the intent of the OSHA's Respiratory Protection standard?

Response: The Respiratory Protection standard, paragraph 29 CFR 1910.134(g)(1)(i)(A), states that respirators shall not be worn when facial hair comes between the sealing surface of the facepiece and the face or that interferes with valve function. Facial hair is allowed as long as it does not protrude under the respirator seal, or extend far enough to interfere with the device's valve function. Short mustaches, sideburns, and small goatees that are neatly trimmed so that no hair compromises the seal of the respirator usually do not present a hazard and, therefore, do not violate paragraph 1910.134(g)(1)(i).

In general, however, beards present serious problems for tight-fitting facepiece respirators because their texture and density vary daily, causing unreliable respirator fit and, therefore, present a higher potential for leakage. However, some other types of respirators do not require a face seal, and thus, usually can be worn with facial hair, such as loose fitting powered air-purifying respirators and hooded powered air-purifying respirators.

OSHA has addressed similar questions and outlined the Agency's interpretation in letters posted on OSHA's public website, www.osha.gov. See 3/7/2003 and 4/1/2011 letters of interpretation to Senator Levin and Mr. Randy Southard, respectively (copies enclosed). In addition, OSHA's *Small Entity Compliance Guide for the Respiratory Protection Standard* (#3384) and the compliance directive, *Inspection Procedures for the Respiratory Protection Standard*, CPL 02-00-158, provide additional information. These two guidance documents and others can be found on the Respiratory Protection Safety and Health Topics page at <http://www.osha.gov/SLTC/respiratoryprotection/index.html>.

Thank you for your interest in occupational safety and health. We hope you find this information helpful. OSHA's requirements are set by statute, standards, and regulations. Our letters of interpretation do not create new or additional requirements but rather explain these requirements and how they apply to particular circumstances. This letter constitutes OSHA's interpretation of the requirements discussed. From time to time, letters are affected when the agency updates a standard, a legal decision impacts a standard, or changes in technology affect the interpretation. To assure that you are using the correct information and guidance, please consult OSHA's website at <http://www.osha.gov>. If you have further questions, please feel free to contact the Office of Health Enforcement at (202) 693-2190.

Sincerely,
Thomas Galassi, Director
Directorate of Enforcement Programs
Enclosures

AN ADDITIONAL LETTER FOR INTERPRETATION

1910.134(g)(1)(i) – Workers Cannot Sign a Release So They Can Wear a Respirator With a Beard

<https://www.osha.gov/laws-regs/standardinterpretations/1984-01-18>

January 18, 1984

Honorable James T. Broyhill
U.S. House of Representatives
Washington, D.C. 20515

Dear Congressman Broyhill:

Thank you for your letter of November 17, 1983, on behalf of your constituent, Mr. Paul Abernathy, regarding shaving beards to wear respiratory protection equipment.

The Occupational Safety and Health Administration (OSHA) has a standard on respiratory protection which employers are required to follow when their employees must wear respirators (29 CFR 1910.134). This standard states in part: "Respirators shall not be worn when conditions prevent a good face seal. Such conditions may be a growth of beard...."

(Correction 3/30/99)

[(g)(1) Facepiece seal protection.

- (i) The employer shall not permit respirators with tight-fitting facepieces to be worn by employees who have:
- (A) Facial hair that comes between the sealing surface of the facepiece and the face or that interferes with valve function; or
 - (B) Any condition that interferes with the face-to-facepiece seal or valve function.]

Mr. Abernathy's employer is apparently complying with this standard as required. It is not permissible to negotiate individual exemptions from such requirements by signing a release as suggested. There are certain types of respirators, however, which do not require a facepiece-to-face seal to function properly, for example, a supplied-air hood. Perhaps Mr. Abernathy can discuss with his employer whether or not such an alternative would be appropriate or feasible in his work situation. If not, however, and if Mr. Abernathy's job requires wearing a respirator which seals the facepiece to the face, no facial hair which interferes with that seal is permitted.

We hope this information will be helpful to you in responding to your constituent. If we can be of further assistance, please do not hesitate to contact us.

Sincerely,
R. Leonard Vance, Ph.D.
Director
Health Standards Programs



Frequently Asked Questions

SPS 330 - Fire Department Safety and Health Standards

1. What occupational safety standards apply to Fire Departments in Wisconsin?

- a) [SPS 330](#)
- b) [SPS 332](#)
- c) [OSHA 1910](#)
- d) [OSHA 1926](#)

2. Does SPS 330 and the occupational safety standards apply to all Wisconsin fire departments?

No. SPS 330 and the occupational safety standards apply only to public fire department employees and their public employers ([SPS 330.002](#)). Public employees include volunteer, paid on call, part time or full time. SPS 330 does not apply to private sector fire departments organized as a non-stock corporation under Chapter 181 or 213 of the Wisconsin statutes. Private sector fire departments are governed under federal OSHA standards.

3. SPS 330 was recently revised. When did these changes take effect?

The majority of the rule became effective on October 1, 2018. There is a 12-month phase-in period for section [SPS 330.08](#) that contained a clause that delays the effective date an additional 12 months. These provisions become effective on October 1, 2019.

4. What are the significant changes to SPS 330?

- a) The new rules generally apply the national technical standards that are incorporated by reference ([SPS 330.02](#)).
- b) The new rules clarify that SPS 330 only applies to public fire departments ([SPS 330.002](#)).
- c) The new rules specifically exclude any requirements relating to exit location ([SPS 330.003\(4\)](#)).
- d) The new rules codify DPS' administrative and regulatory practices relating to the minimum training standards and removed "grace periods" ([SPS 330.08](#)).
- e) The new rule requires that training and education be provided by a qualified instructor ([SPS 330.07\(1\)](#)). SPS 330 does not require instructors to be certified or affiliated with an agency ([SPS 330.01\(2\)\(c\)](#) defines "qualified instructor").
- f) The new rule and amended or repealed certain provisions deemed to be burdensome for small, rural, or volunteer fire departments.
- g) The rules were updated to reflect current industry settings and incorporate language to bring Wisconsin public fire departments into compliance with NFPA and OSHA standards.

All of the specific changes are included in the plain language version of the Code of Wisconsin Rule [CR 17-067](#).

5. Why does SPS 330 have to comply with OSHA regulations if SPS 330 applies only to public fire departments and OSHA regulates private sector fire departments?

Per [§ 101.055 \(3\)\(a\)](#) of the Wisconsin Statutes, DPS is required to adopt, and amend as necessary, the safety and health standards for public employers to provide protection at least equal to that provided to private sector employees regulated under OSHA standards.

6. Did the new rules increase the training requirements for fire fighters or pumper/aerial operators?

No. The training requirements in this section existed in the previous rule. However, the new rule modify the requirements by including the titles of the training courses offered through the [Wisconsin Technical College System](#) (WTCS). These courses are one of the four training options that fire departments may choose for compliance with the minimum training and education standards ([SPS 330.08](#)).

7. What are the options for compliance with the minimum training requirements for fire fighters?

Effective October 1, 2019, per SPS 330.08 (1), new members may be permitted to participate in fire fighting activities until that individual has completed the minimum training standards and/or training requirements specified by any of the following:

- a) An entry-level fire fighter course approved by the technical college system board. (The entry-level fire fighter course is 60 hours and is offered in two 30-hour courses. SPS 330 does not require certification.)
- b) An approved state apprenticeship program. (The apprenticeship program is administered through the Department of Workforce Development.)
- c) An intensive training program approved by the technical college system board.
- d) NFPA 1001 Standard for Fire Fighter Professional Qualifications. (Training must meet all the components consistent with the job performance requirements (JPRs) with in the NFPA 1001 standard.)

8. What activities are considered "fire fighting" activities?

SPS 330.01 (12) defines "fire fighting" to mean any activity related to controlling and extinguishing an unwanted fire or a fire set for training fire fighters, involving any activity that exposes a fire fighter to the danger of heat, flame, smoke, or any other product of combustion or explosion, or structural collapse, but does not include any activities pertaining to fighting wildland fires. Fire fighting includes emergency operations and responses related to rescues, terrorism, and special hazards.

9. What are the options for compliance with the minimum training requirements for pumper/aerial operators?

Effective October 1, 2019, per SPS 330.08 (2), new members may be permitted to perform all aerial operator duties during an emergency operation until that individual meets the minimum training requirements specified by any of the following:

- a) An entry-level driver/operator/pumper or driver/operator/aerial course approved by the technical college system board. (The entry-level fire driver/operator/pumper course is 100 hours. The entry-level driver/operator-aerial course is an additional 60 hours. SPS 330 does not require certification.)
- b) An approved state apprenticeship program. (The apprenticeship program is administered through the Department of Workforce Development.)
- c) An intensive training program approved by the technical college system board.
- d) NFPA 1002 Standard for Fire Apparatus Driver/Operator Professional Qualifications. (Training must meet all the components consistent with the job performance requirements (JPRs) with in the NFPA 1002 standard.)

10. The previous rule contained a "grace period" for fire fighters and pumper/aerial operators to complete the training. Were the grace periods removed in the new rule?

Yes. Effective October 1, 2019, all fire fighters and pumper/aerial operators who are assigned to perform certain duties will need to meet the minimum training requirements fully in accordance with SPS 330.08 (2). OSHA regulations require training and education commensurate with the duties and functions the firefighter is expected to perform and requires training to be complete prior to performing the duties during an emergency operation. The revised rule brings the rule into compliance with OSHA regulations.

11. Since the "grace periods" were removed in the new rule, does that mean new members who have not yet completed the training cannot perform any duties or go on any calls?

No. Fire departments may allow new members to perform certain duties or go on calls that can be performed in non-hazardous operations. SPS 330.07 (5) OSHA regulations as well as SPS 330 require training commensurate with the duties and functions the firefighter is expected to perform. SPS 330.07 (4). A new fire fighter may be trained in duties that will be performed in a non-hazardous/non-IDH environment even if they haven't yet completed the entry-level course or completed the JPRs in the applicable NFPA standard. For example, if a member is expected to climb a ladder, the fire department must provide the member with training on how to set up and climb a ladder before the member performs that function.

12. What are the options for compliance with the minimum training requirements for fire officers?

Any of the following four options meet the minimum training requirements of [SPS 330.08 \(3\)](#):

- A fire officer course approved by the technical college system board. The [Fire Officer I course](#) is 40 hours. [SPS 330](#) does not require certification.
- An approved state apprenticeship program. (The apprenticeship program is administered through the [Department of Workforce Development](#).)
- An in-house training program approved by the technical college system board.
- NFPA 1021 Standard for Fire Officer Professional Qualifications. Training must meet all the competencies consistent with the job performance requirements (JPRs) within the [NFPA 1021 standard](#).

13. How long does a newly appointed fire officer have to obtain the required training?

Per [SPS 330.08 \(3\)](#), a fire officer appointed after October 1, 2018 may not act as a fire officer during an emergency operation until that individual completes NIMS and obtains the minimum training and education requirements. The fire officer must complete the training by October 1, 2019. Fire officers appointed after October 1, 2019 may not act as a fire officer during an emergency operation until they have received the required training.

14. What training is required for fire officers that were appointed prior to October 1, 2018?

A fire officer who was appointed prior to October 1, 2018 and currently holds the title of a fire officer is considered to be grandfathered in as a valid fire officer. Similarly, if the rank changes for a fire officer who was appointed prior to October 1, 2018, and continuously maintains the title of a fire officer, they are considered a current fire officer. Any member appointed as a fire officer after October 1, 2018, including previously fire officers who had a break in rank and are reappointed, is considered a new fire officer and must meet the requirements of [SPS 330.08 \(3\)](#) by October 1, 2019. A fire officer's duties must provide the required education and training consistent with the duties and functions the fire officer is expected to perform in accordance with [SPS 330.07 \(4\)](#).

15. Section [SPS 330.08 \(3\)](#) requires fire officers to complete NIMS training in accordance with [SPS 330.14](#). What level of NIMS training course does this include?

Fire officers must be trained to a level consistent with their duties. The level of training depends on the level of incident and resources being managed per NIMS. For example, a Type 3 incident would require NIMS 100, 100, 300, 400, 700, and 800. A Type 4 incident would require NIMS 100, 200, and 700. The NIMS online training is available at no cost and may be obtained at [training.fema.gov/nims](#).

16. What was the approval process for the rule changes?

The update to [SPS 330](#) was voted on by the staff in conjunction with a six-member advisory committee that consisted of a cross-section of representatives from various combinations and across the Departments. In addition to all the standard rule-making procedures, the rule was posted on the legislative and DSSPS websites for public comments during the periods of July to November 2017, with notifications sent to every fire department. In October and November 2017, three public hearings were held in Eau Claire, Appleton, and Madison. In May 2018, the Senate Committee on Labor and Regulatory Reform held an additional public hearing. Additionally, DSSPS hosted an informational webinar that was held during the evening hours to all affiliated volunteer agencies. Following no additional action by the legislature, ultimately, the rule was adopted and became effective October 1, 2018.

17. What steps does our fire department need to take in order to comply with the new rules?

- Determine areas where your department may not be compliant with the new [SPS 330](#) rules.
- Educate your leadership and personnel on the requirements and provide the available resources to gain compliance.
- Reach out to request assistance from your local DSSPS training coordinator.
- Enforce the overall Standard Operating Guidelines as much as possible. Documentation of compliance. Several resources are available on the [DSSPS website](#).

- 18. Who are the Fire Department Safety and Health Inspectors/Consultants and how do I contact them for a question or concern?**

[Inspector Map](#)

- 19. Who do I contact if I have a fire department safety and health complaint?**

[Complaint form](#)

- 20. What happens when a complaint is received by DSPS?**

An inspector will contact the fire department to investigate the complaint or complaint. If a violation of a safety standard is discovered, your fire department will be issued a notice of violations and orders. The order contains a deadline for your fire department to comply with the requirements as outlined in the order of compliance. During this process, the DSPS inspector will offer their assistance and work closely with your fire department to provide resources and guidance to ensure and help you gain compliance with the requirements.

- 21. What are the reporting requirements for an injury or fatality?**

[SPS 332.50](#) adopts [CFR 1904.38\(a\)](#) which requires employers to report fatalities and occupational nonfatalities of three or more employees as a result of a work-related incident within 8 hours. The Division of Industry Relations will be contacted by calling (508) 266-3151 or (877) 617-1555 or 414 (Telecommunications Relay) during normal business hours. During non-business hours, report fatalities and nonfatalities to Worcester Emergency Management at (800) 941-0003.

Additionally, pursuant to [S 101.055 \(2\)\(a\), State](#), and [S 332.205](#), employers are required to submit a summary of their previous year's work-related injuries and illnesses to DSPS by March 1 of each year. The summary report may be submitted via the [DSPS Online Injury and Illness Reporting System](#). Summary reports (Form OSHA 300A, SDQ-10710, or an equivalent) must be posted in your workplace from February 1st to April 30th.

- 22. What happens when an injury or fatality is reported to DSPS?**

An inspector will contact the fire department to investigate the cause of the injury. If the injury was caused by a violation of a safety standard, the Fire Department will be issued a notice of violations and orders.

- 23. Where can I find more information on fire department safety and health standards?**

Additional resources are available on the [DSPS website](#).