



OFFICE OF THE STATE FIRE MARSHAL
STATEWIDE TRAINING AND EDUCATION ADVISORY COMMITTEE
DEPARTMENT OF FORESTRY AND FIRE PROTECTION

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Date: March 30, 2012

To: Ronny J. Coleman, Chairman
c/o State Fire Training
1131 S. Street,
Sacramento, California 95811

From: Tony Roberts, Deputy Chief
CAL FIRE, Northern Region Training
6105 Airport Road
Redding, CA 96002

Subject/Agenda Action Item: LIVE FIRE SAFETY TRAINING EXERCISES

Recommended Actions: Review and approve the enclosed letter from CAL-OSHA/DOSH to be memorialized in the State Fire Training FSTEP Fire Control 3A Guide.

Background Information: DOSH regulations (CCR Title 8 - Section 1529) of asbestos containing materials (ACM) requires the removal of trace amounts of ACMs by a DOSH certified abatement contractor prior to any demolition. To meet the intent of Section 1529, the contractor removes all of the interior sheetrock to ensure mitigation of trace ACMs. This destroys the training value of an acquired structure for live fire safety training exercises. Most departments do not have the resources to replace the training value. As a result firefighters are denied realistic live fire safety training. Fire behavior is the fundamental training only obtained from the appropriate environment not replicated in a gas supplied training prop.

Analysis/Summary of Issue: The fire service is not in the demolition business. Laws require live fire safety training for our firefighters, such as CFR 1910.156 (Fire Brigade training), SB 1207 (Volunteers are employees), CCR Title 8 Section 3203 and SB 198 (IIPP).

A letter was sent to DOSH on February 1st, 2011 asking concurrence that Section 1529 does not apply to live fire safety training. In addition, documentation was provided to DOSH that firefighters are better equipped against exposure than the contractors.

DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH
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OAKLAND, CA 94612
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ADDRESS REPLY TO
PO BOX 420603
SAN FRANCISCO 94142-0603

March 7, 2012

Kevin Olson, Staff Chief, Department Training and EMS Chief
Mike Richwine, Staff Chief, State Fire Training Chief
California Department of Forestry and Fire Protection
PO Box 944246
Sacramento, CA 94244-2460

RE: CALIFORNIA CODE OF REGULATIONS TITLE 8, SECTION 1529 AND LIVE FIRE SAFETY TRAINING EXERCISES IN ACQUIRED STRUCTURES.

Dear Chiefs Olson and Richwine,

I am writing in response to your February 1, 2011 letter to our then department Director Duncan. In your letter and in follow up conversations I had with Deputy Chief Roberts, your department asks for our concurrence that live fire training exercises in acquired structures do not fall within the scope of Title 8 of the California Code of Regulations (T8CCR) section 1529 regarding occupational exposure to asbestos.

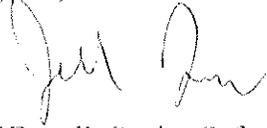
Regarding the scope of T8CCR 1529, subsection (a) Scope and application, states in part: "This section regulates asbestos exposure in all construction work as defined in Section 1502 ..." The applicable definition in T8CCR 1502 (a) states: "These Orders establish minimum safety standards whenever employment exists in connection with the construction, alteration, painting, repairing, construction maintenance, renovation, removal, or wrecking of any fixed structure or its parts. These Orders also apply to all excavations not covered by other safety orders for a specific industry or operation."

As described in your letter and conversations, your live fire training exercises do not fall within the definition of construction in T8CCR 1502(a) and therefore, do not fall under the scope of T8CCR 1529. More appropriately your operations that involve occupational exposure to asbestos would fall under General Industry Safety Order T8CCR section 5208 which states in subsection (a) Scope and application that it "applies to all occupational exposures to asbestos in all industries covered by the California Occupational Safety and Health Act, except construction work as defined in Section 1502,"

Please note that the requirements for respiratory protection specified in T8CCR 5208 would also apply during post-fire overhaul operations.

In conclusion, your department should conduct its live fire exercises in acquired structures under the requirements of T8CCR section 5208 to ensure your firefighters and other potentially exposed non-construction workers are adequately protected from asbestos. If you have any questions or would like to discuss this matter more fully, please feel free to contact me at the above address or telephone number.

Regards,



Jeff Ferrell, Senior Safety Engineer
Cal/OSHA Asbestos Unit

Cc: Ellen Widess, Chief, Cal/OSHA
Steve C. Smith, Principal Safety Engineer
Deborah Gold, Deputy Chief of Health, Cal/OSHA

Tony Roberts, DFFP Deputy Chief
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1529 & 5208 file