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I N   S E N A T E

June 13, 2012

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Introduced by Sens. GRISANTI, MARTINS, ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the labor law, in relation to requiring employers to provide emergency escape systems to firefighters

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraph c of subdivision 4 of section 27-a of the labor  
2 law, as amended by chapter 433 of the laws of 2007, is amended to read  
3 as follows:  
4     c. Except for an employer located in a city with a population of over  
5 one million, any employer who employs a firefighter DETERMINED TO BE AT  
6 RISK OF ENTRAPMENT AT ELEVATIONS PURSUANT TO REGULATIONS PROMULGATED BY  
7 THE COMMISSIONER, shall provide [safety ropes and system components]  
8 EMERGENCY ESCAPE SYSTEMS for use by such firefighter. The commissioner  
9 shall by rule [adopt] IDENTIFY the codes, standards and recommended  
10 practices [promulgated by the most recent edition] of THE National Fire  
11 Protection Association [1983, Standard on Fire Service Life Safety Rope  
12 and System Components, and] AND OTHER APPROPRIATE STANDARDS APPROVED BY  
13 THE COMMISSIONER as are appropriate to the nature of the risk to which  
14 the firefighter shall be exposed AND SHALL, AT A MINIMUM, INCLUDE IN  
15 SUCH RULE LANGUAGE REQUIRING EMPLOYERS TO (1) IDENTIFY WHETHER FIRE-  
16 FIGHTERS EMPLOYED BY THEM WOULD BE EXPOSED TO THE HAZARD OF ENTRAPMENT  
17 AT ELEVATED SURFACES; (2) IDENTIFY THOSE FIREFIGHTERS WHO WOULD BE  
18 EXPOSED TO THE HAZARD; AND (3) DETERMINE THE APPROPRIATE EMERGENCY  
19 ESCAPE SYSTEMS TO ADDRESS THE HAZARD. Such [safety ropes and system  
20 components] EMERGENCY ESCAPE SYSTEMS shall be adequate to protect the  
21 health and safety of the firefighter. The employer shall ensure that the  
22 firefighter is instructed in the proper use of the [safety ropes and  
23 system components] EMERGENCY ESCAPE SYSTEMS. AS USED IN THIS SUBDIVI-  
24 SION, THE TERM "ENTRAPMENT AT ELEVATIONS" SHALL MEAN A SITUATION WHERE A  
25 FIRE OR OTHER EMERGENCY CONDITIONS REQUIRE A FIREFIGHTER INSIDE A STRUC-  
26 TURE TO IMMEDIATELY EXIT THE STRUCTURE BUT WHERE SUCH CONDITIONS MAKE  
27 THE NORMAL ROUTE OF EXIT UNUSABLE, THEREBY REQUIRING THE FIREFIGHTER TO  
28 EXIT THE STRUCTURE FROM AN OPENING THAT IS NOT DESIGNED AS AN EXIT AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 IS ABOVE THE GROUND FLOOR OR AT AN ELEVATION ABOVE THE SURROUNDING  
2 TERRAIN THAT WOULD REASONABLY BE EXPECTED TO CAUSE INJURY TO A FIRE-  
3 FIGHTER EXITING BY MEANS OF THIS OPENING WITHOUT ANY EMERGENCY ESCAPE  
4 SYSTEMS. AS USED IN THIS SUBDIVISION, THE TERM "EMERGENCY ESCAPE SYSTEM"  
5 SHALL MEAN SAFETY ROPES AND SYSTEM COMPONENTS AND ANY OTHER SYSTEM THAT  
6 (1) IS COMPLIANT WITH THE CODES, STANDARDS AND RECOMMENDED PRACTICES OF  
7 THE NATIONAL FIRE PROTECTION ASSOCIATION OR OTHER APPROPRIATE STANDARD  
8 IDENTIFIED BY THE COMMISSIONER THROUGH REGULATION, AS A MEANS OF EMER-  
9 GENCY SELF-RESCUE FROM AN ABOVE GRADE, IMMEDIATELY HAZARDOUS ENVIRON-  
10 MENT, (2) HAS BEEN CERTIFIED BY A NATIONALLY RECOGNIZED SAFETY TESTING  
11 AND CERTIFICATION ORGANIZATION, AND (3) THE COMMISSIONER HAS RECOGNIZED  
12 THROUGH REGULATION.

13 In order to ensure the adequacy of the [safety ropes and system compo-  
14 nents] EMERGENCY ESCAPE SYSTEMS, the employer must routinely inspect and  
15 ensure that:

16 (1) Existing [safety ropes and system components] EMERGENCY ESCAPE  
17 SYSTEMS meet the codes, standards and recommended practices adopted by  
18 the commissioner.

19 (2) Existing [safety ropes and system components] EMERGENCY ESCAPE  
20 SYSTEMS still perform their function and to identify any of their limi-  
21 tations such as but not limited to:

22 (i) Checking the labels or stamps on the equipment; and

23 (ii) Checking any documentation or equipment specifications; and

24 (iii) Contacting the supplier or the approval agency;

25 (3) Firefighters are informed of the limitations of [any safety ropes  
26 and system components] EMERGENCY ESCAPE SYSTEMS;

27 (4) Firefighters are not allowed or required to use any [safety ropes  
28 or system components] EMERGENCY ESCAPE SYSTEMS beyond their limitations;

29 (5) Existing and new [safety ropes and system components] EMERGENCY  
30 ESCAPE SYSTEMS have no visible defects that limit their safe use;

31 (6) [Safety ropes and system components] EMERGENCY ESCAPE SYSTEMS are  
32 used, cleaned, maintained and stored according to manufacturer's  
33 instructions;

34 (7) The firefighter is instructed in identifying to the employer any  
35 defects that the firefighter may find in [safety ropes and system compo-  
36 nents] EMERGENCY ESCAPE SYSTEMS; and

37 (8) Any identified defects are corrected or immediate action is taken  
38 by the employer to eliminate the use of this equipment.

39 S 2. This act shall take effect on the thirtieth day after it shall  
40 have become a law.