S T A T E O F N E W Y O R K

966--A

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to requiring employers to provide safety ropes and system components to firefighters; and to repeal paragraph e of subdivision 1 of section 27-a of the labor law relating to the definition of "system components"

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

Section 1. Paragraph e of subdivision 1 of section 27-a of the labor law is REPEALED.

S 2. Paragraph c of subdivision 4 of section 27-a of the labor law, as amended by chapter 433 of the laws of 2007, is amended to read as follows:

c. [Except for] NOTWITHSTANDING THE PROVISIONS OF PARAGRAPHS A AND B OF THIS SUBDIVISION, THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS TO ENSURE EMPLOYERS PROVIDE FOR THE RAPID EGRESS BY FIREFIGHTERS WHEN ENGAGED IN FIRE SUPPRESSION ACTIVITIES AT ABOVE GRADE FLOORS DURING A STRUCTURE FIRE. SUCH RULES AND REGULATIONS SHALL NOT APPLY TO an employer located in a city with a population of over one million[, any employer who employs a firefighter shall provide safety ropes and system components for use by such firefighter. The commissioner shall by rule adopt the codes, standards and recommended practices promulgated by the most recent edition of National Fire Protection Association 1983, Standard on Fire Service Life Safety Rope and System Components, and as are appropriate to the nature of the risk to which the firefighter shall be exposed. Such safety ropes and system components shall be adequate to protect the health and safety of the firefighter. The employer shall ensure that the firefighter is instructed in the proper use of the safety ropes and system components.

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

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In order to ensure the adequacy of the safety ropes and system components, the employer must routinely inspect and ensure that:

(1) Existing safety ropes and system components meet the codes, standards and recommended practices adopted by the commissioner.

(2) Existing safety ropes and system components still perform their function and to identify any of their limitations such as but not limited to:

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

(ii) Checking any documentation or equipment specifications; and

(iii) Contacting the supplier or the approval agency;

(3) Firefighters are informed of the limitations of any safety ropes and system components;

(4) Firefighters are not allowed or required to use any safety ropes or system components beyond their limitations;

(5) Existing and new safety ropes and system components have no visible defects that limit their safe use;

(6) Safety ropes and system components are used, cleaned, maintained and stored according to manufacturer's instructions;

(7) The firefighter is instructed in identifying to the employer any defects that the firefighter may find in safety ropes and system components; and

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

S 3. This act shall take effect immediately provided that the commissioner of labor shall promulgate regulations required by this act by December 1, 2009.