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

10677

I N A S S E M B L Y

June 14, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Gabryszak) -- read once and referred to the Committee on Labor

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:

Section 1. 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 an employer located in a city with a population of over one million, any employer who employs a firefighter DETERMINED TO BE AT RISK OF ENTRAPMENT AT ELEVATIONS PURSUANT TO REGULATIONS PROMULGATED BY THE COMMISSIONER, shall provide [safety ropes and system components] EMERGENCY ESCAPE SYSTEMS for use by such firefighter. The commissioner shall by rule [adopt] IDENTIFY the codes, standards and recommended practices [promulgated by the most recent edition] of THE National Fire Protection Association [1983, Standard on Fire Service Life Safety Rope and System Components, and] AND OTHER APPROPRIATE STANDARDS APPROVED BY THE COMMISSIONER as are appropriate to the nature of the risk to which the firefighter shall be exposed AND SHALL, AT A MINIMUM, INCLUDE IN SUCH RULE LANGUAGE REQUIRING EMPLOYERS TO (1) IDENTIFY WHETHER FIREFIGHTERS EMPLOYED BY THEM WOULD BE EXPOSED TO THE HAZARD OF ENTRAPMENT AT ELEVATED SURFACES; (2) IDENTIFY THOSE FIREFIGHTERS WHO WOULD BE EXPOSED TO THE HAZARD; AND (3) DETERMINE THE APPROPRIATE EMERGENCY ESCAPE SYSTEMS TO ADDRESS THE HAZARD. Such [safety ropes and system components] EMERGENCY ESCAPE SYSTEMS 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] EMERGENCY ESCAPE SYSTEMS. AS USED IN THIS SUBDIVISION, THE TERM "ENTRAPMENT AT ELEVATIONS" SHALL MEAN A SITUATION WHERE A FIRE OR OTHER EMERGENCY CONDITIONS REQUIRE A FIREFIGHTER INSIDE A STRUCTURE TO IMMEDIATELY EXIT THE STRUCTURE BUT WHERE SUCH CONDITIONS MAKE THE NORMAL ROUTE OF EXIT UNUSABLE, THEREBY REQUIRING THE FIREFIGHTER TO 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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IS ABOVE THE GROUND FLOOR OR AT AN ELEVATION ABOVE THE SURROUNDING TERRAIN THAT WOULD REASONABLY BE EXPECTED TO CAUSE INJURY TO A FIREFIGHTER EXITING BY MEANS OF THIS OPENING WITHOUT ANY EMERGENCY ESCAPE SYSTEMS. AS USED IN THIS SUBDIVISION, THE TERM "EMERGENCY ESCAPE SYSTEM" SHALL MEAN SAFETY ROPES AND SYSTEM COMPONENTS AND ANY OTHER SYSTEM THAT (1) IS COMPLIANT WITH THE CODES, STANDARDS AND RECOMMENDED PRACTICES OF THE NATIONAL FIRE PROTECTION ASSOCIATION OR OTHER APPROPRIATE STANDARD IDENTIFIED BY THE COMMISSIONER THROUGH REGULATION, AS A MEANS OF EMERGENCY SELF-RESCUE FROM AN ABOVE GRADE, IMMEDIATELY HAZARDOUS ENVIRONMENT, (2) HAS BEEN CERTIFIED BY A NATIONALLY RECOGNIZED SAFETY TESTING AND CERTIFICATION ORGANIZATION, AND (3) THE COMMISSIONER HAS RECOGNIZED THROUGH REGULATION.

In order to ensure the adequacy of the [safety ropes and system components] EMERGENCY ESCAPE SYSTEMS, the employer must routinely inspect and ensure that:

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

(2) Existing [safety ropes and system components] EMERGENCY ESCAPE SYSTEMS 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] EMERGENCY ESCAPE SYSTEMS;

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

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

(6) [Safety ropes and system components] EMERGENCY ESCAPE SYSTEMS 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] EMERGENCY ESCAPE SYSTEMS; and

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

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