

DEPARTMENT OF INDUSTRIAL RELATIONS  
Occupational Safety and Health Standards Board  
2520 Venture Oaks Way, Suite 350  
Sacramento, CA 95833  
Tel: (916) 274-5721 Fax: (916) 274-5743  
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THIRD NOTICE OF PROPOSED MODIFICATIONS TO  
CALIFORNIA CODE OF REGULATIONS

General Industry Safety Orders,  
Article 10.1, Section 3401, Section 3402,  
New Sections 3402.1 - 3402.3,  
Sections 3403 - 3410, New Section 3410.1, and Section 3411

**Fire Fighters' Personal Protective Clothing and Equipment – AB 2146 (2014)**

Pursuant to Government Code section 11346.8(c), the Occupational Safety and Health Standards Board (Standards Board or Board) gives notice of the opportunity to submit written comments on the above-named standards in which modifications are being considered as a result of public comments and/or Board staff consideration.

On March 18, 2021, the Standards Board held a Public Hearing to consider revisions to title 8, section 3401, section 3402, new sections 3402.1 - 3402.3, sections 3403 - 3410, new section 3410.1, and section 3411 of the General Industry Safety Orders. The Standards Board received written and oral comments on the proposed revisions. The standards were modified as a result of these comments and Board consideration, and on October 29, 2021 a 15-Day Notice was issued.

On January 5, 2022 a second 15-Day Notice was issued as a result of further comments from stakeholders and added Board consideration.

This third 15-Day Notice is a result of Board consideration. There has been a substantive modification in section 3410(f)(2). The proposal modifies the deadline for retiring PPE that do not meet NFPA 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting, 2011 Edition to July 1, 2023, replacing July 1, 2021.

A copy of the text of the standard as originally proposed, with the modification clearly indicated, is attached. Anything that has been added is indicated by a bold double underline, and anything that has been removed is indicated by a bold double strikeout. In addition, a summary of the comment received from the second 15-Day Notice and Board staff response is included.

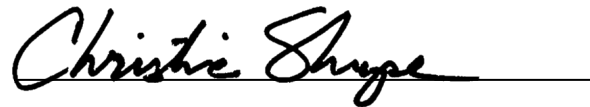
Any written comments on these modifications must be received by 5:00 p.m. on *Thursday, February 24, 2022* at the Occupational Safety and Health Standards Board, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833 or submitted by fax to (916) 274-5743 or e-

mailed to [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov). Only comments related to the modification of the text will be considered. This proposal will be scheduled for adoption at a future business meeting of the Standards Board.

The Standards Board's rulemaking files on the proposed action are open to public inspection BY APPOINTMENT Monday through Friday, from 8:00 a.m. to 4:30 p.m., at the Standards Board's office at 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833. Appointments can be scheduled via email at [oshsb@dir.ca.gov](mailto:oshsb@dir.ca.gov) or by calling (916) 274-5721.

Inquiries concerning the proposed changes may be directed to the Executive Officer, Christina Shupe, at (916) 274-5721.

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

A handwritten signature in black ink that reads "Christina Shupe". The signature is written in a cursive style and is positioned above a solid horizontal line.

Christina Shupe, Executive Officer

Date: February 8, 2022

**PROPOSED MODIFICATION**  
**(Modification is indicated in bold,**  
**double underline wording for new language,**  
**and bold, double strikeout for deleted language.)**

**STANDARDS PRESENTATION  
TO  
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

PROPOSED STATE STANDARD,  
TITLE 8, DIVISION 1, CHAPTER 4

Amend Section 3410 to read:

§3410. Wildland Fire Fighting Requirements. Selection, Inspection, and Maintenance of Protective Ensembles for Wildland Fire Fighting. [Wildland fire fighting provisions are relocated to Section 3410.1, with revisions]

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(f) Retirement.

(1) Protective garments shall be retired 10 years from the date of manufacture.

(2) PPE that do not meet the requirements of NFPA 1977, Standard on Protective Clothing and Equipment for Wildland Fire Fighting, 2011 Edition, which is hereby incorporated by reference, shall be retired by ~~July 1, 2021~~ July 1, 2023.

(3) Retired PPE shall be destroyed or disposed of in a manner that ensures it will not be used for any fire fighting.

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NOTE: Authority cited. Section 142.3, Labor Code. Reference: Sections 142.3 and 6303(c), Labor Code.

**SUMMARY AND RESPONSE TO WRITTEN COMMENT  
FROM THE 2<sup>ND</sup> 15-DAY NOTICE OF MODIFICATIONS**

## **SUMMARY AND RESPONSE TO WRITTEN COMMENT**

### **I. Written Comment**

There were no comments received by January 20, 2022 at 5:00 PM, but one late comment was received at 7:00 PM.

#### **1. Brian Rice, President of California Professional Firefighters, Tim Edwards, President of CAL FIRE Firefighters Local 2881, and Rick Swan, Director, Health & Safety Operational Services of International Association of Fire Fighters (IAFF), by letter dated January 20, 2022.**

##### **Comment:**

The comment letter strongly urges the Board to reject the proposal unless specific conditions dealing with purchase and wear standards, firefighter/labor participation, and wildland respiratory protections are not included as part of an adopted motion on this rule. These comments were previously stated in the commenter's prior comment letter dated November 18, 2021.

(See summary of and responses to written and oral comments to the first 15-day Notice, [commenter no. 2.](#))

##### **Response:**

The Board acknowledges the comment letter but notes that it does not address the modifications to the initial proposal contained in the 2<sup>nd</sup> 15-Day Notice.

As previously stated, Board staff intends to convene advisory committee meetings in 2022 to fulfill the requirements of AB 2146 (2014) and subsequently Labor Code section 147.4(c). Standards Board staff, in consultation with stakeholders, will review revisions to NFPA standards pertaining to personal protective equipment covered by the General Industry Safety Orders (GISO) in sections 3403 to 3411, inclusive, of title 8, California Code of Regulations, Article 10.1 (commencing with section 3401). If the review finds that the revisions to applicable NFPA standards provide a greater degree of personal protection than the GISO, a proposal will be developed for consideration of the Board.

The Board thanks Brian Rice, Tim Edwards, and Rick Swan for their participation in the Board's rulemaking process.