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§3402.1. Purchase Quality Standards for Personal Protective Clothing and Equipment for Structural Fire Fighting and Proximity Fire Fighting.

[Subsections (a) through (f) are no longer necessary after the mandate issue is resolved and after the extension of the effective date(s) of section 3402.3 have expired

- *See NFPA 1851, Subchapter 5.1 Selection and Purchase*
- *See NFPA 1851, Subchapter 10.1.2, retire firefighting ensembles no more than 10 years from ensemble manufacture*
- *As an alternative, would replacing existing subsection (a) through (f) with proposed subsection (a) provide clarity? See alternate text below*
- *Existing subsections (g) and (h) (shown here as subsection (b) and (c) will be discussed at a later date]*

~~(a) Helmets ordered or purchased on or after [OAL to insert – 6 months after effective date], for use in structural fire fighting or proximity fire fighting shall meet the certification, labeling, design, performance, and testing requirements of the National Fire Protection Association (NFPA) 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

~~(b) Eye or face protection ordered or purchased on or after [OAL to insert – 6 months after effective date], for use in structural fire fighting or proximity fire fighting shall meet the certification, labeling, design, performance, and testing requirements of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

~~(c) Hoods ordered or purchased after on or after [OAL to insert – 6 months after effective date] for use in structural or proximity fire fighting shall meet the certification, labeling, design, performance, and testing requirements of NFPA 1971, Standard on Protective Ensembles for~~

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~~Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

~~(d) Protective garments or clothing ordered or purchased on or after [OAL to insert – 6 months after effective date], for use in structural or proximity fire fighting shall meet the certification, labeling, design, performance, and testing requirements of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated as by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

~~(e) Hand protection ordered or purchased on or after [OAL to insert – 6 months after effective date], for use in structural or proximity fire fighting shall meet the certification, labeling, design, performance, and testing requirements of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

~~(f) Protective footwear ordered or purchased on or after [OAL to insert – 6 months after effective date], for use in structural or proximity fire fighting shall meet certification, labeling, design, performance, and testing requirements of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.~~

~~EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.~~

[Alternate Text, replace existing subsections (a) through (f) with proposed subsection (a)]

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(a) Personal protective clothing (ensemble elements) purchased on or after [OAL to insert - 6 months after the effective date], for use in structural or proximity fire fighting shall meet certification, labeling, design, performance, and testing requirements of National Fire Protection Association (NFPA) 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.

EXCEPTION: Protective ensemble or ensemble elements meeting the most current NFPA 1971 edition will be deemed as meeting the standard.

~~(g)~~ (b) Personal Alert Safety Systems purchased on or after [OAL to insert – 6 months after effective date] shall meet the certification, labeling, design, performance and testing requirements of NFPA 1982, Standard on Personal Alert Safety Systems (PASS), 2018 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.

EXCEPTION: PASS meeting the most current NFPA 1982 edition will be deemed as meeting the standard. *[To be discussed at a later date by Cal/OSHA]*

~~(h)~~ (c) Open-circuit self-contained breathing apparatus (SCBA) purchased on or after [OAL to insert – 6 months after effective date] shall meet the certification, labeling, design, performance and testing requirements of NFPA 1981, Standard on Open-Circuit Self Contained Breathing Apparatus (SCBA) for Emergency Services, 2019 Edition, which is hereby incorporated by reference. In addition to any other applicability, the aforementioned purchase quality standards apply to discretionary equipment orders or purchases.

EXCEPTION: Open-circuit SCBA meeting the most current NFPA 1981 edition will be deemed as meeting the standard. *[To be discussed at a later date by Cal/OSHA]*

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 147.4, Labor Code.

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§3402.3. Selection, Inspection, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.

(a) Structural and proximity fire fighting protective ensembles shall be selected, cared for, inspected, stored and maintained in accordance with the National Fire Protection Association (NFPA) 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, ~~2014~~ 2020 Edition, which is hereby incorporated by reference. *[Added the words "cared for" and "stored" for clarity. Proper storage is part of maintenance, but proper storage of protective ensembles in Chapter 9 of NFPA 1851 (2020) goes beyond storing PPE in order to maintain the protective ensemble in good working order. For example, subchapter 9.1.6 storage requirements are to prevent the contamination of living quarters and vehicles.]*

EXCEPTION: In addition to the recordkeeping requirements of subchapter 4.3 of Chapter 4, Program of the NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, ~~2014~~ 2020 Edition, which is hereby incorporated by reference, the employer shall maintain records on its structural and proximity fire fighting protective ensemble and ensemble elements for three years from the date of retirement.

~~(b) Helmets that do not meet the requirements of NFPA 1971, Standard on Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2007 Edition, which is hereby incorporated by reference, shall be retired 10 years from the date of manufacture. [Subsection (b) allowed for continued use of non-NFPA helmets that were already in-service. After the PPE is retired, purchases will be made in accordance with NFPA 1851, Chapter 5.1.]~~

~~(c) Effective Dates. [Subsection (c)(1) is no longer necessary after 1 year from effective date and subsection (c)(2) is no longer necessary 3 years after OAL effective date]~~

~~(1) Subchapter 4.1 (General), subchapter 4.2 (Program Organization for Structural Fire Fighting Ensembles and Ensemble Elements and Proximity Fire Fighting Ensembles and Ensemble Elements), and subchapter 4.3 (Records) of Chapter 4 (Program), Chapter 5 (Selection), Chapter 6 (Inspection), Chapter 7 (Cleaning and Decontamination), Chapter 8 (Repair), Chapter 9 (Storage), and Chapter 12 (Test Procedures) of NFPA 1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2014 Edition, which is hereby incorporated by reference, shall be effective [OAL will insert this date 1 year from OAL's effective date].~~

~~(2) Chapter 10 (Retirement, Disposition, and Special Incident Procedure) of NFPA~~

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~~1851, Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting, 2014 Edition, which is hereby incorporated by reference, and subsection (b) shall be effective [OAL will insert this date. 3 years from OAL's effective date].~~

NOTE: Authority cited: Section 142.3, Labor Code. Reference: Sections 142.3 and 147.4, Labor Code.

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