

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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NOTICE OF PROPOSED MODIFICATION TO  
CALIFORNIA CODE OF STANDARDS

TITLE 8: Section 3411  
of the General Industry Safety Orders

*Private Fire Brigades – Protective Footwear*

Pursuant to Government Code Section 11346.8(c), the Occupational Safety and Health Standards Board (Standards 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 February 19, 2015, the Standards Board held a Public Hearing to consider revisions to Title 8, Section 3411, of the General Industry Safety Orders. The Standards Board received a written comment on the proposed revisions. The proposal has been modified as a result of this comment and Board consideration.

Subsection (d)

Technical, clarifying modifications are proposed to subsection (d)(1), (2) and (5) to indicate to the employer that the fire fighters footwear is to meet the sole penetration and puncture resistance specifications contained in Chapter 6.10 (which cross references ASTM F2413 for puncture resistance) as well as those in Chapter 7. This is necessary to ensure that all fire fighter turnout boots are able to effectively protect the feet of fire fighters from highly injurious sole penetrations which could cripple and/or seriously compromise the fire fighters ability to fight fires and save lives and property and to ensure the proposal is commensurate with Federal OSHA sole penetration standards in 29 CFR 1910.156(e)(2)(iii).

A copy of the full text of the standards as originally proposed, with the modifications clearly indicated, is attached for your information. In addition, a summary of all written comments regarding the original proposal and staff responses is included.

Any written comments on these modifications must be received by 5:00 p.m. on March 26, 2015, 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). 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 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.

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

OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD

Date: March 10, 2015

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Marley Hart, Executive Officer

ATTACHMENT 1

**PROPOSED MODIFICATIONS TO REGULATORY TEXT**

**(Modifications from initial proposal are 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

Attachment No. 1  
Revised text - Page 2 of 1

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

Amend Section 3411 to read:

§ 3411. Private Fire Brigades.

(a) Scope and Application.

(1) Scope. This section contains requirements for the organization, training, and personal protective equipment of fire brigades whenever they are established by an employer.

(2) Application. The requirements of this section apply to private fire brigades, such as industrial fire departments and private or contractual type fire departments. Personal protective equipment requirements apply only to members of fire brigades performing interior structural fire fighting activities. The requirements of this section do not apply to airport crash rescue or forest fire fighting operations.

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(d) Personal Protective Clothing and Equipment. ~~§~~ shall be provided by the employer at no cost to the employee in accordance with this article commensurate with the fire fighting activity involved. With respect to structural fire fighting by private fire brigades, those personal protective clothing and equipment requirements are modified in the following respects:

(1) As an alternative to meeting the requirements stated in Section 3408(c) regarding turnout boots, the fire fighter turnout boots may, in the alternative, meet ~~the~~ Chapters **6.10 and 7** NFPA 1971-2013 requirements pertaining to protective footwear; the portions of Chapters **6.10 and 7** NFPA 1971-2013 stating those requirements are incorporated herein by this reference.

(2) As an alternative to meeting the requirements regarding sole penetration stated in Section 3408(d)(2), protective footwear other than turnout boots, may also provide sole penetration as required in Chapters **6.10 and 7** NFPA 1971-2013, to the extent that it pertains to sole penetration; the portions of Chapters **6.10 and 7** NFPA 1971-2013 concerning sole penetration **and puncture resistance** are incorporated herein by this reference.

(3) Protective footwear shall meet the requirements of Section 3385 of these Orders for Class 75 footwear.

(4) Protective footwear shall be water-resistant for at least 5 inches above the bottom of the heel and shall be equipped with slip resistant outer soles.

(5) Protective footwear shall be tested in accordance with Chapters **6.10 and 7** NFPA 1971-2013 to the extent that it pertains to sole penetration **and puncture resistance** test protocols; the portions of Chapters **6.10 and 7** NFPA 1971-2013 concerning sole penetration **and puncture resistance** test protocols are incorporated herein by reference.

(6) Protective footwear shall provide protection against penetration of the midsole by a size 8D common nail when at least 300 pounds of static force is applied to the nail.

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NOTE: Authority cited: Section 142.3, Labor Code. Reference: Section 142.3, Labor Code.

## **SUMMARY AND RESPONSE TO COMMENTS**

## SUMMARY AND RESPONSE TO WRITTEN AND ORAL COMMENTS

### I. Written Comments

Mr. David Shiraishi, Area Director, Region IX, OSHA, U.S. Department of Labor by letter dated March 3, 2015.

#### Comment:

The proposed occupational safety and health standard does not appear to be commensurate with the federal standard. The proposed standard is referencing Chapter 7, NFPA 1971-2013 for sole penetration. However, Chapter 6, NFPA 1971-2013 is the chapter that discusses the sole penetration requirements for foot protection and the requirements to meet ASTM F-2413. It is recommended that you add reference to Chapter 6, NFPA 1971-2013 to ensure foot protection meets the requirements of this chapter for sole penetration.

#### Response:

The Board accepts the comment and has added Chapter 6.10, NFPA 1971-2013, to the proposed standard.

The Board thanks Mr. Shiraishi for his comment and participation in the Board's rulemaking process.

### II. Oral Comments

No oral comments were received at the February 19, 2015, Public Hearing in Oakland, California.