



Top 15 OSHA Violations; Written for Minnesota Fire Departments

The following are the most commonly cited violations written to Minnesota Fire Departments. This report was provided during the 10/2018 MnOSHA presentation at the Minnesota Chief Conference.

Item numbers that start in a 52 are MN OSHA Rules and item numbers that start with 182 are Minnesota Statute. Items that start in 1910 are from the Federal OSHA Standards.

182.653 Subd. 2 MN OSHA enforces the General Duty Clause through Chapter 182.653 Subd. 2. of the MN Statutes. This Statute requires that each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.

5206.0700 (1) (B) The employer shall develop and implement a written Employee Right-to- Know program. ***Must include specific hazards found in fire station, include MSDS sheets on any products in use and must be written.*

(G) Training programs provided to employees concerning hazardous substances, harmful physical agents, and infectious agents. *** Must be annual training. Most departments get the blood borne pathogens but forget to cover other hazardous situations including noise hazards and heat stress.*

1910.1200 Hazard Communication Written Program, Training, GHS

1910.1030(c)(1)(i) Bloodborne pathogens: Each employer having an employee(s) with occupational exposure as defined by paragraph (b) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. Also including Hep B Vaccine and or signed declination. *** Must have a written plan.*

1910.156 (d) Firefighting equipment. The employer shall maintain and inspect, at least annually, firefighting equipment to assure the safe operational condition of the equipment. Portable fire extinguishers and respirators shall be inspected at least monthly. Firefighting equipment that is in damaged or unserviceable condition shall be removed from service and replaced. ***Most violations written for problems with maintenance or repair of turn out gear and equipment. Must maintain records of inspection and maintenance. See enclosed letter from MnOSHA regarding turnout gear dated June 2018.*



1910.134 (a) (2) Prior to the selection process, the test subject shall be shown how to put on a respirator, how it should be positioned on the face, how to set strap tension and how to determine an acceptable fit. The written program is required and include training, Medical Evaluation and Fit Testing. *** This section is primarily used for problems with the departments respiratory protection program specifically having a written program, physical exams and fit testing*

1910.28 (FKA .23) Every open-sided floor or platform 4 feet or more above adjacent floor or ground level shall be guarded by a standard railing (or the equivalent as specified in paragraph (e)(3) of this section) on all open sides except where there is entrance to a ramp, stairway, or fixed ladder. The railing shall be provided with a toe board wherever, beneath the open sides. ***Areas above shops or mezzanines in the apparatus bay area, converted for storage or an office, that were not designed for this use and do not have proper access or safety railings.*

1910.151 (c) Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use. *** Specifically when you have a battery charger or other things that can get into eyes you need an eye-wash station that supplies a minimum 15 minutes of flushing time that can be operated by the individual. A couple of 1 quart squeeze bottles do not comply.*

1910.120(q) Procedures for Emergency Response to Hazardous Substance Releases Written plan, training, de-con, etc.

5205.0675 (2) All overhead or sliding doors with sufficient weight or closing force to cause crushing injury to employees shall be provided with a constant pressure closing switch, safety edge, pressure relief mechanism, or three button control station meeting the specifications of Underwriters' Laboratories Standard UL 325 (1987) ***Most violations are for inoperable or absent electric eyes and/or safety edges that would cause doors to reverse if a person was in the way.*

1910.304(g) Grounding of equipment; Washers, Dryers, Refrigerator, etc.

1910.305 (d) (1) Switchboards with exposed live parts. Switchboards that have any exposed live parts shall be located in permanently dry locations and shall be accessible only to qualified persons. Exposed live (electrical) parts. ***Most violations written for open slots in a circuit panel box.*



1910.242 (b) Compressed air used for cleaning. Compressed air shall not be used for cleaning purposes except where reduced to less than 30 p.s.i. and then only with effective chip guarding and personal protective equipment. ***If you have an air spray nozzle in your shop the air pressure must be limited to 30psi.*

1910.037 (b) (2) Each exit must be clearly visible and marked by a sign reading "Exit."

1910.305 (g) (1) (iii) The flexible (electric) cord shall be equipped with an attachment plug and shall be energized from an approved receptacle outlet. ***Extension cords used for permanent wiring or in an unsafe manner.*

Minnesota OSHA has a Consultation service. They can help you assure a safety work environment and avoid OSHA violations. For more information, contact MNOSHA Workplace Safety Consultation via e-mail (OSHA.Consultation@state.mn.us) or phone (651) 284-5060, toll-free at 1-800-657-3776.

For more information contact Minnesota OSHA at:

Phone: (651) 284-5050 Toll-free: 1-800-470-OSHA (1-800-470-6742)



October 5, 2018

John Ehret EFO
Fire Service Specialist, East Region
Minnesota State Fire Marshal Division
445 Minnesota Street Suite 145
St. Paul, Minnesota 55101

Dear Mr. Ehret:

RE: Fire Department OSHA Questions

This is in response to your Occupational Safety and Health (OSHA) questions concerning fire departments. You asked the following:

1. How often do I need to replace Structural Turnout gear?

Answer:

There is no hard and fast answer to this as it depends on multiple factors that are going to vary from garment to garment and person to person. NFPA 1851 Chapter 10 states that fire fighting ensembles and ensemble elements shall be retired no more than 10 years from the date it was manufactured and the radiant reflective outer shell shall be replaced at a maximum of 5 years. However, exposure to heat, fire, chemicals, ultra violet light and other elements may require gear to be replaced more frequently. Additionally, care and maintenance of the garments will also play a factor as garments that have not been cleaned properly will breakdown and deteriorate more readily.

(See NFPA 1851 for a more detailed explanation of the requirements and exceptions related to the above)

2. What makes up Structural Turnout gear?

ANSWER:

According to NFPA 1851 3.3.93: Structural Fire Fighting Protective Ensemble is defined as: Multiple elements of compliant protective clothing and equipment that when worn together provide protection from some risks, but not all risks, of emergency incident operations.

ANNEX A of NFPA 1851 further clarifies the above by including the following: A.3.3.93 Structural Fire Fighting Protective Ensemble. A structural fire fighting protective ensemble includes, but is not limited to, garments, helmets, hoods, gloves, and footwear.

3. Can a firefighter that will not be making an entry into a structure fire wear gear that is beyond the gear life expectancy?

Answer:

According to NFPA 1851 10.2 Disposition of Retired Elements: Retired structural fire fighting ensembles and ensemble elements and proximity fire fighting ensembles and ensemble elements shall be destroyed or disposed of in a manner ensuring that they will not be used in any fire fighting or emergency activities, including live fire training.

10.2.2 of the standard states that they shall be permitted to be used as follows:

- (1) For training that does not involve live fire, provided the ensembles and ensemble elements are appropriately marked as being for non-live fire training only
- (2) As determined by the organization



(See NFPA 1851 for a more detailed explanation of the requirements and exceptions related to the above)

4. I think we understand the relationship between OSHA and NFPA, but it would be helpful to formally understand the relationship and connection. How does OSHA relate with NFPA and gain authority to cite based on an NFPA standard/recommendation?

Answer:

MN OSHA gains its authority to propose citations based on the NFPA standards through the General Duty Clause:

MN OSHA enforces the General Duty Clause through Chapter 182.653 Subd. 2. of the MN Statutes. This Statute requires that each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees. See Minnesota Statutes 182.653 Rights and Duties of Employers for further details.

An OSHA letter of interpretation dated 12/18/03 reads as follows:

"Employers can be cited for violations of the General Duty Clause if a recognized hazard exists in their workplace and the employer does not take steps to prevent or abate the hazard. The General Duty Clause is used only where there is no standard that applies to the particular hazard. The following elements are necessary to prove a violation of the General Duty Clause:

- The employer failed to keep the workplace free of a hazard to which employees of that employer were exposed;
- The hazard was recognized;
- The hazard was causing or was likely to cause death or serious physical harm; and
- There was a feasible ... method to correct the hazard."

Therefore, if NFPA lists out requirements and/or guidelines in its standards that are designed to protect employees from recognized hazards MN OSHA has the authority to cite the employer under the General Duty Clause if no other OSHA standard covering that hazard exists. MN OSHA will then refer to the applicable sections of the NFPA when proposing their citations to show the hazard was recognized and to show there is a feasible and effective method to correct the hazard.

(Refer to the General Duty Clause and Letter of Interpretation referenced for further details)

Thank you for your interest in occupational safety and health.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Isakson', written over a white background.

Jeff Isakson, Supervisor
MNOSHA Compliance

CC: James Krueger