

## **BILL ANALYSIS**

Senate Research Center

C.S.S.B. 382  
By: Gallegos  
Intergovernmental Relations  
4/19/2001  
Committee Report (Substituted)

### **DIGEST AND PURPOSE**

This bill has been filed in response to a task force report on fire safety completed after a tragic incident in Fort Worth, Texas, in which several fire fighters lost their lives. C.S.S.B. 382 sets in place various safety standards that comply with the safety standards set by the National Fire Protection Association (NFPA).

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 419.021, Government Code, to define “aircraft rescue and fire protection personnel” rather than “aircraft fire fighting and rescue fire protection personnel.” Redefines “fire protection personnel.” Redefines “protective clothing.” Defines “structure fire protection personnel.”

SECTION 2. Amends Section 419.040, Government Code, to require a fire department to purchase, provide, and maintain a complete ensemble of appropriate protective clothing for each of its fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. Deletes language requiring a local government agency providing fire protection to provide and maintain protective clothing for fire protection personnel or providing allowances to such personnel to cover the purchase and maintenance of protective clothing.

(b) Requires protective clothing to be suitable for the task that the individual is expected to perform and to comply with the minimum standards of the National Fire Protection Association (NFPA) or its successor. Makes a conforming change by deleting language regarding standards applicable to an item of clothing when the agency contracts for the item and continuing or discontinuing the use of clothing in use or contracted for before a change in a standard.

(c) Requires the fire department to develop and maintain a standard operating procedure covering the proper use, selection, care, and maintenance of all its protective clothing.

SECTION 3. Amends Section 419.041, Government Code, as follows: (a) Makes conforming changes regarding self-contained breathing apparatus.

(b) Makes a conforming change regarding self-contained breathing apparatus. Deletes language requiring the agency, at least once in each 30 day period, to test each self contained breathing apparatus used in the agency according to the testing procedures included in a nationally recognized standard approved by the Texas Commission on Fire Protection (commission) for self-contained breathing apparatus.

(c) Makes a conforming change regarding self-contained breathing apparatus. Makes a conforming change by deleting language regarding the testing of samples of compressed air used to refill self contained breathing apparatus used by fire protection personnel. Deletes language regarding the inclusion of testing of the percentages of certain components in the compressed breathing air.

(d) Requires a fire department to require that each self-contained breathing apparatus used by the department be inspected at least monthly in a manner that complies with the minimum standards of NFPA or its successor.

(e) Requires a department to require that each self-contained breathing apparatus used by the department be tested annually for overall condition and proper functioning. Makes a conforming change.

(f) Requires a fire department that uses self-contained breathing apparatus to have samples of the breathing air used to refill the cylinders of the self-contained breathing apparatus tested at least every six months by a competent testing laboratory that has equipment designed to test compressed breathing air. Makes a conforming change regarding the quality of the compressed breathing air and the laboratory conducting the tests.

SECTION 4. Amends 419.042, Government Code, to make conforming changes regarding personal alert safety systems. Deletes language requiring the commission to enforce Sections 419.040 and 419.041, Government Code, and authorizing the commission to adopt minimum standards consistent with those sections for protective clothing and self contained breathing apparatus for fire protection personnel.

SECTION 5. Amends Chapter 419B, Government Code, by adding Section 419.043, as follows:

Sec. 419.043. **APPLICABLE NATIONAL FIRE PROTECTION ASSOCIATION STANDARD.** Provides that the NFPA standard applicable to protective clothing, self-contained breathing apparatus, or personal alert safety systems is the standard in effect when the agency contracts to purchase the item. Authorizes an agency to continue to use an item that was in use or contracted for before a change in a standard unless the commission determines that the continued use constitutes an undue risk to the wearer, in which case the commission is required to order the use be discontinued and set an appropriate date for compliance with the revised standard.

SECTION 6. Amends Chapter 419B, Government Code, by adding Section 419.044, as follows:

Sec. 419.044. **INCIDENT MANAGEMENT SYSTEM.** Requires a fire department to develop and maintain an incident management system that includes a written standard operating procedure for the management of emergency incidents. Requires the system to require that operations be conducted in a manner that recognizes hazards and prevents accidents and injuries. Requires a fire department to require that all fire protection personnel be trained in and to use the incident management system. Requires the system to also be applied to all drills, exercises, and other situations that involve hazards similar to those encountered at actual emergency incidents. Makes a conforming change.

SECTION 7. Amends Chapter 419B, Government Code, by adding Section 419.045, as follows:

Sec. 419.045. **PERSONNEL ACCOUNTABILITY SYSTEM.** Makes conforming changes regarding a standard operating procedure for personnel accountability. Requires the system to provide a rapid accounting of all personnel at an emergency incident. Requires the fire department, if the NFPA standard applicable to personnel accountability systems is revised, to

comply with the new standard within one year from the effective date of the new standard.

SECTION 8. Amends Chapter 419B, Government Code, by adding Section 419.046, as follows:

Sec. 419.046. FIRE PROTECTION PERSONNEL OPERATING AT EMERGENCY INCIDENTS. Makes conforming changes regarding a standard operating procedure covering fire protection personnel operating at emergency incidents. Requires that the procedure specify an adequate number of personnel to safely conduct emergency scene operations. Requires the procedure to limit operations to those that can be safely performed by the personnel available at the scene. Authorizes the minimum standards established by the NFPA or its successor for operating procedures for fire protection personnel operating at an emergency incident to be used as a guideline for fire departments when developing standard operating procedures. Requires the standard operating procedures for structure fires to comply with the Occupational Safety and Health Administration's Final Rule, 29 Code of Federal Regulations, Section 1910.134(g)(4), Procedures for interior structural fire fighting of July 1, 1998.

SECTION 9. Amends Chapter 419B, Government Code, by adding Section 419.047 as follows:

Sec. 419.047. COMMISSION ENFORCEMENT. Requires the commission to enforce Sections 419.040, 419.041, 419.042, 419.043, 419.044, 419.045, 419.046, and 419.047. Authorizes the commission to adopt minimum standards consistent with those sections for protective clothing, self-contained breathing apparatus, personal alert safety systems, incident management systems, personnel accountability systems, fire protection personnel operating at emergency incidents and applicable NFPA standards for fire protection personnel.

SECTION 10. Effective date: September 1, 2001.

#### **SUMMARY OF COMMITTEE CHANGES**

Amends As Filed S.B. 382 as follows:

SECTIONS 1 - 7. No change.

SECTION 8. Amends Chapter 419B, proposed new Section 419.046, Government Code, to omit text requiring the standard operating procedure for fire protection personnel operating at an emergency incident to comply with the minimum standards established by the NFPA or its successor. Authorizes the minimum standards established by the NFPA or its successor for operating procedures for fire protection personnel operating at an emergency incident to be used as a guideline for fire departments when developing standard operating procedures. Requires the standard operating procedures for structure fires to comply with the Occupational Safety and Health Administration's Final Rule, 29 Code of Federal Regulations, Section 1910.134(g)(4), Procedures for interior structural fire fighting of July 1, 1998.

SECTIONS 9 - 10. No change.