

MEMORANDUM

Substitute
Agenda Item No. 11(A)(4)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

DATE: July 24, 2018

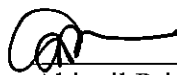
FROM: Abigail Price-Williams
County Attorney

SUBJECT: Resolution urging the National Fire Protection Association to review and amend Standard 1851 to provide that the service life of fire protective clothing is based on objective technical specifications that correlate to the capacity of the equipment to protect firefighters during its intended use, not manufacture date; and, alternatively, urging the United States Congress to direct the National Institute for Occupational Safety and Health to expedite research on the service life of fire protective clothing and objective technical specifications that correlate to the capacity of such clothing to protect firefighters during its intended use

Resolution No. R-794-18

This substitute differs from the original version in that it urges the United States Congress to direct the National Institute for Occupational Safety and Health to expedite research on the service life of fire protective clothing and objective technical specifications that correlate to the capacity of such clothing to protect firefighters during its intended use instead of enacting legislation. This change is also reflected in the title. The substitute also recognizes that the National Association of Counties recently adopted a resolution urging Congress to support efforts to correlate the service life of fire protective clothing with the integrity and capacity of the gear to protect firefighters.

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Abigail Price-Williams
County Attorney

APW/smm




MEMORANDUM

(Revised)

TO: Honorable Chairman Esteban L. Bovo, Jr.
and Members, Board of County Commissioners

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Abigail Price-Williams
County Attorney

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Please note any items checked.

- "3-Day Rule" for committees applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Statement of social equity required
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Agenda Item No. 11(A)(4)
7-24-18

RESOLUTION NO. R-794-18

RESOLUTION URGING THE NATIONAL FIRE PROTECTION ASSOCIATION TO REVIEW AND AMEND STANDARD 1851 TO PROVIDE THAT THE SERVICE LIFE OF FIRE PROTECTIVE CLOTHING IS BASED ON OBJECTIVE TECHNICAL SPECIFICATIONS THAT CORRELATE TO THE CAPACITY OF THE EQUIPMENT TO PROTECT FIREFIGHTERS DURING ITS INTENDED USE, NOT MANUFACTURE DATE; AND, ALTERNATIVELY, URGING THE UNITED STATES CONGRESS TO DIRECT THE NATIONAL INSTITUTE FOR OCCUPATIONAL SAFETY AND HEALTH TO EXPEDITE RESEARCH ON THE SERVICE LIFE OF FIRE PROTECTIVE CLOTHING AND OBJECTIVE TECHNICAL SPECIFICATIONS THAT CORRELATE TO THE CAPACITY OF SUCH CLOTHING TO PROTECT FIREFIGHTERS DURING ITS INTENDED USE

WHEREAS, the National Fire Protection Association (“NFPA”) Standard 1851 pertains to the service life of firefighting personal protective equipment, which includes helmets, boots, coats and pants (“fire protective clothing” or “bunker gear”); and

WHEREAS, NFPA 1851 requires retirement of all fire protective clothing no later than ~~ten~~^{>>10<<} years from its manufacture date, except for proximity shells, which must be retired five years from the date of manufacture; and

¹ The differences between the substitute and the original item are indicated as follows: Words stricken through and/or ~~double bracketed~~ shall be deleted, words underscored and/or >>double arrowed<< are added.

WHEREAS, specifically, NFPA Standard 1851 requires retirement of fire protective clothing based on the manufacture date and without consideration of: (1) actual use; (2) adherence to cleaning, service or storage protocols; (3) compliance with applicable specifications; (4) whether the integrity of such clothing has been compromised; or (5) if the bunker gear continues to meet applicable specifications for safe use; and

WHEREAS, the practice of retiring structurally competent fire protective clothing, solely on the grounds of manufacture date, is inefficient and fiscally unsound; and

WHEREAS, nonetheless, as a direct result of NFPA Standard 1851 and in an effort to avoid perceived liability for noncompliance with the Standard and resulting litigation, some fire departments declare countless sets of bunker gear obsolete, some of which had never been worn or were only lightly used; and

WHEREAS, additionally, because of the mandatory retirement date, fire departments are prohibited from donating new fire protective clothing to volunteer fire departments or other local governments within the United States if the retirement date for such clothing has expired; and

WHEREAS, in lieu of the ten-year retirement requirement promulgated in NFPA Standard 1851, annual inspections to evaluate the condition of fire protective clothing and whether said clothing complies with technical specifications for use should determine whether a department can retain or must dispose of such equipment; and

>>WHEREAS, on July 16, 2018, the National Association of Counties' ("NACo") Board of Directors adopted a resolution urging Congress to support efforts to correlate the service life of bunker gear with the integrity and capacity of such gear to protect firefighters; and<<

WHEREAS, this Board encourages the development of standards that regulate fire protective clothing, which link the service life of fire protective clothing to the integrity of the clothing and the clothing's ability to meet all technical specifications for use and to protect fire fighters in service,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges the National Fire Protection Association to review and amend Standard 1851 to provide that the service life of fire protective clothing is based on objective technical specifications that correlate to the capacity of the equipment to protect firefighters during its intended use, not manufacture date.

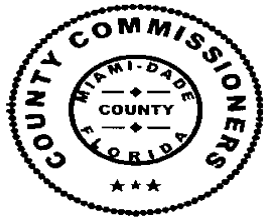
Section 2. Alternatively, urges the United States Congress to >>direct the National Institute for Occupational Safety and Health to expedite research on<< ~~[[enact legislation that governs]]~~ the service life of fire protective clothing and ~~[[uses]]~~ objective technical specifications that correlate to the capacity of such clothing to protect firefighters during its intended use~~[[, if the National Fire Protection Association fails to amend Standard 1851 before July 30, 2019]]~~.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation, the Chair and members of the Congressional Fire Services Caucus and the Chair and President/CEO of the National Fire Protection Association.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner **Dennis C. Moss**, who moved its adoption. The motion was seconded by Commissioner **Barbara J. Jordan** and upon being put to a vote, the vote was as follows:

Esteban L. Bovo, Jr., Chairman	aye		
Audrey M. Edmonson, Vice Chairwoman	absent		
Daniella Levine Cava	aye	Jose "Pepe" Diaz	aye
Sally A. Heyman	aye	Eileen Higgins	aye
Barbara J. Jordan	aye	Joe A. Martinez	aye
Jean Monestime	aye	Dennis C. Moss	aye
Rebeca Sosa	aye	Sen. Javier D. Souto	aye
Xavier L. Suarez	aye		

The Chairperson thereupon declared the resolution duly passed and adopted this 24th day of July, 2018. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this Resolution and the filing of this approval with the Clerk of the Board.



MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

Christopher Agrippa

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in black ink, appearing to be "SG", is written over the text of the County Attorney's approval.

Shanika A. Graves