

MEMORANDUM

Agenda Item No. 11(A)(18)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the United States Congress to urge the National Fire Protection Association to reevaluate and amend NFPA Standards 1851 and 1852 to align the service life of fire protective clothing with objective technical specifications that correlate to the actual capacity of the equipment to protect firefighters during its intended use, rather than merely the date of manufacture; urging the National Fire Protection Association to reevaluate and amend NFPA Standards 1851 and 1852 to do the same

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



Geri Bonzon-Keenan
County Attorney

GBK/smm



MEMORANDUM
(Revised)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: December 1, 2021

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

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 present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(18)
12-1-21

RESOLUTION NO. _____

RESOLUTION URGING THE UNITED STATES CONGRESS TO URGE THE NATIONAL FIRE PROTECTION ASSOCIATION TO REEVALUATE AND AMEND NFPA STANDARDS 1851 AND 1852 TO ALIGN THE SERVICE LIFE OF FIRE PROTECTIVE CLOTHING WITH OBJECTIVE TECHNICAL SPECIFICATIONS THAT CORRELATE TO THE ACTUAL CAPACITY OF THE EQUIPMENT TO PROTECT FIREFIGHTERS DURING ITS INTENDED USE, RATHER THAN MERELY THE DATE OF MANUFACTURE; URGING THE NATIONAL FIRE PROTECTION ASSOCIATION TO REEVALUATE AND AMEND NFPA STANDARDS 1851 AND 1852 TO DO THE SAME

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

WHEREAS, NFPA Standard 1851 requires that all fire protective clothing be retired no later than 10 years from the manufacture date, except for proximity shells, which must be retired five years from the manufacture date, without regard to any objective technical specifications concerning the actual integrity and capacity of such clothing to protect firefighters; and

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 technical specifications; (4) whether the integrity of such clothing has been compromised; or (5) if such clothing continues to meet applicable technical specifications for safe use; and

WHEREAS, as this Board has stated before in Resolution No. R-794-18, the practice of retiring structurally competent fire protective clothing solely on the grounds of manufacture date is inefficient and fiscally unsound; and

WHEREAS, as a direct result of NFPA Standard 1851 and to avoid liability for noncompliance and resulting litigation, some fire departments are compelled to declare countless sets of bunker gear obsolete, oftentimes with such gear having minimal prior use or even no prior use at all; 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 mandatory retirement dates promulgated in NFPA Standard 1851, the determination as to whether fire protective clothing must be retired should be based on annual inspections that evaluate the actual condition of such equipment and whether the equipment complies with objective technical specifications for use; and

WHEREAS, on July 16, 2018, the National Association of Counties (“NACo”) adopted resolutions urging the United States Congress (“Congress”) to support efforts to link the service life of bunker gear with the actual integrity and capacity of such gear to protect firefighters, and also to expedite a proposed data collection project by the National Institute for Occupational Safety and Health (“NIOSH”) titled *Evidence to Inform Standards that Ensure Turnout Gear Remains Protective Throughout Its Lifecycle*—the results of which NACo anticipates could inform potential amendments to NFPA Standard 1851 by the NFPA; and

WHEREAS, shortly thereafter, on July 24, 2018, this Board adopted Resolution No. R-794-18, (a) urging the NFPA to review and amend NFPA Standard 1851 such that the service life

of bunker gear is based on objective technical specifications that correlate to the actual capacity of the equipment to protect firefighters during its intended use rather than the manufacture date, or alternatively, (b) urging Congress to direct NIOSH to expedite research on this specific issue; and

WHEREAS, to date, however, the standards promulgated in NFPA Standard 1851 remain unchanged; and

WHEREAS, in April of 2019, the NFPA approved a plan to implement a five-year consolidation project for its various standards whereby, among other consolidations, NFPA Standard 1851 would eventually be consolidated with NFPA Standard 1852, which pertains to the selection, care, and maintenance of self-contained breathing apparatus used for respiratory protection during emergency operations, as a new all-inclusive NFPA Standard 1850; and

WHEREAS, the consolidation of NFPA Standards 1851 and 1852 could present an opportunity for the NFPA to make substantive changes to the standards set forth therein; and

WHEREAS, this Board remains committed to encouraging the development of standards regulating bunker gear that link the service life of such equipment to its actual integrity and capacity to meet objective technical specifications for use and the protection of firefighters 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 United States Congress to urge the National Fire Protection Association to reevaluate and amend NFPA Standards 1851 and 1852 (or create a new NFPA Standard 1850 as appropriate) to align the service life of fire protective clothing with objective technical specifications that correlate to the actual capacity of the equipment to protect firefighters during its intended use, rather than merely the date of manufacture.

Section 2. Urges the National Fire Protection Association to reevaluate and amend NFPA Standards 1851 and 1852 (or create a new NFPA Standard 1850 as appropriate) to align the service life of fire protective clothing with objective technical specifications that correlate to the actual capacity of the equipment to protect firefighters during its intended use, rather than merely the date of manufacture.

Section 3. Directs the Clerk of the Board to transmit certified copies 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.

Section 4. Directs the County’s federal lobbyists to advocate for the actions set forth in sections 1 and 2 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 Federal Legislative Package to include this item and to include this item in the 2022 Federal Legislative Package when it is presented to the Board.

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

Jose “Pepe” Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 1st day of December, 2021. 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

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

KMB

Keoki M. Baron