



New York State Professional Fire Fighters Association, Inc.

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April 4, 2011

RE: AN ACT to amend the labor law, in relation to requiring employers to provide safety ropes and system components to firefighters; and to repeal paragraph e of subdivision 1 of section 27-a of the labor law relating to the definition of system components.

S. 2600 (Grisanti)

A. 2949 (Gabryszak)

2011-12 Legislative Session

MEMORANDUM IN OPPOSITION

Submitted on behalf of the New York State Professional Firefighters Association

The New York State Professional Firefighters Association strongly opposes enactment of this bill which would dangerously reduce the quality of safety equipment employers of New York State Firefighters are required to provide for fire suppression activities at above grade floors during structure fires.

Background

On January 23, 2005, six (6) New York City Firefighters were caught on the fourth floor of a burning building in the Bronx. Due to the requirements in 2005, these firefighters were not equipped with safety ropes and accompanying equipment. All six men were forced to jump from the building, resulting in serious injury to four and the death of two. This incident has become commonly referred to as "Black Sunday" in the firefighting community. In response to the Black Sunday incident, the Legislature enacted Chapter 433 of the Laws of 2008 ("Chapter 433"), which required, among other things, that the Commissioner of the Department of Labor (the "Commissioner") promulgate regulations to adopt the codes, standards, and recommended practices promulgated by the "most

recent" edition (i.e., the 2006 edition) of the National Fire Protection Association ("NFPA") 1983 Standard on Fire Service Life Safety Rope And System Components.

This Bill would reduce the quality of safety equipment used by New York State firefighters .

As a result of Chapter 433, the Commissioner promulgated regulations which specifically addressed the standard equipment to be provided to firefighters by their employer for use during a self-rescue escape from above grade (multiple floor buildings) fires. These regulations included the provision of safety ropes and system components as described by the NFPA. Inexplicably, this bill seeks to relax these requirements in favor of allowing those who employ firefighters to determine what "equipment and procedures" are necessary and not the NFPA. For example, supporters of this proposal have contended that it is an accepted practice for a firefighter to carry a Halligan bar (also called a Halligan tool) into a building and use it for a self-rescue escape. It should be noted that while a rope can be tied to a Halligan bar and wedged into certain structures to make a self-rescue escape, it is not the Halligan bar's primary function. Under the provisions of this bill, employers would have the authority to limit a firefighter's self-rescue equipment to a Halligan bar. Therefore, firefighters would be deprived of the more advanced safety ropes and system components prescribed in the NFPA.

This bill is a veiled attempt by Volunteer Firefighters to water down the existing requirements of Chapter 433 which are essential to the protection of Professional Firefighters across the state.

While the provision of safety ropes and system components are essential to professional firefighters who routinely fight fires in multiple story buildings, many volunteer firefighters inappropriately view these safety devices as unnecessary and therefore seek to relax the requirements of Chapter 433. Specifically, the sponsors of this proposal state:

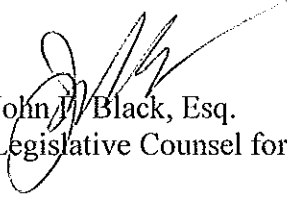
Some companies believe they have better products than the ropes and being required to have them is a waste of limited money that could be put to better use.

With all due respect to volunteer firefighters and the sponsors of this legislation, providing the proper NFPA prescribed safety tools which protect the lives of our New York State firefighters is not a waste of money. Moreover, the NYSPFFA is hard pressed to find a better use for such funds as contended by the Volunteer Firefighters.

In addition, while the sponsors' memoranda states that the purpose of this bill is to exempt volunteer fire districts from safety rope requirements, as drafted; this exemption would apply to both volunteer and professional fire districts. As such, if enacted, this proposal would allow employers, without mention of any level of qualification, to develop and implement firefighter safety requirements as opposed to the current requirements which delineate compliance with the NFPA. As such, the policies driving this legislation are substantially misguided.

In order to properly ensure the safety of New York State's Firefighters, we strongly oppose passage of this bill.

Respectfully submitted,



John J. Black, Esq.

Legislative Counsel for the New York State Professional Firefighters Association