

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Scott Walker, Governor
Laura Gutiérrez, Secretary

NOTICE OF VIOLATIONS AND ORDERS

December 18, 2018

CUST ID No.: 1021567 TRANSACTION No.: 3180247
Phone: (608)296-1314 (Town Clerk)

JIM JOHNSON
TOWNSHIP OF WESTFIELD
PO BOX 157
WESTFIELD, WI 53964

Site ID No.: 712538 Township of Westfield Fire Department
SITE ADDRESS: W7703 Ember Ave
Marquette County, Town of Westfield
Site Contact: James Johnson
Contact Phone: 608-296-2085

0005994

Regulated Objects:

Nature of Complaint Summary: Fire Department not in compliance with SPS 330
Object Type: Complaint Regulated Object ID No.: 1804043 (17 COM 210)
Last Inspection Date: September 26, 2018

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site.

The following violations were revealed:

1. Violation: The Town of Westfield Fire Department did not have an established Occupational Safety and Health Committee.

Wis. Admin. Code § SPS 330.05: Occupational safety and health committee. (1) Every fire department shall establish an occupational safety and health committee which shall advise the chief of the fire department on issues related to the program. The committee shall include representatives of fire department management and fire fighters or representatives of fire fighter organizations or other persons. Any representatives of a fire service organization. The chief of the fire department shall appoint the other members of the committee. The committee appointed under Sub. (1) shall: (a) Conduct research, develop recommendations and study and review matters pertaining to the program: and (b) hold regularly scheduled meetings at least biannually and may hold special meetings as it determines necessary. The committee shall make a written record of its meetings available to all fire fighters in the fire department.

Suggested Action: Establish an Occupational Safety and Health Committee. Ensure that the committee meets all requirements specified in this section.

2. Violation: The Town of Westfield Fire Department does not have a verified a workplace hazard assessment through written certification. The Fire Department did not have a maintenance and inspection program for protective clothing and equipment. The Fire Department did not have documented personal protective equipment training for staff.

Wis. Admin. Code § SPS 330.11: Protective clothing and equipment. (1) Every fire department shall:

(c) Fully train every fire fighter in the care, use, inspection, maintenance and limitations of the protective clothing and protective equipment assigned to them or available for their use.

(d) Use and maintain protective clothing and protective equipment according to the instructions of the manufacturer.

(e) Establish a maintenance and inspection program for protective clothing and protective equipment, assigning specific responsibilities for inspection and maintenance.

NFPA § 1910.132(d)(2) The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the date(s) of the hazard assessment; and, which identifies the document as a certification of hazard assessment.

NFPA § 1910.132(f)(1) The employer shall provide training to each employee who is required by this section to use Personal Protective Equipment (PPE). Each such employee shall be trained to know at least the following:

- (i) When PPE is necessary;
- (ii) What PPE is necessary;
- (iii) How to properly don, doff, adjust, and wear PPE;
- (iv) The limitations of the PPE; and,
- (v) The proper care, maintenance, useful life and disposal of the PPE.

NFPA § 1910.132(f)(4) The employer shall verify that each affected employee has received and understood the required training through a written certification that contains the name of each employee trained, the date(s) of the training, and that identifies the subject of the certification.

Suggested Action: Complete a workplace hazard assessment. Complete a maintenance and inspection program. Complete documentation of protective clothing and equipment training and requirements with staff.

3. Violation: The Town of Westfield Fire Department did not have an Exposure Control Plan.

NFPA § 1910.1030(c)(1)(i) Each employer having employees with occupational exposure as defined by paragraph (b) (1910.1030 (b) Occupational Exposure means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties.) of this section shall establish a written Exposure Control Plan designed to eliminate or minimize employee exposure. 1910.1030(c)(1)(iv) The Exposure Control Plan shall be reviewed and updated at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposure and to reflect new or revised employee positions with occupational exposure.

Suggested Action: Develop an Exposure Control Plan and complete annual review.

4. Violation: Bloodborne Pathogens training was not completed for firefighters/first responders with potential exposures.

NFPA § 1910.1030(g)(2)(iv): Annual (bloodborne pathogen) training for all employees shall be provided within one year of their previous training. 1910.1030(g)(2)(viii) The person conducting the training shall be knowledgeable in the subject matter covered by the elements contained in the training program as it relates to the workplace that the training will address. 1910.1030(h)(2) Training Records. Training records shall include the following information:

- a) The dates of the training sessions;
- b) The contents or a summary of the training sessions;
- c) The names and qualifications of persons conducting the training; and
- d) The names and job titles of all persons attending the training sessions.

Suggested Action: Complete Bloodborne Pathogen training for required staff.

5. Violation: The Town of Westfield Fire Department did not have a Respiratory protection program.

Wis. Admin. Code § SPS 330.12 Self-contained breathing apparatus. (1) Every fire department shall: (c) Adopt and maintain a respiratory protection program that satisfies the requirements of s. 29 CFR 1910.134 as adopted by reference in Ch. SPS 332.

NFPA § 1910.134(c)(1) In any workplace where respirators are necessary to protect the health of the employee or whenever respirators are required by the employer, the employer shall establish and implement a written respiratory protection program with worksite-specific procedures. The program shall be updated as necessary to reflect those changes in workplace conditions that affect respirator use. The employer shall include in the program the following provisions of this section, as applicable:

- (i) Procedures for selecting respirators for use in the workplace;
- (ii) Medical evaluations of employees required to use respirators;
- (iii) Fit testing procedures for tight-fitting respirators;
- (iv) Procedures for proper use of respirators in routine and reasonably foreseeable emergency situations;
- (v) Procedures and schedules for cleaning, disinfecting, storing, inspecting, repairing, discarding, and otherwise maintaining respirators;
- (vi) Procedures to ensure adequate air quality, quantity, and flow of breathing air for atmosphere-supplying respirators;
- (vii) Training of employees in the respiratory hazards to which they are potentially exposed during routine and emergency situations;
- (viii) Training of employees in the proper use of respirators, including putting on and removing them, any limitations on their use, and their maintenance; and
- (ix) Procedures for regularly evaluating the effectiveness of the program.

Suggested Action: Complete a respiratory protection program which meets the code requirements. Ensure that firefighters are trained in the proper use of respirators. Ensure that medical evaluations are completed prior to initial fit testing. Ensure that proper maintenance and inspections are being completed on self-contained breathing apparatus's (SCBAs).

6. Violation: The Town of Westfield Fire Department only provided two monthly training records for the 2018 year and eight records for the 2017 year. In several instances there was no indication or evidence to suggest that the training was provided by someone who was qualified. There was no documentation or indication that the training was consistent with established fire ground operating procedures as the department did not provide a copy of their written guidelines for incident command or emergency scene operations.

Wis. Admin. Code § SPS 330.07 Training and education.

(1) Every fire department shall:

(a) Establish and maintain a training and education program for fire fighters to prevent occupational accidents, deaths, injuries and illnesses.

(b) Provide training and education that does all of the following:

1. Prepares a fire fighter to safely perform his or her duties.
2. Prepares a fire fighter for any change in a procedure or technology or for any new hazard identified in his or her work environment.
3. Prepares a new fire fighter whose duties include emergency operations to perform emergency operations. The training under this subdivision shall include training in the incident command system under s. SPS 330.14 (1) (b).
4. Gives a fire fighter whose duties include structural firefighting training consistent with established fire ground operating procedures. The training under this subdivision shall be at least monthly, shall be based on each fire department's suggested operating guidelines which are maintained in written form and which address all emergency scene operations, and shall be supervised by qualified instructors. Note: A qualified instructor can be anyone who is knowledgeable in the topic, and necessarily an instructor from the Wisconsin technical college system.
5. Prepares a fire fighter for special hazards to which he or she may be exposed during fires and other emergencies. The procedures for actions to address special hazards shall be in writing.

(2)

- (a) All training and education under sub. (1) shall be provided by individuals who are qualified to teach the subject they are teaching.
- (b) The training shall be overseen by the fire chief or a designee who has completed at least the 12-hour National Fire Academy Field Course for Instructional Techniques for Company Officers or equivalent.
- (3) A fire department shall provide the training required under sub. (1) (b) 1. and 2. biannually or more often, if necessary. (See above)
- (4) Any training of fire fighters which includes live firefighting exercises shall be conducted in compliance with NFPA 1403.
- (5) A training program for any fire fighter engaged in fire ground operations shall include procedures to effect his or her safe exit from a dangerous area if equipment fails or fire conditions change suddenly.

Suggested Action: Ensure that training meets the requirements of SPS 330.07. Ensure that training documentation identifies the instructor and that training is consistent with written guidelines.

7. Violation: The Town of Westfield Fire Department did not have an incident command system written guideline. The Fire Department had not conducted training related to any incident command system written guidelines. (A few firefighters have completed NIMS 100/700.)

Wis. Admin. Code § SPS 330.14(1)(b) Establish an incident command system which has written guidelines applying to all fire fighters involved in emergency operations and which identifies fire fighter roles and responsibilities relating to the safety of operations. (c) Train fire fighters involved in emergency operations in the incident command system established under par. (b) and assign safety responsibilities to supervisory personnel at each level of operations.

Suggested Action: Establish incident command written guidelines. Ensure that all staff are trained on the developed incident command system written guideline.

8. Violation: The Town of Westfield Fire Department did not have an emergency operations procedure relating to hazardous materials. The department calls for mutual aid assistance.

Wis. Admin. Code § SPS 330.20 Hazardous materials. Fire departments engaged in emergency operations relating to hazardous materials shall comply with s. 29 CFR 1910.120 as adopted by reference in ch. SPS 332.

Suggested Action: Develop, implement and document an emergency operations procedure relating to hazardous materials according to 29 CFR 1910.120.

9. Violation: The Town of Westfield Fire Department did not have a policy stating whether or not they will assist with trench rescues. The department calls for mutual aid assistance.

Wis. Admin. Code § SPS 330.23 Miscellaneous hazardous situations. Fire departments engaged in miscellaneous emergency operations and hazardous situations such as, but not limited to, structural collapse rescue, elevator rescue, trench rescue and terrorism responses shall comply with s. SPS 330.14, and with s. 29 CFR 1910.132 and any other applicable standard in 29 CFR 1910 and 29 CFR 1926, as adopted by reference in ch. SPS 332.

Suggested Action: Ensure that if performing or assisting with trench rescue, staff will be properly protected. The department may also choose not to allow staff to perform trench rescue and to call for specialized assistance to handle such incidents. In such event, a “no entry” policy should be created to prevent staff from performing trench rescue without the proper training and equipment.

10. Violation: The Town of Westfield Fire Department did not have a policy stating whether or not they will assist with permit required confined space entry and rescues.

Wis. Admin. Code § SPS 330.23 Miscellaneous hazardous situations. Fire departments engaged in miscellaneous emergency operations and hazardous situations such as, but not limited to, structural collapse rescue, elevator rescue, trench rescue and terrorism responses shall comply with s. SPS 330.14, and with s. 29 CFR 1910.132 and any other applicable standard in 29 CFR 1910 and 29 CFR 1926, as adopted by reference in ch. SPS 332.

Suggested Action: If the Town of Westfield Fire Department is going to perform permit-required confined-space entries, the department must establish a confined-space written program and complete regular confined-space training that relates to the types of confined spaces the department has in their area. The Fire Department may also choose not to allow staff to enter permit-required confined spaces and to call for specialized assistance to handle such incidents that require permit-required confined-space entry. A “no entry” policy should be created to prevent staff from performing permit required confined space entries and rescue without the proper training and equipment.

11. Violation: The Town of Westfield Fire Department did not have a written policy for Firefighter Assistance Referral Program.

Wis. Admin. Code § SPS 330.16: Member Assistance Referral Program Every fire department shall establish and adopt a written policy statement for a fire fighters assistance referral program that identifies and assists fire fighters with alcohol or substance abuse, stress and personal problems adversely affecting their job performance. The assistance program shall refer fire fighters to health care services as appropriate for the recovery of their health and job performance abilities.

Suggested Action: Establish a written policy that will refer firefighters to proper health care services for any assistance that they may need for the recovery of their health and job performance abilities.

12. Violation: The Town of Westfield Fire Department could not provide evidence to suggest that all fire hose had been service tested.
*The Chief did indicate that they have tested fire hose.

Wis. Admin. Code § SPS 330.10(3): Test all equipment carried on fire apparatus or designated for training at least annually and according to the instructions and applicable standards of the manufacturer. (6) Inspect and service test all fire hose.

Suggested Action: Create and follow process to effectively document that all fire hoses have been service tested.

13. Violation: The Town of Westfield Fire Department had some SCBA bottles that had recently expired/exceeded 15-year service life date.

Wis. Admin. Code § SPS 330.12 (1)(f) Inspect, use, and maintain all self-contained breathing apparatus as recommended by the manufacturer.

Suggested Action: Do not use SCBA bottles that are not compliant with standards. Remove expired bottles from service.

14. Violation: There was no evidence to suggest that weekly tests were being on PASS alarms.

Wis. Admin. Code § SPS 330.13(1)(b) Test every personal alert safety system at least weekly and prior to each use.

Suggested Action: Perform and document required weekly tests for PASS alarms.

15. Violation: The Town of Westfield Fire Department designed/constructed/created three Army Truck Water Tenders (#185-approx 2012, #186-approx 2010, #187-approx 2006.) The apparatus had not gone through required testing and did not appear to have appropriate emergency lighting. One truck tank did not have baffles. The apparatuses were not in compliance with NFPA 1901-1999.

Wis. Admin. Code § SPS 330.09(1)(a) (a) Give substantial consideration to the health and safety of fire fighters in relation to the specification, design, construction, acquisition, operation, maintenance, inspection and repair of all vehicles and equipment.

Recommended: Review NFPA 1901-1999, Chapters: 2 General Requirements, 5 Mobile Water Supply Fire Apparatus, 10 Chassis and Vehicle Components, 11 Low-Voltage Electrical Systems and Warning Devices, 12 Driving and Crew Areas, 13 Body, Compartments, and Equipment Mounting, and 17 Water Tanks.


Suggested Action: Bring the apparatus' up to NFPA 1901-1999 standards and complete required testing.

You are hereby ordered to have the installation corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This installation shall be corrected by the compliance date noted, and upon correction of violations I must be notified. If you fail to comply, this order is enforceable in circuit court pursuant to Wis. Stat. § 101.02(13), Stats., with forfeitures ranging from \$10 to \$100 per day for each violation

If you have any questions regarding this matter, please feel free to contact me at the number listed below.

Wis. Admin. Code § SPS 303.03 Permits any person affected by a rule of the department to petition for a variance of the rule. The petition needs to establish equivalency to the rule, be provided on the form from the department and be submitted with accompanying fee and municipal recommendation.

Wis. Stat § 101.02(6)(e) stats. Any employer or other person interested either because of ownership in or occupation of any property affected by any such order, or otherwise, may petition for a hearing on the reasonableness of any order of the department in the manner provided in this subchapter. All petitions shall be received within 30 days of this Order. Such petition shall set out specifically and in full detail the order upon which a hearing is desired and every reason why such order is unreasonable, and every issue to be considered by the department on the hearing. The petitioner shall be deemed to have finally waived all objections to any irregularities and illegalities in the order upon which a hearing is sought other than those set forth in the petition.

INSPECTOR NAME: Matthew McCasland		INVESTIGATION DATE: 09/26/2018
PHONE/WORK HOURS: (608)266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE: 		INVESTIGATION SOURCE: Other
DATE: 12/18/18		COMPLIANCE DATE: 02/15/19
		Fee Required: (Invoice will be send Separately)
		PTO Expires:

cc: April A Hammond, Safety Inspector, (608) 225-6593, april.hammond@wisconsin.gov