

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

February 25, 2019

CUST ID No.: 1331913 TRANSACTION No.: 3219022
Phone: 608-624-3264

Site ID No.: 856643 Village of Soldiers Grove Fire Department
SITE ADDRESS: 104 Legion Drive
Crawford County, Village of Soldiers Grove
Site Contact: Roger Olson
Contact Phone: (608) 624-3264

SOLDIERS GROVE FIRE DEPARTMENT
PO BOX 121
SOLDIERS GROVE WI 54655

0006073

Regulated Objects:

Nature of Complaint Summary: FIRE DEPARTMENT DOES NOT COMPLY WITH SPS 330 AND 332
Object Type: Complaint Regulated Object ID No.: 1814338 (18 COM 192)
Last Inspection Date: December 21, 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 Soldiers Grove Fire Department did not have a designated Health and Safety Officer.

Wis. Admin. Code § SPS 330.03 Fire department health and safety officer. (1) ASSIGNMENT. (a) Each fire department shall have a health and safety officer. (b) The health and safety officer shall assist the fire chief in his or her responsibility for the safety and health of the fire fighter. (c) The health and safety officer shall report directly to the fire chief. (d) The health and safety officer position may be filled by a single individual or by several individuals as determined by need and at the discretion of the fire chief. When several individuals are assigned to the position, at least one should be a member of the occupational safety and health committee. The health and safety officer position may be staffed by an existing fire department member who performs other duties in addition to those set forth in this section.

Suggested Action: Designate a Health and Safety Officer.

2. **Violation:** The Soldiers Grove 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 fire chief 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 shall be selected by the fire fighter organization. The fire chief shall appoint the other members of the committee. (2) The committee appointed under sub. (1) shall do all of the following: (a) Conduct research, develop recommendations, and review matters pertaining to the program. (b) Hold regularly scheduled meetings, which shall occur at least biannually, and may hold special meetings as deemed necessary. The committee shall make a written record of its meetings available to all fire department members.

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

3. **Violation:** The Soldiers Grove Fire Department did not have an Exposure Control Plan. Bloodborne Pathogens training was not completed for staff with potential exposures.

Code Section Violated: Wis. Admin. Code § SPS 332.15 – OSHA Safety and health standards adopting 29 CFR § 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. 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: Develop an Exposure Control Plan. Complete annual Blood Borne Pathogens training for applicable staff.

4. Violation: The Soldiers Grove Fire Department only provided two monthly training records for the 2018 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 written guidelines for incident command or emergency scene operations.

Wis. Admin. Code § SPS 330.07 Training and education program. Every fire department shall do all of the following:

- (1) Establish and maintain a member training and education program that identifies specific goals and objectives for the prevention and elimination of occupational accidents, injuries, illnesses, exposures to communicable disease, and fatalities.
- (2) Assure that the training and education provided under this section are based upon the fire department's written standard operation guidelines.
- (3) Assure that the training and education required under this section and s. SPS 330.08 are provided by a qualified instructor.
- (4) Provide training and education commensurate with the duties and functions the member is expected to perform.
- (5) Assure that a member obtains the minimum fire fighter training and education requirements before that member performs any interior structural firefighting activity or within an IDLH environment as determined by the incident safety officer in accordance with s. SPS 330.14 (1) (g).
- (6) Provide training and education to fire fighters about special hazards to which they may be exposed during a fire and other emergencies and advise of any changes that occur in relation to the special hazards. The procedures to address special hazards shall be maintained in written form. Training and education under this subsection shall be provided at least biannually.
- (7) Assure that the training and education are conducted frequently enough to ensure that each fire fighter is able to perform the assigned duties and functions satisfactorily and in a safe manner so as not to endanger other fire department members or employees.
- (8) Assure that fire fighters whose duties include interior structural firefighting receive training and education consistent with established fire ground operating procedures. Training and education under this subsection shall be provided at least monthly.
- (9) Assure that training and education involving live fire fighting exercises meet the standards specified in NFPA 1403.
- (10) Assure that a training and education program for any fire fighter engaged in fire ground operations includes procedures to perform a safe exit from a dangerous area in the event of equipment failure or sudden change in fire conditions.
- (11) Assure that fire fighters receive training and education on the incident management system in accordance with s. SPS 330.14 (1) (c).

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

5. Violation: The Soldiers Grove 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. (Several firefighters have completed NIMS 100/700.)

Wis. Admin. Code § SPS 330.14(1)(b) Establish, and ensure use of, an incident management system in accordance with NIMS that includes written standard operating guidelines applicable to all members involved in an emergency operation. (c) Provide NIMS training to all members involved in emergency operations.

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

6. Violation: The Soldiers Grove Fire Department had not 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) PROTECTIVE CLOTHING AND EQUIPMENT. Every fire department shall do all of the following: (a) Provide, and enforce the use of, a protective ensemble and equipment to all fire fighters who engage in structural fire-fighting or are exposed to hazards or potential hazards in accordance with 29 CFR 1910.132, subject to all of the following:

1. Protective clothing and equipment shall provide protection related to the fire fighter's job duties.
2. New protective clothing and equipment shall meet the applicable standards as specified in NFPA 1971.
3. Existing protective clothing and equipment shall meet the NFPA standard that was current when the protective clothing or equipment was purchased or obtained by the fire department.
4. Required protective clothing and equipment shall be provided at no cost to the fire fighter.
5. Ensure protective clothing and equipment is used and maintained in accordance with manufacturer instructions and 29 CFR 1910.132.
6. Establish a maintenance and inspection program for protective clothing and equipment and assign specific responsibilities for inspection and maintenance.
7. When protective clothing and equipment is assigned or available for use to a fire fighter, provide training to each firefighter under this paragraph in the proper care, use, inspection, cleaning, decontamination, maintenance, and limitations of the protective clothing and equipment.

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.

1910.132(f)(1) The employer shall provide training to each employee who is required by this section to use 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.

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.

7. Violation: The Soldiers Grove Fire Department did not have a Respiratory protection program.

Wis. Admin. Code § SPS 330.12 Self-contained breathing apparatus (SCBA) (1) (c) Adopt and maintain a respiratory protection program that satisfies the requirements of 29 CFR 1910.134.

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. Complete annual fit testing. Ensure that proper maintenance and inspections are being completed on Self-Contained Breathing Apparatuses.

8. Violation: The Soldiers Grove Fire Department did not have an emergency operations procedure relating to hazardous materials. Currently, 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 Soldiers Grove Fire Department did not have a policy stating whether they will assist with permit-required confined space entry and rescues.

Wis. Admin. Code § SPS 330.21 Confined spaces. Fire departments engaged in emergency operations relating to confined spaces shall comply with s. 29 CFR 1910.146 as adopted by reference in ch. SPS 332.

1910.146(c)(3) If the employer decides that its employees will not enter permit spaces, the employer shall take effective measures to prevent its employees from entering the permit spaces and shall comply with paragraphs (c)(1), (c)(2), (c)(6) and (c)(8) of this section. 1910.146(c)(4) If the employer decides that its employees will enter permit spaces, the employer shall develop and implement a written permit space program that complies with this section. The written program shall be available for inspection by employees and their authorized representatives.

Suggested Action: If the Soldiers Grove 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. In that case, 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.

10. Violation: The Soldiers Grove Fire Department did not have a policy stating whether they will assist with trench rescues. Currently, 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 structural collapse rescue, elevator rescue, trench rescue, and terrorism responses shall comply with s. SPS 330.14, 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.

1926.652(a)(1) Each employee in an excavation shall be protected from cave-ins by an adequate protective system designed in accordance with paragraph (b) or (c) of this section.

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. A “no entry” policy should be created to prevent staff from performing trench rescue without the proper training and equipment

11. Violation: The Soldiers Grove Fire Department did not have a way to ensure that firefighters did not have any known heart disease, epilepsy, or emphysema.

Wis. Admin. Code § SPS 330.15 Physical and medical capabilities. (1) The employer shall assure that fire fighters who are expected to do structural firefighting are physically capable of performing duties which may be assigned to them during emergency operations. (2) The fire chief may not permit a fire fighter with known heart disease, epilepsy, or emphysema to participate in fire department emergency operations unless a physician’s certificate of the fire fighter’s fitness to participate in such operations is provided.

Suggested Action: Ensure that firefighters are reporting any serious medical conditions that would prevent them from performing duties to the proper staff.

12. Violation: The Soldiers Grove Fire Department did not have a written policy for Firefighter Assistance Referral Program.

Wis. Admin Code § SPS 330.16 Member Assistance Referral Program (1) Every fire department shall establish and adopt a written policy statement for an employee assistance program that identifies and assists members with personal problems, alcohol or substance abuse, stress, or emotional, physical, and mental health issues that are adversely affecting their job performance. The assistance program shall include a resource list of available services and methods for referring a member to the appropriate mental or health care services for the recovery of the member's health and job performance.

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.

13. Violation: There was no evidence to suggest that weekly tests were being performed on Personal Alert Safety System (PASS) alarms.

Wis. Admin Code § SPS 330.13 Personal alert safety system. Every fire department shall provide, and enforce the use of, a PASS device to every fire fighter using SCBA while engaged in rescue, firefighting, or other hazardous operations. Each PASS device shall be tested at least weekly and prior to each use as specified in NFPA 1982 and shall be maintained in accordance with the manufacturer's instructions.

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

14. Violation: There was no evidence to suggest that ground ladders had been serviced and tested.

Wis. Admin. Code § SPS 330.10(1)(e) Inspect and service test all ground ladders.

Suggested Action: Perform and document required service and testing to ground ladders.

15. Violation: Apparatus was being powered/charged by extension cords. Some by one or more extension cords together, the use of a splitter at the outlet, and with no apparent ground-fault circuit interrupters (GFCIs).

Wis. Admin. Code § SPS 332.15 adopting 29 CFR 1910.305(g) Flexible cords and cables (1) Use of flexible cords and cables. (i) Flexible cords and cables shall be approved for conditions of use and location. 1910.305(j)(2)(iv) A receptacle installed in a wet or damp location shall be suitable for the location.

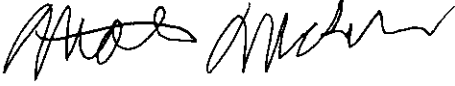
Suggested Action: Update and utilize code compliant electrical to power/charge apparatus.

You are hereby ordered to have the above corrected to conform to the indicated provisions of the Wisconsin Administrative Code and/or Wisconsin Statutes. This shall be corrected by the compliance date noted, and upon correction of violations I or April Hammond 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 or April Hammond at the numbers 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) 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 requests must be received within 30 days of the date of this Order and 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.

ATTORNEY NAME: Matthew McCasland	INVESTIGATION DATE: 12/21/2018
PHONE/WORK HOURS: (608) 266-9814	
E-MAIL: matthew.mccasland@wisconsin.gov	INVESTIGATION TYPE: Requested
SIGNATURE: 	INVESTIGATION SOURCE: Other
DATE: 2-25-19	COMPLIANCE DATE: 05/20/19
	Fee Required: (Invoice will be send Separately)
	PTO Expires:

cc: April A Hammond, Safety Inspector, (608) 225-6593