

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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Tony Evers, Governor
Dawn B. Crim, Secretary

NOTICE OF VIOLATIONS AND ORDERS

December 26, 2019

CUST ID No.: 1334763 TRANSACTION No.: 3287142
Phone: 715-759-5095

Site ID No.: 815690 Amberg Volunteer Fire Department
SITE ADDRESS: PO Box 245
Marinette County, Town of Amberg
Site Contact: Jim Parr
Contact Phone: 715-759-5095

AMBERG VOL FIRE DEPARTMENT
PO BOX 245
AMBERG WI 54102

ORDER 0006593

Regulated Objects:

Nature of Complaint Summary: AMBERG FIRE DEPT 330 AND 314 VIOLATIONS

Object Type: Complaint Regulated Object ID No.: 1840161

Last Inspection Date: November 11, 2019 (18 COM 178)

INVESTIGATION NOTES:

This DEPARTMENT ORDER is issued as a result of an inspection on the above referenced site. The investigation found that the Amberg Fire Department is in violation of Wisconsin Administrative Code Chapters 330 and 314. The Department will be working with Amberg on fixing these violations and ensuring compliance. It is Amberg's responsibility to comply with any and all codes or statutes related to Fire Departments. Further investigation by the Department may reveal additional code violations that the Fire Department will be required to fix.

The following violations were revealed:

1. Violation: The Fire Department does not have evidence of monthly training being held or evidence to suggest that any training has been provided by a qualified instructor.

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 § SPS 330.07. Ensure that training documentation identifies the instructor and that training is consistent with written guidelines.

2. Violation: The Fire Department does not have a respiratory protection program and has not been completing inspections and maintenance on Self-contained breathing apparatuses (SCBAs) and equipment.

Wis. Admin. Code § SPS 330.12(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 SCBAs.

3. Violation: The Fire Department has not been completing weekly Personal Alert Safety System (PASS) alarm tests/inspections.

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

Suggested Action: Complete required PASS Alarm tests/inspections.

4. Violation: The Fire Department has not been completing/documenting portable equipment inspection and testing as required.

Wis. Admin. Code § SPS 330.10 (1) Inspection and testing of portable equipment. Every fire department shall do all of the following:

- (a) Visually inspect, at least monthly and within 24 hours after use, all equipment carried on fire apparatus or designated for training.
- (b) Maintain inventory records for equipment carried on each fire apparatus and for equipment designated for training.
- (c) At least annually, test all equipment carried on fire apparatus or designated for training according to the instructions and applicable standards of the manufacturer.
- (d) Remove from service and repair or replace any fire fighting equipment that is defective or unserviceable as specified in the applicable NFPA standard as specified under s. SPS 330.02.
- (e) Inspect and service test all ground ladders.
- (f) Inspect and service test all fire hose.
- (g) Inspect, maintain, and test all fire extinguishers in compliance with ch. SPS 314.

Suggested Action: Complete and document monthly portable equipment inspection and testing. Maintain an inventory log. Complete hose testing. Complete ladder inspection and testing. Ensure Fire Extinguishers are tested and inspected.

5. Violation: The Fire Department has not been completing/documenting apparatus inspection and testing as required.

Wis. Admin. Code § SPS 330.09(1)(d) Establish a preventative maintenance program that includes all of the following:

- 1. Inspection of all fire apparatus and equipment at least monthly and within 24 hours after any use to repair or identify and correct unsafe conditions.
- 2. Maintenance, inspections, and repairs of fire apparatus and equipment that follows the instructions of the manufacturer.
- 3. Inspection of tires for signs of damage or wear and replacement of tires when the tread wear exceeds manufacturer standards. NFPA 1911 section 8.3.6 is not included as part of this chapter.

4. Removal from service of any fire apparatus or equipment found to be unsafe, as specified by NFPA 1911. No apparatus or equipment found to be unsafe may be placed back in service until it is inspected and repaired or replaced and determined to be safe.
5. Inspection and servicing of test fire pumps and aerial devices on apparatus as specified in NFPA 1911.

Suggested Action: Complete and document monthly apparatus inspections.

6. Violation: The Fire Department has failed to conduct fire prevention inspections for 2018 and has not yet completed fire prevention inspections for 2019.

Wis. Admin. Code § SPS 314.01 (13)(b) FIRE CHIEF AND FIRE DEPARTMENT DUTIES. These are department rules in addition to the requirements in NFPA 1 chapter 1:

(b) Fire prevention inspections.

1. 'General.' The chief of the fire department shall be responsible for having all public buildings and places of employment within the territory of the fire department inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, or any violations of any law or ordinance relating to fire hazards or to the prevention of fires.

2. 'Determining the buildings that are to be inspected.' The fire chief shall be responsible for determining those public buildings and places of employment that are to be inspected, for each municipality for which the fire department has responsibility.

3. 'Scheduling of inspections.' Fire prevention inspections shall be conducted at least once in each non-overlapping 6-month period per calendar year, or more often if ordered by the fire chief, in all territory served by the fire department, except as provided in subds. 4. to 7.


Suggested Action: Complete and document fire prevention inspections.

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 s. 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) 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: 10/28/2019
PHONE: (608)266-9814		
E-MAIL: matthew.mccasland@wisconsin.gov		INVESTIGATION TYPE: Requested
SIGNATURE:	DATE:	INVESTIGATION SOURCE: Other
	12/23/19	COMPLIANCE DATE: 04/11/20

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