

SB 555

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



## ENROLLED

COMMITTEE SUBSTITUTE FOR  
SENATE BILL NO. 555

(By Senator SCHOONOVER, ET AL)



PASSED MARCH 11 1999  
In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE

FOR

### Senate Bill No. 555

(SENATORS SCHOONOVER, MITCHELL AND  
HUNTER, *original sponsors*)

[Passed March 11, 1999; in effect ninety days from passage.]

AN ACT to amend article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten-b, relating to imposing mandatory safety procedures for firefighters in situations deemed immediately dangerous to life or health.

*Be it enacted by the Legislature of West Virginia:*

That article fifteen, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten-b, to read as follows:

**ARTICLE 15. FIRE FIGHTING; FIRE COMPANIES AND DEPARTMENTS;  
CIVIL SERVICE FOR PAID FIRE DEPARTMENTS.**

**§8-15-10b. Mandatory safety procedures for situations deemed  
immediately dangerous to life and health.**

1 (a) For the purposes of this article:

2 (1) "Immediately dangerous to life or health" or "IDLH"  
3 means an atmosphere that poses an immediate threat to  
4 life, would cause irreversible adverse health effects, or  
5 would impair an individual's ability to escape from a  
6 dangerous atmosphere.

7 (2) "Interior structural firefighting" means the physical  
8 activity of fire suppression, rescue or both, inside of  
9 buildings or enclosed structures which are involved in a  
10 fire situation beyond the incipient stage.

11 (3) "Self-contained breathing apparatus" or "SCBA"  
12 means an atmosphere-supplying respirator for which the  
13 breathing air source is designed to be carried by the user.

14 (b) In all atmospheres that are immediately dangerous to  
15 life or health, the fire department or company shall ensure  
16 that:

17 (1) One or, when needed, more than one firefighter, is  
18 located outside the IDLH atmosphere;

19 (2) Visual, voice or signal line communication is main-  
20 tained between all firefighters in the IDLH atmosphere  
21 and those outside the IDLH atmosphere;

22 (3) All firefighters located outside the IDLH atmosphere  
23 are trained and equipped to provide effective emergency  
24 rescue;

25 (4) The fire department or company, or designee autho-  
26 rized by the fire department or company, is notified before  
27 any firefighter located outside the IDLH atmosphere  
28 enters the IDLH atmosphere to provide emergency rescue;

29 (5) Once notified, the fire department or company, or  
30 designee authorized by the fire department or company,  
31 provides necessary assistance appropriate to the situation;

32 (6) All firefighters located outside the IDLH atmospheres  
33 are equipped with:

34 (A) Pressure demand or other positive pressure self-  
35 contained breathing apparatus or a pressure demand or  
36 other positive pressure supplied-air respirator with an  
37 auxiliary SCBA, and either:

38 (i) Appropriate retrieval equipment for removing all  
39 firefighters who enter IDLH atmospheres where retrieval  
40 equipment would contribute to the rescue of the  
41 firefighters and would not increase the overall risk result-  
42 ing from entry; or

43 (ii) Equivalent means of rescue where retrieval equip-  
44 ment is not required or not available.

45 (c) In addition to the requirements set forth under  
46 subsection (b) of this section, when firefighters are engag-  
47 ing in interior structural firefighting, the fire department  
48 or company shall ensure that:

49 (1) At least two firefighters enter the IDLH atmosphere  
50 and remain in visual or voice contact with one another at  
51 all times;

52 (2) At least two firefighters are located outside the IDLH  
53 atmosphere; and

54 (3) All firefighters engaged in interior structural  
55 firefighting use an SCBA.

56 (d) Nothing in this section is meant to preclude:

57 (1) The assignment of one of the firefighters located  
58 outside the IDLH atmosphere to an additional role, such  
59 as incident commander in charge, emergency officer or  
60 safety officer, so long as this firefighter is able to perform  
61 assistance or rescue activities without jeopardizing the  
62 safety or health of any firefighter working in the IDLH  
63 atmosphere; and

64 (2) The performance of emergency rescue activities by  
65 firefighters before an entire team has assembled.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*Paul Schumacher*

Chairman Senate Committee

*Joe F. Smith*

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

*Darrell K. Hoopes*

Clerk of the Senate

*Bryan D. Boy*  
Clerk of the House of Delegates

*Carl Roy Tomblin*  
President of the Senate

*[Signature]*  
Speaker House of Delegates

The within *approved* this the *25th*  
Day of *March*, 1999

*[Signature]*  
Governor

PRESENTED TO THE

GOVERNOR

Date. 2/18/99

Time 10:30 am