

Michigan's FireFighter "Right To Know" Law

The 'Law'

Michigan fire departments are an active participant in three related emergency planning requirements:

1. Firefighter Right-to-Know.
2. Hazardous Waste Operations and Emergency Response (HAZWOPER).
3. Superfund Amendments and Reauthorization Act (SARA) Title III.

The Hazard Communication/Employee Right-to-Know Law requires employers to educate employees about dangerous materials they work with. Fire departments, just like other employers, must protect their employees (firefighters) from the dangers associated with exposure to hazardous chemicals. Specifically, Section 14(i) of the Michigan Occupational Safety and Health Act (MIOSHA), Public Act 154 of 1974, as amended (Act 154) requires the Fire Chief of an organized fire department to prepare and disseminate to each firefighter information on facilities within their jurisdiction that use or produce hazardous chemicals.

Section 5(p) of the Michigan Fire Prevention Code, Public Act 207 of 1941, as amended gives fire departments the authority to survey businesses within their jurisdiction about the types of chemicals they have on site. This allows the fire department to gather information about each chemical so that the requirements of MIOSHA can be met.

The Michigan's Firefighter Right to Know Law provides the fire chief the right to request and receive a list of chemicals and the Material Safety Data Sheets used at a specified location. Under the law, if the fire chief requests it, the following information must be provided within ten working days of the query:

- a. A listing of all hazardous chemicals at the location,
- b. MSDSs for all hazardous chemicals at the location and,
- c. Information pertaining to the quantity and location of the chemicals.

In addition, an employer must provide the fire chief with a written update "when there is a significant change relating to fire hazards and the quantity, location or presence of hazardous chemicals in the workplace."

The Site Plan

The Fire Chief then develops a site plan for those facilities that use or produce **hazardous chemicals**.

These site plans are made available to the firefighters and need to be updated every **five years** or whenever conditions change at the site.

The site plan must include a list of Extremely Hazardous Substances (EHSs) at each site. An EHS is a chemical that has been identified by the Environmental Protection Agency (EPA) as very dangerous to life and health. Site records must indicate exact quantities of chemicals and show what is stored or used at the site. All EHS chemicals as well as other chemicals of concern should be included.

Material Safety Data Sheets (MSDS) or other similar chemical information sources can provide specific information on the data items requested in this section. For example, primary hazard information (how the chemical affects people and how it can get into a person's system) and response precautions (what responders must watch out for and how they can protect themselves) are usually found in MSDS.

Non-EHS chemicals are not required for SARA Title III plans, but are recommended for Fire Fighter Right-to-Know plans. However, including them in all plans is very helpful if accidental chemical mixing during an incident is a possibility.

A site map is recommended for Michigan Fire Fighter Right-to-Know plans. The map should show all building locations and other structures, driveways, geographical and environmental features (wells, ponds, drainage ditches, ground slope, streams, etc.), gates, fences, hydrants, standpipes, or any other items which may be useful landmarks during a response. Building entrances and exits, as well as the building evacuation plan, should also be included. Chemical storage locations should be shown on this map for Fire Fighter Right-to-Know purposes. If an immediately adjacent site or facility poses an additional threat, note that site's location on this map as well.

The following items **are not** required but would make a site plan stronger and more complete and are strongly recommended for Fighter Right-To-Know Plans.

1. Includes an inventory of other chemicals of concern.
2. Provides a facility location map.
3. Provides a site layout map indicating chemical location.
4. Establish access control procedures and maps access control points and traffic rerouting within the vulnerable zone.
5. Provides contact names and phone numbers for populations of concern, e.g. centers, factories.
6. Identifies shelters in the event an evacuation is needed.
7. Identifies where chemical specific toxicological information

The Issue:

Incident Commanders need accurate and up-to-date site information to effectively make decisions that protect FireFighters, citizens and property.

Additionally, Fire Inspectors need a way to efficiently and effectively capture and update preplan information.

The Issue is that many incident commanders have no preplans, partial preplans, or out of date preplans.

The Requirements:

Fire Chiefs are required to identify any site that uses or produces a hazardous material regardless of quantities.

Fire Chiefs are required to document that information and prepare a plan.

Fire Chiefs are required to prepare a specific plan if a site has certain quantities of a hazardous material.

Fire Chiefs are required to disseminate this information to their Fire Fighters.

The Risk:

Fire Fighter "Right To Know"

- ranked #2 by MIOSHA in a summary of most violations over a one year period.

The Problem with Solutions to Date

- They do not provide the Incident Commander a way to adapt the view of the building diagram to the location of the incident command center,
- They do not provide the Incident Commander a quick and easy access to preplan information. Typically, a binder is used that has a paper view and likely out-dated preplan information.
- They do not provide the Incident Commander with any Hazmat information.
- They require manual look up the information in a Hazmat Guide such as ERG2004, with a potential for error
- Each of these steps take a significant amount of time when time is critical.

Current Typical Process To Create/Update a PrePlan

- Document the information at the site, including creating the drawing free hand, identifying and indicating the location of all the potential hazards, and gathering all the other necessary data such as contact numbers, etc.
- Return to the office to create a legible original copy of the diagram, inputting all the other relevant data into a word processing or text preplan system,
- Make the appropriate number of copies of the various documents,
- Create new or update location folders,
- Place/Replace copies in the appropriate permanent files including headquarters, stations and vehicles,
- Disseminate copies of new information to the appropriate department personnel.

Current PrePlans are not used because they are:

- On paper, in a box, in a binder and not easy to access or use
- Out of date, not easy to update and disseminate

The Viewpoint Solution – PrePlanView™ Software

- The preplans are deployed on toughbook touch screen laptops in the responding vehicles or with incident commanders.
- While enroute to the incident, the Incident Commander simply enters the address or location name and the diagram and site information is displayed. If intergrated with Dispatch, the preplan information can display automatically.
- The Incident Commander can then view and access any information by simply touching the screen.

PrePlanView•Fire™ was initially developed as a tool to meet the Fire Department Hazardous Material Emergency plan responsibility.

It has expanded to include many additional non-hazardous elements critical to fire scene.

How does the PrePlanView Fire solution help the municipality and mitigate risk?

The department creates fire preplans that are visual in nature and include:

3-D Diagram of the Site

Active Alerts as to the presence of Hazards

Location of the Hazards

List of the Hazards and Quantity

ERG2004 Guide Pages

Relevant site information including construction type, water flow requirements, dimensions, contacts, location of hydrants, FDC, alarms, lock box etc

Risk exposures being addressed:

- Fire Fighter Safety
- Citizen Safety
- Fire Fighter Injury
- Citizen Injury
- Lack of MIOSHA Compliance
- Potential Litigation
- Property Damage (Assists in the deployment of MMRMA Model Incident Policies)

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300 park Avenue, Suite 310,

Birmingham, MI 48009.

www.vpcmdsys.com 866-417-5369