

Agenda Item No.:	4
Work Plan:	Fire Protection Work Plan
Topic:	Fire Prevention
Presentation Title:	Industrial Fire Prevention Rules Revision
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SUMMARY

The purpose of this agenda item is to seek approval from the Board to adopt the proposed rule amendments to fire protection definitions in Oregon Administrative Rule (OAR) Division 41 and rule amendments to OAR Division 43, Fire Prevention (Attachment A). The updated rules will provide consistency with related language in other chapters and clarification that will continue the objective of preventing human-caused fires while serving the needs of forest landowners and operators. The Department has held a public hearing, received written comments and wants the Board’s approval with finalizing the proposed rule.

CONTEXT

The fire prevention rules, which are a key element in the Department’s fire prevention strategy, have not had a thorough review since 1999. These rules are designed to assist landowners and operators in fire prevention procedures during industrial operations by requiring specific equipment and behaviors during fire season. These rules should not only serve as guidelines to prevent operation fires, they must also take into consideration forest workers’ ability to establish and work within a fire safe environment.

A committee comprised of a cross section of the industry has convened on nine different occasions over the past three years to examine the current rules and offer revisions where necessary. The committee is comprised of forest landowners, operators, representative agencies and ODF field and Salem staff. It is the charge of the committee to address outdated and unclear fire prevention rules in OAR Chapter 629 and then examine interagency guidelines for operating under levels of high and extreme fire risk.

ANALYSIS

Pursuant to ORS 477.505 - .520 and .565 - .670, Oregon Administrative Rules Chapter 629 Division 43, spells out fire prevention measures industrial operators must follow to ensure fire safe operations during fire season. Division 43 focuses on power-driven machinery, the operation area where the work is being done, preparedness in the event of a fire, and the measures workers must take to prevent fires from occurring.

Currently, industrial operations must have, at a minimum, a water supply and fire tools during a declared fire season. In addition, equipment must be furnished with fire extinguishers and spark arresters and be in good operating condition.

It has been brought to the attention by stakeholders that some of these rules have been out of date for some time and in need of revision. Below is a summary of rules that the committee agreed were in need of updating (Attachment B):

OAR 629-043-0020 Water Supply

(1) (a) (A) Water Pump.

Pump capacity must currently meet a discharge rate of 20 gallons per minute (gpm) through 50 feet of hose with a ¼ inch inside diameter nozzle. While this requirement is sufficient for firefighting, it is difficult for the operator to determine proper pump size during the purchasing process.

Based on data from straight bore and smooth bore tables, it was determined that a minimum of 115 pounds per square inch (psi) would be required to meet firefighting requirements of 20 gpm. The committee agreed that providing additional language of 115 psi would meet the needs of the operators.

(1) (a) (B) Hose and Nozzle.

Over the years, the logging industry has become more mobile. With the increased use of mobile equipment comes added risk of working away from fire prevention equipment. With this in mind, the committee concluded that water must be able to reach all areas of the operation. The committee agreed that revising the current language to read AT LEAST 500 feet of serviceable hose is required. In this case, the operator must assure that the hose will reach all areas being worked on that day.

Given the need to require enough hose to reach the operation area affected during a work day, it was also necessary to define, in rule, the affected operation area. Such language was added to this rule to provide clarity [OAR 629-043-0020) (1) (a) (4)].

[OAR 629-043-0020) (1) (a) (6)] However, the committee allowed for an exception for needing a water supply for self-loading log trucks. Typically, the fire risk is no longer present at this time and it allows forest workers to meet industry demands by moving to their next location with their water supply.

OAR 629-043-0025

Fire Tools and Fire Extinguishers.

Currently, the number and type of tools and tool boxes required for an operation area is determined by a table based on the number of workers for that operation. This language is not conducive or practical for smaller operations such as a pair of fallers.

The committee agreed that revising this rule to read - a tool box that contains a number of fire-fighting tools **equal to or greater than the number of persons working on the operation** with an exception for operations of four or less workers. These small operations would not require a tool box.

The size requirement for fire extinguishers is also in need of updating for consistency. OAR 629-043-0025 (2). In 2007, OR-OSHA changed its requirement under

OAR 437-007-0410 to specify that each machine must be equipped with a fire extinguisher that is 2A in size, 10BC (or equivalent) rated.

The committee agreed to update language to be in alignment with OR-OSHA Division 7.

629-043-0026 Operation Area Fire Prevention

Given today's technology, it was agreed that additional language was necessary under OAR 629-043-0026 (1) (c) regarding equipment left unattended on ground cleared of flammable vegetation. With the advent of battery shutoff switches, the committee agreed that including a requirement to engage the battery shutoff switch, if so equipped, would allow equipment to remain parked on vegetation.

629-043-0030 Watchman

Besides updating the title to Firewatch, the purpose of revising this language is to provide consistency with OR-OSHA Division 7. In addition, given the exception for a water supply for self-loading log trucks, requirements for Firewatch will not be required during that activity.

629-043-0036 Power Saws

Currently, there are two distinctions with power saws--Industrial and non-industrial. While reviewing the language and the spark arrester requirements, the committee determined that non-industrial language could be eliminated, putting all power saw users on the same level.

RECOMMENDATION

After considering the oral and written comments, the Department recommends that the Board approve the proposed rule amendments to fire protection definitions in Oregon Administrative Rule (OAR) Division 41 and rule amendments to OAR Division 43, Fire Prevention.

NEXT STEPS

Upon approval of the proposed rule amendments, the Department will file the rules with the Secretary of State.

ATTACHMENTS

- (1) 2017 Draft Prevention OARs
- (2) 2017 Draft Prevention OARs with strikethrough and bold changes
- (3) Public Hearing Officer Report
- (4) Public Hearing sign in sheet
- (5) Written Testimony