



U.S. Forest Service Fire Operations Risk Management Information Briefing Paper



Date: March 11, 2009

Topic: New Requirements for High Visibility Vests

Background: On November 24, 2008, a new Federal regulation (23 CFR Part 634) went into effect mandating that workers whose duties place them in the right-of-way of a Federal-aid highway must be wearing high-visibility safety apparel that meets the requirements of ANSI/ISEA 107, Class 2 or 3. This requirement applies to most emergency responders.

DOT/FHWA has also proposed incorporating 23 CFR Part 634 into the MUTCD (Manual on Uniform Traffic Control Devices). **This would expand the requirement for high-visibility garments to anyone working on any road open to public travel, not just Federal-aid highways.**

On November 21, 2008, FHWA issued an Interim Final Rule to address safety concerns raised by the firefighting community regarding the particular high-visibility safety apparel that is required. This came about because no materials meet the fluorescent requirements of ANSI/ISEA 107 or 207 and the flame resistance standards of NFPA 1971 (for structural firefighting) or NFPA 1977 (for wildland firefighting).

The Interim Final Rule:

- Revises the definition of "worker" to exclude firefighters and other emergency responders when they are exposed to flame, fire, high heat, or hazardous materials.
- Exempts firefighters from the requirement to use high-visibility safety apparel (as defined in this rule) when they are exposed to hazardous conditions where the use of such apparel may increase the risk of injury to firefighters.
- Allows firefighters or other emergency responders to wear retroreflective turnout gear that is specified and regulated by other organizations, such as the National Fire Protection Association (NFPA), when working within the right-of-way of a Federal-aid highway and engaged in emergency operations that directly expose them to flame, fire, heat, and/or hazardous materials.
- Continues to require firefighters to wear high-visibility safety apparel meeting the standards cited in the original rule when working within the right-of-way, but not exposed to flame, high heat, or hazardous materials.

Key Points:

- According to the Interim Final Rule, when firefighters are directly exposed to flame, fire, heat, and/or hazardous materials, they may wear "retroreflective turnout gear that is specified and regulated by other organizations, such as the National Fire Protection Association."
- The Interim Final Rule appears to not apply to wildland firefighters who are actively engaged in firefighting; however the Rule will apply to other workers associated with fire management activities such as road guards.
- WO Office of Safety and Occupational Health contacted the FHWA for clarification and was advised that the exemption does apply to all firefighters when performing firefighting duties

- Even though wildland firefighting has an exemption we need to maintain safety as a priority while performing work
- The Missoula Technology and Development Center has been tasked with researching options for implementation of the ruling as well as developing options to meet all safety needs while working within a road right-of-way
- MTDC has a Tech Tip prepared concerning High Visibility Apparel and Forest Service Employees that will be released shortly and it includes which standard applies for certain work, recommendation for carrying two in a vehicle, and where the apparel can be purchased from
- High Visibility Apparel will not be available through the National Interagency Support Caches at this time
- Inquiries to the Washington Office have been occurring requesting direction to the field in order to implement the ruling
- Engineering is the lead program area for implementing the ruling throughout the Forest Service

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