



VOSH PROGRAM DIRECTIVE: 12-806A

ISSUED: March 1, 2007

SUBJECT: Fire Protection in Shipyard Employment, §§1915.501-1915.509, Public Sector Only

A. Purpose.

CHANGE I: This directive transmits to field personnel the final rule for Fire Protection in Shipyard Employment, §§1915.501-1915.509; Incorporation by Reference, §1915.5, and Appendix A of Subpart P of Part 1915. **CHANGE II:** This directive transmits recently updated National Fire Protection Association (NFPA) standards to the standard for fire protection in shipyard employment to enhance the standard.

This Program Directive is an internal guideline, not a statutory or regulatory rule, and is intended to provide instructions to VOSH personnel regarding internal operation of the Virginia Occupational Safety and Health Program and is solely for the benefit of the program. This document is not subject to the Virginia Register Act or the Administrative Process Act; it does not have general application and is not being enforced as having the force of law.

B. Scope.

This directive applies to all VOSH personnel.

C. Reference.

CHANGE I: 69 FR 55702 (September 15, 2004).

CHANGE II: 71 FR 60843 (October 17, 2006).

D. Cancellation.

VOSH Program Directive 12-806 (March 15, 2005).

E. Action.

Directors and Managers shall ensure that field personnel understand and comply with the standard included in this directive.

F. Effective Date.

CHANGE I: March 15, 2005.

CHANGE II: March 21, 2007.

G. Expiration Date.

Not Applicable.

H. Background.

CHANGE I: This standard would have application only in the public sector if, and when, any such public sector activity might occur. Under the Virginia State Plan agreement, federal OSHA retains authority for private sector maritime activities. Currently, there is no maritime activity under VOSH's public sector jurisdiction.

CHANGE II: Federal OSHA determined that updating the national consensus standards for fire protection in shipyard employment was suitable for direct final rulemaking since it will enhance OSHA's fire protection in shipyard standard by adding the most current NFPA consensus standards to the OSHA standard.

In this direct final rulemaking, federal OSHA published a final rule in the *Federal Register* with a statement that the rule will go into effect unless a significant adverse comment is received within a specified period of time. An identical proposed rule was published at the same time (See 71 FR 60932). If no significant adverse comments are submitted, the rule goes into effect. If any significant adverse comments are received, federal OSHA withdraws the direct final rule and treats the comments as responses to the proposed rule.

Direct final rulemaking is used where an agency anticipates that a rule will not be controversial, e.g., minor substantive changes to regulations updating incorporated references to the latest edition of national consensus standards, and direct incorporations of mandates from new legislation.

For purposes of this direct final rulemaking, a significant adverse comment is one that explains why the rule would be inappropriate, including challenges to the rules' underlying premise or approach. In determining whether a comment necessitates withdrawal of the direct final rule, federal OSHA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. A comment recommending additional changes will not be considered a significant adverse comment unless the comment states why the direct final rule would be ineffective without the addition. If a timely significant adverse comment is received, federal OSHA will publish a notice of significant adverse comment in the *Federal Register* withdrawing this direct final rule no later than January 16, 2007.

On December 6, 2006, the Safety and Health Codes Board adopted federal OSHA's direct final rule for Fire Protection in Shipyard Employment, §§1915.5, 1915.505 and 1915.507, with an effective date of March 21, 2007.

I. Summary.

CHANGE I: Federal OSHA has promulgated a unified fire protection standard for shipyard employment. The standard provides increased protection for shipyard employment workers from the hazards of fire on vessels and vessel sections and at land-side facilities. The new standard requires a written fire watch policy while prohibiting workers who perform hot work such as welding, cutting, or grinding to act as their own fire watch. The new rule also allows employers to rely on a combination of internal or external fire response organizations instead of requiring internal fire brigades.

Other topics covered by the rule include training, multi-employer work sites, hot work precautions, fixed extinguishing system hazards, land-side fire protection systems, and evacuation procedures. In Appendix A to Subpart P, the rule also includes a model fire safety plan that employers can use to develop their site-specific plans.

The new standard reflects the latest technologies as well as 19 consensus standards from the National Fire Protection Association (NFPA) and includes relevant information from other sources, including OSHA's general industry standard on fire protection, as well as procedures from the U.S. Navy and U.S. Coast Guard.

CHANGE II: On September 15, 2004, federal OSHA promulgated a new fire protection rule for shipyard employment that incorporated by reference 19 National Fire Protection Association (NFPA) standards. Ten of those NFPA standards had been updated by NFPA since the fire protection rule was proposed and an additional NFPA standard has been updated since the final rule was published.

In this direct final rule, federal OSHA replaced the references to those eleven NFPA standards by adding 10 of the most recent versions. There are only 10 NFPA standards replacing eleven NFPA standards because the NFPA combined two of its standards, NFPA 11-1998 and NFPA 11A-1999, into the NFPA 11-2002 standard covering foam fire extinguishing systems.

The sections amended by this direct final rule include the following: §§1915.5, Incorporation by reference; 1915.505 (e)(3)(v), Fire response; and 1915.507 (b)(1), (b)(2), (c)(6), (d)(1), (d)(2), (d)(3) and (d)(5), Land-side fire protection system.

The changes to the NFPA standards include:

- ! Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire and Emergency Services – NFPA 1981-- 2002. This was revised to add requirements for heads-up displays (HUD) that provide the user of a self-contained breathing apparatus (SCBA) with information regarding breathing air supply status, alert the user when the breathing air supply is at 50 percent of full, and where the HUD is powered by battery power source, warn the user when the HUD only has 2 more hours of battery power. The updated standard also includes new requirements for a Rapid Intervention Company/Crew (RIC) Universal Air connection (UAC) (or RIC UAC) on all new SCBA.
- ! Standard for Low-, Medium-, and High-Expansion Foam – BFOA 11-2005 was revised to combine the older NFPA 11 low-expansion foam system requirements with the older NFPA 11A medium- and high-expansion foam provisions.

- ! Standard for Portable Fire Extinguishers – NFPA 10-2002 was revised to prohibit “extended wand-type” discharge devices on Class K—Fire extinguishers manufactured after 01/01/2002. (Class “K” extinguishers are used for “combustible cooking media” fire hazards in commercial kitchens.) The new version of NFPA 10 allows the use of electronic equipment to monitor the status of portable fire extinguishers an alternative that may be more effective and efficient than manual monitoring.
- ! National Fire Alarm Code – NFPA 72-2002 was updated to revise fire alarm power supply requirements, to improve the survivability of fire alarms from attack by fire, and to improve the “supervising stations” used in larger fire alarm systems.
- ! Standard for the Installation of Sprinkler Systems – NFPA 13-2002 was updated to add the sprinkler installation requirements found in other NFPA standards, to include criteria for solid shelf storage areas, and to make the standard easier for users to reference.

The remaining NFPA standards have been updated to make minor technical and editorial changes and to improve readability by formatting them into a standard layout.

C. Ray Davenport
Commissioner

Attachments:

CHANGE I: 69 FR 55702 (September 15, 2004) or please refer to:
http://www.osha.gov/FedReg_oseha_pdf/FED20040915.pdf

CHANGE II: 71 FR 60843 (October 17, 2006) or please refer to:
http://www.osha.gov/FedReg_oseha_pdf/FED20061017.pdf

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**Fire Protection in Shipyard Employment, §§1915.501 - 1915.509, Final Rule;
Incorporation by Reference, §1915.5; and
Appendix A of Subpart P of Part 1915**

As adopted by the

Safety and Health Codes Board

Date: December 14, 2004



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: March 15, 2005

16 VAC 25-100-1915, Fire Protection in Shipyard Employment, §§1915.501 - 1915.509; and 16 VAC 25-100-1915.5, Incorporation by Reference, §1915.15

When the regulations, as set forth in the final rule to Fire Protection in Shipyard Employment, §§1915.501 - 1915.509, and 1915.5, and Appendix A to Subpart P of Part 1915, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and
Industry

Agency

Department

December 14, 2004

March 15, 2005

**Updating National Consensus in OSHA's Standard for Fire Protection
in Shipyard Employment; Direct Final Rule**

As adopted by the
Safety and Health Codes Board

Date: December 6, 2006



VIRGINIA OCCUPATIONAL SAFETY AND HEALTH PROGRAM

VIRGINIA DEPARTMENT OF LABOR AND INDUSTRY

Effective date: March 21, 2007

16 VAC 25-100-1915.5, Incorporation by Reference
16 VAC 25-100-1915.505, Fire Response
16 VAC 25-100-1915.507, Land-side Fire Protection System

When the regulations, as set forth in the direct final rule for Updating National Consensus Standards in OSHA's Standard for Fire Protection in Shipyard Employment, 16 VAC 25-100-1915.5, 16 VAC 25-100-1915.505, and 16 VAC 25-100-1915.507, are applied to the Commissioner of the Department of Labor and Industry and/or to Virginia employers, the following federal terms shall be considered to read as below:

Federal Terms

VOSH Equivalent

29 CFR

VOSH Standard

Assistant Secretary

Commissioner of Labor and
Industry

Agency

Department

January 16, 2007

March 21, 2007