



## Frequently Asked Questions

### SPS 330 - Fire Department Safety and Health Standards

**1. What occupational safety standards apply to Fire Departments in Wisconsin?**

- a) [SPS 330](#)
- b) [SPS 332](#)
- c) [OSHA 1910](#)
- d) [OSHA 1926](#)

**2. Does SPS 330 and the occupational safety standards apply to all Wisconsin fire departments?**

No. SPS 330 and the occupational safety standards apply only to *public* fire department employers and their *public* employees. [\[SPS 330.002\]](#) Public employees can be volunteer, paid on call, part time, or full time. SPS 330 does not apply to private sector fire departments organized as a non-stock corporation under chapter 181 or 213 of the Wisconsin statutes. Private sector fire departments are governed under federal OSHA standards.

**3. SPS 330 was recently revised. When did these changes take effect?**

The majority of the rule became effective on October 1, 2018. There are additional provisions under section [SPS 330.08](#) that contained a clause that delays the effective date an additional 12 months. Those provisions become effective on October 1, 2019.

**4. What are the significant changes to SPS 330?**

- a) The revisions primarily update the national technical standards that are incorporated by reference. [\[SPS 330.02\]](#).
- b) The new rules clarify that SPS 330 only applies to *public* fire departments. [\[SPS 330.002\]](#)
- c) The new rules specifically exclude any requirements relating to certification. [\[SPS 330.003\(4\)\]](#)
- d) The new rules codify DPS' administrative and regulatory practices relating to the minimum training standards and removed "grace periods". [\[SPS 330.08\]](#)
- e) The new rule requires that training and education be provided by a qualified instructor. [\[SPS 330.07 \(3\)\]](#) SPS 330 does not require instructors to be certified or affiliated with an agency. [\(SPS 330.01 \(21c\)\)](#) defines "qualified instructor".)
- f) The new rule also amended or repealed certain provisions deemed to be burdensome for small, rural, or volunteer fire departments.
- g) The rules were updated to reflect current industry terminology and incorporate language to bring Wisconsin's public fire departments into compliance with NFPA and OSHA standards.

All of the specific changes are included in the plain language section of the Clearinghouse Rule: [CR 17-067](#).

**5. Why does SPS 330 have to comply with OSHA regulations if SPS 330 applies only to public fire departments and OSHA regulates private sector fire departments?**

Per [s. 101.055 \(3\) \(a\)](#) of the Wisconsin Statutes, DPS is required to adopt, and revise as necessary, the safety and health standards for public employees to provide protection at least equal to that provided to private sector employees regulated under OSHA standards.

**6. Did the new rules increase the training requirements for fire fighters or pumper/aerial operators?**

No. The training requirements in this section existed in the previous code. However, the new rules codify the requirements by including the titles of the training courses offered through the [Wisconsin Technical College System](#) (WTCS). These courses are one of the four training options that fire personnel may choose for compliance with the minimum training and education standards. [\[SPS 330.08\]](#)

**7. What are the options for compliance with the minimum training requirements for fire fighters?**

Effective October 1, 2019, per [SPS 330.08 \(1\)](#), no member may be permitted to participate in fire fighting activities until that individual has completed the minimum training and education training requirements specified by any of the following:

- a) An entry-level fire fighter course approved by the technical college system board. (The [entry-level fire fighter course](#) is 60 hours and is offered in two 30-hour modules. SPS 330 does not require certification.)
- b) An approved state apprenticeship program. (The apprenticeship program is administered through the [Department of Workforce Development](#).)
- c) An in-house training program approved by the technical college system board.
- d) NFPA 1001: Standard for Fire Fighter Professional Qualifications. (Training must meet all the components consistent with the job performance requirements (JPRs) within the [NFPA 1001 standard](#).)

**8. What activities are considered “fire fighting” activities?**

[SPS 330.01 \(12\)](#) defines “fire fighting” to mean any activity related to controlling and extinguishing an unwanted fire or a fire set for training fire fighters, including any activity that exposes a fire fighter to the danger of heat, flame, smoke, or any other product of combustion, explosion, or structural collapse, but does not include any activities pertaining to fighting wildland fires. Fire fighting includes emergency operations and responses related to rescues, terrorism, and special hazards.

**9. What are the options for compliance with the minimum training requirements for pumper/aerial operators?**

Effective October 1, 2019, per [SPS 330.08 \(2\)](#), no member may act as a pumper or aerial operator during an emergency operation until that individual meets the minimum training and education training requirements specified by any of the following:

- a) An entry-level driver/operator-pumper or driver/operator-aerial course approved by the technical college system board. (The [entry-level fire driver/operator-pumper course](#) is 30 hours. The [entry-level driver/operator-aerial course](#) is an additional 6 hours. SPS 330 does not require certification.)
- b) An approved state apprenticeship program. (The apprenticeship program is administered through the [Department of Workforce Development](#).)
- c) An in-house training program approved by the technical college system board.
- d) NFPA 1002: Standard for Fire Apparatus Driver/Operator Professional Qualifications. (Training must meet all of the components consistent with the job performance requirements (JPRs) within the [NFPA 1002 standard](#).)

**10. The previous rule contained a “grace period” for fire fighters and pumper/aerial operators to complete the training. Were the grace periods removed in the new rule?**

Yes. Effective October 1, 2019, all fire fighters and pumper/aerial operators who are assigned to perform certain duties will need to meet the minimum training requirements in accordance with SPS 330.08 (2). OSHA regulations require training and education commensurate with the duties and functions the firefighter is expected to perform and requires training to be complete *prior* to performing the duties during an emergency operation. The revised rule brings the rule into compliance with OSHA regulations.

**11. Since the “grace periods” were removed in the new rule, does that mean new members who have not yet completed the training cannot perform any duties or go on any calls?**

No. Fire departments may utilize new members by providing structured “on-the-job” training for duties that can be performed in non-hazardous operations. [\[SPS 330.07 \(5\)\]](#) OSHA regulations, as well as SPS 330, require training commensurate with the duties and functions the firefighter is expected to perform. [\[SPS 330.07 \(4\)\]](#) A new fire fighter may be trained in-house on duties that will be performed in a non-[hazardous](#)/non-[IDLH](#) environment even if they haven’t yet completed the entry-level course or completed the JPRs in the applicable NFPA standard. For example, if a member is expected to climb a ladder, the fire department must provide the member with training on how to set up and climb a ladder *before* the member performs that function.

**12. What are the options for compliance with the minimum training requirements for fire officers?**

Any of the following four options meet the requirements of section [SPS 330.08 \(3\)](#):

- a) A fire officer course approved by the technical college system board. (The [Fire Officer 1 course](#) is 40 hours. SPS 330 does not require certification.)
- b) An approved state apprenticeship program. (The apprenticeship program is administered through the [Department of Workforce Development](#).)
- c) An in-house training program approved by the technical college system board.
- d) NFPA 1021: Standard for Fire Officer Professional Qualifications. (Training must meet all of the components consistent with the job performance requirements (JPRs) within the [NFPA 1021 standard](#).)

**13. How long does a newly appointed fire officer have to obtain the required training?**

Per [SPS 330.08 \(3\)](#), a fire officer appointed after October 1, 2018 may not act as a fire officer during an emergency operation until that individual completes NIMS and obtains the minimum training and education requirements. The fire officer must complete the training by October 1, 2019. Fire officers appointed after October 1, 2019 may not act as a fire officer during an emergency operation until they have received the required training.

**14. What training is required for fire officers that were appointed prior to October 1, 2018?**

A fire officer who was appointed prior to October 1, 2018, and currently holds the title of a fire officer, is considered to be “grandfathered” as a ranked fire officer. Similarly, if the rank changes for a fire officer who was appointed prior to October 1, 2018, and continuously maintains the title of a fire officer, they are considered a current fire officer. Any member appointed as a fire officer after October 1, 2018, including previous fire officers who had a break in rank and are reappointed, is considered a new fire officer and must meet the requirements of [SPS 330.08 \(3\)](#) by October 1, 2019. In all cases, fire departments must provide training and education commensurate with the duties and functions the member is expected to perform in accordance with [SPS 330.07 \(4\)](#).

**15. Section [SPS 330.08 \(3\)](#) requires fire officers to complete NIMS training in accordance with [SPS 330.14](#). What level of NIMS training course does this include?**

Fire officers must be trained in a level consistent with their duties. The level of training depends on the level of incident and resources being managed per NIMS. For example, a Type 3 incident would require NIMS 100, 200, 300, 400, 700, and 800. A Type 4 incident would require NIMS 100, 200, and 700. The NIMS online training is available at no cost and may be obtained at [training.fema.gov/nims](http://training.fema.gov/nims).

**16. What was the approval process for the rule changes?**

The update to SPS 330 was seven years in the making with input from a [six-member advisory committee](#) that consisted of a cross section of representatives from volunteer, combination, and career fire departments. In addition to all the standard rule making procedures, the rule was posted on the legislative and DSPS websites for public comments during the periods of July to November 2017, with notifications sent to every fire department. In October and November 2017, three public hearings were held in Eau Claire, Appleton, and Madison. In May 2018, the Senate Committee on Labor and Regulatory Reform held an additional public hearing. Additionally, DSPS hosted an informational webinar that was held during the evening hours to accommodate volunteer agencies. Following no additional action by the legislative committees, the rule was adopted and became effective October 1, 2018.

**17. What steps does our fire department need to take in order to comply with the new rules?**

- a) Determine areas where your department may not be compliant with the new SPS 330 rules.
- b) Educate your leadership and personnel on the requirements and utilize the available resources to gain compliance.
- c) Reach out, ask questions, and talk to your local DSPS inspector or coordinator.
- d) Ensure the use of Standard Operating Guidelines and maintain documentation of compliance. Several resources are available on the [DSPS website](#).

**18. Who are the Fire Department Safety and Health Inspectors/Consultants and how do I contact them for a question or concern?**

[Inspector Map](#)

**19. Who do I contact if I have a fire department safety and health complaint?**

[Complaint Form](#)

**20. What happens when a complaint is received by DSPS?**

An Inspector will contact the fire department to investigate the concern or complaint. If a violation of a safety standard is discovered, your fire department will be issued a notice of violations and orders. The order contains a deadline for your fire department to comply with the requirements as outlined in the order of compliance. During this process, the DSPS inspector will offer their assistance and work closely with your fire department to provide resources and guidance to ensure and help you gain compliance with the requirements.

**21. What are the reporting requirements for an injury or fatality?**

[SPS 332.50](#) adopts [CFR 1904.39\(a\)](#) which requires employers to report fatalities and in-patient hospitalization of three or more employees as a result of a work-related incident within 8 hours. The Division of Industry Services can be contacted by calling (608) 266-3151 or (877) 617-1565 or 411 (Telecommunications Relay) during normal business hours. During non-business hours, report fatalities and hospitalizations to Wisconsin Emergency Management at (800) 943-0003.

Additionally, pursuant to [s. 101.055 \(7\) \(a\), Stats.](#), and [s. SPS 332.205](#), public sector employers must submit a summary of their previous year's work-related injuries and illnesses to DSPS by March 1 of each year. The summary report may be submitted via the [DSPS Online Injury and Illness Reporting System](#). Summary reports (Form OSHA 300A, SBD-10710, or an equivalent) must be posted in your workplace from February 1st to April 30th.

**22. What happens when an injury or fatality is reported to DSPS?**

An Inspector will contact the fire department to investigate the cause of the injury. If the injury was caused by a violation of a safety standard, the Fire Department will be issued a notice of violations and orders.

**23. Where can I find more information on fire department safety and health standards?**

Additional resources are available on the [DSPS website](#).