

Inspection
Mulberry Fire Department
Mulberry, Florida
January 20, 2009 – Primary Site Visit
August 21, 2009 – Remediation Update



Safety Inspection Report
Prepared by the Safety Section
Bureau of Fire Standards and Training
Florida Division of State Fire Marshal
Florida Department of Financial Services

REPORT

Authority, Purpose, and Scope

The Department of Financial Services, Division of State Fire Marshal (hereinafter “division”) is authorized by the provisions of Section 633.806, *Florida Statutes*, to conduct investigations with respect to the causes of firefighter employee injuries, inspections for the purpose of enhancing firefighter occupational safety and health in the State of Florida, and to make recommendations to the Legislature, firefighter employers, and insurers as to the best means of preventing firefighter injuries. The division is authorized to impose penalties on any firefighter employer who violates or fails or refuses to comply with Sections 633.801 through 633.821, *Florida Statutes*, the “Florida Firefighters Occupational Safety and Health Act,” (hereinafter “FFOSHA”), Rule 69A-62, *Florida Administrative Code* (hereinafter “F.A.C.”), and lawful orders of the Department of Financial Services. The scope of this inspection, in accordance with Rule 69A-62.032, F.A.C., is to determine whether violations of FFOSHA, rules relative thereto, or lawful orders occurred, and make recommendations for remediation to the firefighter employer, if necessary.

Background and Methodology

On November 3, 2008, The Ledger, a local newspaper in the City of Mulberry (hereinafter “City”) area, published a story about the living quarters for the Mulberry Fire Department (hereinafter “department”), a double wide mobile home. The structure was reported to have water damage, including a weakened floor in the kitchen. The division also received anonymous complaints from firefighters, as well as a county employee, who requested anonymity. A division Standards Field Evaluator conducted a site visit on November 12, 2008 and verified the complaints. He also learned that a contractor (Servpro) had been hired to test the structure for mold. The division contacted the City Public Safety Manager/Police Chief to advise him that a representative of the division would be arriving on January 20, 2009 to begin an investigation. Remediation efforts were confirmed on August 21, 2009.

The Fire Department

The department is a career fire department serving the City and a portion of the surrounding, unincorporated county area on mutual aid. The area served by the department has a population of more than 3,200 citizens. The fire department has 11 full-time firefighters.

Results of Inspection and Remediation Requirements

1. The structure occupied by the firefighters has a weakened floor in the kitchen area and mold. If left unrepaired these conditions could pose a danger to firefighter employees. As of August 21, 2009, no action had been taken to remediate the condition (see addendum below).

Remediation - Repair / replace all walking surfaces and their structural members which have been damaged by water intrusion in the living quarters of the fire department and inspect / mitigate any resultant mold conditions in accordance with Sections 633.807 and 633.808, *Florida Statutes*. Provide documented proof of repair and inspection/mitigation within 90 days of the receipt of this notice.

References

633.807 Safety; firefighter employer responsibilities.--Every firefighter employer shall furnish and use safety devices and safeguards, adopt and use methods and processes reasonably adequate to render such an employment and place of employment safe, and do every other thing reasonably necessary to protect the lives, health, and safety of such firefighter employees. As used in this section, the terms "safe" and "safety," as applied to any employment or place of firefighter employment, mean such freedom from danger as is reasonably necessary for the protection of the lives, health, and safety of firefighter employees, including conditions and methods of sanitation and hygiene. Safety devices and safeguards required to be furnished by the firefighter employer by this section or by the division under authority of this section shall not include personal apparel and protective devices that replace personal apparel normally worn by firefighter employees during regular working hours.

2. The department does not include a firefighter (normally with the title of chief), who is responsible for the operation of the department. The designated head, currently Acting Police Chief Peacock does not hold a current certificate of compliance. As of August 21, 2009 the issue has been temporarily resolved pending the final action of the City with regard to the position (see addendum below).

Remediation - A member of the department shall be designated as chief in accordance with Rule 69A-62.007(a)1, F.A.C. The member must hold a current firefighter II certificate of compliance in accordance with 633.35(2) and 633.352, *Florida Statutes*. This action will take place within 90 days from the receipt of this report and documented by email or mail notification.

References

69A-62.007 Minimum Requirements for Class 9 Protection.

(1) To be considered for Class 9 protection, the following minimum facilities must be available:

(a) Organization:

1. The fire department shall be organized on a permanent basis under applicable state or local laws. The organization shall include one person responsible for operation of the department, usually with the title of chief.

633.35(2) Firefighter training and certification.-- The division shall issue a certificate of compliance to any person satisfactorily complying with the training program established in subsection (1), who has successfully passed an examination as prescribed by the division, and who possesses the qualifications for employment in s. [633.34](#), except s. [633.34\(5\)](#). No person may be employed as a regular or permanent firefighter by an employing agency, or by a private entity under contract with the state or any political subdivision of the state, including authorities and special districts, for a period of time in excess of 1 year from the date of initial employment until he or she has obtained such certificate of compliance. A person who does not hold a certificate of compliance and is employed under this section may not directly engage in hazardous operations, such as interior structural firefighting and hazardous-materials-incident mitigation, requiring the knowledge and skills taught in a training program established in subsection (1). However, a person who has served as a volunteer firefighter with the state or any political subdivision of the state, including authorities and special districts, who is then employed as a regular or permanent firefighter may function, during this period, in the same capacity in which he or she acted as a volunteer firefighter, provided that he or she has completed all training required by the volunteer organization.

633.352 Retention of firefighter certification.-- Any certified firefighter who has not been active as a firefighter, or as a volunteer firefighter with an organized fire department, for a period of 3 years shall be required to retake the practical portion of the minimum standards state examination specified in rule 4A-37.056(6)(b) (sic), Florida Administrative Code, in order to maintain her or his certification as a firefighter; however, this requirement does not apply to state-certified instructors, as determined by the division. The 3-year period begins on the date the certificate of compliance is issued or upon termination of service with an organized fire department.

3. There was no documentation of company or command officers being trained commensurate to duty and for their positions. As of August 21, 2009 a memo had been sent out to complete the available on-line NIMS training (see addendum below).

Remediation - Provide additional training and education to all supervisory personnel, commensurate with those duties expected to be performed as required in Rule 69A-62.021, F.A.C. Forward copies of training records by email or mail within 180 days of receipt of this report.

Reference

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

(3) Safety and Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(m) Training. Each firefighter employer shall provide training and education for all firefighters and supervisory personnel commensurate with those duties and functions that such firefighters and supervisory personnel are expected to perform. Such training and education shall be provided to firefighters and supervisory personnel before they perform any emergency activities or other activities requiring such training. Supervisory personnel shall be provided with training and education which is more comprehensive than that provided to the general firefighters.

4. Training records do not document that any firefighters completed an approved Emergency Vehicle Operations Course as required by the F.A.C. As of August 21, 2009, talks were on-going with Ridge Technical Center for an EVOC course (see addendum below).

Remediation - Provide EVOC training to all employees with emergency vehicle operation responsibilities as outlined in Rule 69A-62.021, F.A.C. Forward evidence of the completion by email or mail within 90 days of receipt.

Reference

69A-62.021 General Guidelines for Firefighter Employer Comprehensive Safety and Health Programs.

(3) Safety and Health Training Program. Each firefighter employer shall implement a safety and health training program, which shall address or include:

(d) Each authorized emergency vehicle operator shall possess documentation that he or she has completed at least a 16-hour course of instruction on driving an authorized emergency vehicle, as defined by Section 316.003(1), F.S., which includes, at a minimum, classroom and behind-the-wheel training in a vehicle of the same size, type and class as the emergency vehicle operator will be assigned to operate, as outlined below:

1. Classroom Training.
 - a. Legal aspects of authorized emergency vehicle operators.
 - b. Selecting routes and reporting emergency operation.
 - c. The practice of defensive driving.
 - d. Accident avoidance.
 - e. Principles of vehicle control.
 - f. Routine safety checks of vehicle.
2. Practical.
 - a. Braking and control braking.

- b. Backing; road position, fender judgment and steering technique.
- c. Slalom; steering technique and chassis set.
- d. Steering technique during a skid; a skid pad is optional.
- e. Turn-around-steering technique; fender judgment, road position, controlled braking, controlled acceleration, understeer, oversteer and chassis set.

Documenting Compliance

The above items contain completion dates. As each item is complied with, the fire department shall notify the Bureau of Fire Standards & Training’s Safety Program Manager by mail or email, and include the required documentation of compliance. The division may conduct a follow-up inspection, as needed, to assure compliance with this plan. Failure to comply with the foregoing remediation requirements within the required time period may result in the initiation of formal proceedings against the department by the division pursuant to the provisions of Section 633.811, *Florida Statutes*.

Addendum

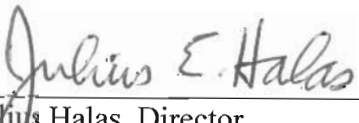
On August 21, 2009, the division contacted Lieutenant Adams of the Mulberry Fire Department to obtain an update on remediation requested during the exit interview following the February inspection. Adams confirmed that he was authorized to speak for the department and further advised that he was acting chief. With regard to the Results of Inspection, Adams indicated:

- Item 1 – No action taken, condition still exists.
- Item 2 – With Lieutenant Adams, a certified firefighter, as acting chief, the issue is temporarily resolved pending the final action of the City with regard to the position.
- Item 3 – A memo was sent out to complete the available on-line NIMS training.
- Item 4 – Talks are on-going with Ridge Technical Center for an EVOC course.

In the interest of safety and to avoid further action, the remediation noted for each item must be corrected no later than 90 days from receipt of this report.

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