

**First Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 19-0554.01 Duane Gall x4335

SENATE BILL 19-061

SENATE SPONSORSHIP

Tate,

HOUSE SPONSORSHIP

Arndt and Hooton,

Senate Committees
Health & Human Services

House Committees

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR THE CERTIFICATION OF CERTAIN TYPES**
102 **OF RESPIRATORS EQUIPPED WITH PRESSURE VESSELS.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

Currently, local fire departments and other users of self-contained breathing apparatus (SCBA) rely on certification under standards promulgated by the United States department of transportation (DOT) or the national institute for occupational safety and health (NIOSH) for quality control of pressure vessels. These certifications are considered valid through the vessel's recommended service life, but that service life

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

is finite.

Section 1 of the bill declares that, with the emergence of new technology to test the continuing safety of vessels that are at the end of their initial recommended service life, vessels that remain safe can and should be recertified for an additional period rather than discarded, resulting in a saving of tax dollars for local governments.

Sections 2 through 4 give the executive director of the department of public health and environment the authority to inspect SCBA equipment and, if necessary, to write rules governing the inspection and certification of pressure vessels. Any such rules must incorporate or recognize current DOT or NIOSH standards for certification and recertification with regard to any technology that is accepted by those federal agencies.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1. Legislative declaration.** (1) The general assembly
3 finds and determines that:

4 (a) The availability of self-contained breathing apparatus (SCBA)
5 is critical to the performance of life-saving duties by first responders,
6 such as firefighters, and the mitigation of hazards such as asbestos and
7 chemical spills in which the presence of dangerous substances makes the
8 air unbreathable in the vicinity of the hazard;

9 (b) An SCBA depends on a portable supply of breathable air,
10 which is typically carried in a cylinder or similar container at high
11 pressure;

12 (c) To ensure user safety, these air containers, generally known as
13 "cylinders", must be tested and certified as capable of withstanding a
14 specified amount of pressure for a defined period, usually fifteen years,
15 after which period the cylinders must be replaced;

16 (d) Recently, new technology has been developed to test the
17 continuing safety of SCBA cylinders that are at the end of their initial
18 recommended service life, potentially allowing them to be placed back in

1 service rather than discarded, and the federal agencies responsible for
2 certifying these cylinders have initially approved certain methods of
3 retesting and recertifying them for additional years of safe service; and

4 (e) The cost of retesting and recertifying a cylinder is
5 approximately one-third the cost of purchasing a new cylinder and can
6 effectively double its service life, saving local governments and other
7 entities that use SCBA cylinders an estimated six hundred to nine hundred
8 dollars per cylinder.

9 (2) The general assembly declares that, for these reasons, it is in
10 the public interest that Colorado's local governments and state agencies
11 be encouraged to use federally approved retesting and recertification
12 methods to extend the life of SCBA cylinders and that the Colorado
13 department of public health and environment be authorized to ensure that
14 applicable standards are observed in doing so.

15 **SECTION 2.** In Colorado Revised Statutes, 25-1.5-101, **add**
16 (1)(cc) as follows:

17 **25-1.5-101. Powers and duties of department - laboratory cash**
18 **fund - report - rules.** (1) The department has, in addition to all other
19 powers and duties imposed upon it by law, the powers and duties
20 provided in this section as follows:

21 (cc) AS DEEMED NECESSARY FOR THE PROTECTION OF
22 FIREFIGHTERS AND OTHERS USING ANY SUCH APPARATUS, TO PROMULGATE
23 RULES TO ESTABLISH AND ENFORCE STANDARDS FOR THE INSPECTION,
24 CERTIFICATION, AND USE OF ANY SELF-CONTAINED BREATHING
25 APPARATUS, AS DEFINED IN SECTION 25-5-1301.

26 **SECTION 3.** In Colorado Revised Statutes, **add** part 13 to article
27 5 of title 25 as follows:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

PART 13
CERTIFICATION OF
SELF-CONTAINED BREATHING APPARATUS

25-5-1301. Definitions. AS USED IN THIS PART 13, UNLESS THE
CONTEXT OTHERWISE REQUIRES:

(1) "DOT" MEANS THE UNITED STATES DEPARTMENT OF
TRANSPORTATION.

(2) "EXECUTIVE DIRECTOR" MEANS THE EXECUTIVE DIRECTOR OF
THE DEPARTMENT OF PUBLIC HEALTH AND ENVIRONMENT.

(3) "NIOSH" MEANS THE NATIONAL INSTITUTE FOR
OCCUPATIONAL SAFETY AND HEALTH WITHIN THE CENTERS FOR DISEASE
CONTROL AND PREVENTION, UNITED STATES DEPARTMENT OF HEALTH
AND HUMAN SERVICES.

(4) "PRESSURE VESSEL" MEANS A SUPPLY OR STORAGE CONTAINER,
WHETHER CYLINDRICAL, SPHERICAL, OR OF ANY OTHER SHAPE, THAT
CONTAINS BREATHABLE GASES UNDER A PRESSURE GREATER THAN ONE
ATMOSPHERE FOR USE IN AN SCBA.

(5) "SELF-CONTAINED BREATHING APPARATUS" OR "SCBA"
MEANS A PORTABLE SYSTEM THAT PROVIDES THE USER WITH A SUPPLY OF
BREATHABLE AIR CARRIED IN A PRESSURE VESSEL OR GENERATED BY THE
SYSTEM, REQUIRING NO INTAKE OF OXYGEN OR OTHER GASES FROM THE
OUTSIDE ATMOSPHERE.

**25-5-1302. Self-contained breathing apparatus - pressure
vessels - certification required.** (1) ON AND AFTER JANUARY 1, 2020, A
PERSON SHALL NOT SELL, LEASE, OR OFFER FOR USE IN THE STATE AN
SCBA THAT CONTAINS OR INCORPORATES A PRESSURE VESSEL UNLESS THE
VESSEL IS:

1 (a) CERTIFIED AS MEETING ALL APPLICABLE STANDARDS
2 PROMULGATED BY DOT OR NIOSH AND ANY STANDARDS ADOPTED BY
3 THE EXECUTIVE DIRECTOR BY RULE; AND

4 (b) WITHIN ITS RECOMMENDED SERVICE LIFE FOLLOWING
5 CERTIFICATION OR, IF APPLICABLE, RECERTIFICATION OR REQUALIFICATION
6 IN ACCORDANCE WITH THE METHODS SPECIFIED IN SPECIAL PERMIT
7 DOT-SP 16320 OR A SUCCESSOR STANDARD ADOPTED BY DOT OR
8 NIOSH.

9 **25-5-1303. Rules.** THE EXECUTIVE DIRECTOR MAY ADOPT RULES
10 AS NECESSARY TO EFFECTUATE THIS PART 13. ANY SUCH RULES MUST
11 INCORPORATE OR RECOGNIZE CURRENT DOT OR NIOSH STANDARDS FOR
12 CERTIFICATION AND RECERTIFICATION OF PRESSURE VESSELS WITH
13 REGARD TO ANY TECHNOLOGY THAT IS ACCEPTED BY THOSE FEDERAL
14 AGENCIES.

15 **SECTION 4.** In Colorado Revised Statutes, **add** 29-5-114 as
16 follows:

17 **29-5-114. Self-contained breathing apparatus - testing -**
18 **certification - recertification.** A TOWN, CITY, CITY AND COUNTY,
19 COUNTY, FIRE PROTECTION DISTRICT, OR STATE INSTITUTION OF HIGHER
20 EDUCATION THAT OWNS OR LEASES ANY SELF-CONTAINED BREATHING
21 APPARATUS, AS DEFINED IN SECTION 25-5-1301, FOR USE BY POLICE
22 OFFICERS, DEPUTY SHERIFFS, OR FIREFIGHTERS SHALL ENSURE THAT THE
23 APPARATUS AND ALL ASSOCIATED PRESSURE VESSELS ARE REGULARLY
24 TESTED AND CERTIFIED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL
25 STANDARDS AND WITH ANY STANDARDS FOR RETESTING AND
26 RECERTIFICATION THAT THE EXECUTIVE DIRECTOR OF THE DEPARTMENT
27 OF PUBLIC HEALTH AND ENVIRONMENT MAY PROMULGATE BY RULE IN

1 ACCORDANCE WITH SECTION 25-5-1303.

2 **SECTION 5. Act subject to petition - effective date.** This act
3 takes effect at 12:01 a.m. on the day following the expiration of the
4 ninety-day period after final adjournment of the general assembly (August
5 2, 2019, if adjournment sine die is on May 3, 2019); except that, if a
6 referendum petition is filed pursuant to section 1 (3) of article V of the
7 state constitution against this act or an item, section, or part of this act
8 within such period, then the act, item, section, or part will not take effect
9 unless approved by the people at the general election to be held in
10 November 2020 and, in such case, will take effect on the date of the
11 official declaration of the vote thereon by the governor.