

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

REVISED

*This Version Includes All Amendments Adopted
on Second Reading in the Second House*

LLS NO. 19-0554.01 Duane Gall x4335

SENATE BILL 19-061

SENATE SPONSORSHIP

Tate and Zenzinger, Bridges, Crowder, Danielson, Ginal, Moreno, Priola, Smallwood,
Todd, Winter

HOUSE SPONSORSHIP

Arndt and Hooton,

Senate Committees

Health & Human Services
Appropriations

House Committees

Health & Insurance
Appropriations

A BILL FOR AN ACT

101 **CONCERNING STANDARDS FOR THE CERTIFICATION OF CERTAIN TYPES**
102 **OF RESPIRATORS EQUIPPED WITH PRESSURE VESSELS, AND, IN**
103 **CONNECTION THEREWITH, MAKING AN APPROPRIATION.**

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

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.

HOUSE
2nd Reading Unamended
April 27, 2019

SENATE
3rd Reading Unamended
April 15, 2019

SENATE
Amended 2nd Reading
April 12, 2019

valid through the vessel's recommended service life, but that service life 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

1 recommended service life, potentially allowing them to be placed back in
2 service rather than discarded, and the federal agencies responsible for
3 certifying these cylinders have initially approved certain methods of
4 retesting and recertifying them for additional years of safe service; and

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

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

16
17 **SECTION 2.** In Colorado Revised Statutes, **add** part 23 to article
18 33.5 of title 24 as follows:

19 PART 23
20 CERTIFICATION OF
21 SELF-CONTAINED BREATHING APPARATUS

22 **24-33.5-2301. Definitions.** AS USED IN THIS PART 23, UNLESS THE
23 CONTEXT OTHERWISE REQUIRES:

- 24 (1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.
25 (2) "DIVISION" MEANS THE DIVISION OF FIRE PREVENTION AND
26 CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN THIS
27 ARTICLE 33.5.

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

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

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

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

17 **24-33.5-2302. Self-contained breathing apparatus - pressure**
18 **vessels - certification required.** (1) ON AND AFTER JANUARY 1, 2020, A
19 PERSON SHALL NOT SELL, LEASE, OR OFFER FOR USE IN THE STATE AN
20 SCBA THAT CONTAINS OR INCORPORATES A PRESSURE VESSEL UNLESS THE
21 VESSEL IS:

22 (a) CERTIFIED AS MEETING ALL APPLICABLE STANDARDS
23 PROMULGATED BY DOT OR NIOSH AND ANY STANDARDS ADOPTED BY
24 THE DIRECTOR BY RULE; AND

25 (b) WITHIN ITS RECOMMENDED SERVICE LIFE FOLLOWING
26 CERTIFICATION OR, IF APPLICABLE, RECERTIFICATION OR REQUALIFICATION
27 IN ACCORDANCE WITH THE METHODS SPECIFIED IN SPECIAL PERMIT

1 DOT-SP 16320 OR A SUCCESSOR STANDARD ADOPTED BY DOT OR
2 NIOSH.

3 **24-33.5-2303. Rules. AS THE DIRECTOR DEEMS NECESSARY FOR**
4 **THE PROTECTION OF FIREFIGHTERS AND OTHERS USING ANY**
5 **SELF-CONTAINED BREATHING APPARATUS, THE DIRECTOR MAY**
6 **PROMULGATE RULES TO ESTABLISH AND ENFORCE STANDARDS FOR THE**
7 **INSPECTION, CERTIFICATION, AND USE OF THE APPARATUS. THE RULES**
8 **MUST INCORPORATE OR RECOGNIZE CURRENT DOT OR NIOSH STANDARDS**
9 **FOR CERTIFICATION AND RECERTIFICATION OF PRESSURE VESSELS WITH**
10 **REGARD TO ANY TECHNOLOGY THAT IS ACCEPTED BY THOSE FEDERAL**
11 **AGENCIES.**

12 **SECTION 3.** In Colorado Revised Statutes, **add** 29-5-114 as
13 follows:

14 **29-5-114. Self-contained breathing apparatus - testing -**
15 **certification - recertification.** A TOWN, CITY, CITY AND COUNTY,
16 COUNTY, FIRE PROTECTION DISTRICT, OR STATE INSTITUTION OF HIGHER
17 EDUCATION THAT OWNS OR LEASES ANY SELF-CONTAINED BREATHING
18 APPARATUS, AS DEFINED IN SECTION 24-33.5-2301, FOR USE BY POLICE
19 OFFICERS, DEPUTY SHERIFFS, OR FIREFIGHTERS SHALL ENSURE THAT THE
20 APPARATUS AND ALL ASSOCIATED PRESSURE VESSELS ARE REGULARLY
21 TESTED AND CERTIFIED IN ACCORDANCE WITH ALL APPLICABLE FEDERAL
22 STANDARDS AND WITH ANY STANDARDS FOR RETESTING AND
23 RECERTIFICATION THAT THE DIRECTOR OF THE DIVISION OF FIRE
24 PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY MAY
25 PROMULGATE BY RULE IN ACCORDANCE WITH SECTION 24-33.5-2303.

26 **SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal
27 year, \$40,291 is appropriated to the department of public safety for use

1 by the division of fire prevention and control. This appropriation is from
2 the general fund. To implement this act, the division may use this
3 appropriation as follows:

4 (a) \$35,018 for personal services, which amount is based on an
5 assumption that the division will require an additional 0.5 FTE; and

6 (b) \$5,273 for operating expenses.

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