

Safety Director's Bulletin

(One in a series of safety information bulletins from your Joint Insurance Fund)



S2011-2
(Page 1 of 3)

AMENDED NJSA40A:14-98 & JUNIOR FIREFIGHTER AUXILIARIES

On April 20, 2011 N.J.S.A. 40A:14-98 was amended. The new language does not change the permitted duties of junior firefighters on the fire ground. These activities are discussed below in more detail. It does, however, clarify the need for appropriate training and supervision of junior firefighters on the fire and training grounds.

Junior firefighter programs serve an important function in the sustainability of the volunteer fire service. However, the rules and regulations concerning their operations have generated a number of questions. We hope you find the information helpful in managing a successful and safe junior firefighter program.

Junior Firefighter Programs are typically formed either as an Explorer Post under the Boy Scouts of America or an Junior Firefighter Auxiliary (JFA) program under the municipality / fire district. This document will only discuss the rules and regulations of the auxiliary-style organization as they pertain to New Jersey's Junior Firemen, and not BSA Explorer programs.

40A:14-98(a) requires rules, regulations, Standard Operating Guidelines, or similar document must be in place before the ordinance or resolution is passed to create the JFA. Volunteer fire companies must have an application form and process. While 14 -16 year olds do not need employment certificates, it is a good practice to require permission of the administrator of the school being attended by the Junior Fireman candidate stating the candidate is in good academic standing. Many fire companies also require letters of recommendation by one or more teachers or other appropriate adults. The Division of Fire Safety recommends an acceptable medical evaluation from a physician stating the applicant is capable of the physical requirements of fire training. The application should be notarized.

Part (a) states "no junior fireman shall be required to perform duties which would expose him to the same degree of hazard as a regular member of a volunteer fire company." This language has not changed.

It is often helpful to think of Junior Firefighters as falling into two categories: 14 – 16 year olds and 16 – 18 year olds, as you develop guidelines. Many of the Child Labor laws distinguish between permitted activities among these age groups. However, a Junior Firefighter may never be exposed to same degree of hazard as a regular firefighter. While it may be convenient to think of this in terms of hot and cold zones, this does not take into account several factors. For example, Junior Firefighters are not permitted to pickup or pack hose on the fire ground, typically a cold zone activity. However, fire hose may be contaminated with run-off, thereby exposing the Junior Firefighter to the same hazard as the regular member. Likewise, Junior Firefighters may not change SCBA cylinders at a fire scene, connect or move fire hoses, or deliver tools from the truck to the incident, though they may deliver tools to a Staging Area, outside of the hazardous area.

Supervision of Junior Firemen while at the station or training ground must be clearly stated in the rules of the organization. Will the organization have its own officers? Or will they be under the chief officer of the parent organization?

Activities of Junior Firemen under 16 years of age shall be limited to (1) attending meetings of the Junior Firemen's Auxiliary; (2) receiving instruction; (3) participating in training that does not involve fire, smoke, toxic or noxious gas, or hazardous materials or substances; and (4) observing firefighting activities under supervision.

It is suggested that Safety Director's Bulletins are posted on your safety announcement boards. This bulletin is intended for general information purposes only. It should not be construed as legal advice or legal opinion regarding any specific or factual situation. Always follow your organization's policies and procedures as presented to you by your manager or supervisor. For further information regarding the content of this bulletin, please contact J. A. Montgomery Risk Control at 877.398.3046.

J. A. Montgomery Risk Control
June, 2011

This is 40A:14-98(c and this has not changed. Child Labor Laws (N.J.S.A. 12:58-3.2) also states (a) Minors under 16 years of age shall not be permitted to work in, about, or in connection with power-driven machinery.

At 16, juniors can participate in most training evolutions. Training may occur at fire academies or similar learning facilities, or fire stations / first aid squads, or other training sites such as parking lots, junk yards, etc. When training utilizes hazardous equipment such as compressed liquids or gases, ladders, power tools, etc., Child Labor laws require direct and close supervision of the juniors. Ensure all other state laws are adhered, such as certified instructors, live burns, acquired structures, and others. Also, be sure Junior Firemen are adequately educated and prepared to begin using hazardous equipment.

NJDOL has also listed the following guidelines for firefighting and EMS related activities:

1. Axe, Crow Bar, and Manual Seat Belt Cutter – Minors must be 14 yrs. to train with under the supervision of instructor
2. Flares – Minors may train at age 14 yrs. and use on a scene at 16 yrs.
3. Oxygen – Minors must be 16 yrs. to ride in an ambulance containing oxygen cylinders. Minors must be 16 yrs. to administer oxygen.
4. Fire and EMS apparatus – Minors must be 16 yrs. to ride in an ambulance or fire apparatus to an emergency. Consideration should be made as to the type of emergency being responded to. For example, the Division of Fire Safety cautions against Hazardous Material Responses.
5. Suction Unit – Minors must be 16 yrs. to train with or operate
6. Air Chisel, Powered Seat Belt Cutter, and Porta-Power (manually-operated hydraulic spreader) – Minors must be 16 yrs. to train with or operate
7. Jaws of Life & Come Along – Minors must be 18 yrs. to operate
8. Direct Traffic – Minors must be 16 yrs and, in accordance with the Manual on Uniform Traffic Control Devices, be trained and certified.
9. All junior firefighters and EMS cadets MUST be seated within the vehicle, with seat belts fastened, while riding on any department vehicle.

Junior Firefighters over 16 years may train with SCBA in non-live fire situations. SCBA use is a strenuous activity and can pose many non-fire-related hazards. Instructors must properly prepare Juniors before actually donning and wearing SCBA even in theatrical smoke or confidences courses.

Junior Firefighters over 16 years may train with ladders and charged hose lines. Again, instructors must properly prepare them and institute effective controls to safeguard the Juniors.

Child Labor Laws (N.J.S.A. 12:58) states: Minors under 18 years of age shall not be permitted to work in, about, or in connection with Highly Inflammable Substances, Radioactive Substances and Ionizing Radiation, Carcinogenic Substances, Toxic and Hazardous Substances (defined as any material exceeding a threshold limit value listed in the tables of 29 CFR 1910 Subpart Z, Infectious or Contagious Diseases, Corrosive Materials, and Pesticides. Also, minors under 18 years of age may not:

- Work in conjunction with injurious quantities of toxic or noxious dusts, gases, vapors, or fumes. (Minors can not fight fires)
- Oil, wipe, or clean machinery in motion or assist therein
- Use grinding, abrasive, polishing, or buffing machines

For updates, go to the NJ DOL website at: <http://lwd.dol.state.nj.us>. Under "Wage and Hour Compliance," click on "Laws and Regulations," and scroll to "New Jersey State Child Labor Laws and Regulations."

Junior Firefighters / Cadets over 16 years of age have been granted an exemption allowing them to train with saws and other power tools when under direct and close supervision. These tools require personal protective equipment such as eyewear and gloves. Under NJPEOSHA, protective equipment must be provided free of charge, in good condition, and properly fitted.

Junior Firefighters may enter a fire scene as a learning experience **ONLY AFTER ALL FIREFIGHTING ACTIVITIES HAVE BEEN CONCLUDED**. This includes all salvage and overhaul operations and the Incident Commander has determined the structure is safe.

40A:14-98(b) is the new language added in the amendment. Four provisions have now been clearly required if the fire department / district permits JFA to perform non-hazardous duties at a fire site. Section (1) strengthens the need for "appropriate and adequate" training in preparation for their permitted activities at the fire site. This may place a paperwork and coordination burden on fire departments / districts to document and track which juniors have completed which training, so each member can be assigned tasks at the fire site.

Section (2) specifies "appropriate and adequate" supervision of the juniors at the fire site as they perform non-hazardous duties. This could place another burden for first responders if a firefighter / fire officer must closely supervise juniors, especially during the early stages of an incident when manpower is already stretched.

Section (3) seems to indicate that parents / guardians must be informed of the specific duties their child may be asked to do on the fire ground. They must provide written acknowledgement that they understand the duties and limitations.

Section (4) requires the same insurance coverages for the junior members as the regular members. Organizations are strongly urged to contact their Risk Managers to discuss the coverages and programs for their JFA members.

Do not overlook the issue of supervision; especially the situation where adults are interacting with minors. The news media is full of stories about adults abusing their position of authority when working with youngsters and precautions should be taken to avoid that potential exposure. We therefore strongly urge you to develop guidelines regarding contact with and protection of minors who are enrolled in the program.