

# Review of proposed OSHA Emergency Response Standard rule

July 9, 2024

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<p><b>Adds additional §1910.6 incorporation by reference (IBR)</b> of entire sets of ANSI and NPFA standards. In most cases, the most recent version of those standards are the ones adopted:</p> <p>ANSI/ISEA standards (specifically mandatory standards containing “shall”) for high visibility safety vests ((e)(80));</p> <p>NFPA standards for: ((t)(34), (38-58))</p> <ul style="list-style-type: none"> <li>• protective ensembles for structural and proximity firefighting/technical rescue incidents/contaminated water diving/wildland firefighting/surface water operations/hazardous materials and CBRN operations/emergency medical operations</li> <li>• structural firefighter professional qualifications</li> <li>• fire apparatus operator qualifications</li> <li>• marine firefighting professional qualifications</li> <li>• technical rescue qualifications</li> <li>• fire officer qualifications</li> <li>• facility fire brigade qualifications</li> <li>• wildland fire protection</li> <li>• training rapid intervention crews</li> <li>• comprehensive occupational medical programs for FDs</li> <li>• inspection/maintenance/retirement of emergency vehicles and vessels</li> <li>• open circuit SCBA for emergency services</li> <li>• personal alert safety systems</li> <li>• respirators for wildland firefighting and tactical and technical operations</li> <li>• combination unit respirator systems for tactical and technical operations</li> </ul>	<p>Washington’s administrative rules do not incorporate whole NFPA or ANSI standards by reference to the extent that the proposed OSHA rule does. NFPA and ANSI standards are incorporated by reference for specific standards for specific purposes. Also, most of those specific standards that are incorporated are not the most recent versions.</p> <p>Examples of ANSI incorporations by reference:</p> <ul style="list-style-type: none"> <li>• <b>WAC 296-305-02004.</b> Primary face and eye protection for specific hazards must meet ANSI Z87.1</li> <li>• <b>WAC 296-305-07018.</b> Safety belts in Wildland firefighting vehicles must comply with ANSI A10.14-1975</li> </ul> <p>Examples of NFPA incorporations by reference:</p> <ul style="list-style-type: none"> <li>• <b>WAC 296-305-02001.</b> <ul style="list-style-type: none"> <li>• Cleaning of PPE must follow either manufacturer guidelines or NPFA Standard on Selection, Care, and Maintenance of Protective Ensembles for Structural Firefighting and Proximity Firefighting.</li> <li>• Turnout clothing must meet NFPA Standard on Protective Ensemble for Proximity Firefighting.</li> </ul> </li> <li>• <b>WAC 296-305-02002.</b> Structural firefighting clothing must meet NFPA Standard on Protective Clothing for Structural Fire Fighting, or the 1997 edition of NFPA 1971, Standard on Protective Ensemble for Structural Fire Fighting.</li> <li>• <b>WAC 296-305-02017.</b> Structural firefighters must wear PASS protection devices meeting 1993 NFPA Standard on Personal Alert Safety Systems (PASS) for Firefighters</li> <li>• There are numerous other examples of specific NFPA standards adopted for safety and respiratory equipment, emergency medical protection, hazardous materials/CBRN ensembles, and several others.</li> </ul>
<p><b>Revises §1910.120(q)(3)(iii) Hazardous waste operations and emergency response</b></p> <p>Person in charge of ICS is responsible for ensuring appropriate PPE and is used for hazardous substances encountered. Requires PPE to meet criteria in 29 CFR 1910.156(k).</p>	<p><b>WAC 296-305-03002.</b> Requires fire department personnel involved in hazardous materials incidents to be provided and protected by appropriate PPE. Incorporates by reference NPFA standards for CBRN PPE and outlines specific requirements for such PPE.</p>

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<p><b>Revises §1910.120 App B, Part B, subsec. IV, Level D – General description and discussion of the levels of protection and protective gear</b> Requires level D protection when atmosphere does not contain a known hazard and work functions preclude risk of unexpected inhalation or contact with hazardous levels of chemicals. Includes note on selection of appropriate PPE and reminds reader about adoption of new NFPA standard on CBRN protective ensembles.</p>	
<p><b>Replaces §1910.134 Respiratory protection</b> Removes definition of “interior structural firefighting” and cross-references definition to 29 CFR 1910.156.</p>	
<p><b>Amends §1910.155 Scope, application, and definitions applicable to this subpart</b> Revised paragraph “(a) Scope” to acknowledge that the subpart’s requirements apply to Workplace Emergency Response Employers and Emergency Service Organizations, as well as all portable and fixed suppression equipment, detection systems, and alarm systems installed to meet fire protection requirements.</p> <p>Removes definitions of “Enclosed structure,” “Fire brigade,” “Flame resistance,” “Helmet,” “Lining,” “Outer shell,” “Positive-pressure breathing apparatus,” “Quick disconnect valve,” and “Vapor barrier.”</p> <p>Defines “Class K fire,” “clean agent,” “halogenated agent,” “wetting agent,” and “wet chemical.”</p>	<p><b>WAC 296-811-099 Definitions (Fire Brigade)</b> Includes relevant definitions.</p> <p><b>WAC 296-305-01005 Definitions.</b> Includes relevant definitions.</p>
<p><b>Revises §1910.156 Emergency response</b></p>	
<p>(a) <b>Scope.</b> Defines “Workplace Emergency Response Employer (WERE),” “Workplace Emergency Response Team (WERT),” and “Emergency Service Organization (ESO).” Section does not apply to employers performing disaster site cleanup or recovery or activities covered by 29 CFR 1910.146 (Hazardous waste operations).</p> <p>(b) Defines terms related to emergency response and organizational structure. City fire departments will be considered ESOs under these rules. ESO does not include law enforcement.</p>	<p><b>WAC 296-305-01003 Scope and application</b> Applies safety standard rules to any and all activities, operations, and equipment and employees involved in providing fire protection services.</p>
<p>(c) <b>Emergency Response Plan.</b> Establishes requirements for organization of ESOs and WEREs and the development of the organization’s Emergency Response Plan (ERP). Includes retention requirement of 5 years for all</p>	<p><b>WAC 296-824-20005 Develop an emergency response plan</b> Requires development of written ERP that addresses preplanning and coordination with additional departments and agencies, established</p>

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<p>documents related to the ERP.</p> <p>(d) <b>ERP</b> to include:</p> <ul style="list-style-type: none"> <li>• ERP to include explanation of how ESO is addressing emergency services capability,</li> <li>• Requires community vulnerability assessments of ESO service area, including vacant structures, unsafe structures, and other facilities otherwise required to report under Right-to-Know Act. ERP must include means of notifying responders of known hazards in assessment</li> <li>• Evaluate resources needed to address hazards in assessment, and establish tiers of responders based on responsibilities, qualifications, and capabilities.</li> <li>• Define services that ESO is unable to provide and develop mutual aid agreements to address those needs</li> </ul> <p>(e) Establishes requirements for responders to participate in development of ERP.</p>	<p>personnel roles and authority and communication in those roles, appropriate employee training based on the employee’s role and competency, emergency recognition and immediate emergency procedures, methods of controlling and securing a scene, emergency medical treatment, a complete PPE program, emergency equipment, emergency response procedure, decontamination procedure, and methods of critically assessing response and conduct appropriate follow up.</p> <p>Plan must be available to employees and WISHA inspectors.</p> <p><b>WAC 296-305-05000 Incident Management.</b> Requires the establishment of an Incident Management System (IMS) and the develop of an overall strategy and Incident Action Plan.</p> <p>See examples of other required written plans below:</p> <ul style="list-style-type: none"> <li>• <b>WAC 296-305-02501 Emergency medical protection.</b> Requires creation of an infection control plan and the designation of an infection control officer. Requires annual review of plan.</li> <li>• <b>WAC 296-305-05107 Technical Rescue incident response planning.</b> Requires written special operations incident response plan for specific types of technical rescue they plan to operate.</li> </ul>
<p>(f) <b>Risk Management Plan.</b> Requires ESO and WERE to develop comprehensive risk management plan (RMP) covering risks associated with activities at ESO/WERE facilities, training, vehicle operations, emergency incident response, non-emergency services, and activities resulting in exposure to combustion products, carcinogens, or other incident related health hazards. RMP must also include components of those risks impacting responders, and include PPE needs, respiratory protection and infection prevention programs, policies covering extraordinary situations. RMP must be reviewed at least annually.</p>	<p><b>WAC 296-305-05000(5).</b> Requires development of a department risk management policy to provide guidance to incident commanders on scene.</p>
<p>(g) <b>Medical &amp; physical requirements.</b> Requires ESO/WERE to establish minimum medical and physical requirements for responders for each type and level of job. Some highlights:</p> <ul style="list-style-type: none"> <li>• Requires ESO to maintain confidential record for each responder on duty restrictions, occupational health issues, and exposures to combustion products, toxics, diseases, or dangerous substances.</li> <li>• Requires medical evaluations, tests, and lab analysis to be provided to</li> </ul>	<p><b>WAC 296-305-01509(7) Management’s responsibility</b> Requires management to ensure employees are physically capable of performing duties assigned to them and not let employees who are not physically able to participate in certain activities.</p> <p><b>WAC 296-305-05002</b> Requires officers on scene to monitor physical and mental condition of</p>

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<p>responders at no cost and no loss of pay.</p> <ul style="list-style-type: none"> <li>• Sets forth requirements for medical evaluation of fitness for duty.</li> <li>• Requires medical evaluation at least every 2 years.</li> <li>• Requires additional medical surveillance of responders exposed to combustion products 15+ times per year.</li> <li>• Requires ESO to provide behavioral health and wellness resources to responders at no cost.</li> <li>• Requires ESOs to develop a health and fitness program for ensuring fitness for duty, with fitness assessments for responders at least every 3 years.</li> </ul>	<p>employees and ensure adequate measures are taken to protect their health.</p> <p><b>WAC 296-824-40005 Provide medical surveillance to employees</b> Requires employers provide medical surveillance to employees and includes a table laying out the appropriate surveillance and length of time for a given exposure or medical need.</p>
<p>(h) <b>Training.</b> Requires ESO/WERE to establish minimum knowledge and skills for each responder based on type and level of service. Requires ESO to provide initial and ongoing training and professional development for each responder. Training must be provided in a language and literacy level that responders can understand.</p> <p>Requires ESO to restrict responder during emergency response duties until they can demonstrate adequate skills and abilities for task in question.</p> <p>Sets out specific subjects to be included in training, including PPE, fire extinguishers, Incident Management System (IMS), evacuations, first responder awareness included in 29 CFR 1910.120(q)(6)(i), CPR and AED use, and appropriate vocational training necessary for the responder's particular job type and level of service. Firefighter trainings are to be equivalent to NPFA standards on:</p> <ul style="list-style-type: none"> <li>• Fire brigade member professional qualifications</li> <li>• Structural firefighters professional qualifications</li> <li>• Training fire service rapid intervention crews, 2020 ed.</li> <li>• Fire apparatus driver/operator or emergency vehicle operator professional qualifications</li> <li>• Fire officer professional qualifications (for department leadership)</li> <li>• Wildland fire protection, 2022 ed., or has a Red Card from the National Wildfire Coordinating Group</li> <li>• Technical rescue personnel professional qualifications, 2021 ed.</li> <li>• Marine fire fighting for land-based firefighters, 2019 ed.</li> </ul>	<p><b>WAC 296-305-05502 Training and member development</b> Requires department to provide training, education, and ongoing development for all members commensurate with those members' individual duties. Training must be provided prior to the responder's performance of emergency response. No language access requirements specified.</p> <p>Sets out specific requirements on training responders in PPE, use of equipment, IMS use, fire response training, protection from asbestos, among other things. Includes table for subject specific training depending on the job or skill type, and incorporation of certain relevant NFPA standards for those skills.</p> <p><b>WAC 296-824-300 and WAC 296-824-30005 Training</b></p> <p>These WACs also require that emergency response departments adequately train their employees for their assigned roles and duties, and set out the different levels of training for inexperienced and experienced personnel at different levels of competency.</p>
<p>(i) <b>WERE Facility Preparedness.</b> See rule for details</p>	
<p>(j) <b>ESO facility preparedness.</b> Requires that facilities complies with 29 CFR</p>	<p><b>WAC 296-305-06503 General Requirements</b></p>

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<p>1910, subpart E on exit rules and emergency planning. Must also provide facilities for decontamination, disinfection, and cleaning/storage of PPE and equipment, or at least a means to bag and store contaminated equipment until it can be decontaminated offsite.</p> <p>Includes standards for firepole construction and use, requirements for alarms and safe configurations of sleeping areas, automatic sprinkler systems for facilities of certain size, prevention of living/sleeping area exposure to vehicle exhaust, ensuring contaminated PPE is kept out of living/sleeping areas.</p>	<p>Includes standards for fire stations and administrative offices. Sets out requirements for firepole construction, sleeping quarters, sprinkler systems, and stairs and other walking surfaces.</p> <p><b>WAC 296-305-1505 Accident Prevention Program</b> Requires fire stations to be inspected for, and maintained reasonably free of, recognized hazards at least monthly.</p> <p><b>WAC 296-305-08000 Appendices</b> Provides nonmandatory guidelines for the establishment of decontamination areas in fire stations and decontamination procedures.</p>
<p>(k) <b>Equipment and PPE.</b> Requires ESO/WERE to provide access to equipment needed to train and perform emergency services at no cost to responders.</p> <p>Requires ESO to inspect, maintain, functionally test, and service test equipment at least annually, in accordance with manufacturer’s instructions and industry practice, whenever necessary.</p> <p>Requires ESO to conduct PPE hazard assessment for the selection of appropriate protective ensembles. Requires ESO to provide all necessary components of appropriate protective ensembles to responders at no cost.</p> <p>ESO must ensure that PPE meets requirements of that PPE’s respective NFPA standard, including:</p> <ul style="list-style-type: none"> <li>• Protective Ensembles for Technical Rescue Incidents</li> <li>• Surface Water Operations Protective Clothing and Equipment</li> <li>• Protective Ensembles for Contaminated Water Diving</li> <li>• Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting</li> <li>• Protective Clothing and Equipment for Wildland Fire Fighting and Urban Interface Fire Fighting</li> <li>• Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services</li> <li>• Personal Alert Safety Systems (PASS)</li> <li>• Respirators for Wildland Fire-Fighting Operations and Wildland Urban Interface Operations</li> <li>• Respiratory Protection for Tactical and Technical Operations</li> </ul>	<p><b>WAC 296-305-02001 Personal protective equipment and protective clothing</b> Requires fire departments to provide appropriate PPE at no cost to employees. Employer must make sure that employees use required PPE.</p> <p>Some highlights:</p> <ul style="list-style-type: none"> <li>• Train firefighters in use of PPE</li> <li>• Requires PPE to be maintained according to manufacturers instructions, and requires a written maintenance, repair, and inspection program.</li> <li>• Dept is required to provide for cleaning of protective clothing and decontamination of uniforms free of cost, either at the station or a separate cleaning service, in accordance with manufacturer’s recommendations, or NFPA Standard on Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.</li> <li>• If provided, work uniforms must meet NFPA Standard on Station/Work Uniforms for Fire and Emergency Services. Uniforms are not required.</li> <li>• Turnout gear must meet NPFA Standard on Protective Ensemble for Proximity Firefighting.</li> </ul>

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<ul style="list-style-type: none"> <li>• Combination Unit Respirator Systems for Tactical and Technical Operations</li> <li>• Protective Ensembles for Hazardous Materials and CBRN Operations</li> <li>• Protective Clothing and Ensembles for Emergency Medical Operations</li> <li>• ANSI/ISEA 207, American National Standard for High-Visibility Public Safety Vests</li> </ul> <p>ESO must also ensure proper use of PPE by responders.</p>	
<p>(l) <b>Vehicle preparedness and operation.</b> ESO/WERE must ensure that vehicles are inspected, maintained, and repaired as specified by the manufacturer. Ensure vehicles have adequate safety harnesses for all riding positions in the vehicle and are operated by qualified responders and that passengers are properly seated and secured any time the vehicle is in motion unless in a designated “pump-and-roll” operations or performing necessary emergency medical care following appropriate guidelines.</p> <p>Must ensure vehicles at least meet their appropriate NFPA standard for their vehicle type:</p> <ul style="list-style-type: none"> <li>• For aerial vehicles and vehicle-mounted water pumps: NFPA 1910 standard for Inspection, Maintenance, Refurbishment, Testing, and Retirement of In-Service Emergency Vehicles and Marine Firefighting Vessels</li> </ul> <p>ESO must establish and implement policies and procedures for training on tiller operated vehicles, alternative means for safety during vehicle special or ceremonial operations, operating vehicles not directly under the control of the ESO.</p> <p>Ensure PPE and equipment stored on the vehicle are carried in an enclosed seating area of the vehicle and is secured while the vehicle is in motion.</p>	<p>Washington has several separate rules dealing with the aspects of vehicles maintenance and operation.</p> <p><b>WAC 296-305-04501 Automotive fire apparatus design and construction</b> Requires all new vehicles to comply with NFPA Standard for Automotive Fire Apparatus or NFPA Standard for Wildland Fire Apparatus. Sets out specific requirements for vehicle construction.</p> <p><b>WAC 296-305-04503 Automotive fire apparatus equipment</b> Sets out requirements for a vehicle’s safe carrying of tools and equipment, adequate safety harnesses for firefighters, no unsafe features of the vehicle like running boards or riding tail steps.</p> <p>Firefighters must be seated at all times the vehicle is in motion, unless performing necessary emergency medical care and are restrained as much as possible.</p> <p>Requires a written policy for departments permitting hose rolling operations while vehicle is in motion.</p> <p><b>WAC 296-305-04505 Automotive apparatus operational rules</b> Sets out requirements for safe operation of fire apparatus. Requires written policy and procedure for daily operational check of vehicles, or a schedule of regular checks for unstaffed vehicles. Sets out rules for safe use of vehicles by firefighters, including waiting for vehicle to come to complete stop before stepping from vehicle, securing the vehicle at the scene, safe unloading and use of equipment, and only trained drivers allowed to drive the apparatus.</p>



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	<p><b>WAC 296-305-04507 Fire apparatus maintenance and repair</b> Sets out requirements for reporting unsafe conditions on a vehicle, removing an unsafe vehicle from service, requirements for qualified personnel to do certain maintenance and repairs, and requires testing and maintenance of vehicle according to manufacturer’s recommendations. Requires a preventative maintenance program to be instituted and maintenance logs to be maintained.</p> <p><b>WAC 296-305-04510 aerial apparatus</b> Requires construction and maintenance of new aerial apparatus to meet the 2009 NFPA Standard for Automotive Apparatus.</p> <p>Existing aerial devices are to be maintained according to manufacturer instructions and non-conflicting portions of 2002 NFPA Standard for the Inspection, Maintenance, Testing and Retirement of In-Service Automotive Fire Apparatus.</p> <p>Requires annual inspection for certain components, and requires certified testing agency testing every 5 years.</p> <p>Sets out operational safety requirements for various scenarios.</p>
(m) <b>WERE Pre-incident Planning (PIP).</b> See rule for details.	
(n) <b>ESO Pre-incident planning (PIP).</b> Use community assessment to develop PIP for facilities/locations/infrastructure where incidents may occur. PIP to be prepared pursuant to the reporting requirements in the Community Right-to-Know Act. Requires PIP to include policies on how ESO will protect proprietary business information. ESO will ensure that most recent PIPs are disseminated to responders and that they are available to responders in the field. PIPs to be reviewed at least annually and updated as needed.	
(o) <b>Incident Management System (IMS) Development.</b> Requires ESO/WERE to use a unified IMS to manage all emergencies based on the Emergency Response Plan, the community vulnerability assessment, and individual PIPs. IMS needs to include components that are scalable and adaptable to any situation. Incident Safety Officer (ISO) or Incident Commander (IC) must assess each incident scene for existing and potential hazards and oversee responder safety. Incident scene must include a way for responders to report unsafe conditions and actions on scene with ISO/IC	<p><b>WAC 296-305-05000 Incident Management</b> Requires establishment of written IMS consistent with National Incident Management System.</p> <p>Sets out requirements for establishment of incident commander on scene and management by ICS and adequate support structure to control the position and function of all members at the scene.</p>

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<p>and provide for clear and effective communications and operations.</p> <p>IC must be responsible for at least front-line management, overall incident safety, tactical planning/execution, determine team needs at the scene and requesting additional resources or assistance (through an emergency operations center) as needed.</p>	<p>IC must be responsible for assuming command and establishing a command position, situational evaluation and risk assessment, initiate and maintain communication with firefighters on scene, develop overall strategy and an incident action plan, develop an effective ICS organization.</p>
<p><b>(p) Emergency Incident Operations.</b> Requires IMS to be used at each emergency incident and that each emergency incident has an IC or unified command (UC). One officer (either IC or ISO) must be in charge of incident scene safety. IC is also responsible for dividing a complex or growing scene into strategic or tactical level management components. A UC must be established for any incident whose complexity requires one or more ESO/WEREs to respond.</p> <p>ICs must be a responder, and the command post location must be communicated to all responders at the scene. Sets out further requirements for ICs and control zones around an incident.</p> <p>Also sets out on-scene health and safety measures like minimum staffing, personnel safety on scene, communications between responders on scene, ensuring availability and use of proper PPE and respiratory equipment.</p> <p>Sets out requirements for control of a scene and use of specialized personnel.</p>	<p><b>WAC 296-305-05000 Incident Management (continued)</b></p> <p>Requires dept to establish an accountability system for tracking all responders on the scene. IC must provide for control of hazardous areas of the scene, proper use of PPE, and preventing unauthorized personnel from entering the exclusion zone around a scene. Only trained personnel can operate equipment.</p> <p>Department must establish a mayday procedure and on scene communications procedure.</p>
<p><b>(q) Standard operating procedures.</b> Requires ESO/WERE to develop SOPs for emergency events responders are likely to encounter. SOP must include how responders should respond in certain uncommon scenarios or situations beyond their capability.</p> <p>SOP must also lay out expected operation of vehicles and equipment, PPE, maintaining communication, coordinating and maintaining accountability for all responders on scene, examining unsafe buildings, responding to maydays, and medical monitoring and rehabilitation as needed at an incident.</p> <p>ESO SOPs must include procedures for controlling vehicle traffic and safe zone creation at an incident on or near a road, scenes that are primarily law enforcement related, and conducting other non-emergency services.</p>	



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<p>(r) <b>Post accident analysis.</b> Requires ESO/WERE to conduct prompt Post accident analysis after large scale incidents, significant near misses, a responder injury requiring off-scene treatment, or a responder fatality. Analysis to include review of RMP, IMS, PIP, SOP, and IAP, and identify and implement lessons learned.</p>	<p><b>WAC 296-305—1503 Accident/Incident investigation</b>  Requires preliminary investigation when emergency actions cause serious injury or exposures of disease causing chemical or physical agents. Investigator must be deemed qualified by the employer. Each fire dept must have a written procedure for investigating and evaluating the cause of accidents. Sets forth additional procedures for conducting accident investigations.</p> <p><b>WAC 296-305-01505 Accident prevention program</b>  Requires all fire departments to have a written safety program, with a designated health and safety officer, tailored to the particular hazards faced by that department. Program must include how and when to report injuries, use of PPE, proper response to emergencies, identification of hazardous substances and plan for response to exposures, on-the-job review of safe job performance. Also requires establishment of a safety committee with regular (quarterly) safety meetings.</p>
<p>(s) <b>Program evaluation.</b> Requires at minimum an annual review of Emergency Response Plan and review upon discovery of deficiencies. Sets out elements required by review.</p>	
<p>(t) <b>Severability clause</b></p>	
<p><b>§1910.157 Portable fire extinguishers</b></p>	
<p>(c)(3) prohibits fire extinguishers using carbon tetrachloride, chlorobromomethane, and methyl bromide</p> <p>(d)(7) Requires use of extinguishers using class K extinguishing agent, and enough distributed extinguishers so that none would need to travel more than 30 feet to cover an area.</p> <p>Includes a new Table L-1, which sets out various types of allowable fire extinguishers and their various testing schedules.</p>	
<p><b>§1910.158 Standpipe and hose systems</b></p> <p>(c)(2)(iii) requires standpipe inlets to be compatible with connectors and fittings with fire hoses used by WERT.</p>	
<p><b>§1910.159 Automatic sprinkler systems</b></p> <p>(c)(12) requires sprinkler system inlets to be compatible with fire hose couplings used by fire department or WERT.</p>	