

## CHAPTER 215

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**LABOR AND INDUSTRY**

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**SENATE BILL 19-061**

BY SENATOR(S) Tate and Zenzinger, Bridges, Crowder, Danielson, Ginal, Moreno, Priola, Smallwood, Todd, Winter;  
also REPRESENTATIVE(S) Arndt and Hooton, Bird, Buckner, Caraveo, Duran, Exum, Froelich, Galindo, Gray, Jaquez Lewis,  
Mullica, Snyder, Sullivan, Titone, Valdez D., Becker.

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

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

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

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

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

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

(d) Recently, new technology has been developed to test the continuing safety of SCBA cylinders that are at the end of their initial recommended service life, potentially allowing them to be placed back in service rather than discarded, and the federal agencies responsible for certifying these cylinders have initially approved certain methods of retesting and recertifying them for additional years of safe service; and

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

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

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

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

PART 23  
CERTIFICATION OF  
SELF-CONTAINED BREATHING APPARATUS

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

(1) "DIRECTOR" MEANS THE DIRECTOR OF THE DIVISION.

(2) "DIVISION" MEANS THE DIVISION OF FIRE PREVENTION AND CONTROL IN THE DEPARTMENT OF PUBLIC SAFETY CREATED IN THIS ARTICLE 33.5.

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

(4) "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.

(5) "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.

(6) "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.

**24-33.5-2302. 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:

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

(b) WITHIN ITS RECOMMENDED SERVICE LIFE FOLLOWING CERTIFICATION OR, IF

APPLICABLE, RECERTIFICATION OR REQUALIFICATION IN ACCORDANCE WITH THE METHODS SPECIFIED IN SPECIAL PERMIT DOT-SP 16320 OR A SUCCESSOR STANDARD ADOPTED BY DOT OR NIOSH.

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

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

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

**SECTION 4. Appropriation.** (1) For the 2019-20 state fiscal year, \$40,291 is appropriated to the department of public safety for use by the division of fire prevention and control. This appropriation is from the general fund. To implement this act, the division may use this appropriation as follows:

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

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

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

Approved: May 20, 2019