

To: NFPA 1917 Committee Members

From: Chief Gary Morris, retired, NFPA 1917 Committee Member

Subject: Background on the National Association of State Emergency Medical Service Officials Submission of Two TIA's Related to NFPA 1917.

As a NFPA 1917 committee member, my purpose with this memo is to provide committee members some background on the National Association of State Emergency Medical Service Officials (NASEMSO) and the recent TIA's submitted by that organization executive director, Dia Gainor, along with my support for approval of the two TIA's recently submitted to the NFPA 1917 Committee.

Last summer, NASEMSO made a request to the International Association of Fire Chiefs (IAFC) for a representative from IAFC to join them in a series of meetings to discuss the impact of the new NFPA 1917 standard on state EMS director's responsibilities. Several other organizations, including ambulance manufactures, ambulance operators, the National Institute of Occupational Safety and Health (NIOSH) and the National Institute of Standards and Technology (NIST), the federal General Services Administration (GSA) were in attendance. Ken Holland, staff liaison to the NFPA 1917 committee, and Ken Willete, both from the National Fire Protection Association also joined the meetings.

The NASEMSO members were faced with the challenge of a new standard on ambulances that was to be released in September, 2012, and the time necessary to move a standard through the legislative process. Further challenging NASEMSO was federal law, The National Technology Transfer and Advancement Act of 1995 (P.L. 104-113), which requires that the federal government adopt standards developed in the private sector, such as NFPA 1917, whenever possible. This Act supports the efforts of GSA to sun set the KKK specification once a nationally recognized standard is established (i.e. NFPA 1917) that meets the needs of GSA.

The National Association of State Emergency Medical Officials (NASEMSO) members are the chief EMS regulators and system developers in every state, territory, and the District of Columbia. The vast majority of states establish standards and requirements that must be met by local EMS agencies. In most of these states, these standards include what legally can be used as an ambulance, which in turn, drives what ambulance design local agencies will purchase.

For the past few decades states have used the U.S. General Services Administration's (GSA) "KKK-A-1822" specifications for ambulances which were originally created for the purpose of federal ambulance purchasing contracts. Many states have utilized the KKK specifications as a de facto basis to define what could be used in a state as an ambulance in their regulation of local EMS agencies.

Many states have long used a promulgation device called “incorporation by reference” in their rules or regulations to define what can legally be used as an ambulance. Therefore, if the GSA sunsets the “KKK” specifications, states that have incorporated the KKK specifications will have to repeal that reference and replace it with a new standard. State directors have stated they need two or more years to complete this transition.

It’s clear that NASEMSO had many concerns about the developing NFPA 1917 standard. Further, my observation from the meetings was that NASEMSO members had little previous orientation on the NFPA 1917 process and how and why the standard was developed. Over the two meetings, the NFPA representatives made two separate presentations regarding the NFPA standard setting process, and a more specific review of NFPA 1917. From my perspective the presentations by NFPA staff were well received and greatly improved NASEMSO’s comfort zone on the standard. NASEMSO also appreciated NFPA’s willingness to work with the group over their concerns about some items of the standard and their explanation and assistance regarding the TIA process for resolving their two major issues with NFPA 1917.

To further improve the scheduled second addition of NFPA 1917, as well as increasing the state directors comfort zone, NFPA staff suggested NASEMSO request the 1917 Chair appoint a task group consisting of representatives from their Model Rules for Ambulance Vehicle Design Project team (those members participating in the two NASEMSO meetings) to provide their perspective to the committee as directly as possible.

NASEMSO was also very impressed by the research data developed by NIOSH and NIST which expected to be included in the second edition of NFPA 1917. That delivery also improved their comfort zone for a standard to replace the KKK.

Current Status

NASEMSO has two issues to resolve. One is the lead time necessary for state directors to move any standard through the legislative process which generally takes two or more years. To resolve this issue NASEMSO requested the General Services Administration to extend the KKK ambulance specification to September 2015. The GSA granted that request. The IAFC also supported the extension request.

This extension coincides with the completion of the second edition of NFPA 1917. It’s very obvious at present time that the second edition will be far more attractive to NASEMSO than the first edition. Further support of that attractiveness is NASEMSO’s expected participation as a “task group” in the NFPA 1917 Committees work on the second edition.

The second issue is related to two items in the first edition of NFPA 1917. First is the “Statement of Exception” and second, the requirement for a speed limiting device.

The “Statement of Exception” goes to the liability risk to the manufacture should the purchaser desire to modify the vehicle. The risk should be shifted to the purchaser. The TIA has a detailed explanation.

NASEMSO’s concern over the speed control was the states should determine a speed limit for ambulances and that some states have an 85 mph speed limit. Additionally, ambulance manufactures could only identify one manufacture of the device. And as noted in the TIA, not all chassis from different manufactures (i.e. Dodge) can accept the device. And members at the meeting agreed that the speed control could be disabled.

To be clear, the state directors are not suggesting that there not be any control of driving speed. They simple prefer to have the option to manage ambulance speed limits themselves, and consider other technology to assist – such as GPS tracking/monitoring, drive cam camera’s that monitor speed and video tapes several seconds leading up to an event and immediately afterwards, or other electronic means. One ambulance system operator described using GPS monitoring where managers receive and immediate notice to their smart phones about a speed violation.

My Position is to Approve the two TIA’s

As a participating member of the NASEMSO meetings I heard the arguments and fully understand the difficulties presented to state director if the two TIA’s are not approved. I believe the approval of the TIA’s are reasonable and necessary. The current NFPA 1917 standard, with these two items removed, still has significant safety enhancements that exceed what’s in the KKK specification. The second edition will be even better. The earlier we can get the standard adopted by NASEMSO the sooner the standard will be broadly applied. Once the standard is adopted in “regulation” it changes from a “volunteer” standard to a mandated standard – which I believe we all would prefer.

In my discussion with the NASEMSO executive director on Tuesday, their organization has suspended any work on developing draft model language to assist their members in the legislative process until after the decision on the TIA’s. The planned next meeting has also been pushed back to May.

If the TIA’s are approved, a subcommittee of NASEMSO will begin developing the model legislative language. Some directors may then begin the adoption process early based on the first edition of NFPA 1917.

Further, my view of the “pulse” of the NASEMSO members is failure to approve the two TIA’s could be a make or break position in their adopting NFPA 1917 to replace the “KKK” in state regulations at this time.

I also believe the TIA's fall under the emergency clause. If the TIA's are approved, as noted above, many NASEMSO members may decide to start the adoption process of the first edition of the standard and insertion into state rules prior to the second edition. This will increase a broader adoption of the standard earlier. Without approval, state directors will likely wait until after 2015 to begin a multi-year process of adoption. This will only delay the application of improved ambulance vehicle safety in the work place.