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DATE: September 10, 2008

TO: All California EMS Agencies and Providers

FROM: R. Steven Tharratt, MD, MPVM 
Director

SUBJECT: New Federal Regulation Mandates High-Visibility Vests for Emergency Responders by November 24, 2008

Please see below regarding an important regulatory requirement for high visibility vests for all responder personnel.

On November 24, 2008, a new federal regulation (23 CFR 634) goes into effect mandating that anyone working in the right-of-way of a federal-aid highway must be wearing high-visibility clothing that meets the requirements of ANSI / ISEA 107; 2004 edition class 2 or 3. **This requirement will apply to all emergency responders.**

The Code of Federal Regulations Title 23 (Highways) Part 634 was originally published in the Federal Register Vol 71, No 226, pp 67792 - 67800. The Rule itself (634.3) simply states that:

"All workers within the right-of-way of a Federal-aid highway who are exposed either to traffic (vehicles using the highway for purposes of travel) or to construction equipment within the work area shall wear high-visibility safety apparel."

Definitions

Close proximity means within the highway right-of-way on Federal-aid highways.

High-visibility safety apparel means personal protective safety clothing that is intended to provide conspicuity during both daytime and nighttime usage, and that meets the Performance Class 2 or 3 requirements of the ANSI/ISEA 107-2004 publication entitled "American National Standard for High-Visibility Safety Apparel and Headwear."

Workers means people on foot whose duties place them within the right-of-way of a Federal-aid highway, such as highway construction and maintenance forces, survey crews, utility crews, responders to incidents within the highway right-of-way, and law enforcement personnel when directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway.

Who it affects

Ambulance Personnel

As emergency workers ambulance personnel are mandated by this regulation to wear high visibility vests or jackets while working on any federal aid highway. There is no standard or recommended color for EMS personnel.

Law Enforcement

The federal register includes exceptions for law enforcement officers working in potentially adversarial or confrontational roles. This includes traffic stops and searches. Officers are still required under 23 CFR 634 to wear high-visibility clothing during other times, such as "directing traffic, investigating crashes, and handling lane closures, obstructed roadways, and disasters within the right-of-way of a Federal-aid highway."

Fire Service

Currently no such exception exists for firefighters. The International Association of Fire Fighters (IAFF) has submitted a letter to US DOT dated 28 July 2008 (for changes to the Manual on Uniform Traffic Control Devices (MUTCD)) to allow firefighters to wear appropriate PPE when exposed to direct flame and hazardous materials, no exemption has yet been approved. All fire department personnel should be aware that turnout gear alone does not meet the visibility requirement. No turnout gear currently manufactured meets the color requirement for the fluorescent background material of these high-visibility garments. Fire departments should consider fire resistance of materials (and their limitations) as part of their criteria for selecting vests and writing department protocols and procedures.

The 2009 edition of NFPA 1901, which is a standard for fire apparatus, (as written) will apply to all fire apparatus "contracted for on or after January 1, 2009" and will require "one traffic safety vest for each seating position, each vest to comply with ANSI/ISEA 207, Standard for High-Visibility Public Safety Vests, and have a five-point breakaway feature that includes two at the shoulders, two at the sides and one at the front." This requirement is included for each type of fire apparatus.

Requirements/Specs

After 23 CFR 634 was finalized, a new standard for Public Safety Vests was published as ANSI /ISEA 207; 2006 edition. Because ANSI 207 was not published until after 23 CFR 634 was finalized, the federal regulation could only reference ANSI 107.

ANSI 107 requires that class 2 garments (vests) have at least 775 square inches of high-visibility, fluorescent background material and at least 201 square inches of reflective material. While the ANSI 207 requirement for reflective material is the same (201 in²), it requires only 450 square inches of background material. **Therefore, ANSI 207 vests do not meet the requirements of ANSI 107 and does not currently meet the requirements of 23 CFR 634.**

Comparison to current EMSA PPE recommendations

The current Minimum Personal Protective Equipment (PPE) for Ambulance Personnel in California (EMSA #216) standards only addresses one item (jackets) with reflective material. The full length EMS jacket does not meet the new high visibility standard.

Recommendations

All EMS personnel should have access to a high visibility class 2 or 3 (see below) garments meeting these standards by November 24, 2008. Vests or jackets purchased from any of the manufacturers that supply garments meeting ANSI 107-204 will be sufficient to ensure that the regulation is met. All ANSI garments shall have a label that specifies that it is in compliance with the ANSI/ISEA 107-2004 standards. The current ANSI/ISEA 107-2004 standard calls for fluorescent yellow-green, fluorescent orange – red, or fluorescent red as the standard colors. There is currently no recommendation on a specific color for EMS personnel. Additional information on the three types of garments is listed below.

Class 1 garments are intended for use in activities that permit the wearer's full and undivided attention to approaching traffic. There should be ample separation of the worker from traffic, which should be traveling no faster than 25 miles per hour.

Examples of workers who use Class 1 garments:

- Parking lot attendants;
- People retrieving shopping carts from parking lots;
- Workers exposed to warehouse equipment traffic; and
- Roadside "right of way" or sidewalk maintenance workers.

Class 2 garments are intended for use in activities where greater visibility is necessary during inclement weather conditions or in work environments with risks that exceed those for Class 1. Garments in this class also cover workers who perform tasks that divert their attention from approaching traffic, or that put them in close proximity to passing vehicles traveling at 25 miles per hour or higher.

Examples of workers who use Class 2 garments include:

- Forestry operations;
- Ship cargo loading operations;
- Roadway construction, utility and railway workers;
- School crossing guards;
- Delivery vehicle drivers;
- High-volume parking and toll gate personnel;
- Airport baggage handlers/ground crew;
- Emergency response and law enforcement personnel;
- Trash collection and recycling operations.

Class 3 garments provide the highest level of visibility, and are intended for workers who face serious hazards and often have high task loads that require attention away from their work. Garments for these workers should provide enhanced visibility to more of the body, such as the arms and legs.

Examples of workers who use Class 3 garments include:

- Roadway construction personnel and flaggers;
- Utility workers; Survey crews; and,
- Emergency response personnel.

Additional Information can be obtained at the following:

- [23 CFR 634 can be downloaded here as a pdf](#)
- [Click here to read the original publication in the Federal Register](#)
- [Download the DOT letter concerning 23 CFR 634 and ANSI / ISEA 207 by clicking here](#)
- [Click here to download a draft copy of NFPA 1901; 2009 edition from the NFPA website](#)