



New York State Department of Labor  
David A. Paterson, Governor  
M. Patricia Smith, Commissioner

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March 5, 2009

[REDACTED]

Re: Request for Opinion  
12 NYCRR 800.7  
RO-08-0147

Dear [REDACTED]

This letter is written in response to yours of November 18, 2008 in which you request an interpretation of 12 NYCRR 800.7 (hereafter "the regulation"). Your letter states that on November 17, 2008, you attended a class on compliance with the regulation presented, in part, by New York State Department of Labor Representative Christopher Jay in which you were told that the Public Employee Safety and Health Bureau (PESH) has forbidden the use of an emergency escape system for training because such practice would be considered a "shocked use" of the system. Your letter disagrees with this conclusion and requests a formal interpretation in light of the arguments set forth therein. While the following letter provides an interpretation of the regulation in its current form, your comments will be taken into account in drafting the final regulation.

The use of "escape ropes" after they have been utilized under load for the purpose of self rescue/emergency situation is prohibited under 12 NYCRR 800.7(h)(1)(viii)(c). While multiple uses may be outlined in the manufacturer's instructions, as your letter states, multiple uses of "escape ropes" is nevertheless prohibited under the regulation. However, the regulation does not prohibit the use of dedicated "escape ropes" for training provided that such ropes are not thereafter deployed into the field where a firefighter could use it in an emergency situation, the rope is thoroughly inspected between each use, and the rope is used in conformance with the manufacturer's instructions. Furthermore, such practice satisfies the requirement, referenced in your letter, that instruction shall include hands-on use of the equipment in a controlled environment. (12 NYCRR 800.7(g)(2).) While not required by the regulation, the Department suggests marking or otherwise clearly designating any "escape ropes" used in training as such to help ensure that they are not inadvertently deployed for other purposes.

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Multiple uses of "system components" is permissible under the regulation so long as such uses are within the limitations and specifications established by the manufacturer of such systems and in conformance with the requirements otherwise established for such use by the regulations adopted by the Commissioner of Labor. (*see* 12 NYCRR 800.7 (h)(1).)

The Department does not consider manufactured systems to fall within either the definition of "system components" or "escape ropes." Therefore, multiple uses of manufactured systems in line with the manufacturer's specifications and limitations is not prohibited by the regulation. However, the parts of such systems, e.g. a system's rope or carabiners, may separately fall within these definitions when removed from the system.

This opinion is based on the information provided in your letter of November 18, 2008. A different opinion might result if the circumstances outlined in your letter change, if the facts provided were not accurate, or if any other relevant fact was not provided. If you have any further questions, please do not hesitate to contact me.

Very truly yours,

Maria L. Colavito, Counsel



By: Jeffrey Shapiro  
Associate Attorney

JGS:da

cc: Maureen Cox  
