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PPE Update

Can certified firefighter PPE be misleading?

Most certified PPE is on the up and up, but that's not always the case; here's how to identify suspect certification claims

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We have often touted the benefits of third-party certification for firefighter protective clothing and equipment. We truly believe in the benefits provided by independent testing and certification of critical safety products.

We have written at some length on how certification works and where to obtain the latest information on products that are represented as being certified. However, we still encounter some problems within the industry on both sides, manufacturer and user, where product certification may not be all that clear.

Typically, firefighters expect that when a product has a label that indicates certification to a particular **NFPA** standard, that the product is indeed certified. Fire departments and their procurement groups will look for evidence a certification, which fortunately appears directly on the product label since the NFPA standards require a specific compliance statement.

This compliance statement is supplemented with the listing mark of the certification organization. For North America, those organizations are predominantly the **Safety Equipment Institute** and **Underwriters Laboratories**.

Both organizations have distinctive logos that are easily recognizable. But more importantly, as required by the standard and by the various rules that govern certification organizations, these companies provide listings by which you can check to determine if specific products are certified.

Checks and balances

There is nothing in the NFPA standards that prevents other organizations, even those in foreign countries, from certifying products. However, each NFPA standard lists qualifications that a respective certification organization must meet in order to certify fire service products.

For example, certification organizations have to be accredited for personal protective equipment certification by an accreditation body that itself must also be qualified by an assessment body. Thus, two sets of checks and balances are applied.

The certification organization must also use laboratory facilities that are fully accredited to international laboratory testing standards. These provisions are intended to prevent unqualified organizations from simply issuing a report or applying their logo onto a product as evidence of compliance with a particular NFPA standard.

In our litigious society, it would seem unimaginable that both manufacturers and certifying bodies would shortcut the certification processes, particularly for such life-saving products as firefighter protective clothing and equipment.

Yet, we have observed such practices.

Certification police

Fortunately, this has occurred only in limited cases where product manufacturers are either wrongly representing a product as being certified or the certification organization is not following the rules for how it carries out both product testing and certification.

The whole point of product certification is to provide a level playing field and, more importantly, provide end user confidence that the product meets a particular standard. So any such abuses create serious concerns.

Unfortunately, there are no certification police. If either SEI or UL find that a manufacturer is using their logos without authorization, they will act to prevent that from continuing to happen.

Yet, if a less than scrupulous manufacturer makes up a certification or a certification organization itself does not comply with all requirements for issuing certifications, there are few avenues for recourse and often these products can make it into the marketplace.

Some firefighters believe that NFPA oversees the use of its standards and enforces that the standards are correctly applied. This is not the case. NFPA provides a respectable forum to develop standards, but has absolutely no authority to enforce them.

Sometimes, individuals or organizations can write to NFPA and point out that a particular product is misrepresenting their compliance to a particular standard. NFPA may or may not decide to communicate with the particular product manufacturer or parties involved, but it has no legal authority to prevent this practice as NFPA standards are voluntary, consensus standards.

Fraud protection

There are federal laws against misleading or false advertising that are administered by the Federal Trade Commission. FTC will mainly focus on high-profile products and cases.

As with any product, and particularly for consumer products, it is also possible to appeal to the state attorney general's office to indicate false representation of products as meeting standards. Such practices are prohibited by analogous state laws.

However, these appeal processes generally take a lot of time, can require lawyers become involved, and often are not completely enforced unless a significant urgency is demonstrated or a number of individuals are hurt. The latter generally becomes a matter for the courts rather than state or local governments.

Some exceptions, including Texas, have written selected NFPA standards into the state regulations.

Puffed up claims

In such jurisdictions, the state does have the ability to enforce compliance for using products that meet NFPA standards and can possibly address issues of falsely represented firefighter protective clothing and equipment. But these are the exceptions.

In most cases, states default to either federal or their own analogous safety and health regulations to define minimally acceptable firefighter protective clothing.

We also come across claims that firefighter clothing and equipment meets "federal" or "state" regulations that connote a certain significance. For these claims, there generally is no certification and because of the relatively simple requirements, such products may be nowhere near the level of performance of products that meet the more sophisticated NFPA standards.

In many cases, the applicable federal and many state regulations were written in the late 1970s or early 1980s, making the requirements in these regulations woefully out of date. Further, certification is not required and so the product's representation is most often strictly from the manufacturer.

In order for certification to work, the process has to be performed properly and adhered to by both manufacturers and certification organizations and then regarded by the end user community.

Not all certifications may be equal, and, as we stated before, certification is not a guarantee of safety. But it is our hope that all of the fire service industry plays by the same rules in presenting the firefighters with the products on which their safety and health can rely.

About the author

*Sponsored by **Globe***

Jeffrey and Grace Stull are president and vice president, respectively, of International Personnel Protection, Inc. They are members of several NFPA committees on PPE as well as the ASTM International committee on protective clothing. Mr. Stull was formerly the convener for international work groups on heat/thermal protection and hazardous materials PPE as well as the lead U.S. delegate for International Standards Organization Technical Committee 94/Subcommittees on Protective Clothing and Firefighter PPE. They

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