




New York State
Department of Health
Bureau of Emergency Medical Services

POLICY STATEMENT

Supercedes/Updates: NEW

No. 08 - 06

Date: Sept 8, 2008

**Re: Federal Worker
Visibility Act**

Page 1 of 3

EMS providers, police, firefighters and all other responders will be required to wear American National Standards Institute (ANSI) International Safety Equipment Association (ISEA) approved High Visibility Vests effective no later than November 24, 2008. This new federal rule (attached) requires individuals working on or near highways to wear the high visibility vests while conducting operations on roadways supported by federal dollars.

The purpose of the regulation is to decrease the likelihood of worker fatalities or injuries caused by motor vehicles, construction vehicles and equipment while working within the right-of-way on Federal-aid highways. The federal regulation contains the following 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 107-2004¹
- **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.

The ANSI/ISEA 107-2004 Classes are as follows:

- **Class 1 Garments:** Intended for use in activities that permit the wearer's full and undivided attention to approaching traffic. There should be separation of the worker from the traffic, which should be traveling no faster than 25 miles per hour.
- **Class 2 Garments:** Intended for use in activities where greater visibility is necessary during inclement weather conditions or in work environment with risks that exceed those for Class1 Garments. This class also covers 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.

¹ The standard requires that the background fabrics must be fluorescent yellow-green, fluorescent orange-red or fluorescent red. Apparel must provide 360° of visibility; the retro-reflective striping must encircle the torso. It must also be at least 2" above the hem. If there are multiple bands, they have to be separated by at least the width of the band.

- **Class 3 Garments:** Provides 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.

In an effort to better insure the safety of EMS providers on the scene of an emergency response, it is **strongly recommended** that every EMS agency do, but not limited to the following:

- ▶ Develop policies and procedures that require the use of high visibility/retro-reflective² safety apparel for all EMS providers while working on, or near local, state or interstate roadways.
- ▶ Make available high visibility/retro-reflective safety apparel for EMS providers for use while working on or near local, state or interstate roadways.

Additional information maybe obtained at the following web sites:

- International Safety Equipment Association (ISEA)
www.safetysafetyequipment.org
- American National Standards Institute (ANSI)
www.ansi.org
- Burns, David M. & Dr. Lee Pavelka. 3M® website: How Fluorescence Improves Roadway Safety. www.3m.com/us/safety/tcm/research/fluorescence.jhtml
- The CDC's NIOSH website Death in the line of duty...: www.cdc.gov/niosh
- Schertz, Greg (Safety Engineer, FHWA). Roadway Safety Foundation: The Importance of Retroreflectivity
- 3M Corporation website: www.scotchlite.com
- ANSI/ISEA 107-2004 MADE EASY: A Quick Reference to High-Visibility Safety Apparel
www.multimedia.mmm.com/mws/mediawebserver.dyn?6666660Zjcf6lVs6EVs666NA8COrrrQ-
- Oriole, Kim (JEMS InfoMail Reporter). JEMS: Journal of Emergency Medical Services: Fatality Study: EMS Is a Dangerous Profession,

² Retro-reflection occurs when light rays are returned in the direction from which they came. A large amount of reflected light is returned directly to the original light source, causing retro-reflective materials to appear brightest to an observer located near the light source.

PART 634—WORKER VISIBILITY

Sec.

634.1 Purpose.

634.2 Definitions.

634.3 Rule.

634.4 Compliance date.

AUTHORITY: 23 U.S.C. 101(a), 109(d), 114(a), 315, and 402(a); Sec. 1402 of Pub. L. 109–59; 23 CFR 1.32; and 49 CFR 1–48(b). SOURCE: 71 FR 67800, Nov. 24, 2006, unless otherwise noted.

EFFECTIVE DATE NOTE: At 71 FR 67800, Nov. 24, 2006, part 634 was added, effective Nov. 24, 2008.

§ 634.1 Purpose.

The purpose of the regulations in this part is to decrease the likelihood of worker fatalities or injuries caused by motor vehicles and construction vehicles and equipment while working within the right-of-way on Federal-aid highways.

§ 634.2 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.” This publication is incorporated by reference in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51 and is on file at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to [http://www.archives.gov/federalregister/codofregulations/ibr/locations.html](http://www.archives.gov/federalregister/codofregulations/federalregister/codofregulations/ibr/locations.html). It is available for inspection and copying at the Federal Highway Administration, 400 Seventh Street, SW., Room 4232, Washington, DC, 20590, as provided in 49 CFR Part 7. This publication is available for purchase from the International Safety Equipment Association (ISEA) at 1901 N. Moore Street, Suite 808,

Arlington, VA 22209, <http://www.safetysafetyequipment.org>.

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.

§ 634.3 Rule.

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.

§ 634.4 Compliance date.

States and other agencies shall comply with the provisions of this Part no later than November 24, 2008.