

(Legislative Supplement No. 28)

LEGAL NOTICE NO. 59

THE FACTORIES AND OTHER PLACES OF WORK ACT

(Cap. 514)

IN EXERCISE of the powers conferred by section 41 (2) (k) of the Factories and Other Places of Work Act, the Minister for Labour and Human Resource Development makes the following rules:—

THE FACTORIES AND OTHER PLACES OF WORK (FIRE RISK REDUCTION) RULES, 2007

1. These Rules may be cited as the Factories and Other Places of Work (Fire Risk Reduction) Rules, 2007. Citation.

2. In these Rules unless the context otherwise requires— Interpretation.

“Class A fire” means a fire involving ordinary combustible material such as paper, wood cloth, rubber or plastic material;

“Class B fire” means a fire involving flammable or combustible liquid, flammable gases, greases or similar material, rubber or plastic material;

“Class C fire” means a fire involving energized electrical equipment where safety to the worker requires the use of electrically non-conductive extinguishing media;

“Class D fire” means a fire involving combustible metal such as magnesium, zirconium, sodium, lithium or potassium;

“competent person” in relation to a duty or function, means a person who has had adequate training, relevant qualifications and experience to enable him to perform that duty or function;

“designated area” means an area designated or zoned by Local Authority for use;

“Director” means the Director of Occupational Health and Safety Services;

“emergency exit” means a window, door or other exit affording means of escape or giving access to other than the means of exit in ordinary use, in case of a fire;

“fire audit” includes fire risk assessment and fire risk management

“fire detection” includes any action to check or sense fire by use of an instrument or by human action;

“fire drill” means an exercise carried out to prepare people on precautions to be taken in event of a real fire breaking out;

“fire extinguishers” means a portable container of pressurized or gas cartridge propelled extinguishers that can be discharged in a jet or spray to put out the fire;

“fire fighting” means the process of extinguishing fire;

“fire-fighting team” means a team appointed in accordance with Rule 20;

“fire-hose” means a high pressure tube attached to either a fire engine or a fire hydrant, used for extinguishing a fire;

“fire safety auditor” means a competent person authorized by the Director in writing to undertake a fire safety audit in accordance with these Rules;

“flammable” means the capability of a substance to be set on fire or support combustion easily;

“hazard area” means any area associated with any biological, chemical or physical risk to a worker, consumer or other individual or environment.

“highly flammable substance” means a liquid, liquid solution, emulsion, suspension or gas that gives off a flammable vapour at a temperature of less than 32°C;

“risk assessment” means a systematic examination conducted to determine and evaluate the degree of risk involved in terms of severity, frequency and cost of the potential claim in the case of fire;

“risk management” means measures undertaken or put in place to control a risk.

*Application.

3. These rules shall apply to every workplace, process and operations to which the provisions of the Act apply.

Location of large installations for highly flammable substances. Construction material.

4. A person wishing to set up or operate a facility for the use on or storage of highly flammable substance shall ensure that such facility is located in the designated area.

5. (1) Every owner and occupier of a workplace shall ensure that every workroom where flammable substances are used, manufactured or manipulated, is constructed with fire resistant material.

(2) Fire resistant material shall include—

- (a) concrete block, brick work or stone of not less than 115mm thickness;
- (b) concrete slab of not less than 76mm thickness;
- (c) iron or steel of not less than 16 Imperial Standard Gauge;
- (d) glass of not less than 64mm thickness in the center of which a wire mesh shall be embedded on;

- (e) teak or oak or other wood for doors of not less than 45mm thickness; and
- (f) any other material as the Director may approve.

(3) A person who contravenes the provisions of this Rule commits an offence.

6. (1) Every occupier shall ensure that highly flammable substances are stored—

Storage of highly flammable substances.

- (a) in suitable fixed storage tanks in safe positions, or
- (b) in suitable closed vessels kept in a safe positions in the open air, and where necessary, protected against direct sunlight; or
- (c) in a suitable closed vessel kept in a storeroom which is either in a safe position or in a fire resisting structure; or
- (d) in the case of a workroom where the aggregate quantity of highly flammable substances does not exceed 50 litres, in suitable closed vessels kept in a suitably placed cupboard or bin which is a fire resisting structure.

Provided that no such store shall be so situated as to endanger the means of escape from a work place or any part thereof in the event of a fire occurring in the store.

(2) Nothing in this Rule shall apply to—

- (a) highly flammable substances in the fuel tanks of vehicles or engines for the purpose of operating the vehicle or engines; or
- (b) any suitable, small closed vessel containing not more than 500c.c. of flammable substances.

(3) Where the highly flammable substance is stored in a storeroom, every occupier shall ensure that a gap of at least 80 cm is maintained from the nearest fixed wall, ceiling or roof of such room.

(4) Every occupier shall ensure that any highly flammable substance capable of reacting and producing heat when mixed is identified and kept in separate storerooms or compartments.

(5) Every occupier shall ensure that any highly flammable substance that is self-combustible, is kept in separate stores away from other substances or material.

(6) A person who contravenes the provisions of this Rule commits an offence.

7. (1) Every occupier shall ensure that every store room, cupboard, bin, tank or container used for storing highly flammable substances is clearly and boldly marked "Highly Flammable" in English or Kiswahili or otherwise with an appropriate indication of flammability.

Marking and labelling.

(2) Where it is impracticable to mark any storeroom, cupboard, bin, tank or container, the words 'Highly Flammable' in English or Kiswahili shall be clearly and boldly displayed as near to it as possible.

(3) Every occupier shall ensure that every container holding the highly flammable substance is labelled with the contents of the container and the type of fire extinguisher to be used in the event of a fire.

(4) In labelling a container, every occupier shall refer to the material safety data sheet.

(5) Nothing in this Rule shall apply to—

- (a) any fuel tanks of vehicles or engines which contain highly flammable substances for the purpose of operating the vehicle or engines; or
- (b) any suitable small closed vessel containing not more than 500 cc. of highly flammable substance.

(6) A person who contravenes the provisions of this Rule commits an offence.

Handling of flammable substances.

8. (1) Every occupier shall ensure that the quantity of any highly flammable substance present at any one time in a workplace, shall be as small as is reasonably practical, having regard to the processes or operations being carried on.

(2) Every occupier shall ensure that where highly flammable substances are to be conveyed within a workplace, the substances shall be conveyed through a totally enclosed system incorporating pipelines and pumps of similar appliances, but where conveyance of the substances within a work place through a totally enclosed system is not reasonably practical, the substance shall be conveyed in vessels that are so designed and constructed as to avoid spilling of the substance.

(3) Every occupier shall ensure that where in the process or operation, any highly flammable substance liable to be spilled or leaked all reasonable practical steps have been taken to ensure that the substance is contained or immediately drained off to a suitable container or to a safe place or otherwise treated to make it safe.

(4) A person who contravenes the provisions of this Rule commits an offence.

Flammable vapours.

9. (1) Every occupier shall ensure that no means likely to ignite vapour from any highly flammable substances, are present where a dangerous concentration of vapour from flammable substances may reasonably be expected to be present.

(2) Every occupier shall ensure that where in any work place, a dangerous concentration of vapour from highly flammable substances may reasonably be expected to be present, any cotton or other textile waste or other material in that place—

- (a) which has been used in such a manner as to render the cotton waste or other material liable to spontaneous combustion; or

- (b) which is contaminated with any highly flammable substance, shall be deposited without delay in a metal container with a suitable cover or be removed without delay to a safe place, and separate self-closing receptacles shall be provided in workrooms for oil-soaked waste, rags or other material, subject to spontaneous combustion.

(3) A person who contravenes the provisions of this Rule commits an offence.

10. (1) Every occupier shall continuously monitor the work place with a view to making an assessment of any possible fire risks and mitigate against them.

Monitoring of flammable substances.

(2) A person who contravenes the provisions of this Rule commits an offence.

11. (1) Every occupier shall provide in every workroom, facilities for free flow of fresh air, including windows, doors, vents, louvers or any other suitable ventilation facility to ensure that flammable fumes, vapour, gases or dust do not accumulate in the workroom.

Ventilation.

(2) In the case of an enclosed room, every occupier shall ensure that local exhaust ventilation systems or mechanical ventilation facilities are provided.

(3) A person who contravenes the provisions of this Rule commits an offence.

12. (1) Every occupier shall ensure that all necessary steps are taken to remove flammable gases or vapours in a workplace or render the gases or vapours non-flammable where the operations or processes involve the application of heat.

Hot processes or operations.

(2) A person who contravenes the provisions of this Rule commits an offence.

13. (1) Every occupier shall ensure that a workplace is kept in a clean state and that—

House keeping.

- (a) dirt and refuse shall be removed at least once a day;
- (b) the dirt and refuse removed are kept in a receptacle;
- (c) every store shall have a marked gangway of at least one metre wide for the movement of persons; and
- (d) where mobile equipment for transportation of material is in a store, a marked gangway shall be provided to accommodate the size of the equipment and for the use of persons working therein.

(2) A person who contravenes the provisions of this Rule commits an offence.

14. (1) Every occupier shall ensure that finished products, by-products and any waste products are removed immediately they are produced so as to avoid accumulation of products or waste products.

Removal of products and waste.