

FIRE FIGHTER ADVISORY COMMITTEE
AGENDA
March 8, 2012, 8:00 A.M.
William B. Travis Building, Room 1-104, Austin, Texas

The Fire Fighter Advisory Committee will convene in open session to deliberate and possibly take formal action on any of the following agenda items:

1. Roll call – 8:00 a.m.
2. Adoption of the December 1, 2011, Fire Fighter Advisory Committee meeting minutes.
3. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding changes to the Certification Curriculum Manual, including but not limited to:
 - a. Basic Aircraft Rescue Fire Suppression Curriculum-addition of International Fire Service Training Association (IFSTA), *Essentials of Fire Fighting and Fire Department Operations (5th Edition) (2008)* to the reference list
 - b. Fire Inspector Curriculum-addition of “Course Phase Outlines” to Chapter 4
 - c. Fire Investigator Curriculum-addition of “Course Phase Outlines” to Chapter 5
4. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 421, Standards for Certification, including but not limited to, §421.5, Definitions.
5. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 427, Training Facility Certification, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited to, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers.
6. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, including but not limited to, §429.209, Minimum Standards for Master Fire Inspector Certification.
7. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.9, Minimum Standards for Master Arson Investigator Certification, and Subchapter B, Minimum Standards for Fire Investigator Certification, including, but not limited to, §431.209, Minimum Standards for Master Fire Investigator Certification.
8. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 435, Fire Fighter Safety, including but not limited to, §435.3, Self-Contained Breathing Apparatus.
9. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.13, Processing Fees for Test Application, and §437.15, International Fire Service Accreditation (IFSAC) Seal Fees.
10. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 439, Examinations for Certification, Subchapter A, Examinations for On-Site Delivery Training, including but not limited to, §439.1, Requirements-General, and §439.11, Commission-Designated Performance Skill Evaluations.
11. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspector Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor, and new §441.23, Continuing Education for Wildland Fire Protection Personnel, and §441.25, Continuing Education for Incident Safety Officer.
12. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 449, Head of a Fire Department, including but not limited to, §449.1 Minimum Standard for the Head of a Fire Department, §449.3

Minimum Standards for Certification as Head of a Suppression Fire Department, and §449.5 Minimum Standards for Certification as Head of a Prevention Only Department.

13. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 453, Minimum Standards for Hazardous Materials Technician, including but not limited to, §453.3, Minimum Standards for Hazardous Materials Technician Certification.
14. Discussion and possible action regarding proposed new title 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification, including but not limited to new §455.1, Minimum Standards for Wildland Fire Protection Personnel, new §455.3, Minimum Standards for Basic Wildland Fire Protection Certification, new §455.5, Minimum Standards for Intermediate Wildland Fire Protection Certification, and new §455.7, Examination Requirements.
15. Discussion and possible action regarding proposed new title 37 TAC, Chapter 457, Minimum Standards For Incident Safety Officer, including but not limited to new §457.1, Incident Safety Officer Certification, new §457.3, Minimum Standards for Incident Safety Officer Certification, and new §457.5, Examination Requirements.
16. Discussion of fire fighter injury data collected for 2011 and take action on developing recommendations to the Commission for inclusion in the annual report to be sent to the State Fire Marshal's Office.
17. Discussion and possible action regarding the proposed rule review plan for fiscal year 2012, pursuant to Section 2001.039, Texas Government Code with respect to proposed review and consideration of re-adoption of each of the rules contained in the following Chapters of Title 37 Texas Administrative Code:
 - 37 TAC, Chapter 401-Practice and Procedure
 - 37 TAC, Chapter 403-Criminal Convictions and Eligibility for Certification
 - 37 TAC, Chapter 405-Charges for Public Records
 - 37 TAC, Chapter 407-Administration
 - 37 TAC, Chapter 431-Fire Investigation
 - 37 TAC, Chapter 433-Minimum Standards for Driver/Operator-Pumper
 - 37 TAC, Chapter 435-Fire Fighter Safety
 - 37 TAC, Chapter 437-Fees
 - 37 TAC, Chapter 443-Certification Curriculum Manual
 - 37 TAC, Chapter 445-Administrative Inspections and Penalties
 - 37 TAC, Chapter 447-Part-Time Fire Protection Employee
 - 37 TAC, Chapter 449-Head of a Fire Department
18. Discussion and possible action on future meeting dates, agenda items, and locations.
19. Adjourn meeting.

1. Roll call--8:00 a.m.

2. Adoption of the December 1, 2011 Fire Fighter Advisory Committee meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Jim Reidy called the December 1, 2011 meeting of the Fire Fighter Advisory Committee to order at 9:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Attending	Jim Reidy Jason Collier	Michael Wisko *Daniel DeYear	Tommy Anderson* J. P. Steelman	David Hudgins Michael Jones	Amado Cano, Jr.
				*absent entire meeting **absent part of meeting	

Staff	Jake Soteriou Jim Crowson, Assistant Attorney General	Deborah Cowan	Don Wilson	Grace Wilson	Mollie Clakley Tim Rutland
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| 1. | Roll call | Secretary J. P. Steelman called roll and a quorum was present. |
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| 2. | Adoption of Minutes | A motion was made by Michael Wisko and seconded by Daniel DeYear to approve the minutes of the September 16, 2011, fire fighter advisory committee meeting as discussed. The motion carried. |
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| 3. | Report from Curriculum & and Testing Committee | Chairman Pat McAuliff gave a brief overview of activities of the committee since its last meeting. No action necessary. |
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| 4. | 37 TAC, Chapter 421 | A motion was made by Amado Cano and seconded by J.P. Steelman to approve the recommended changes to the commission regarding 37 TAC, Chapter 421, §421.9 with changes as discussed. The motion carried. |
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| 5. | 37 TAC, Chapter 423 | Steve Pollock of the Texas Forest Service gave an overview to the committee regarding Wildland Fire Fighting Certification. No action taken. |
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| 6. | 37 TAC, Chapter 435 | A motion was made by J. P. Steelman and seconded by Daniel DeYear to approve for recommendation changes to the commission regarding 37 TAC Chapter 435, §435.1 as discussed. The motion carried. |
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| 7. | 37 TAC, Chapter 441 | A motion was made by Michael Jones and seconded by Daniel DeYear to approve for recommendation changes to the commission regarding 37 TAC Chapter 441, §441.5 and §441.13 with changes as discussed. The motion carried. |
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| 8. | 37 TAC, Chapter 429 | After discussion, no action necessary. |
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| 9. | 37 TAC, Chapter 449 | After discussion, no action taken. |
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| 10. | Future meeting dates
agenda items
location | The committee will schedule its next meeting upon availability of a meeting room.
Chapter 435, Fire Fighter Safety (John Wahl) Structural Composites Industries
Chapter 421, definition regarding reciprocity |
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11. Adjournment A motion to adjourn was made by Daniel DeYear and seconded by J. P. Steelman.
The motion carried.

Jim Reidy
Presiding Officer

3. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding changes to the Certification Curriculum Manual, including but not limited to:
 - a. Basic Aircraft Rescue Fire Suppression Curriculum-addition of International Fire Service Training Association (IFSTA), *Essentials of Fire Fighting and Fire Department Operations (5th Edition) (2008)* to the reference list
 - b. Fire Inspector Curriculum-addition of “Course Phase Outlines” to Chapter 4
 - c. Fire Investigator Curriculum-addition of “Course Phase Outlines” to Chapter 5

REFERENCE LIST FOR THE BASIC AIRCRAFT RESCUE FIRE SUPPRESSION CURRICULUM

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

AC 150/5200-12B, Fire Department Responsibility in Protecting Evidence at the Scene of an Aircraft Accident, September 3, 1999: www.airweb.faa.gov

AC 150/5200-31A, Federal Aviation Administration Airport Emergency Plan, September 30, 1999: www.airweb.faa.gov

AC 150/5210-6D, Aircraft Fire Extinguishing Agents, July 8, 2004: www.airweb.faa.gov

AC 150/5210-14 B, Aircraft Rescue Fire Fighting Equipment, Tools and Clothing, September 30, 2008: www.airweb.faa.gov

AC 150/5210-17A, Programs for Training of Aircraft Rescue and Firefighting Personnel, April 28, 2006: www.airweb.faa.gov

Aircraft Rescue and Fire Fighting. (5th edition) (2009). Stillwater, OK: Fire Protection Publications. International Fire Service Training Association (IFSTA)

Code of Federal Regulations, 14 CFR, Part 139, Subpart A, Certification of Airports: General. (January 1, 2007 edition) U.S. Department of Transportation, Federal Aviation Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 14 CFR, Part 139, Subpart D, Certification of Airports: Operations. (January 1, 2007 edition) U.S. Department of Transportation, Federal Aviation Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 14 CFR, Part 139.311 Marking, signs and lighting (January 1, 2007 edition) U.S. Department of Transportation, Federal Aviation Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 14 CFR, Part 139.325 Airport emergency plan: (January 1, 2007 edition) U.S. Department of Transportation, Federal Aviation Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 14 CFR, Part 139.329, Pedestrians and ground vehicles (January 1, 2007 edition). U.S. Department of Transportation, Federal Aviation Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 49 CFR, Part 175.310 Transportation of flammable liquid fuel; aircraft only means of transportation (October 1, 2006 ed.). U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration <http://www.gpoaccess.gov/cfr/retrieve.html>

Code of Federal Regulations, 49 CFR, Part 830.10 Preservation of aircraft wreckage, mail, cargo, and records (October 1, 2006 edition) U.S. Department of Transportation, National Transportation Safety Board <http://www.gpoaccess.gov/cfr/retrieve.html>

Essentials of Fire Fighting and Fire Department Operations. (5th edition)(2008). Stillwater, OK: Fire Protection Publications. International Fire Service Training Association (IFSTA)

National Transportation Safety Board Accident Reports, <http://www.nts.gov>.

NFPA 402: Aircraft Rescue and Fire-Fighting Operations, (2008 edition). Quincy, MA: NFPA Publications. National Fire Protection Association

NFPA 1003: Standard for Airport Fire Fighter Professional Qualifications, (2010 edition). NFPA Publications Quincy, MA: NFPA Publications. National Fire Protection Association

NFPA 1403: Standard on Live Fire Training Evolutions, (2007 edition) NFPA Publications Quincy, MA. National Fire Protection Association

NFPA 1500: Standard on Fire Department Occupational Safety and Health Program, (2007 edition) NFPA Publications Quincy, MA: NFPA Publications. National Fire Protection Association

**CHAPTER FOUR
FIRE INSPECTOR
COURSE PHASE OUTLINE**

SECTION	SUBJECT	RECOMMENDED HOURS
FIRE INSPECTOR I & II – PHASE I		
401-4.1 402-5.1	General	4
401-4.2.1, 4.2.2, 4.2.4, 4.2.5, 4.2.6 402-5.2.1, 5.2.3, 5.2.4	Administration	3
401-4.3.1, 4.3.2, 4.3.3, 4.3.4, 4.3.5, 4.3.8, 4.3.14, 4.3.15, 4.3.16 402-5.3.1, 5.3.2, 5.3.3, 5.3.4, 5.3.5, 5.3.10, 5.3.12	Field Inspection	27
402-5.4.1, 5.4.2, 5.4.3, 5.4.5	Plans Review	10
	Practical Exercises*	34
	Total Recommended Hours	78
FIRE INSPECTOR I & II – PHASE II		
401-4.1 402-5.1	General	4
401-4.2.1, 4.2.3, 4.2.4 402-5.2.2, 5.2.3, 5.2.5	Administration	6
401-4.3.4, 4.3.6, 4.3.7, 4.3.8, 4.3.9, 4.3.10, 4.3.11, 4.3.12, 4.3.13, 4.3.14, 4.3.15, 402-5.3.3, 5.3.4, 5.3.6, 5.3.7, 5.3.8, 5.3.9, 5.3.10, 5.3.11, 5.3.12,	Field Inspection	27
402-5.4.3, 5.4.4, 5.4.5, 5.4.6	Plans Review	3
	Practical Exercises*	34
	Review and Comprehensive Final	4
	Total Recommended Hours	78
PLAN EXAMINER – PHASE III		
470-7.1	General	1
470-7.2	Administration	9
470-7.3	Plans Review	30
	Total Recommended Hours	40
TOTAL HOURS RECOMMENDED		196

*The recommended hours for skills evaluation is based on 12 students. Actual hours needed will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

**CHAPTER FIVE
FIRE INVESTIGATOR
COURSE PHASE OUTLINE**

SECTION	SUBJECT	RECOMMENDED HOURS
FIRE INVESTIGATOR I – PHASE I		
500-4	Basic Methodology	2
500-14	Planning the Investigation	2
500-13	Sources of Information	4
500-11	Legal Considerations	6
500-12	Safety	2
500-5	Basic Fire Science	4
500-6	Fire Patterns	6
500-7	Building Systems	4
500-9	Building Fuel Gas Systems	2
500-17	Origin Determination	6
500-15	Documentation of the Investigation	6
500-16	Physical Evidence	4
	Practical Exercises*	6
	Total Recommended Hours	54
FIRE INVESTIGATOR II – PHASE II		
500-18	Fire Cause Determination	4
500-10	Fire-Related Human Behavior	2
500-21	Explosions	4
500-23	Fire and Explosion Deaths and Injuries	3
500-8	Electricity and Fire	6
500-22	Incendiary Fires	6
500-19	Analyzing the Incident for Cause and Responsibility	6
500-20	Failure Analysis and Analytical Tools	6
500-24	Appliances	2
500-25	Motor Vehicle Fires	3
500-28	Marine Fire Investigations	2
500-26	Wildfire Investigations	2
500-27	Management of Complex Investigations	2
	Practical Exercises*	8
	Total Recommended Hours	56
COMPLETER – PHASE III		
	Investigator I and II Review	8
	Practical Exercises*	32
	Total Recommended Hours	40
TOTAL HOURS RECOMMENDED		150

*The recommended hours for skills evaluation is based on 12 students. Actual hours needed will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

4. **Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 421, Standards for Certification, including but not limited to, §421.5, Definitions.**

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.1. Procedures for Meetings.

(a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.

(b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.

(c) Quorum. A majority of members shall constitute a quorum.

(d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.

(e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.

(f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.

(g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.

(h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

§421.3. Minimum Standards Set by the Commission.

(a) General statement. It shall be clearly understood that the specified minimum standards herein described are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.

(b) Functional position descriptions.

(1) Structural fire protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding

the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.

(B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the Commission's Certification Curriculum Manual.

(2) Aircraft rescue fire fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.

(B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the Commission's Certification Curriculum Manual.

(3) Marine fire protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the Commission's Certification Curriculum Manual.

(4) Fire inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the Commission's Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

(B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the Commission's Certification Curriculum Manual.

(6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a Commission-approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.

(B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the Commission's Certification Curriculum Manual.

(7) Driver/Operator--Pumper personnel. The following general position description for driver/operator--pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator--pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.

(B) Competency. A driver/operator--pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the Commission's Certification Curriculum Manual.

(8) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.

(9) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.

(10) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

(11) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other

instructors, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

(12) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

§421.5. Definitions.

The following words and terms, when used in this standards manual, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the Commission. The types of appointments are:

(A) permanent appointment--The designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, §419.032); and

(B) probationary or temporary appointment--The designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the Commission's certification and has met the medical requirement of §423.1(b) of this title, if applicable, but has not yet been certified. (See Texas Government Code, §419.032.)

(3) Approved training--Any training used for a higher level of certification must be approved by the Commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the Commission and contain all information requested by the Commission. The Commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.

(4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the Texas Commission on Fire Protection certification and has been permanently appointed, as defined in this section, to the particular discipline.

- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).
- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the Commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification.
- (12) Commission--Texas Commission on Fire Protection.
- (13) Commission-recognized training--A curriculum or training program which carries written approval from the Commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.
- (14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).
- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in the Texas Government Code, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.
- (20) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and

extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.

(21) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.

(22) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.

(23) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.

(24) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.

(25) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.

(26) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155)

(27) Lead instructor--An individual qualified as an instructor to deliver fire protection training.

(28) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipality pertains to a municipality as herein defined.

(29) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

(30) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

(31) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the Commission under the Government Code, Chapter 419, Subchapter D.

(32) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the Commission under the Government Code, Chapter 419, Subchapter D.

(33) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

(34) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982, and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

(35) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;
- (E) levee improvement district;
- (F) drainage district;
- (G) irrigation district;
- (H) water improvement district;
- (I) water control and improvement district;
- (J) water control and preservation district;
- (K) freshwater supply district;
- (L) navigation district;
- (M) conservation and reclamation district;
- (N) soil conservation district;
- (O) communication district;
- (P) public health district;
- (Q) river authority;
- (R) municipal utility district;
- (S) transit authority;
- (T) hospital district;
- (U) emergency services district;
- (V) rural fire prevention district; and
- (W) any other governmental entity that: embraces a geographical area with a defined boundary;
 - (i) embraces a geographical area with a defined boundary;
 - (ii) exists for the purpose of discharging functions of the government; and
 - (iii) possesses authority for subordinate self-government through officers selected by it.

- (36) Reciprocity for IFSAC seals--Valid documentation of accreditation from the International Fire Service Accreditation Congress used for TCFP certification may only be used for obtaining an initial certification.
- (37) Recognition of training--A document issued by the Commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.
- (38) School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.
- (39) Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.
- (40) Trainee--An individual who is participating in a Commission approved training program.
- (41) Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.
- (42) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the Texas Commission on Fire Protection.
- (43) Years of experience--For purposes of higher levels of certification or fire service instructor certification:
- (A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:
- (i) a Texas Commission on Fire Protection certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
 - (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
 - (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or

(iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the Texas Department of State Health Services (DSHS) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

§421.9. Designation of Fire Protection Duties.

(a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:

- (1) fire protection personnel;
- (2) a part-time fire protection employee; or
- (3) a volunteer fire fighter or other auxiliary fire fighter.

(b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.

(c) A fire department regulated by the Commission shall submit on the proper form a request to appoint fire protection personnel or part-time fire protection employees to a regulated discipline. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission on the Removal from Appointment form within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.

(d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.

(e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

§421.11. Requirement To Be Certified Within One Year.

(a) Fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the Commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable Commission examination, whichever is less. The Commission shall not approve an initial

certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.

(b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

§421.13. Individual Certificate Holders.

(a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.

(b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

§421.15. Extension of Training Period.

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

(1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;

(2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the commission, the extension shall become effective immediately; and

(3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

§421.17. Requirement to Maintain Certification.

(a) All full-time or part-time employees of a fire department or local government who are assigned duties identified as fire protection personnel duties must maintain certification by the Commission in the discipline(s) to which they are assigned for the duration of their assignment.

(b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5, of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the Commission's standards manual.

(c) An individual whose certificate has been expired for one year or longer may not renew the certificate that was previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).

(d) The Commission will provide proof of current certification to individuals whose certification has been renewed.

5. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 427, Training Facility Certification, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers.

Chapter 427

TRAINING FACILITY CERTIFICATION

SUBCHAPTER A

ON-SITE CERTIFIED TRAINING PROVIDER

§427.1. Minimum Standards for Certified Training Facilities for Fire Protection Personnel.

- (a) An on-site training facility must be certified by the commission in each discipline with a commission approved curriculum for which the facility provides accredited training for fire protection personnel certification. An on-site training facility is where instructors and students are in immediate proximity and where content is instructed primarily in classrooms, at demonstration projects, in fire simulation structures, on fire apparatus, or at training sites in the field under direct supervision of the training facility instructors.
- (b) A certified on-site training facility may be approved to instruct in any one or all of the fire protection personnel curricula. Minimum requirements for each curriculum must be met to receive certification.
- (c) Minimum requirements for certification as a certified on-site training facility shall include facilities, apparatus, equipment, reference materials, standard operating procedures, instructors, and records to support a quality education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for fire protection personnel certification.
- (d) The on-site facilities and training shall be performance oriented, when required. Practical performance training with maximum participation by trainees shall be an integral part of the training program. The evaluation process for each phase of training will emphasize, as required, performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency as required by the respective curriculum.
- (e) It must be clearly understood that the minimum standard for training facilities is applicable only as the title implies and does not address the additional training facility resources which are required for the continuing in-service training essential to the development and maintenance of a well-coordinated and effective fire service organization.
- (f) An organization, installation, or facility must submit a written application for certification as a certified on-site training facility to the commission. Such application will include descriptions and addresses of physical facilities together with inventory of apparatus, equipment, and reference material to be utilized in conducting the basic curriculum as specified by the commission. It is not required that the equipment be owned by, permanently assigned to, nor kept at a training facility, but must be readily available for instructional purposes. A training facility must submit a letter of commitment with the original training facility certification application authorizing the use of resources not controlled by the training facility from the provider of said resources. A copy of the letters of commitment must be maintained on-site and be available for review. Photographs of resources annotated to reflect their identity must be included with the application. When seeking training approvals, the facility shall certify that the resources are provided in accordance with this chapter.

- (g) All training for certification must be submitted to the commission in writing for approval at least 20 days prior to the proposed starting date of the training. Approved courses are subject to audit by commission staff any time during the approved schedule. Any deviation in the approved course schedule or content must be reported to the commission within three business days of the deviation. The academy coordinator will:
- (1) attest to the fact that the training meets the competencies in the applicable Commission Curriculum and/or NFPA Standards;
 - (2) submit a testing schedule for all required academy skills; and
 - (3) notify the Commission of any changes in instructor staff and/or field examiners.

§427.3. Facilities.

The following minimum resources, applicable to the curricula, are required for certification as a certified on-site training facility. These facilities may be combined or separated utilizing one or more structures. In either event the facilities must be available and used by the instructor and trainees.

- (1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose and rope skills training.
- (2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.
- (3) An area for practical application of principles and procedures of fire fighting, hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.
- (4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.
- (5) A structure suitable for interior live fire training and meeting the requirements of the basic curriculum pertaining to the particular discipline(s) which the training facility is approved to teach, shall be available for use by the instructors to teach interior live fire training.
- (6) Facilities to conduct exterior live fire training as required by the basic curriculum pertaining to the particular discipline(s) which the training facility is approved to teach, shall be available for use by the instructors to teach exterior live fire training.
- (7) If performance or driving skills are part of the curriculum, suitable area(s) for practicing required skills, demonstration of skills, and performance testing must be available.

§427.5. Apparatus.

- (a) Certified on-site training facility--approved for basic structural fire protection personnel certification training.

- (1) A pumper apparatus fully equipped as required by the basic fire suppression curriculum shall be readily available for use by the instructors for instructional purposes.
 - (2) Ladders or a ladder truck as required by the basic fire suppression curriculum shall be readily available for use by the instructors for instructional purposes.
- (b) Certified on-site training facility--approved for basic aircraft rescue fire fighting personnel certification training. Fire apparatus that is equipped to perform aircraft operations as required by the basic aircraft fire protection curriculum must be readily available for use by the instructors for instructional purposes.
 - (c) Certified on-site training facility--approved for Driver/Operator – Pumper certification training. A piece of fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus.
 - (d) Certified on-site training facility approved for hazardous materials technician certification training must have access to props and/or simulators, protective suits and monitoring equipment required for skills training and testing.

§427.7. Protective Clothing.

Each and every set of protective clothing, including proximity clothing, that will be used during the course of instruction for a commission approved fire protection personnel curriculum shall comply with §435.1 of this title (relating to Protective Clothing). This rule applies whether the protective clothing is provided by the academy or the trainee.

- (1) Protective clothing and elements that are no longer in use to the organization for emergency operations service, but are not contaminated, defective, or damaged may be used for training that does not involve live fire training, provided such clothing and elements are appropriately marked to be easily recognized.
- (2) Protective clothing used for aircraft rescue, live fire training, shall be suitable for the type of fire the student is being trained for and shall be determined by the chief training officer of the training facility.

§427.9. Equipment.

The following minimum equipment, applicable to the curricula the training facility is certified to teach, is required for certification as a certified on-site training facility. The equipment must be available for use by the certified training facility:

- (1) If instruction in the use of self-contained breathing apparatus is a part of the curriculum being taught, then self-contained breathing apparatus in sufficient numbers shall be provided to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training. If during the course of the training, a trainee will be subjected to a hazardous atmosphere or where the atmosphere is unknown, the trainee shall be provided with a self-contained breathing apparatus. (Note: All self-contained breathing apparatus used by a certified training facility and the air used in self-contained breathing apparatus must comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus)). This rule applies whether the self-contained breathing apparatus is provided by the academy or the trainee. All students, instructors, safety personnel, and other personnel participating in any evolution or operation of fire suppression during the live fire training shall breathe from an SCBA air supply whenever operating under one or more of the following conditions:

- (A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both;
 - (B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both;
 - (C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or
 - (D) below ground level;
- (2) standard classroom equipment to include chalkboard, speaker rostrum, supportive instructional aids available to include audio-visual projection equipment. The use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction. Note: The instructor needs to ensure all necessary equipment is available for trainees to use regarding the basic performance skills as identified in appropriate curriculum and to comply with §427.15 of this title (relating to Testing Procedures); and
- (3) other equipment, which may include training simulators and mock training aids, and tools required by the applicable curriculum.

§427.11. Reference Material.

A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the applicable curriculum. The reference library material must be readily and easily accessible to students and instructors.

§427.13. Records.

- (a) Training records shall be maintained by the on site training facility that reflect:
- (1) who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records); and
 - (2) individual trainee test scores to include performance testing.
- (b) All training records must be maintained by the on-site training facility for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

§427.18. Live Fire Training Evolutions.

The most current edition of NFPA 1403, Standard on Live Fire Training Evolutions, shall be used as a guide when developing standard operating procedures for conducting live fire training. The following requirements shall apply for all Live Fire Training Evolutions conducted during basic certification training of fire protection personnel.

- (1) Prior to being permitted to participate in Live Fire Training Evolutions, the student shall have received training to meet the performance requirements for Fire Fighting I in NFPA 1001, Standard for Fire Fighter Professional Qualifications, related to the following subjects:
- (A) safety;
 - (B) fire behavior;

- (C) portable extinguishers;
 - (D) personal protective equipment to include SCBA;
 - (E) ladders;
 - (F) fire hose, appliances, and streams;
 - (G) overhaul;
 - (H) water supply;
 - (I) ventilation;
 - (J) forcible entry; and
 - (K) fire fighter rescue.
- (2) The on-site lead instructor will insure that the water supply rate and duration for each individual Live Fire Training Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.
 - (3) The on-site lead instructor will insure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.
 - (4) A safety officer shall be appointed for all Live Fire Training Evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.
 - (5) No person(s) shall play the role of a victim inside the building.
 - (6) The participating student-to-instructor ratio shall not be greater than five to one.
 - (7) Prior to the ignition of any fire, instructors shall insure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.
 - (8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.
 - (9) A standard operating procedure shall be developed and utilized for Live Fire Training Evolutions. The standard operating procedure shall include, but not be limited to:
 - (A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all students and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee;
 - (B) a Personnel Accountability System that complies with §435.13 of this title shall be utilized;

- (C) an Incident Management System;
- (D) use of personal protective clothing and self-contained breathing apparatus;
- (E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

§427.19. General Information.

- (a) All Texas certified training facilities shall meet these minimum requirements. No training credit will be recognized from a Texas training facility that has not been certified by the Commission, unless the program has been approved by the Commission as being equivalent. The Commission shall take action on an application for certification of a training facility within 30 days from receipt.
- (b) Certified training facilities shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a Commission-approved training course in fire suppression before being assigned to fire suppression duties. In addition, certified training facilities, whether operated by a fire department or other governmental or private training facility, shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.
- (c) A certified training facility may transport trainees to the site of an actual emergency for training purposes only if the following requirements are strictly adhered to:
 - (1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;
 - (2) the trainees are kept outside of the emergency operations area; and
 - (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.
- (d) Certified training facilities are subject to inspection by the Commission at any time during regular business hours.
- (e) In order to retain the certification as a certified training facility, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the Commission.
- (f) The Commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.
- (g) The Commission may revoke, suspend, and/or probate the certification of a training facility when the Commission determines that the training facility:
 - (1) fails to provide the quality of training for which the facility was approved; or
 - (2) fails to comply with Commission rules and/or these minimum standards; or
 - (3) fails to submit required reports in a timely manner or submits false reports to the Commission; or

- (4) fails to meet at least a 70-percent student pass rate on the state certification examination per course.

SUBCHAPTER B

DISTANCE TRAINING PROVIDERS

§427.201. Minimum Standards for Distance Training Provider.

- (a) The following definition is applicable to this subchapter only. Approved distance training is defined as fire training where instructors and students are primarily in different locations and content is instructed primarily using the internet or an intranet and courses must contain some level of interactivity. Distance training that serves as nothing more than electronic text is not acceptable. Online courses must provide the opportunity for the student to interact or ask questions via e-mail, chat rooms or some other method of communication. Other computer-mediated methods of instruction may be used to enhance instruction; however, the primary delivery method must be through the internet or an intranet.
- (b) A distance training provider must seek certification as a training facility in each discipline it intends to instruct.
- (c) In order to become a Commission-approved distance training provider; the provider must submit a completed Commission training facility application with supporting documentation and fees. Such application will include descriptions and addresses of where the distance training provider will have their course delivery and materials. A distance training provider must provide documentation of its ability to meet all minimum requirements for each discipline for which it seeks certification. The documentation must also identify how students and instructors will access resources as identified in the curriculum.
- (d) A distance training provider that applies for certification as a training facility in a discipline that includes skills training shall comply with Subchapter A of this chapter concerning minimum standards, facilities, apparatus, protective clothing, equipment, and live fire training utilized to teach and test the required skills.

§427.203. Records.

- (a) Training records shall be maintained by the distance training provider that reflect:
 - (1) Who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records);
 - (2) Individual trainee test scores to include performance testing; and
 - (3) Evidence to substantiate the test scores received by each trainee to include performance testing. Such records will include materials (completed tests and/or answer sheets, other documents, video or audio recording, etc.), and will provide identification of the examinee, identification of the evaluating field examiner, and the observer as defined in Chapter 439.
- (b) All distance training provider records must be maintained by the distance training provider for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.
- (c) A master copy of tests will be maintained for review by commission representatives. The certified distance training provider shall maintain copies of all tests for a minimum of three years.

§427.209. General Information.

- (a) All distance training providers shall meet these minimum requirements. No training credit will be recognized from a distance training provider that has not been certified by the Commission. The Commission shall take action on an application for certification of a distance training provider/training facility provider within 30 days from receipt.
- (b) Distance training providers conducting on-site programs shall ensure that all training is conducted in a controlled and safe manner so that trainees are not subjected to unnecessary risks. In addition, certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.
- (c) A distance training provider may transport trainees to the site of an actual emergency for training purposes, only if the following requirements are strictly adhered to:
 - (1) the trainees are kept in a group under the direct supervision of qualified instructors o maintain accountability and ensure their safety;
 - (2) the trainees are kept outside of the emergency operations area; and
 - (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.
- (d) Distance training providers are subject to inspection by the Commission at any time during regular business hours. Distance training providers shall provide the Commission with access to the training facility to monitor the course in progress.
- (e) The Commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.
- (f) The Commission may revoke, suspend, and/or probate the certification of training when the Commission determines that the distance training provider:
 - (1) fails to provide the quality of training and education for which the provider was approved; or
 - (2) fails to comply with Commission rules and/or these minimum standards; or
 - (3) fails to submit required reports in a timely manner or submits false reports to the Commission; or
 - (4) per course, fails to meet at least a 70-percent student pass rate on the state certification examination.

SUBCHAPTER C

TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

§427.301. General Provisions for Training Programs -- On-Site and Distance Training Providers.

- (a) Training programs that are intended to satisfy the requirements for fire protection personnel certification for each curriculum must meet the objectives and competencies in that curriculum.
- (b) A system for evaluating the comprehension of the trainee, including periodic and comprehensive written tests, is required. If performance skills are part of the applicable curriculum, performance testing shall be done in accordance with §439.11 of this title.

§427.303. Training Approval Process for On-Site and Distance Training Providers.

- (a) When seeking training approvals, a training provider, whether on-site or distance, shall certify that it has provided the resources described in §427.1(f) of this title.
- (b) All training for certification must be approved by the Commission. A training provider must submit to the Commission a completed Training Prior Approval Form at least 20 days prior to the proposed start date of the training.
- (c) The provider of training will receive from the Commission the following documents.
 - (1) A Notice of Course Approval. This document will serve as notification that the course has been approved by the Commission and will contain the approval number assigned by the Commission and the course I.D. number.
 - (2) An Application for Testing Form, when applicable.
 - (3) A Certificate of Completion Form. This document must be completed by the training provider and issued to each student when the student has successfully completed the applicable curriculum.
 - (4) Commission-designated skills envelope when applicable.
- (d) Approved courses are subject to audit by Commission staff at any time. Any deviation from the approved start-and-end date of the class, periodic and final test schedule, field examiners or the substitution of one instructor for another (this does not apply to an instructor already approved for the course) must be reported to the Commission within three business days of the deviation.

§427.305. Procedures for Testing Conducted by On-Site and Distance Training Providers.

- (a) The requirements and provisions in this section apply to procedures for periodic and final testing conducted by training providers. For procedures regarding state examinations for certification Commission examinations that occur after a training program is completed, see Chapter 439 of this title.
- (b) Periodic and comprehensive final tests shall be given by the training provider in addition to the Commission examination required in Chapter 439 of this title.

- (c) Periodic tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. An average score of 70% must be achieved on all required periodic tests.
- (d) In addition to periodic tests, a comprehensive final test must be administered. **The final test must be conducted in a proctored setting. For purposes of this rule, a proctor can be an approved TCFP Field Examiner, or a member or testing center of an educational institution.** A passing score of 70% must be achieved.
- (e) If ~~a [the Fire Investigator]~~ course is taught in phases, ~~a [one]~~ comprehensive **exam for each phase**~~[final test]~~ shall be administered upon completion of **each**~~[the final]~~ phase and a passing score of 70% must be achieved.

§427.307. On-Site and Distance Training Provider Staff Requirements.

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline.
- (d) Guest instructors are not required to be certified as instructors. A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training. Guest instructors shall teach under the endorsement of the lead instructor.
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
 - (1) Hold a Fire Service Instructor II or higher, or
 - (2) A Bachelor's degree with the following:
 - (A) As a minimum, a minor in education, and
 - (B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
 - (3) An Associate's degree with the following:
 - (A) twelve semester hours of education instructional courses, and
 - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:

(1) Hold a Fire Service Instructor III or

(2) A Bachelor's degree with the following:

(A) As a minimum, a minor in education, and

(B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or

(3) An Associate's degree with the following:

(A) twelve semester hours of education instructional courses, and

(B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

SUBCHAPTER D

Certified Training Facilities

§427.401. General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas.

- (a) The provisions in this subchapter apply only to certified training facilities that are not owned or operated by the State of Texas or a political subdivision of the State of Texas.
- (b) Training facilities seeking certification under this subchapter must comply with all the provisions of this chapter and must also meet and comply with all Commission rules.
- (c) Training facilities seeking certification under this subchapter must apply for training facility certification in each discipline they wish to teach.
- (d) In order to become a Commission approved training facility under this subchapter; the provider must submit a completed Commission training facility application for certification with supporting documentation and fees. Supporting documentation will consist of:
 - (1) descriptions, photos and addresses of where the provider will have their course delivery and materials;
 - (2) documentation of how the provider will meet all the minimum requirements for each discipline for which it seeks certification;
 - (3) complete and correct financial statements, as specified in this subchapter, demonstrating the facility is financially stable and capable of fulfilling its commitments for training;
 - (4) statement of ownership which identifies the owners, stockholders, partners, representatives, management, trustees, board members;
 - (5) documentation showing registration with the Texas Secretary of State as a business.

§427.403. Financial Standards.

- (a) Definitions Relating to Financial Requirements.
 - (1) Balance Sheet--A statement of financial position or statement of condition, showing the status of assets, liabilities and owner equity for a defined period i.e., monthly, quarterly, etc.
 - (2) Current ratio--ability to pay current obligations from current assets.
 - (3) Generally Accepted Accounting Principles (GAAP)--Conventions, rules and procedures that define accepted accounting practices to include both broad guidelines as well as detailed procedures.
 - (4) Generally Accepted Auditing Standards (GAAS)--Conventions, rules and procedures that define accepted audit practices.
 - (5) Stockholders Equity (net worth)--amount by which assets exceed liabilities.
 - (6) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."
 - (7) Unearned income (tuition) affidavit--A statement of income received but not yet earned during the current or most recent fiscal year. This is usually shown as a liability on a balance sheet, assuming it will be credited to income within the normal accounting cycle.
- (b) The balance sheet required in this subchapter shall reflect the following:
 - (1) positive equity or net worth balance;

- (2) unearned tuition as a current liability;
 - (3) a current ratio of at least one-to-one; (current assets divided by current liabilities) and
 - (4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.
- (c) Compilations shall be accompanied by the owner's sworn statement.
- (d) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.
- (e) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter.
- (f) A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.
- (g) Requirements for Original Approvals.
- (1) The owner shall furnish the Commission with the following:
 - (A) a school owned by a sole proprietor must submit a reviewed personal balance sheet stating the disclosure of payments for the next five years to meet debt agreements as required by GAAP; or
 - (B) all other ownership structures must submit an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.
 - (2) The facility shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school; a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of the certification. Projected expenses may include the following:
 - (A) employee salaries, listed by position title, including withholding and unemployment taxes, and other related expenses;
 - (B) lease or rent payments for listed equipment;
 - (C) lease or rent payments for facilities;
 - (D) accounting, legal and other specifically identified professional fees;
 - (E) an estimate of expenses such as advertising, travel, textbooks, office and classroom supplies, printing, telephone, utilities, taxes;
 - (F) a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation; and
 - (G) such other evidence as may be deemed appropriate by the Commission to establish financial stability.
- (h) Prior to a change in ownership of a facility, the purchaser shall furnish the Commission a current balance sheet meeting the requirements outlined in this subchapter for original approvals, excluding the sufficient cash requirement for initial expenses. The purchaser shall furnish any other evidence deemed appropriate by the Commission to establish financial stability.
- (i) The deletion or addition of any person that would be considered an owner is considered a change in facility ownership. The facility must notify the Commission of the change in ownership within 14 days of the transaction.
- (j) The Commission may require submission of a full application for approval of a change in ownership.

- (k) Management agreements must be disclosed to the Commission. Parties to a management agreement shall be of good reputation and character.
- (l) The deletion, addition or moving of a facility will be reported to the Commission 14 days prior to the transaction.
- (m) If the Commission determines that the deletion, addition or moving of a facility presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.
- (n) The Commission shall be notified in writing of any legal action to which the facility, any of its owners, representatives or management employees is a party.
- (o) The notification shall be within 14 days after the action is known to be filed or the facility, owner, representative or management employee is served.
- (p) The facility shall include, with the required notice, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.
- (q) If the Commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the facility, the Commission may require at the facility's expense:
 - (1) an audit of the facility that has been certified by an accountant; or
 - (2) The owner must furnish any other evidence deemed appropriate by the Commission to establish financial stability.
- (r) The entity certified under this subchapter shall maintain, in a permanent format that is acceptable and readily accessible to the Commission, a record of any funds received from, or on behalf of, the student. The entity shall clearly identify the payer, the type of funding, and the reason for the charges. These records shall be posted and kept current.
- (s) An entity certified under this subchapter shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the Commission. Each separately charged item shall be clearly itemized on the student-signed receipt.
- (t) An entity certified under this subchapter shall develop and maintain a cancellation and refund policy.
- (u) The student shall be entitled to a full refund of all monies paid to the facility if classes or courses are cancelled by the facility.
- (v) Classes or courses cancelled by the student, refund policies will be based on a prorated basis or percentage of the class or program completed by the student.
- (w) An entity certified under this subchapter shall comply with Chapter 437.3 concerning certification and renewal fees.
- (x) Upon application for renewal, an entity certified under this subchapter will provide a balance sheet with a sworn statement.

§427.405. Policy Regarding Complaints.

- (a) Complaints. The entity shall:
 - (1) Submit a written grievance procedure designed to resolve disputes between current and former students and the school for Commission approval;
 - (2) Provide a copy of the grievance procedure to each student and maintain proof of such delivery;
 - (3) Maintain records regarding grievance filings and resolutions; and
 - (4) Diligently work to resolve all complaints at the local school level.

(b) Investigations

- (1) The Commission may investigate a complaint about an entity and may determine the extent of investigation needed by considering various factors, such as:
 - (A) the seriousness of the alleged violation;
 - (B) the source of the complaint;
 - (C) the school's history of compliance and complaints;
 - (D) the timeliness of the complaint; and
 - (E) any other reasonable matter deemed appropriate.
- (2) The Commission may require documentation or other evidence of the violation before initiating a complaint investigation.

§427.407. School Responsibilities Regarding Instructors.

- (a) The facility Chief Training Officer (CTO) shall ensure that there are an appropriate number of instructors.
- (b) The facility CTO shall ensure that instructors are qualified to instruct in the subjects they are teaching or assisting.
- (c) The facility CTO shall ensure continuity of instruction and that instructors provide students with a quality education.
- (d) The facility CTO shall formally evaluate each instructor in writing at least annually and shall make the evaluations available for review by the Commission.
- (e) The facility CTO shall ensure that students are allowed the opportunity to formally evaluate each instructor in writing and make the evaluations available for review by the Commission.

§427.409. Advertising.

(a) General Information for Advertising.

- (1) A school shall not make deceptive statements in attempting to enroll students.
- (2) The Commission may require a school to furnish proof to the Commission of any of its advertising claims.

(b) Advertisement Method.

- (1) A school may advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.
- (2) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.
- (3) A school shall not use terms to describe the significance of the approval that specify or connote greater approval. Terms that schools may not use to connote greater approval by the Commission include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended." A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the Commission.
- (4) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

(c) Advertisement Content.

- (1) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.
 - (2) Advertisements shall not include:
 - (A) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;
 - (B) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government;
 - (B) statements that represent the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school; or
 - (D) statements as being Commission-approved or IFSAC approved in order to solicit students prior to receiving actual Commission approval. Any such activity by the school, prior to the Commission's approval of the training course, shall constitute misrepresentation by the training facility and shall entitle each student in the course to a full refund of all monies paid and a release from all obligations to the student".
 - (3) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.
 - (4) a school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.
 - (5) a school shall not use a photograph, cut, engraving, illustration or graphic in advertising in such a manner as to:
 - (A) convey a false impression of size, importance, or location of the school, equipment, or facilities associated with the school, or
 - (B) circumvent any of the requirements of this subchapter regarding written or oral statements.
 - (6) Every advertisement must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.
- (d) Financial Incentives. Advertisements shall not:
- (1) state that students shall be guaranteed employment while enrolled in the school;
 - (2) state that employment shall be guaranteed for students after graduation; or
 - (3) misrepresent opportunities for employment upon completion of any program; or
 - (4) contain dollar amounts as representative or indicative of the earning potential of graduates unless those dollar amounts have been published by the United States Department of Labor. This provision shall not be construed as prohibiting the school from providing earning potential to the student individually on the student's receipt of enrollment policies or other such Commission-approved document.
- (e) Advertisements for student tuition loans shall:
- (1) contain the language "financial aid available, if qualified";
 - (2) appear in type no larger than the font used for the name of the school and in similar color and style; and
 - (3) does not preclude disclosure of the school's eligibility under the various state and federal loan programs.
- (f) Advertisement Monitoring.

- (1) The Commission may order corrective action to counteract the effect of advertising in violation of the Act or rules, including:
 - (A) retraction by the school of such advertising claims published in the same manner as the claims themselves; and
 - (B) cancellation of telephone numbers without an automatic forwarding message.
- (2) As corrective action for violations of the Act or rules, the Commission may require schools to submit all advertisements to the Commission for pre-approval at least 30 days before proposed submission of the advertisements to the advertising medium.
- (3) Nothing in these guidelines shall prohibit release of information to students as required by a state or federal agency.

§427.411. Cancellations or Suspensions.

- (a) If an approved course of instruction is discontinued for any reason, the Commission shall be notified within 72 hours (9 days) of discontinuance and furnished with the names and addresses of any students who were prevented from completion of the course of instruction due to discontinuance. Should the school fail to make arrangements satisfactory to the students and the Commission for the completion of the course of instruction, the full amount of all tuition and fees paid by the students are then due and refundable. Any course of instruction discontinued will be removed from the list of approved courses of instruction.
- (b) The Commission may suspend enrollments in a particular course of instruction at any time the Commission finds cause. For purposes of this subsection, cause includes, but is not limited to:
 - (1) inadequate instruction;
 - (2) unapproved or inadequate curriculum;
 - (3) inadequate equipment; or
 - (4) inadequate facilities.
- (c) If a school begins teaching a course of instruction or revised course of instruction that has not been approved by the Commission, the Commission may require the school to refund to the enrolled students all or a portion of the tuition fees.

§427.413. Liabilities.

- (a) Curriculum and Testing
 - (1) The school shall be able to provide license agreements with the publisher of any curriculum used. The school may not reproduce the curriculum, or any part thereof, without describing the purpose or having the written consent by said publisher.
 - (2) The school shall be able to provide a valid purchase receipt or license agreement of any published test banks, or any part thereof, used in the evaluation process of any course taught.
- (b) Equipment and Facilities
 - (1) The school shall be able to provide written agreements for the use of any equipment not owned by the school, but used during the instruction of any student. The agreement shall dictate the terms, liability, fees, and availability of maintenance records of such equipment.
 - (2) The school shall be able to provide written agreements of the use of any facilities or area, not otherwise public, but used during the instruction of any student. The agreement shall dictate the terms, liability, and fees of such facilities or area.

(c) Insurance Coverage. The school shall be able to provide a general liability policy issued by a company licensed to do business in the State of Texas.

6. **Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, including but not limited to, §429.209, Minimum Standards for Master Fire Inspector Certification.**

Chapter 429

MINIMUM STANDARDS FOR FIRE INSPECTORS

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

§429.201. Minimum Standards for Fire Inspector Personnel.

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties must be certified, as a minimum, as a basic fire inspector as specified in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification) within one year of initial appointment to such position.
- (b) Prior to being appointed to fire code enforcement duties, all personnel must complete a Commission-approved basic fire inspection training program and successfully pass the Commission examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification shall be required to comply with the continuing education requirements in §441.13 of this title (relating to Continuing Education for Fire Inspection Personnel).
- (d) Code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.

§429.203. Minimum Standards for Basic Fire Inspector Certification.

In order to be certified as a basic fire inspector, an individual must:

- (1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Inspector I, Inspector II, and Plans Examiner I; or
- (2) complete a Commission-approved Basic Fire Inspector program and successfully pass the Commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic fire inspection training program shall consist of one or any combination of the following:
 - (A) completion of the Commission-approved Basic Fire Inspector Curriculum, as specified in Chapter 4 of the Commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the Commission for evaluation and found to meet the minimum requirements as listed in the Commission-approved Basic Fire Inspector Curriculum as specified in Chapter 4 of the Commission's Certification Curriculum Manual; or
 - (C) successful completion of the following college courses:
 - (i) Fire Protection Systems, three semester hours;
 - (ii) Fire Prevention Codes and Inspections, three semester hours;
 - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
 - (iv) Hazardous Materials I, II, or III, three semester hours. (Total semester hours, 12).

§429.205. Minimum Standards for Intermediate Fire Inspector Certification.

- (a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:

(1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification); and

(2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1—Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2—Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3—Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.207. Minimum Standards for Advanced Fire Inspector Certification.

(a) Applicants for Advanced Fire Inspector Certification must complete the following requirements:

(1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1—Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2—Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3—Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.209. Minimum Standards for Master Fire Inspector Certification.

(a) Applicants for Master Fire Inspector Certification must complete the following requirements:

- (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
- (2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Inspector Certification.

§429.211. International Fire Service Accreditation Congress (IFSAC) Seal.

(a) Individuals who hold commission Fire Inspector certification prior to January 1, 2005, may be granted International Fire Service Accreditation Congress (IFSAC) seals for Inspector I and Inspector II by making application to the commission for the IFSAC seals and paying applicable fees.

(b) Individuals who hold commission Fire Inspector certification prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.

(c) Individuals who pass the applicable section of the state examination on or after January 1, 2005, may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:

- (1) To receive the IFSAC Inspector I seal, the individual must:
 - (A) complete the Inspector I section of a commission-approved course; and
 - (B) pass the Inspector I section of a commission examination.
- (2) To receive the IFSAC Inspector II seal, the individual must:
 - (A) complete the Inspector II section of a commission-approved course;
 - (B) document possession of an IFSAC Inspector I seal; and
 - (C) pass the Inspector II section of a commission examination.
- (3) To receive the IFSAC Plan Examiner I seal, the individual must:
 - (A) complete the Plan Examiner I section of a commission-approved course; and
 - (B) pass the Plan Examiner I section of a commission examination.



Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

January 12, 2012

Don Wilson, Executive Director
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

Dear Sir,

I am writing to you to request that that my previous request for a rules change be placed on the agenda for the Fire Fighter Advisory Committee meeting for March 8, 2012. This request involves the amendment of the commission rules for the Master Certification requirements for Fire Inspector, Fire Investigator and Arson Investigator to allow the substitution of "at least 18 hours of college in criminal justice" in place of the "at least 18 college semester hours in fire science" requirements.

Additionally, I would like to be placed on the agenda to speak in support of this agenda item. Please feel free to contact me, if you have any questions.

Yours in service

David Brannon
Fire Marshal





Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

February 3, 2012

Gary L. Warren, Executive Director
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

Dear Sir,

I am writing to you to request amending the commission rules for the Master Certification requirements for Fire Inspector, Fire Investigator and Arson Investigator to allow the substitution of "at least 18 hours of college in criminal justice" in place of the "at least 18 college semester hours in fire science" requirements.

Current Texas Commission on Fire Protection Rules:

RULE §429.209 Minimum Standards for Master Fire Inspector Certification

a) Applicants for Master Fire Inspector Certification must complete the following requirements:

- (1) hold as a prerequisite an Advanced Fire Inspector certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification--New Track); and
- (2) acquire a minimum of 12 years experience appointed as a fire inspector, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Inspector Certification

RULE §431.209 Minimum Standards for Master Fire Investigator Certification

(a) Applicants for Master Fire Investigator Certification must complete the following requirements:

- (1) hold as a prerequisite an Advanced Fire Investigator Certification as defined in §431.207 of this title (relating to Minimum Standards for Advanced Fire Investigator Certification); and
- (2) acquire a minimum of twelve years of fire protection experience, and sixty college semester hours or an associate degree, which includes at least eighteen college semester hours in fire science subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Investigator Certification.





Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

RULE §431.9 Minimum Standards for Master Arson Investigator Certification

a) Applicants for Master Arson Investigator Certification must complete the following requirements:

- (1) hold as a prerequisite an Advanced Arson Investigator Certification as defined in §431.7 of this title (relating to Minimum Standards for Advanced Arson Investigator Certification); and
- (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Arson Investigator Certification.

Proposed Rule Change:

Currently the Certification Division recognizes the following areas as substitutes for the fire science requirement: fire science/technology, emergency management, public administration, and emergency medicine. The proposed change in the Texas Commission on Fire Protection Rules would not require any wording change at all, just an addition of the courses that may be substituted for the fire science requirement by adding criminal justice course to the list.

Rationale and Justification:

First and foremost this request just makes plain sense. Fire Inspectors, Fire Investigators and Arson Investigators are by state law (Code of Criminal Procedures see below) are police officers in the State of Texas.

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers: ...

- (Paragraph 7) each member of an arson investigating unit commissioned by a city, a county, or the state;
- (Paragraph 27) officers commissioned by the state fire marshal under Chapter 417, Government Code;
- (Paragraph 33) the fire marshal and any officers, inspectors, or investigators commissioned by an emergency services district under Chapter 775, Health and Safety Code; and
- (Paragraph 36) the fire marshal and any related officers, inspectors, or investigators commissioned by a county under Subchapter B, Chapter 352, Local Government Code.

These Fire Inspectors, Fire Investigators and Arson Investigators are already required to take criminal justice classes as part of the Texas Commission on Law Enforcement Standards and Education requirements to obtain higher certifications. By not accepting the criminal justice courses in place of the fire science requirements, these inspectors and investigators have an unfair burden of having to take additional classes. Criminal justice classes have as much correlation to the Inspectors and Investigators job's as the currently





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accepted substitutable classes of fire science/technology, emergency management, public administration, and emergency medicine. It can be argued that two of these courses of studies (emergency management and emergency medicine) are outside the scope of everyday work for Inspectors and Investigators, but are acceptable as substitutes for fire science. Criminal justice classes are directly related to the inspectors and investigators daily job and should be on the list of allowable substitutable classes.

Additionally Inspectors and Investigators that are currently enrolled in a college criminal justice program or have a criminal justice degree would be required to have an additional 18 hours in fire science on top of their degree program. This is would not be required of an inspector or investigator who may have received an associate degree in emergency medicine by completing a two year paramedic program at a two year college, the state would just simply accept these classes in lieu of the fire science requirement.

I have spoken with several area Fire Marshals in reference to this request and every one of them agree that this should be a "no brainer", Criminal Justice classes should be allowed. Additionally this request has been endorsed by Greater Houston Area Fire Marshal's Council. The Greater Houston Area Fire Marshals Council represents area Fire Marshal's Offices from Harris County, Montgomery County, Fort Bend County, Brazoria County and Galveston County.

Finally, Inspectors and Investigators are both fire protection personnel and peace officers. This makes them unique in the public safety world. Because, Texas law allows free college tuition for fire protection personnel enrolled in a fire science courses and for peace officers enrolled in a criminal justices classes, Inspectors and Investigators must decide earlier in their career which path they should take. Taking a college criminal justice course is a logical extension of their every day job and these classes should be allowed as substitutes for the fire science requirement.. If you have any questions over this proposal, please feel free to contact me.

Thank you for considering this matter.

David Brannon
Fire Marshal





Greater Houston Fire Area Marshal's Council
1001 Shaw Suite 200B
Pasadena Texas 77506

February 3, 2012

Don Wilson, Executive Director
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

Dear Sir,

The Greater Houston Area Fire Marshal's Council Board of Directors unanimously supports the proposal by the Pasadena Fire Marshal's Office to allow the inclusion of criminal justice college credits as a substitution for fire science hour requirement for Fire inspectors and Investigators to obtain their Texas Commission on Fire Protection Master Level certification. In addition The Greater Houston Area Fire Marshals Council would like to speak to at the March Advisory meeting in support of this proposal

The Greater Houston Area Fire Marshals Council represents more than 100 Fire Inspectors and Investigators from more than 30 Fire Marshal's Offices from Harris County, Montgomery County, Fort Bend County, Brazoria County and Galveston County.

Respectfully Submitted

David Brannon
GHAFMC Director

- 7. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.9, Minimum Standards for Master Arson Investigator Certification, and Subchapter B, Minimum Standards for Fire Investigator Certification, including, but not limited to, §431.209, Minimum Standards for Master Fire Investigator Certification.**

CHAPTER 431

FIRE INVESTIGATION

Subchapter A

MINIMUM STANDARDS FOR ARSON INVESTIGATOR CERTIFICATION

§431.1. Minimum Standards for Arson Investigation Personnel.

- (a) Fire protection personnel who are assigned arson investigation duties must be certified, as a minimum, as a basic arson investigator as specified in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification) within one year from the date of initial appointment to such position.
- (b) Prior to being appointed to arson investigation duties, fire protection personnel must complete a commission approved basic fire investigator training program, successfully pass the commission examination pertaining to that curriculum, and possess a current peace officer license from the Texas Commission on Law Enforcement Officer Standards and Education or document that the individual is a federal law enforcement officer.
- (c) Personnel holding any level of arson investigation certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

§431.3. Minimum Standards for Basic Arson Investigator Certification.

In order to be certified by the Commission as a Basic Arson Investigator an individual must:

- (1) possess a current basic peace officer's license from the Texas Commission on Law Enforcement Officer Standards and Education or documentation that the individual is a federal law enforcement officer;
- (2) hold a current license as a peace officer and notify the Commission on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire Investigator; or
- (4) complete a Commission-approved basic fire investigation training program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved fire investigation training program shall consist of one of the following:
 - (A) completion of the Commission-approved Fire Investigator Curriculum, as specified in Chapter 5 of the Commission's Certification Curriculum Manual;
 - (B) successful completion of an out-of-state, NFA, or military training program which has been submitted to the Commission for evaluation and found to meet the minimum requirements as listed in the Commission-approved Fire Investigator Curriculum as specified in Chapter 5 of the Commission's Certification Curriculum Manual; or
 - (C) successful completion of the following college courses: Fire and Arson Investigation I or II , 3 semester hours; Hazardous Materials I, II, or III, 3 semester hours; Building Construction in the Fire Service or Building Codes and Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12.

§431.5. Minimum Standards for Intermediate Arson Investigator Certification.

- (a) Applicants for Intermediate Arson Investigator Certification must complete the following requirements:

- (1) hold as a prerequisite a Basic Arson Investigator Certification as defined in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification); and
- (2) acquire a minimum of four years of fire protection experience and complete the requirements listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2—Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3—Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or
 - (D) Option 4—Hold current Intermediate Peace Officer certification from the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE) with four additional law enforcement courses applicable for fire investigations. (See exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.7. Minimum Standards for Advanced Arson Investigator Certification.

- (a) Applicants for Advanced Arson Investigator certification must complete the following requirements:
 - (1) hold as a prerequisite an Intermediate Arson Investigator Certification as defined in §431.5 of this title (relating to Minimum Standards for Intermediate Arson Investigator Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the requirements listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2—Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3—Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section); or
 - (D) Option 4--Advanced Arson for Profit or Complex Arson Investigative Techniques (Bureau of Alcohol, Tobacco, Firearms, and Explosives resident or field course, 80 hours); or
 - (E) Option 5—Hold current Advanced Peace Officer certification from the Texas Commission on Law Enforcement Officer Standards & Education (TCLEOSE) with four additional law enforcement courses applicable for fire investigations. (See exception outlined in subsection (c) of this section.)

- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.9. Minimum Standards for Master Arson Investigator Certification.

- (a) Applicants for Master Arson Investigator Certification must complete the following requirements:
 - (1) hold as a prerequisite an Advanced Arson Investigator Certification as defined in §431.7 of this title (relating to Minimum Standards for Advanced Arson Investigator Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Arson Investigator Certification.

§431.11. Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel.

- (a) A law enforcement officer employed or commissioned by a law enforcement agency as a peace officer who is designated as an arson investigator by an appropriate local authority is eligible for certification on a voluntary basis by complying with this chapter.
- (b) An individual holding commission certification as a fire investigator who becomes a law enforcement officer employed or commissioned by a law enforcement agency as a peace officer, and who is designated as an arson investigator by an appropriate local authority will qualify for a similar level arson investigator certificate. To obtain a printed certificate the individual must make application to the commission to include confirmation of commission.

§431.13. International Fire Service Accreditation Congress (IFSAC) Seal.

- (a) Individuals holding a current commission Arson Investigator certification received prior to March 10, 2003 may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a commission-approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees.

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE INVESTIGATOR CERTIFICATION

§431.201. Minimum Standards for Fire Investigation Personnel.

- (a) Fire protection personnel who receive temporary or probationary appointment to fire investigation duties must be certified as a fire investigator by the Commission within one year of appointment to such duties.
- (b) Prior to being appointed to fire investigation duties, personnel must:
 - (1) complete a commission approved basic fire investigator training program and successfully pass the commission examination pertaining to that curriculum; or
 - (2) hold current certification as structure fire protection personnel.
- (c) Individuals holding a Fire Investigator certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).
- (d) Individuals certified under this subchapter shall limit their investigation to determining fire cause and origin. If evidence of a crime is discovered, custody and control of the investigation shall be immediately transferred to a certified arson investigator or licensed peace officer.
- (e) Individuals who previously held arson investigator certification, who no longer hold a current commission as a peace officer, will qualify for certification as a fire investigator of similar level upon notice to the commission. To obtain a printed certificate the individual will be required to make application to the commission.

§431.203. Minimum Standards for Fire Investigator Certification.

- (a) In order to be certified by the Commission as a Fire Investigator an individual must complete the requirements specified in §431.3(a)(3) or (4) of this title (relating to Minimum Standards for Basic Arson Investigator Certification).
- (b) A person who holds or is eligible to hold a certificate as a Fire Investigator may be certified as an Arson Investigator by meeting the requirements of Chapter 431, Subchapter A, but shall not be required to repeat the applicable examination requirements.

§431.205. Minimum Standards for Intermediate Fire Investigator Certification.

- (a) Applicants for Intermediate Fire Investigator must complete the following requirements:
 - (1) hold as a prerequisite a Basic Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1—Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2—Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section.); or
 - (C) Option 3—Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)

- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.207. Minimum Standards for Advanced Fire Investigator Certification.

- (a) Applicants for Advanced Fire Investigator must complete the following requirements:
 - (1) hold as a prerequisite an Intermediate fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1—Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2—Completion of coursework from the either A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section.); or
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- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.209. Minimum Standards for Master Fire Investigator Certification.

- (a) Applicants for Master Fire Investigator Certification must complete the following requirements:
 - (1) hold as a prerequisite an Advanced Fire Investigator Certification as defined in §431.207 of this title (relating to Minimum Standards for Advanced Fire Investigator Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and sixty college semester hours or an associate degree, which includes at least eighteen college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Investigator Certification.

§431.211. International Fire Service Accreditation Congress (IFSAC) Seal -- Fire Investigator.

- (a) Individuals holding a current commission Fire Investigator certification received prior to March 10, 2003 may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees.

(b) Individuals completing a commission-approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees.



Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

January 12, 2012

Don Wilson, Executive Director
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

Dear Sir,

I am writing to you to request that that my previous request for a rules change be placed on the agenda for the Fire Fighter Advisory Committee meeting for March 8, 2012. This request involves the amendment of the commission rules for the Master Certification requirements for Fire Inspector, Fire Investigator and Arson Investigator to allow the substitution of "at least 18 hours of college in criminal justice" in place of the "at least 18 college semester hours in fire science" requirements.

Additionally, I would like to be placed on the agenda to speak in support of this agenda item. Please feel free to contact me, if you have any questions.

Yours in service

David Brannon
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Johnny Isbell
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City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

February 3, 2012

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- (1) hold as a prerequisite an Advanced Fire Inspector certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification--New Track); and
- (2) acquire a minimum of 12 years experience appointed as a fire inspector, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Inspector Certification

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Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

RULE §431.9 Minimum Standards for Master Arson Investigator Certification

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Proposed Rule Change:

Currently the Certification Division recognizes the following areas as substitutes for the fire science requirement: fire science/technology, emergency management, public administration, and emergency medicine. The proposed change in the Texas Commission on Fire Protection Rules would not require any wording change at all, just an addition of the courses that may be substituted for the fire science requirement by adding criminal justice course to the list.

Rationale and Justification:

First and foremost this request just makes plain sense. Fire Inspectors, Fire Investigators and Arson Investigators are by state law (Code of Criminal Procedures see below) are police officers in the State of Texas.

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers: ...

- (Paragraph 7) each member of an arson investigating unit commissioned by a city, a county, or the state;
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These Fire Inspectors, Fire Investigators and Arson Investigators are already required to take criminal justice classes as part of the Texas Commission on Law Enforcement Standards and Education requirements to obtain higher certifications. By not accepting the criminal justice courses in place of the fire science requirements, these inspectors and investigators have an unfair burden of having to take additional classes. Criminal justice classes have as much correlation to the Inspectors and Investigators job's as the currently





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I have spoken with several area Fire Marshals in reference to this request and every one of them agree that this should be a "no brainer", Criminal Justice classes should be allowed. Additionally this request has been endorsed by Greater Houston Area Fire Marshal's Council. The Greater Houston Area Fire Marshals Council represents area Fire Marshal's Offices from Harris County, Montgomery County, Fort Bend County, Brazoria County and Galveston County.

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Thank you for considering this matter.

David Brannon
Fire Marshal





Greater Houston Fire Area Marshal's Council
1001 Shaw Suite 200B
Pasadena Texas 77506

February 3, 2012

Don Wilson, Executive Director
Texas Commission on Fire Protection
PO Box 2286
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Dear Sir,

The Greater Houston Area Fire Marshal's Council Board of Directors unanimously supports the proposal by the Pasadena Fire Marshal's Office to allow the inclusion of criminal justice college credits as a substitution for fire science hour requirement for Fire inspectors and Investigators to obtain their Texas Commission on Fire Protection Master Level certification. In addition The Greater Houston Area Fire Marshals Council would like to speak to at the March Advisory meeting in support of this proposal

The Greater Houston Area Fire Marshals Council represents more than 100 Fire Inspectors and Investigators from more than 30 Fire Marshal's Offices from Harris County, Montgomery County, Fort Bend County, Brazoria County and Galveston County.

Respectfully Submitted

David Brannon
GHAFMC Director

- 8. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 435, Fire Fighter Safety, including but not limited to, §435.3, Self-Contained Breathing Apparatus.**

Chapter 435

FIRE FIGHTER SAFETY

§435.1. Protective Clothing.

- (a) A regulated fire department shall:
- (1) purchase, provide, and maintain a complete set of protective clothing for all fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of protective clothing shall consist of garments including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;
 - (2) ensure that all protective clothing which are used by fire protection personnel assigned to fire suppression duties comply with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, rebuilt, or used protective clothing; and
 - (3) maintain and provide upon request by the Commission, a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles.
- (b) An entity may continue to use protective clothing in use or contracted for before a change in the National Fire Protection Association standard, unless the Commission determines that the protective clothing constitutes an undue risk to the wearer, in which case the Commission shall order that the use be discontinued and shall set an appropriate date for compliance with the revised standard.
- (c) Protective clothing in use or contracted for prior to January 1, 2002, shall be exempted from the record keeping requirements contained in Section 2.3, Records, of NFPA 1851.

§435.3. Self-Contained Breathing Apparatus.

The employing entity shall:

- (1) purchase, provide, and maintain a complete self-contained breathing apparatus for each on-duty fire protection personnel who engage in operations where IDLH atmospheres may be encountered, where the atmosphere is unknown or would be exposed to hazardous atmospheres from fire or other emergencies or where the potential for such exposure exists;
- (2) ensure that all self-contained breathing apparatus used by fire protection personnel complies with the minimum standards of the National Fire Protection Association identified in NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters.
 - (A) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, or used self-contained breathing apparatus;
 - (B) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the Commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the Commission shall order that the use be discontinued and shall set an appropriate date for compliance with the revised standard;
- (3) develop an air quality program that complies with the most recent edition of the NFPA 1989 Standard on Breathing Air Quality for Emergency Services Respiratory Protection;

- (4) maintain and supply upon request by the Commission, records and reports documenting compliance with Commission requirements concerning self-contained breathing apparatus and breathing air. Records of all tests shall be made and the records shall be retained for a period of no less than three years;
- (5) maintain and provide upon request by the Commission, a departmental standard operating procedure regarding the use of self-contained breathing apparatus; and
- (6) maintain and provide upon request by the Commission, a department standard operating procedure regarding the selection, care, and maintenance of self-contained breathing apparatus that complies with the most recent edition of the NFPA 1852 Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA).

§435.5. Commission Recommendations.

The commission recommends that all employing entities use as a guide the following publications:

- (1) NFPA 1403 "Live Fire Training Evolutions";
- (2) NFPA 1500 "Fire Department Occupational Safety and Health Program;"
- (3) IAFF/IAFC - "Fire Service Joint Labor Management Wellness-Fitness Initiative."

§435.7. Fire Department Staffing Studies.

- (a) Section 419.022(a)(4) Texas Government Code provides that the commission may "on request, assist in performing staffing studies of fire departments." Staffing studies must take into consideration all the objectives and missions of the fire department. The commission does not have the resources or the staff to directly assist in performing the necessary tasks to perform a staffing study. Many staffing studies have been developed that can be used to assist in evaluating the needs of a fire department.
- (b) A city should ultimately decide on the level of fire protection it is willing to provide to its citizens. The city and fire department should, as a minimum, address the needs of prevention, investigation and suppression as outlined in the appropriate NFPA Standards. That decision should be based on facts, the safety of its citizens, and the safety of the fire fighters providing that protection.
- (c) The commission will assist by maintaining information pertinent to fire department staffing. The information shall be maintained in the Ernest A. Emerson Fire Protection Resource Library at the Texas Commission on Fire Protection. Copies shall be made available, free of charge, to anyone requesting such information to the extent permitted by copyright laws.

§435.9. Personal Alert Safety System (PASS).

The employing entity shall:

- (1) purchase, provide, and maintain a PASS device for each on duty fire protection personnel who engage in operations where IDLH atmospheres may be encountered, or where the atmosphere is unknown, or where hazardous conditions from fire or other emergencies exist, or where the potential for such exposure exists;
- (2) ensure that all PASS devices used by fire protection personnel comply with the minimum standards of the National Fire Protection Association identified in NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters:
 - (A) the National Fire Protection Association standard applicable to a PASS device is the standard in effect at the time the entity contracts for new, rebuilt, or used PASS devices;

- (B) an entity may continue to use a PASS device that meets the requirements of an earlier edition of NFPA 1982, unless the commission determines that the continued use of the PASS device constitutes an undue risk to the wearer, in which case the commission shall order that the use be discontinued and shall set an appropriate date for compliance with the revised standard;
- (3) ensure that the PASS device assigned to an individual user be inspected at the beginning of each duty period and before each use.
- (4) maintain and provide upon request by the commission, a departmental standard operating procedure regarding the proper use, selection, care and maintenance of PASS devices.

§435.11. Incident Management System (IMS)

- (a) The fire department shall develop, maintain and use an incident management system.
- (b) The incident management system shall:
 - (1) include a written operating procedure for the management of emergency incidents;
 - (2) require that the IMS be used at all emergency incidents;
 - (3) require operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries;
 - (4) require that all fire protection personnel be trained in the use of the IMS; and
 - (5) require that the IMS be applied to all drills, exercises and all other situations that involve hazards similar to those encountered at an actual emergency.
- (c) The IMS shall meet the requirements of the applicable sections of the National Fire Protection Association 1561, Standard on Fire Department Incident Management System.
- (d) The Commission recommends departments follow the National Incident Management System (NIMS) when developing their incident management system.

§435.13. Personnel Accountability System.

- (a) The fire department shall develop, maintain and use a personnel accountability system that provides for a rapid accounting of all personnel at an emergency incident.
- (b) The accountability system shall:
 - (1) require all fire protection personnel be trained in the use of the accountability system;
 - (2) require that the fire protection personnel accountability system be used at all incidents;
 - (3) require that all fire protection personnel operating at an emergency incident to actively participate in the personnel accountability system; and
 - (4) require that the incident commander be responsible for the overall personnel accountability system for the incident.
- (c) The fire department shall be responsible for developing the system components required to make the personnel accountability system effective.

- (d) The personnel accountability system shall meet the minimum standards required by the National Fire Protection Association 1561, Standard on Fire Department Incident Management System. If the standard is revised, the fire department shall have one (1) year from the effective date of the new standard to comply.

§435.15. Operating At Emergency Incidents.

- (a) The fire department shall develop, maintain and use a standard operating procedure for fire protection personnel operating at emergency incidents.
- (b) The standard operating procedure shall:
 - (1) specify an adequate number of personnel to safely conduct emergency scene operations;
 - (2) limit operations to those that can be safely performed by personnel at the scene;
 - (3) require all personnel to be trained in and use the standard operating procedures; and
 - (4) comply with §435.17 (Procedures for Interior Structural Fire Fighting).
- (c) The fire department may use standards established by the National Fire Protection Association for fire protection personnel operating at an emergency incident.

§435.17. Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule).

- (a) The fire department shall develop written procedures that comply with the Occupational Safety and Health Administration's Final Rule, 29 CFR Section 1910.134(g)(4) by requiring:
 - (1) a team of at least four fire protection personnel must be assembled before an interior fire attack can be made when the fire has progressed beyond the incipient stage;
 - (2) at least two fire protection personnel to enter the IDLH atmosphere and remain in visual or voice (not radio) contact with each other;
 - (A) Visual means that the fire protection personnel must be close enough to see each other.
 - (B) Voice means that the fire protection personnel of the entry team must be close enough to speak to one another without the use of radios.
 - (3) at least two fire protection personnel remain located outside the IDLH atmosphere to perform rescue of the fire protection personnel inside the IDLH atmosphere;
 - (4) all fire protection personnel engaged in interior structural fire fighting use self-contained breathing apparatus and be clothed in a complete set of protective clothing as identified in Chapter 435;
 - (5) all fire protection personnel located outside the IDLH atmosphere be equipped with appropriate retrieval equipment where retrieval equipment would contribute to the rescue of the fire protection personnel that have entered the IDLH atmosphere;
 - (6) one of the outside fire protection personnel must actively monitor the status of the inside fire protection personnel and not be assigned other duties. The second outside fire protection personnel may be assigned to an additional role, including, but not limited to, incident commander, safety officer, driver-operator, command technician or aide, or fire fighter/EMS personnel, so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire protection personnel working at the scene;

- (7) the fire protection personnel outside the IDLH atmosphere must remain in communication (including, but not limited to, radio) with the fire protection personnel in the IDLH atmosphere. Use of a signal line (rope) as a communications instrument for interior fire fighting is not permitted by the commission. This does not preclude the use of rescue guide ropes (guide line or lifeline or by what ever name they may be called) used during structural searches; and
 - (8) each outside fire protection personnel must have a complete set of protective clothing and self-contained breathing apparatus, as identified in Chapter 435, immediately accessible for use if the need for rescue activities inside the IDLH atmosphere is necessary.
- (b) The fire department shall comply with the 2-in/2-out rule as described in this section except in an imminent life-threatening situation when immediate action could prevent the loss of life or serious injury before the team of four fire protection personnel are assembled.

§435.19. Enforcement of Commission Rules.

- (a) The Commission shall enforce all Commission rules at any time, including, but not limited to, Commission investigations, fire department inspections, or upon receiving a written complaint from an identified person or entity of an alleged infraction of a Commission rule.
- (b) The Commission shall not provide prior notification of an inspection to a fire department.
- (c) Upon receipt of a signed complaint alleging a violation of a Commission rule, the Commission shall have 30 days to initiate an investigation and report back to the complainant its progress.
- (d) Upon substantiating the validity of a written complaint, the Commission shall follow the procedures outlined in Government Code, Chapter 419, §419.011(b) and (c).

§435.21. Fire Service Joint Labor Management Wellness-Fitness Initiative.

- (a) A fire department shall assess the wellness and fitness needs of the personnel in the department. The procedure used to make this assessment shall be written and made available for commission inspection.
- (b) A fire department shall develop and maintain a standard operating procedure to address those needs.
- (c) The approach to the fitness needs of the department shall be based on the local assessment and local resources.
- (d) The standard operating procedure shall be made available to the commission for inspection.

§435.23. Fire Fighter Injuries.

- (a) A fire department shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.
- (b) Minor injuries are those injuries that do not result in the fire fighter missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.
- (c) Major injuries are those that require the fire fighter to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.
- (d) Investigatable injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire fighter from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigatable injuries shall be reported within five business days of the injury event.
- (e) The regulated entity shall secure any personal protective equipment involved in a fire fighter injury and shall be made available to the Commission for inspection.

§435.25. Courage to be Safe So Everyone Goes Home Program.

- (a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program be completed as part of the continuing education required for certified fire protection personnel by December 1, 2015. Individuals will be credited with four hours of continuing education credit for completing this program.
- (b) All regulated fire protection personnel must complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program prior to December 1, 2015.
- (c) All fire protection personnel appointed after December 1, 2015 will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year of appointment to a fire department.
- (d) Departments will report the completion of training through the Commission web based reporting system.
- (e) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadlines will be considered a violation of continuing education rules found in Chapter 441 of the Commission's Standards Manual.

§435.27. Live Fire Training Structure Evolutions.

The most current edition of NFPA 1403; Standard on Live Fire Training Structure Evolutions, shall be used as a guide when developing standard operating procedures for conducting live fire training. The following requirements shall apply for all Live Fire Training Structure Evolutions conducted.

- (1) The officer in charge or instructor will insure that the water supply rate and duration for each individual Live Fire Training Structure Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.
 - (a) The instructor in-charge shall assign the following personnel:
 - (1) One instructor to each functional crew, which shall not exceed five students.
 - (2) One instructor to each backup line.
 - (3) Additional personnel to backup lines to provide mobility.
 - (4) One additional instructor for each additional functional assignment.
- (2) The officer in charge or instructor will insure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.
- (3) A safety officer shall be appointed for all Live Fire Training Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend or control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities.
- (4) No person(s) shall play the role of a victim inside the building.
- (5) Prior to the ignition of any fire, instructors shall insure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.
- (6) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

- (7) A standard operating procedure shall be developed and utilized for Live Fire Training Evolutions. The standard operating procedure shall include, but not be limited to:
- (A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices);
 - (B) a Personnel Accountability System that complies with §435.13 of this title shall be utilized;
 - (C) an Incident Management System;
 - (D) use of personal protective clothing and self-contained breathing apparatus;
 - (E) an evacuation signal and procedure; and
 - (F) pre-burn, burn and post-burn procedures.



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Modification Proposal: Title 37 TAC, Chapter 435, Firefighter Safety, §435.3 SCBA subpart 2

Structural Composites Industries (SCI), on behalf of TCFP regulated Fire and Rescue providers, requests the Firefighter Advisory Committee to consider a proposed modification to title 37 TAC, Chapter 435, Firefighter Safety, (including but not limited to: §435.3 SCBA subpart 2) allowing TCFP regulated entities use of United States Department of Transportation (DOT) approved SCBA cylinders. This change will eliminate the burden TCFP regulated entities now encounter regarding adherence to NIOSH approval for spare & replacement cylinders, which have needlessly and significantly increased replacement costs and reduced cylinder durability.

Modification will allow regulated entities the same financial benefits, safety regulation, & quality control as other Texas State and Municipal agencies (police, city water and sewer, public prisons, etc.), which are currently not required to adhere to NIOSH approval criteria.

SCI requests of the Firefighter Advisory Committee an opportunity to present justification, provide background, & submit letters of support from TCFP regulated entities at the next Firefighter Advisory Committee meeting.

Background:

For the most part, SCBA cylinders are generic and require no proprietary designs by individual respirator manufacturers. Cylinders from one manufacturer may be replaced with those of another, similar to replacing one brand of batteries with another in an electronic device, or one brand of tires being exchanged for another on a vehicle. The cylinder's job is to contain highly pressurized breathing air. For SCBA units in use in North America, SCBA cylinders must conform to Department of Transportation (DOT) standards while outlet and inlet standards are prescribed by the Compressed Gas Association (CGA) and the American National Standards Institute (ANSI), respectively. Using cylinders interchangeably does not affect the unit's fit, form or function.

The TCFP, in adopting NFPA 1981, has disqualified departments under its jurisdiction the ability to purchase spare and replacement cylinders through a competitive "open" market. An "open" market does not exist currently because the NFPA 1981 standard builds upon a NIOSH approval. The NIOSH approval is comprised of a specific list of components as presented to NIOSH by the SCBA manufacturer. This has created a monopolistic environment for spare and replacement cylinders, which needlessly drives up pricing and provides zero value added.

Example:

An entity is not NFPA 1981 compliant when they replace an SCI manufactured cylinder containing the SCBA brand name with an identical SCI manufactured cylinder not containing the SCBA brand name. Does this make sense? The SCBA manufacturer has nothing to do with the manufacturing of SCBA cylinders!

Financial Impacts:

- 1) Non TCFP regulated departments realize a savings benefit of 30% to 60% below the cost of SCBA branded cylinders.
- 2) Improved durability cylinders are available which reduce the cylinder cost of ownership and significantly lowering overall SCBA program costs.
- 3) Technical advancements in cylinder technology have allowed for the introduction of longer life (30 year life) cylinders into the US market which further improve durability & reduce costs

Safety:

The regulatory agencies involved in this matter include: DOT, NFPA, and NIOSH.



The DOT is the regulatory entity responsible for cylinder manufacturing, construction, and testing in the United States. All Carbon Composite Cylinders are manufactured per DOT document "Basic Requirements for Fully Wrapped Carbon-Fiber Reinforced Aluminum Lined Cylinders." This document outlines such information as materials used and service life, ... but more importantly the tests - drop test, burst test, thermal test, bonfire test, gunfire test, etc., that cylinders must pass to earn DOT approval. From a physical and construction standpoint, DOT approval is the gold standard for cylinders in the United States.

NIOSH and the NFPA (by mirroring NIOSH) have the technical requirement that all cylinders be DOT approved. However, a NIOSH approval is granted only to the SCBA as a single product (which includes the cylinder) per 42 CFR Part 84. Because cylinders are not NIOSH-approved independent of the respirator, they cannot be labeled as such until they are assembled as a NIOSH-approved unit by respirator manufacturer, or repackaged and sold through the same manufacturer as a stand-alone "replacement" part. A respirator manufacturer may argue that safety is compromised with a non-NIOSH approved cylinder, but any failure that could be found would have been on a cylinder that had at some point received NIOSH approval. The rigorous DOT requirements are responsible for reducing potential failure, recalls or specific issues to cylinders.

Conclusion:

Given the financial repercussions and zero value added, it is critical the Firefighter Advisory Committee consider a proposal on this topic at the next meeting. SCI is prepared to demonstrate that the only obstacle in this change is the misinformation which exists within the Fire and Rescue community about composite cylinders and the technology which has made them safe for over 35 years.

Sample Proposal

37 TAC, Chapter 435.3

The employing entity shall:

(2) ensure that all self-contained breathing apparatus used by fire protection personnel complies with the minimum standards of the National Fire Protection Association identified in NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighters.

(A) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, or used self-contained breathing apparatus;

(B) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the Commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the Commission shall order that the use be discontinued and shall set an appropriate date for compliance with the revised standard;

(C) an entity, at its discretion, may utilize spare & replacement SCBA cylinders which are of the same Fit, Form and Function as those originally used on the SCBA at the time of purchase provided that the cylinders are DOT approved and comply with the Compress Gas Associations (CGA) requirements in CGA C-6.2 – 2005 for fiber reinforced composite cylinders;



9. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.13, Processing Fees for Test Application, and §437.15, International Fire Service Accreditation (IFSAC) Seal Fees.

CHAPTER 437

FEES

§437.1. Purpose and Scope.

- (a) The purpose of this chapter is to set forth requirements governing the fees charged for the issuance of certificates to fire protection personnel, to establish the procedures for the collection of annual renewal fees and copying fees as prescribed by the Government Code, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning certification fees, renewal fees, and copying fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.

§437.3. Certification Fees.

- (a) A non-refundable application fee of \$85 is required for each certificate issued by the Commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) Any person who holds a certificate, and is no longer employed by an entity that is regulated by the Commission may submit in writing, a request, together with the required fee to receive a one-time certificate stating the level of certification in each discipline held by the person on the date that person left employment pursuant to the Texas Government Code, §419.033(b).

Multiple certifications may be listed on the one-time certificate. The one-time fee for the one-time certificate shall be limited to the maximum amount allowed by §419.033(b) of the Texas Government Code.

- (e) A facility that provides basic level training for any discipline for which the Commission has established a Basic Curriculum must be certified by the Commission. The training facility will be charged a separate certification fee for each discipline.

§437.5. Renewal Fees.

- (a) A non-refundable annual renewal fee of \$85 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the Commission may collect only one renewal fee of \$85, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for all certificates which a person must possess as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.

- (d) If a person reapplies for a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal statements will be mailed to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal statements will be mailed to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) All certification renewal fees must be returned with the renewal statement to the Commission.
- (h) All certification renewal fees must be paid on or before the renewal date posted on the certification renewal statement to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$42.50 in addition to the renewal fee for each individual for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the renewal date posted on the renewal notice will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$85 in addition to the renewal fee for each individual for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the Commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the Commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
 - (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with Commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
 - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.
- (n) An individual, upon returning from activation to military service, whose certification has expired, must notify the Commission in writing. The individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$85.

§437.7. Standards Manual and Certification Curriculum Manual Fees.

- (a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.
- (b) The Commission does not provide printed copies of the manuals. A printed copy of the Commission's standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.west.thomson.com.

§437.11. Copying Fees.

- (a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee.
- (b) A fee will be charged for address and telephone number lists of fire service agencies.
- (c) A fee will be charged for mailing peel-off labels of fire service agencies.

§437.13. Processing Fees for Test Application.

- (a) A non-refundable application processing fee of \$85 shall be charged for each examination.
- (b) Fees will be paid in advance with the application or the provider of training may be invoiced or billed if previous arrangements have been made with the Commission.

§437.15. International Fire Service Accreditation Congress (IFSAC) Seal Fees.

A non-refundable \$10.00 fee shall be charged for each IFSAC seal issued by the commission.

§437.17. Records Review Fees.

- (a) A non-refundable fee of \$35 shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.
- (b) The fee provided for in this section shall not apply to an individual who holds an advanced certificate from the State Firemen's and Fire Marshals' Association of Texas.

- 10. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 439, Examinations for Certification, Subchapter A, Examinations for On-Site Delivery Training, including but not limited to, §439.1, Requirements-General, and §439.11, Commission-Designated Performance Skill Evaluations.**

CHAPTER 439

EXAMINATIONS FOR CERTIFICATION

SUBCHAPTER A

EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

§439.1. Requirements—General.

- (a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with the Commission and International Fire Service Accreditation Congress (IFSAC) regulations. It is incumbent upon Commission staff, committee members, training officers and field examiners to maintain the integrity of any state examination (or portion thereof) for which they are responsible.
- (b) Exams will be based on curricula as currently adopted in the Commission's Certification Curriculum Manual.
- (c) Commission examinations that receive a passing grade shall expire two years from the date of the examination.
- (d) The Commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.
 - (1) An examination based on Chapter 1, "Basic Fire Suppression Curriculum" as identified in the Certification Curriculum Manual may consist of four sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, and First Responder Operations.
 - (2) An examination based on Chapter 4, "Basic Fire Inspector Curriculum" as identified in the Certification Curriculum Manual may consist of three sections: Inspector I, Inspector II, and Plan Examiner I.
 - (3) An examination based on the applicable chapters for "Basic Fire Suppression Curriculum" and "Wildland Fire Protection Curriculum" in the Certification Curriculum Manual shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection.**
- ~~(4)~~~~(3)~~ All other state examinations consist of only one section.
- ~~(5)~~~~(4)~~ The Head of Department examination will be based on NFPA 1021, Chapter 7.
- (e) The individual who fails to pass a Commission examination for state certification will be given one additional opportunity to pass the examination or section thereof. This opportunity must be exercised within 180 days after the date of the first failure. An individual who passes the applicable state certification examination but fails to pass a section thereof for an IFSAC seal(s) will be given one additional opportunity to pass the section thereof. This opportunity must be exercised within two years after the date of the first attempt. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.
- (f) An individual may obtain a new certificate in a discipline which was previously held by passing a Commission proficiency examination.
- (g) If an individual who has never held certification in a discipline defined in §421.5 of this title (relating to Definitions), seeks certification in that discipline, the individual shall complete all certification requirements.
- (h) If an individual completes an approved training program that has been evaluated and deemed equivalent to a certification curriculum approved by the Commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual must pass a Commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the Commission as fire protection personnel.

- (i) An individual or entity may petition the Commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
 - (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with Commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
 - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

§439.3. Definitions.

The following words and terms, when used in this chapter, have the following definitions unless the context clearly indicates otherwise.

- (1) Certificate of Completion--A signed statement certifying that an individual has successfully completed a Commission-approved certification curriculum or phase program for a particular discipline, including having been evaluated by field examiners on performance skills identified by the Commission. The certificate of completion will be on a form provided by the Commission and is to be completed and signed by the provider of training and issued to the individual upon successful completion of the training. The certificate of completion must, as a minimum, identify the provider of training, the course I.D. number, the course approval number, date issued, curriculum name, training officer, and the name of the person completing the course. The certificate of completion qualifies an individual to take an original certification examination.
- (2) Curriculum--The competencies established by the Commission as a minimum requirement for certification in a particular discipline.
- (3) Designee--An entity or individual approved by the standards division director to administer Commission certification examinations and/or performance skills in accordance with this chapter.
- (4) Eligibility--A determination of whether or not an individual has met the requirements set by the Commission and would therefore be allowed to take a Commission examination.
- (5) Endorsement of eligibility--A signed statement testifying to the fact that an individual has met all requirements specified by the Commission and is qualified to take a Commission examination. An endorsement of eligibility will be issued by a member of the Commission staff.
- (6) Examination--A state test which an examinee must pass as one of the requirements for certification.
- (7) Examinee--An individual who has met the Commission requirements and therefore qualifies to take the Commission examination.
- (8) Field examiner--An individual authorized to evaluate performance skills in Commission-approved curricula. The field examiner must possess a Fire Instructor Certification, complete the on-line Commission field examiner course, and sign an agreement to comply with the Commission's testing procedures. The field examiner must be approved by the Commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.
- (9) Lead Examiner--A member of the Commission staff or a designee who has been assigned by the Commission to administer a Commission examination.
- (10) Letter of Intent--A statement, signed by an individual applying to the Commission for field examiner status, that he or she is familiar with the Commission's examination procedures, and agrees to abide by the policies and guidelines as set out in Chapter 439 of this title.

§439.5. Procedures.

- (a) Procedures for conducting examinations are determined by the Commission.
- (b) All application processing fees due to the Commission must be paid in a timely manner.
- (c) Each examination must be administered by a lead examiner.
- (d) The lead examiner must:
 - (1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;
 - (2) monitor the examination while in progress;
 - (3) control entrance to and exit from the test site;
 - (4) assign or re-assign seating; and
 - (5) bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.
- (e) All official grading and notification must come from the Commission or its designee. The preliminary test results shall be made available within seven (7) business days after completion of the examination.

§439.7. Eligibility.

- (a) An examination may not be taken by an individual who currently holds an active certificate from the Commission in the discipline to which the examination pertains, unless required by the Commission in a disciplinary matter, or test scores have expired and the individual is testing for IFSAC seals.
- (b) An individual who passes an examination and is not certified in that discipline, will not be allowed to test again until 30 days before the expiration date of the previous examination unless required by the Commission in a disciplinary matter.
- (c) In order to qualify for a Commission examination, the examinee must:
 - (1) meet or exceed the minimum requirements set by the Commission as a prerequisite for the specified examination;
 - (2) submit a test application with documentation showing completion of a Commission-approved curriculum and any other prerequisite requirements, along with the appropriate application processing fee(s).
 - (3) receive from the Commission an "Endorsement of Eligibility" letter and provide this letter to the lead examiner.
 - (4) bring to the test site, and display upon request, state issued identification which contains the name and photograph of the examinee;
 - (5) report on time to the proper location; and
 - (6) comply with all the written and verbal instructions of the lead examiner.
- (d) No examinee shall be permitted to:
 - (1) violate any of the fraud provisions of this section;
 - (2) disrupt the examination;
 - (3) bring into the examination site any books, notes, or other written materials related to the content of the examination;

- (4) refer to, use, or possess any such written material at the examination site;
 - (5) give or receive answers or communicate in any manner with another examinee during the examination;
 - (6) communicate at any time or in any way, the contents of an examination to another person for the purpose of assisting or preparing a person to take the examination;
 - (7) steal, copy, or reproduce any part of the examination;
 - (8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
 - (9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section; or
 - (10) bring into the examination site any electronic devices.
- (e) No person shall be permitted to sit for any Commission examination who has an outstanding debt owed to the Commission.

§439.9. Grading.

- (a) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the Commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:
- (1) all mandatory tasks; or
 - (2) an accumulation of points to obtain a passing score of at least 70%; or
 - (3) a combination of both paragraphs (1) and (2) of this subsection.
- (b) The minimum passing score on each examination or section thereof as outlined in §439.1(d) of this title (relating to Requirements--General) shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The Commission may, at its discretion, invalidate any question.
- (c) If the Commission invalidates an examination score for any reason, it may also, at the discretion of the Commission, require a retest to obtain a substitute valid test score.

§439.11. Commission-Designated Performance Skill Evaluations.

- (a) The Commission-designated performance evaluations are randomly selected from each subject area within the applicable curriculum containing actual skill evaluations. This applies only for curricula in which performance standards have been developed. The provider of training will receive from the Commission, with the course approval notice, one envelope for each subject area as identified in the applicable curriculum.
- (b) During the course of instruction, the training provider shall test for competency, the Commission-designated performance skills. The skill evaluations may be scheduled at any time during the course, but must take place after all training on the identified subject area has been completed. The date(s), time(s) and location(s) for the Commission-designated skill evaluations must be submitted on the Commission-designated skill schedule contained within the Training Prior Approval form. The Commission must be notified immediately of any deviation from the submitted Commission-designated skill schedule. All skills must be evaluated by a Commission-approved field examiner.
- (c) In order to qualify for the Commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.
- (d) The training facility must maintain records (electronic or paper) of skills testing on each examinee. The records must reflect the results of the evaluation of skills, the dates the evaluation of skills took place, and the names of the field examiners who conducted the evaluations.

(e) For certification disciplines in which an IDLH environment may exist, all skill testing participants shall have available for use, NFPA compliant PPE and SCBA as defined in §435.1 (relating to Protective Clothing) and §435.3 (relating to Self-Contained Breathing Apparatus).

§439.13. Special Accommodations for Testing.

- (a) Special accommodation testing is for those individuals that have a documented disability which may hamper their success on a Texas Commission on Fire Protection written examination. Some accommodations that can be allowed are:
- (1) A testing room to oneself (examinee is allowed to read the questions out loud to him or her self). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.
 - (2) The test to be split in two with up to an hour break in between (no access to the first half of the examination will be allowed during or after the break). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.
 - (3) The questions to be printed in a larger font (approximately 7% larger).
 - (4) The test to be copied on off-white paper (i.e. cream colored).
 - (5) The use of highlighters or a highlighter sheet.
 - (6) Any requests that change the condition of the examination or the examination process.
- (b) If the applicant is seeking a special accommodation test, the applicant must submit written documentation of the disability and a written statement as to which of the allowable accommodations is being requested. The applicant may ask for accommodations not listed above. The request will be reviewed and the applicant will receive a written response regarding the Commission's position on the request.

§439.19. Number of Test Questions.

- (a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly.
- (b) The number of questions on the state examination will be based upon the number of recommended hours in the particular curriculum or section being tested. The standard is outlined below:

Recommended Hours	No. Questions	Maximum No. Pilot Questions	Time Allowed
30 or less	25	5	30 minutes
31-100	50	5	1 hour
101-200	75	10	1.5 hours
201-300	100	15	2 hours
301-400	125	20	2.5 hours
401 or more	150	25	3 hours

- (c) The Head of Department examination will consist of 50 active questions, with the option of adding up to five pilot questions, for a maximum time allotment of one hour.

SUBCHAPTER B

EXAMINATIONS FOR DISTANCE TRAINING

§439.201. Requirements – General.

The examination requirements for those completing distance training shall be the same as those in Subchapter A of this chapter, except as noted in this subchapter.

§439.203. Procedures.

Once distance training is completed, each individual receiving a certificate of completion must obtain the appropriate test application packet.

§439.205. Performance Skill Evaluation.

If the performance skill portion of a state exam is to be evaluated by an approved field examiner who will not observe the completion of the skill while in the immediate physical presence of the examinee, a letter of assurance from the candidate's training officer or fire chief is required stating that the fire department assures the integrity of the evaluation procedure. If the candidate is not a member of a fire department, then a certified fire instructor, fire chief, or training officer may provide a letter of assurance that meets the requirements of this subsection. The provider of distance training is required to keep a record of this assurance and provide it to the Commission upon request.

11. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspector Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor, and new §441.23, Continuing Education for Wildland Fire Protection Personnel, and §441.25, Continuing Education for Incident Safety Officer.

CHAPTER 441

CONTINUING EDUCATION

§441.1. Objective.

Continuing education is intended to maintain or increase the knowledge and skills pertinent to the fire service.

§441.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Certification period--That period from the time a certificate is obtained or renewed until it is time for the certificate to be renewed again. See §437.5 of this title (relating to renewal fees) for the definition of certification period.
- (2) **Level 1**~~[Track A]~~--Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.
- (3) **Level 2**~~[Track B]~~--Fire service training or education intended to develop new skills that are not contained in the commission's certification curriculum manual for certifications held.

§441.5. Requirements.

- (a) Continuing education shall be required in order to renew certification which has a continuing education requirement stated in this chapter.
- (b) The continuing education requirement for renewal of certification shall consist of a minimum of 20 hours of training to be conducted during the certification period. Only 20 total hours of continuing education shall be required to renew all Texas Commission on Fire Protection certificates if any individual holds more than one certificate, except as provided in **§441.13 of this title (relating to Continuing Education for Fire Inspection Personnel)** and §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician). All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.
- (c) **Level 1**~~[Track A]~~ training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.
- (d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.
- (e) No more than four hours per year in any one subject of the appropriate chapter of the commission's Certification Curriculum Manual may be counted toward the 20-hour continuing education requirement for **Level 1**~~[Track A]~~.
- (f) There shall be no "hour per subject limit" placed on **Level 2**~~[Track B]~~ courses, except that emergency medical courses shall be limited to four hours per year.
- (g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.
- (h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal **document**~~[application]~~. Unless exempted from the continuing education requirements, an individual who fails to

comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.

- (i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission, through its Fire Service Standards and Certification Division director. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.
- (j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.
- (k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation of the illness or injury that cumulatively lasts six months or longer, which is provided by the individual and the individual's treating physician or by documentation of activation to military service.
- (l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).
- (m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training at the time of renewal. An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her training records for a period of three years from the date of the training.
- (n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

§441.7. Continuing Education for Structure Fire Protection Personnel.

- (a) Continuing education will be required for personnel certified as structure fire protection personnel.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either **Level 1**~~[Track A]~~, **Level 2**~~[Track B]~~, or a combination of the two.

§441.9. Continuing Education for Aircraft Rescue Fire Fighting Personnel.

- (a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.
- (b) Continuing education must, at a minimum, meet the specific training requirements of FAR 139.319(i)(2) and (3) (pertaining to Aircraft Rescue and Fire Fighting Operational Requirements). Continuing education required by this subsection may exceed 20 hours, if necessary, to complete all required subjects.

§441.11. Continuing Education for Marine Fire Protection Personnel.

- (a) Continuing education will be required for personnel certified as marine fire protection personnel for any certification period beginning after October 31, 1993.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1~~[Track-A]~~, Level 2~~[Track-B]~~, or a combination of the two.

§441.13. Continuing Education for Fire Inspection Personnel.

- (a) Continuing education will be required for personnel certified as fire inspection personnel.

(b) Individuals holding certification as fire inspection personnel in addition to other certifications will be required to complete an additional 8 hours of continuing education related to fire inspection and or plan examiner.

- ~~(c)~~ Subjects selected to satisfy the continuing education requirement may be selected from either Level 1~~[Track-A]~~, Level 2~~[Track-B]~~, or a combination of the two.

§441.15. Continuing Education for Arson Investigator or Fire Investigator.

- (a) Continuing education will be required for personnel certified as arson investigation or fire investigation personnel.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1~~[Track-A]~~, Level 2~~[Track-B]~~, or a combination of the two.

§441.17. Continuing Education for Hazardous Materials Technician.

- (a) Ten hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1~~[Track-A]~~ or Level 2 ~~[Track-B]~~, or a combination of the two.

§441.19. Continuing Education for Head of a Fire Department.

- (a) Continuing education will be required for personnel certified as head of a fire department.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1~~[Track-A]~~, Level 2~~[Track-B]~~, or a combination of the two.

§441.21. Continuing Education for Fire Service Instructor.

- (a) Continuing education will be required for individuals certified as a fire service instructor.

(b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1 [~~Track A~~] or Level 2 [~~Track B~~], or a combination of the two.

§441.23. Continuing Education for Wildland Fire Protection Personnel.

(a) Continuing education will be required for personnel certified as wildland fire protection personnel.

(b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

§441.25. Continuing Education for Incident Safety Officer.

(a) Continuing education will be required for personnel certified as incident safety officer.

(b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

12. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 449, Head of a Fire Department, including, but not limited to; §449.1 Minimum Standards for the Head of a Fire Department, §449.3 Minimum Standards for Certification as Head of a Suppression Fire Department, and §449.5 Minimum Standards for Certification as Head of a Prevention Only Department.

Chapter 449

HEAD OF A FIRE DEPARTMENT

§449.1. Minimum Standards for the Head of a Fire Department.

- (a) An individual who becomes employed and is assigned as the head of a fire department must be certified by the commission as head of a fire department, within one year of appointment.
- (b) An individual appointed head of department must be eligible to be certified at time of appointment or will become eligible to be certified within one year of appointment and must submit an affidavit verifying eligibility status at time of appointment if not holding Commission certification.
- (c) Holding the head of a fire department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.
- (d) Nothing contained in this chapter shall be construed to supercede Chapter 143, Local Government Code, in regard to appointment of a head of a fire department.

§449.3. Minimum Standards for Certification as Head of a Suppression Fire Department.

- (a) In order to be certified as a head of a fire department providing fire suppression, an individual must be appointed as head of a fire department; and
 - (1) hold a certification as a fire protection personnel in any discipline that has a Commission-approved curriculum that requires structural fire protection personnel certification and five years experience in a full-time fire suppression position; or
 - (2) an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the Commission's approved basic fire suppression curriculum and provide documentation in the form of a sworn nonself serving affidavit of five years experience in a full-time fire suppression position; or
 - (3) provide documentation in the form of a nonself serving sworn affidavit of ten years experience as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title; or
 - (4) provide documentation in the form of a sworn nonself serving affidavit of ten years of experience as a certified structural part-time fire protection employee; or
 - (5) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title.
- (b) The ten years of volunteer service must include documentation of attendance at 40% of the drills for each year and attendance of at least 25% of a department's emergencies in a calendar year while a member of a volunteer fire department or departments with 10 or more active members that conducts a minimum of 48 hours of drills in a calendar year.
- (c) Individuals certified as the head of a fire department must meet the continuing education requirement as provided for in Chapter 441 of this title.
- (d) An individual certified as head of a fire department under this section may engage in fire fighting activities only as the head of a fire department. These activities include incident command, direction of fire fighting activities or other emergency activities typically associated with fire fighting duties, i.e. rescue, confined space and hazardous

materials response.

449.5. Minimum Standards for Certification as Head of a Prevention Only Department.

- (a) In order to be certified as the head of a fire department providing fire prevention activities only, an individual must be appointed as head of a Fire Prevention Department; and
- (1) hold a certification as a fire inspector, fire investigator, or arson investigator and have five years of full-time experience in fire prevention activities; or
 - (2) an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the Commission's approved basic arson investigator, fire investigator or fire inspector curriculum and provide documentation in the form of a sworn nonself serving affidavit of five years experience in a full-time fire prevention position; or
 - (3) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title; or
 - (4) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or
 - (5) provide documentation in the form of a sworn nonself serving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention and successfully pass a Commission Head of Department examination as specified in Chapter 439 of this title.
- (b) Individuals certified as the head of a fire department under this section must meet the continuing education requirement as provided for in Chapter 441 of this title.

13. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 453, Minimum Standards for Hazardous Materials Technician, including but not limited to, §453.3, Minimum Standards for Hazardous Materials Technician Certification.

Chapter 453

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

§453.1. Hazardous Materials Technician Certification.

- (a) A Hazardous Materials Technician is defined as an individual who performs emergency response to an occurrence which results in, or is likely to result in, an uncontrolled release of a hazardous substance where there is a potential safety or health hazard (i.e., fire, explosion, or chemical exposure). A Hazardous Materials Technician responds to such occurrences and is expected to perform work to handle and control (stop, confine, or extinguish) actual or potential leaks or spills. The Hazardous Materials Technician assumes a more aggressive role than a first responder at the operations level, in that the Hazardous Materials Technician will approach the point of release. The Hazardous Materials Technician is expected to use specialized Chemical Protective Clothing (CPC) and specialized control equipment.
- (b) All individuals holding a Hazardous Materials Technician Certification shall be required to comply with the continuing education requirements in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

§453.3. Minimum Standards for Hazardous Materials Technician Certification.

- (a) In order to be certified as a Hazardous Materials Technician an individual must:
 - (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel and;
 - (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Hazardous Materials Technician; or
 - (3) complete a Commission-approved Hazardous Materials Technician program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Technician program must consist of one of the following:
 - (A) completion of a Commission-approved Hazardous Materials Technician Curriculum as specified in Chapter 6 of the Commission's Certification Curriculum Manual.
 - (B) completion of an out-of-state and/or military training program that has been submitted to the Commission for evaluation and found to be equivalent to, or exceeds the Commission-approved Hazardous Materials Technician Curriculum.
- (b) Out-of-state or military training programs which are submitted to the Commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Technician) of the Commission's Certification Curriculum Manual are met.

§453.5. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- (b) Individuals will be permitted to take the Commission examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a Commission-approved Hazardous Materials Technician curriculum.

§453.7. International Fire Service Accreditation Congress (IFSAC) Seal.

- (a) Individuals holding a current Commission Hazardous Materials Technician certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Hazardous Materials Technician by making application to the Commission for the IFSAC seal and paying applicable fees.

- (b) Individuals completing a Commission-approved Hazardous Materials Technician program, documenting an IFSAC seal for Hazardous Materials Awareness Level Personnel and,
 - (1) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
 - (2) NFPA 472 Hazardous Materials Operations prior to the 2008 edition, and
 - (3) upon passing the applicable state examination, may be granted an IFSAC seal as a Hazardous Materials Technician by making application to the Commission for the IFSAC seal and paying applicable fees.

14. Discussion and possible action regarding proposed new title 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification, including but not limited to new §455.1, Minimum Standards for Wildland Fire Protection Personnel, new §455.3, Minimum Standards for Basic Wildland Fire Protection Certification, new §455.5, Minimum Standards for Intermediate Wildland Fire Protection Certification, and new §455.7, Examination Requirements.

Chapter 455

MINIMUM STANDARDS FOR WILDLAND FIRE PROTECTION CERTIFICATION

§455.1. Minimum Standards for Wildland Fire Protection Personnel

- (a) A wildland fire fighter is defined as an individual whose assigned function is suppression of fires in the wildland or wildland-urban interface setting.
- (b) Individuals holding Wildland Fire Protection certification shall be required to comply with the continuing education requirements in §441.23 of this title (relating to Continuing Education for Wildland Fire Protection Personnel).

§455.3. Minimum Standards for Basic Wildland Fire Protection Certification

In order to be certified as Basic Wildland fire protection personnel, an individual must:

- (a) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Wildland Fire Fighter Level I; or
- (b) complete a Commission-approved Basic Wildland Fire Protection program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Basic Wildland Fire Protection training program shall consist of one of the following:
 - (1) completion of the Commission-approved Basic Wildland Fire Protection Curriculum, as specified in the applicable chapter of the Commission's Certification Curriculum Manual; or;
 - (2) completion of the following Texas Forest Service/National Wildfire Coordinating Group courses:
 - (A) S-130: Firefighter Training
 - (B) S-190: Introduction to Wildland Fire Behavior
 - (C) L-180: Human Factors on the Fireline
 - (D) I-100: Introduction to the Incident Command System, or an equivalent basic incident command system course such as NIMS IS-100
- (c) The Commission examination requirement is waived for individuals who have completed the training requirements in (1) or (2) above and apply for certification by August 31, 2013. After this date, individuals must successfully pass the Commission examination prior to applying for certification.

§455.5. Minimum Standards for Intermediate Wildland Fire Protection Certification

In order to be certified as Intermediate Wildland Fire Protection personnel, an individual must:

- (a) hold Basic Wildland Fire Protection certification issued by the Commission, and
- (b) individuals who hold Structure Fire Protection certification issued by the Commission must complete the Texas Forest Service/National Wildfire Coordinating Group course G-131: Wildland Training (FFT1) for Structural Firefighters including the associated position task book, and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification), or

- (c) individuals who hold a State Fireman's and Fire Marshal's Association Advanced Accredited certification issued prior to January 1, 2012, or a State Fireman's and Fire Marshal's Association Firefighter II certification issued on or after January 1, 2012, must complete the Texas Forest Service/National Wildfire Coordinating Group course G-131: Wildland Training (FFT1) for Structural Firefighters including the associated position task book, and successfully pass a Commission examination which includes both Basic Structure Fire Protection and Intermediate Wildland Fire Protection, as specified in Chapter 439 of this title (relating to Examinations for Certification).
- (d) The Commission examination requirement is waived for individuals in (b) above who have completed the training requirement and apply for certification by August 31, 2013. After this date, individuals must successfully pass the Commission examination prior to applying for certification.
- (e) The application processing fee for the examination is waived for individuals in (c) above who have completed the training requirement and submit the application for the Commission examination by August 31, 2013. After this date, the application processing fee for examinations will be required.
- (f) The application processing fee for the certification is not waived for individuals in (e) above.

§455.7. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Wildland Fire Protection Certification.
- (b) Persons seeking a Commission certification referenced in this chapter who do not currently hold a certification issued by the Texas Commission on Fire Protection must meet all requirements regarding application for initial certification.

15. Discussion and possible action regarding proposed new title 37 TAC, Chapter 457, Minimum Standards For Incident Safety Officer, including but not limited to new §457.1, Incident Safety Officer Certification, new §457.3, Minimum Standards for Incident Safety Officer Certification, and new §457.5, Examination Requirements.

Chapter 457

MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER

§457.1. Incident Safety Officer Certification.

- (a) An Incident Safety Officer is defined as a member of the command staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring personnel safety at an incident.
- (b) All individuals holding an Incident Safety Officer certification shall be required to comply with the continuing education requirements in §441.25 of this title (relating to Continuing Education for Incident Safety Officer).

§457.3. Minimum Standards for Incident Safety Officer Certification.

(a) In order to be certified as an Incident Safety Officer an individual must:

- (1) hold Commission certification as Fire Officer I and;
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Safety Officer; or
- (3) complete a Commission-approved Incident Safety Officer program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Incident Safety Officer program must consist of one of the following:
 - (A) completion of a Commission-approved Incident Safety Officer curriculum as specified in the applicable chapter of the Commission's Certification Curriculum Manual; or
 - (B) completion of the National Fire Academy Incident Safety Officer course; or
 - (C) completion of the Fire Department Safety Officers Association Incident Safety Officer course; or
 - (D) completion of an out-of-state and/or military training program that has been submitted to the Commission for evaluation and found to be equivalent to, or exceeds the Commission-approved Incident Safety Officer curriculum.
- (4) The Commission examination requirement is waived for individuals who have completed one of the training programs in (B) through (D) above and apply for certification by August 31, 2013. After this date, individuals must successfully pass the Commission examination prior to applying for certification.

§457.5. Examination Requirements.

Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive an Incident Safety Officer certification, unless otherwise specified in this chapter.

16. Discussion of fire fighter injury data collected for 2011 and take action on developing recommendations to the Commission for inclusion in the annual report to be sent to the State Fire Marshal's Office.

Texas Commission on Fire Protection

Preliminary Injury Report

January 1, 2011 to December 31, 2011

Presented to:

Fire Fighter Advisory Committee

March 8, 2012



Presented by

Laurie Taylor

Tim Rutland

Executive Summary

The executive summary details the abstract, the mission, the reports, information and data collected as well as user-community input. The report goes on to include Fire Fighter injuries in 2011 with charts and graphs depicting the collected information. The report also compares with (NFPA) *U.S. Firefighters Injuries – 2010*. The report includes three Near Miss Incidents and a summary of lessons learned as well as four fatalities. Finally it concludes with recommendations to the Texas Commission on Fire Protection commissioners. The final report will be sent to the State Fire Marshal's Office.

Abstract

Texas Commission on Fire Protection received 4,180 reported injuries in calendar year 2011. 1,179 injuries were reported in Fire Suppression. This is 28% of the total injuries reported. An even larger number of reported injuries were in Rescue Non-Fire at 1,323, 32%. The next biggest groups were Station Duties with 681, 16%. The last two closest groups are Skills Training and Wellness/Fitness with 368, 8% and 315, 7%. Leading causes of injury in Fire Suppression are strains and sprains, followed by Environmental (heat exhaustion, poisonous plants) and Wounds. The leading causes of injury in Rescue Non-Fire are strains and sprains followed by Exposures to Airborne (TB, meningitis) and blood-borne pathogens.

Mission

The commission shall gather and evaluate data on fire protection personnel injuries and develop recommendations for reducing injuries.

Building a Community of Safety

The goal of the Texas Commission on Fire Protection Injury Reporting program is to help the fire service community identify common injuries and learn how to avoid them.

Why we are collecting injury data.

The Texas Legislature charged the commission with gathering and evaluating data on injuries and assisting the fire service in increasing safety. This is listed under Texas Government Code §419.048. The rules are established by Texas Administrative Code §435.23, which requires regulated entities to report injuries to the commission. We strongly encourage volunteer entities to report their injuries.

What information do we collect?

- Both Minor and Major (serious/critical/fatal) injuries
- Activities where fire personnel are getting injured
- Types of injuries (burns, strain-sprains, wounds etc.)
- Body parts being injured
- Missed time
- Work assignment after injury
- Malfunctions/failures of PPE, SCBA, PASS Devices and SOPs

How this will help you.

- Identify common injuries
 - Identify trends in injuries
 - Identify needed training in departments
- Evaluate and find improvements in department procedures
- Find out about lost time injuries

Learn more and get help

Information from reported injuries is being provided to the fire service community via our "Avoid Injury!" blog, the library resources and librarian expertise, and the year-end report to the State Fire Marshal's Office.

Reports, Information and Data Collection

This report contains data submitted by commission-regulated and non-regulated entities. The data collected in 2011 was the first full year of reporting. We anticipate it will take five years of reporting to provide more substantive and accurate data for trending and analysis. Of the approximate 600 regulated departments, we had 48% report an injury, 46% report they had no injuries and 6% that did not respond to any request for response.

We continually reach out to all the entities to communicate: the need to report; the types of information needed; and how to respond to inquiries and investigations. Commission staff members attended a variety of Texas Fire Chief

Regional meetings as well as some local chiefs' meetings in order to communicate information we have gathered from injury reporting and to stress the need for it. We also presented at the 13th Annual Texas Fire Marshals' Conference. Agency personnel met with the State Firemen's and Fire Marshals' Association (SFFMA) and are providing information to their monthly E-INFOFIRE newsletter.

In order to become more service-oriented as we request additional data, we looked for a way to provide information back to the fire service community, and as a result, we created the "Avoid Injury!" blog. The focus of the blog is to provide information not only on the numbers, but also to provide information about the wealth of resources that are available through the Ernest A. Emerson Fire Protection Resource Library. We provide updated statistics on a rolling calendar cycle. The blog posts focused initially on the most prevalent injuries occurring and available resources. Each month has a different topic. This information is also posted on the commission's Facebook page. Throughout the year we have received feedback from stakeholders on what challenges they have incurred and what changes they would like to see. The agency hosted a webinar and a face-to-face meeting with the user community to gather additional data. About 20 individuals participated and the information we received was invaluable. A few changes were implemented at the beginning of 2012 and the remaining information will be incorporated as much as possible in the newest version of FIDO.

Based on input from the stakeholders a few of the changes we were able to implement in 2012 were:

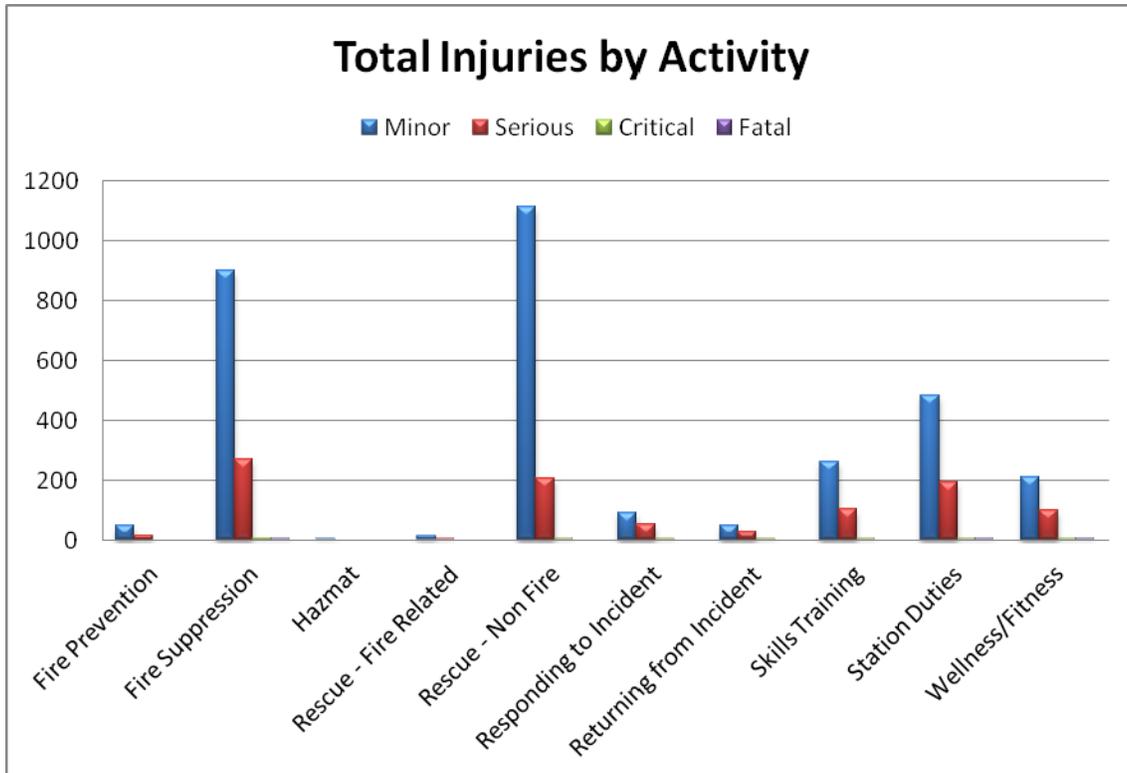
1. Adding **EMS** as an Activity. We want to be able to see how many injuries are happening on EMS calls. We can tell by the narratives that these are occurring, but want to be able to break this information out in order to better analyze it.
2. Adding **Student** as an Employee Status in order to accommodate the training facilities, colleges as well as those departments that conduct academies.
3. Adding the following to Work Assignment after injury:
 - a. Deceased,
 - b. Retired,
 - c. No longer with department,
 - d. Medically Separated
 - e. Change of duty (permanent change)
 - f. Modified / Light Duty (temporary change – previously restricted duty).
4. Adding Injury due to **Exposure Body Fluids**. This is another area where we see quite a bit of activity.
5. To help address the issue of an injury possibly going from minor to serious, we are not closing the injury reports until 10 calendar days have passed from the date of entry.
6. Collecting information on multiple injuries to a single individual.

Fire Fighter Injuries 2011

The numbers reflect injuries reported for January 1, 2011 to December 31, 2011, compared against the nine months of reports for 2010. We are also comparing the Texas numbers with the **(NFPA) U.S. Firefighter – Injuries - 2010** report that was issued in October 2011. Since 2011 was the first full year of data collection, 2011 will serve as the baseline for injury reporting going forward.

The number of reported injuries was 4,180.

The Total Injuries by Activity graph shows the overall types of injuries incurred by Activity in 2011. There were a total of 3,182 minor injuries, 978 serious, 16 critical and 4 fatalities.



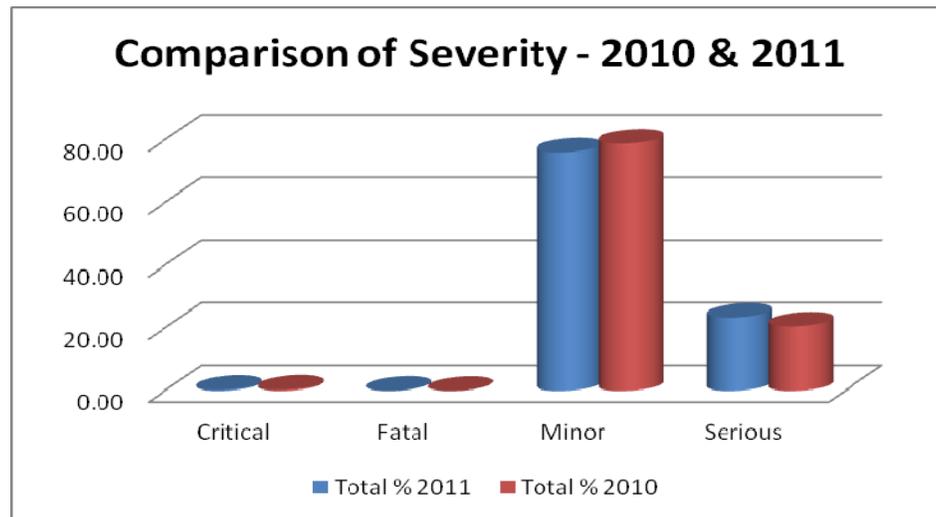
Injuries by Severity

In 2010, 78% of the injuries reported were minor, in 2011 it dropped to 76%. The serious injuries in 2010 were 20%, and in 2011, 23%. The trends between year one and year two will probably change in year three as 2011 is the first full reporting year, and as the program continues to grow the numbers will continue to change.

Severity	2011	2010
Critical	16	11
Fatal	4	1
Minor	3,182	1,897
Serious	978	496
Grand Total	4,180	2,405

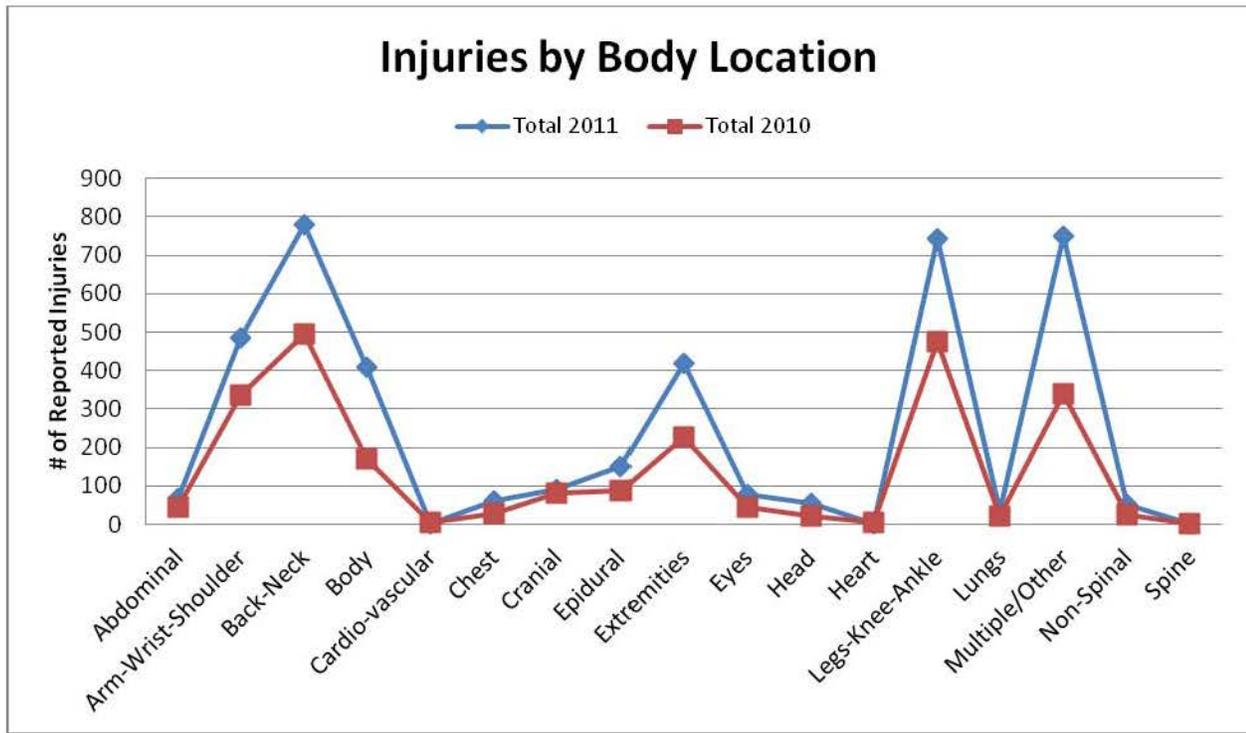
The table below shows the percentage of injuries reported by severity for both 2010 and 2011.

Severity	Total % 2011	Total % 2010
Critical	0.38	0.46
Fatal	0.10	0.04
Minor	76.12	78.88
Serious	23.40	20.62
Grand Total	100.00	100.00



Injuries by Body Location

Trends in injury body locations remained consistent during the first two reporting periods.



Injuries by Activity

The trending at this point shows the injuries are occurring during the same activities with the same degree of severity.

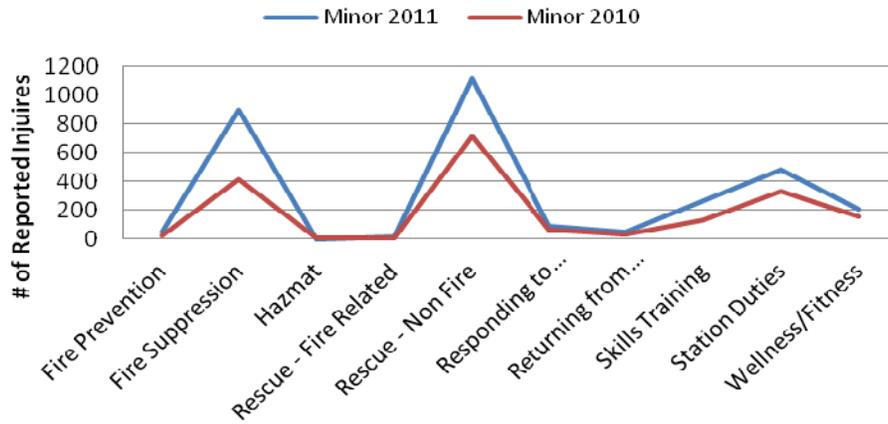
The percentage of injuries occurring between 2010 and 2011 are very similar.

Activity by Percentage	Minor 2011	Minor 2010	Serious 2011	Serious 2010
Fire Prevention	1.6	1.2	1.7	1.4
Fire Suppression	28	22	28	23
Hazmat	.06	.4	0	.8
Rescue - Fire Related	.4	.6	.4	.4
Rescue - Non Fire	35	38	21	24
Responding to Incident	2.8	3.6	5.4	5.2
Returning from Incident	1.6	1.6	3	3.2
Skills Training	8.3	7	11	11
Station Duties	15	18	20	19
Wellness/Fitness	6.7	8.5	10	11.7
Grand Total	3182	1897	978	496

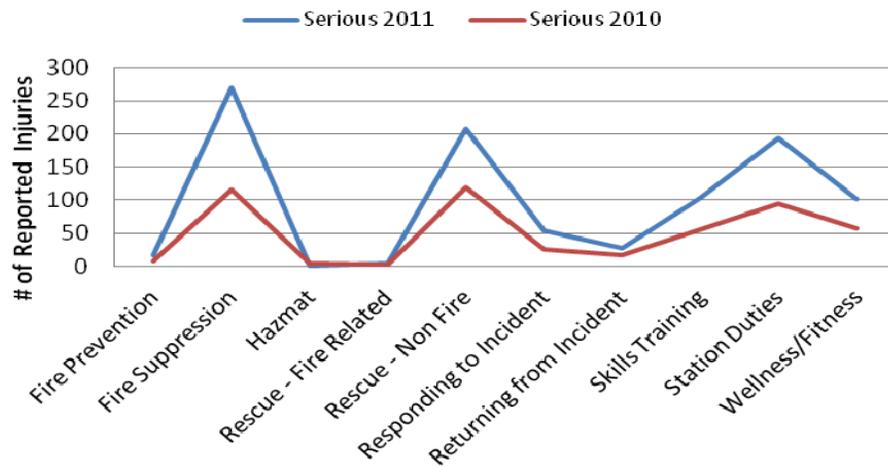
Injuries numbers by activity

Activity	Minor 2011	Minor 2010	Serious 2011	Serious 2010
Fire Prevention	51	22	17	7
Fire Suppression	900	412	270	115
Hazmat	2	7	0	4
Rescue - Fire Related	14	11	4	2
Rescue - Non Fire	1,113	716	208	119
Responding to Incident	92	68	53	26
Returning from Incident	50	30	28	16
Skills Training	263	135	104	55
Station Duties	485	335	193	94
Wellness/Fitness	212	161	101	58
Grand Total	3,182	1,897	978	496

Injuries by Activity - Minor



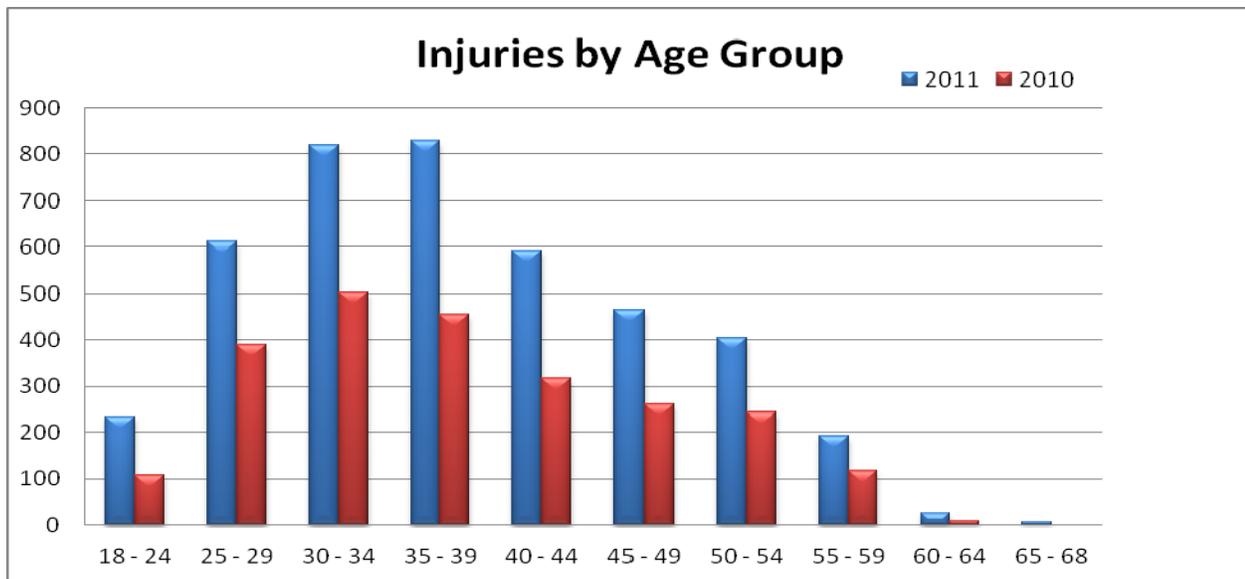
Injuries by Activity - Serious



Injuries by Age group

The average age of the reporting population is 38. . Almost 40% of the injuries are occurring in the 30-39 age range.

Age Groups	12 months	12 months	9 months	9 months
	2011	2011	2010	2010
18 - 24	234	5.60%	109	4.53%
25 - 29	611	14.62%	390	16.22%
30 - 34	819	19.59%	503	20.91%
35 - 39	829	19.83%	453	18.84%
40 - 44	593	14.19%	318	13.22%
45 - 49	463	11.08%	262	10.89%
50 - 54	404	9.67%	244	10.15%
55 - 59	193	4.62%	117	4.86%
60 - 64	27	0.65%	9	0.37%
65 - 68	7	0.17%	0	0.00%
	4180		2405	



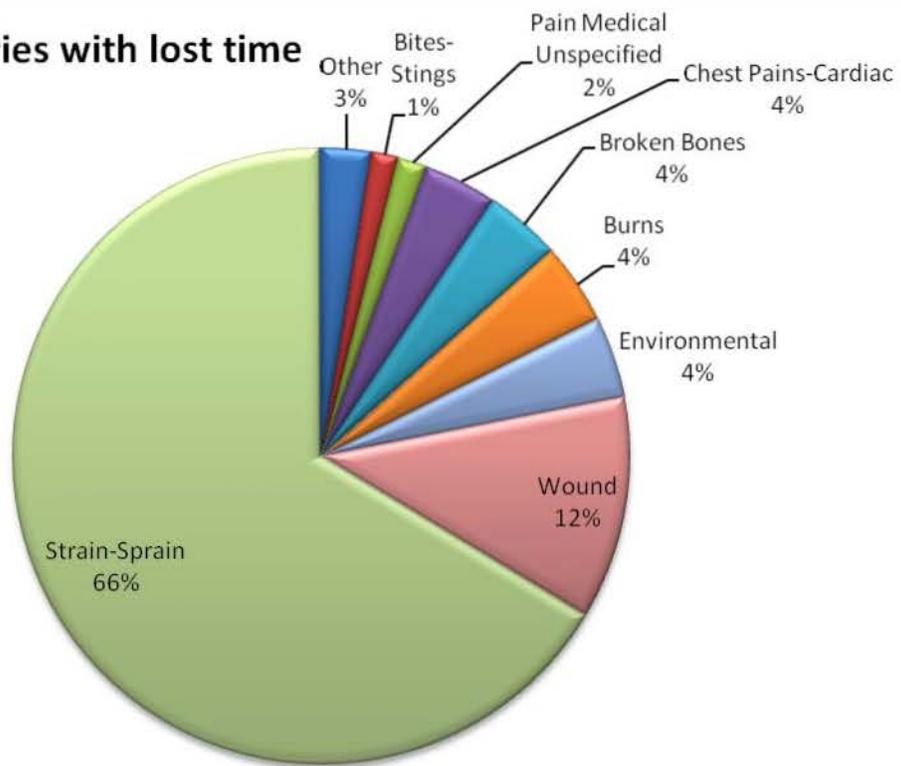
Injuries – with lost time

Information on lost time has been requested from the fire service community throughout 2011. We are providing this information in the report this year based on these requests. Of the 4,180 injuries reported in 2011, 18% of the injuries resulted in missed days. The commission defines missed work as “lost time” when an individual misses more than one full duty period as a direct result of an injury and does not return to the duties to which they were assigned prior to the injury.

Example: an individual who sustained an injury returns to work on their normally assigned duty period, but the department temporarily assigns the individual to modified or light duty (temporary) rather than their normal, pre-injury duty. This person has sustained a lost time injury.

Injury	# of Injuries with lost time
Bites-Stings	11
Broken Bones	31
Broken Spine-Neck	2
Burns	33
Chest Pains-Cardiac	30
Debris/Penetrating	3
Electrocution	1
Environmental	33
Exposure Airborne Pathogens	2
Exposure-Chemical	2
Pain Medical Unspecified	12
Smoke Inhalation	1
Smoke-Gas Inhalation	8
Strain-Sprain	514
Stroke	1
Wound	91
Grand Total	775

Number of Injuries with lost time



Injuries – Lost Time

By Activity – between 1 and 30 days

Activity	The # of injuries leading to 1-30 days missed	Average # of days missed (lost time)	Total days missed (lost time)
Fire Prevention	11	9.91	109
Fire Suppression	155	10.02	1,553
Rescue - Fire Related	3	11.67	35
Rescue - Non-fire	109	10.72	1,168
Responding to Incident	22	12.41	273
Returning from Incident	18	12.22	220
Skills Training	50	11.86	593
Station Duties	102	11.30	1,153
Wellness/Fitness	52	11.46	596
Grand Total	522	10.92	5,700

By Activity – between 31 and 90 days

Activity	The # of injuries leading to 31-90 days missed	Average # of days missed (lost time)	Total days missed (lost time)
Fire Prevention	2	63.00	126
Fire Suppression	44	53.30	2,345
Rescue - Non Fire	27	53.48	1,444
Responding to Incident	8	59.13	473
Returning from Incident	1	51.00	51
Skills Training	10	49.90	499
Station Duties	30	57.57	1,727
Wellness/Fitness	18	53.11	956
Grand Total	140	54.44	7,621

By Activity – 91+ days

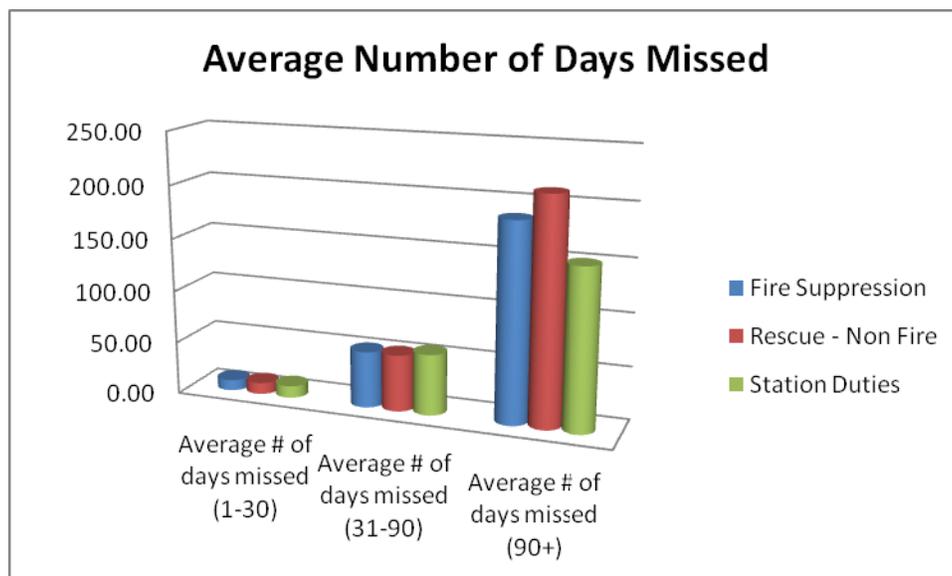
Activity	The # of injuries leading to 91+ days missed	Average # of days missed (lost time)	Total days missed (lost time)
Fire Prevention	4	195.75	783
Fire Suppression	23	186.74	4,295
Rescue - Non Fire	30	211.50	6345
Responding to Incident	10	148.60	1,486
Returning from Incident	4	131.00	524
Skills Training	12	161.00	1,932
Station Duties	18	151.50	2,727
Wellness/Fitness	12	142.92	1,715
Grand Total	113	175.28	19,807

Activity – combined chart of lost time from 1 day to 91+ days.

Activity	The # of injuries leading to 1-30 days missed	The # of injuries leading to 31-90 days missed	The # of injuries leading to 91+ days missed
Fire Prevention	11	2	4
Fire Suppression	155	44	23
Rescue - Fire Related	3	0	0
Rescue - Non Fire	109	27	30
Responding to Incident	22	8	10
Returning from Incident	18	1	4
Skills Training	50	10	12
Station Duties	102	30	18
Wellness/Fitness	52	18	12
Grand Total	522	140	113

Average Lost Time by Activity – combined chart average lost time from 1 day to 91+ days.

Activity	Average # of days missed (1-30)	Average # of days missed (31-90)	Average # of days missed (90+)
Fire Prevention	9.91	63.00	195.75
Fire Suppression	10.02	53.30	186.74
Rescue - Fire Related	11.67		
Rescue - Non Fire	10.72	53.48	211.50
Responding to Incident	12.41	59.13	148.60
Returning from Incident	12.22	51.00	131.00
Skills Training	11.86	49.90	161.00
Station Duties	11.30	57.57	151.50
Wellness/Fitness	11.46	53.11	142.92
Grand Total	10.92	54.44	175.28



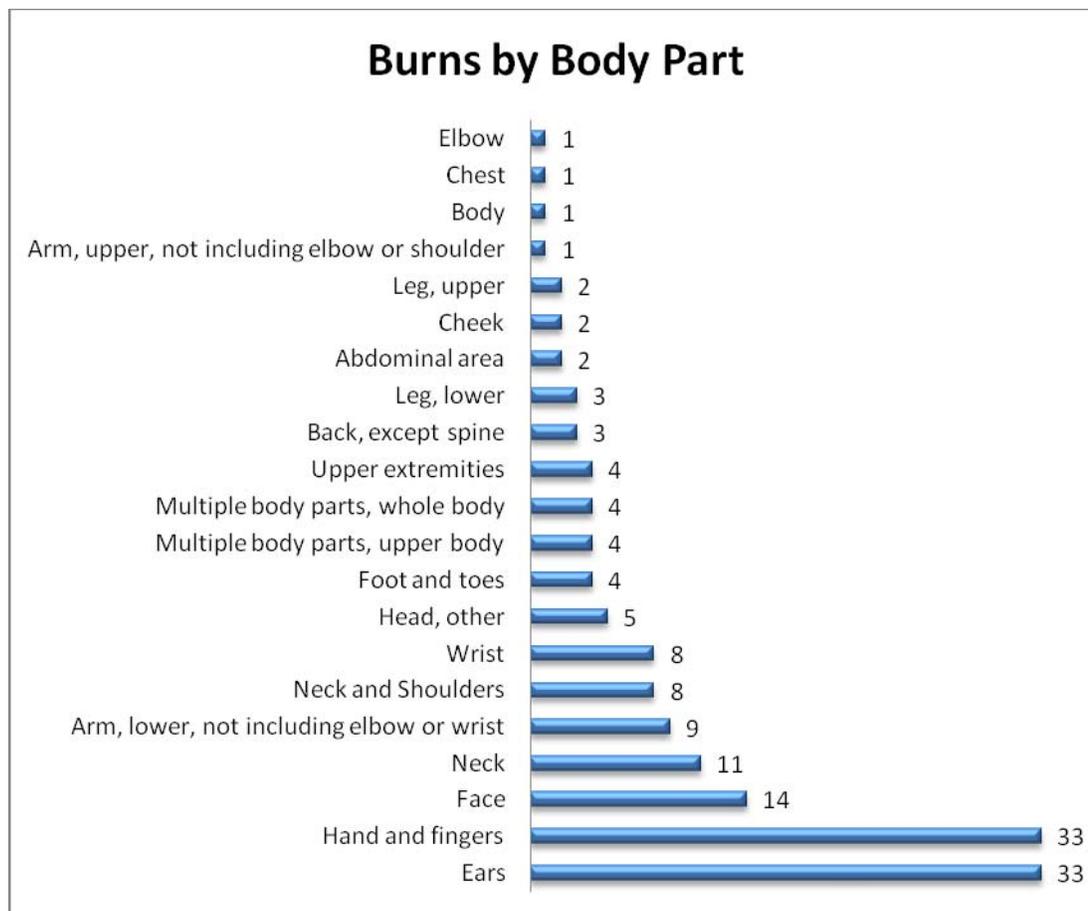
Burns and PPE

The majority of the burn injuries we saw in 2011 were to the ears, face, neck and hands. The gear being worn by the individuals was across the board in different brands/manufacturers. Based on the information gathered the gear appeared to perform as designed and may have prevented more serious injuries from occurring. (There were some cases the geared appeared to have been pushed to its design limits.) Specific information on gear manufacturer, etc., was not collected on burns where the individual was not wearing the provided PPE/SCBA.

Injury Type	Avg.1- 30 days missed (lost time)	Avg. 31-90 days missed (lost time)	Avg. 91 + days missed (lost time)
Burns	10.55	35.5	247

Burns: Actual Body Part	Total
Ears	33
Hand and fingers	33
Face	14
Neck	11
Arm, lower, not including elbow or wrist	9
Neck and Shoulders	8
Wrist	8
Head, other	5
Foot and toes	4
Multiple body parts, upper body	4
Multiple body parts, whole body	4
Upper extremities	4
Back, except spine	3
Leg, lower	3
Abdominal area	2
Cheek	2
Leg, upper	2
Arm, upper, not including elbow or shoulder	1
Body	1
Chest	1
Elbow	1

Burns by body part



SOP Issues

There were 26 SOP violations reported in 2011. All but a few were SOP violations in which individuals were not wearing their provided PPE/SCBA gear in an environment or situation in which they should have. The departments are reviewing their SOPs to make sure they are up to date and/or are completing additional training to make sure these violations do not occur again.

In these situations, the Texas Commission on Fire Protection verifies with the department that the SOPs are in place and cover the appropriate subject matter. We do not become involved in any internal disciplinary actions taken with employees surrounding these issues. This is not within the commission's scope of authority.

Comparison between the State of Texas (2011) and National Fire Protection Association (NFPA) U.S. Firefighter – Injuries - 2010

We compared our numbers with NFPA's annual report from 2010 that was issued in October 2011. Their numbers include numbers reported from Texas. There is an overlap between our numbers and NFPA's in that regard.

This chart shows the comparison for the State of Texas reported injuries and the NFPA's report. The number of non-fire emergencies for the state of Texas is a much larger percent compared to national. According to the NFPA report, the number of non-fire emergencies has increased significantly, but they are not seeing the number of injuries increasing (see report page 5 in 2009 and 2010).

For the same period, the number of non fire emergencies increased a substantial 247% due in large part to an increase in the number of medical aid incidents. When the injury rate per 1000 non fire emergencies is examined, the rate has declined during the period from 1.24 in 1981 to 0.50 in 2010 (Figure 3), because the number of non fire emergencies increased at a higher rate than the number on injuries at non fire emergencies.

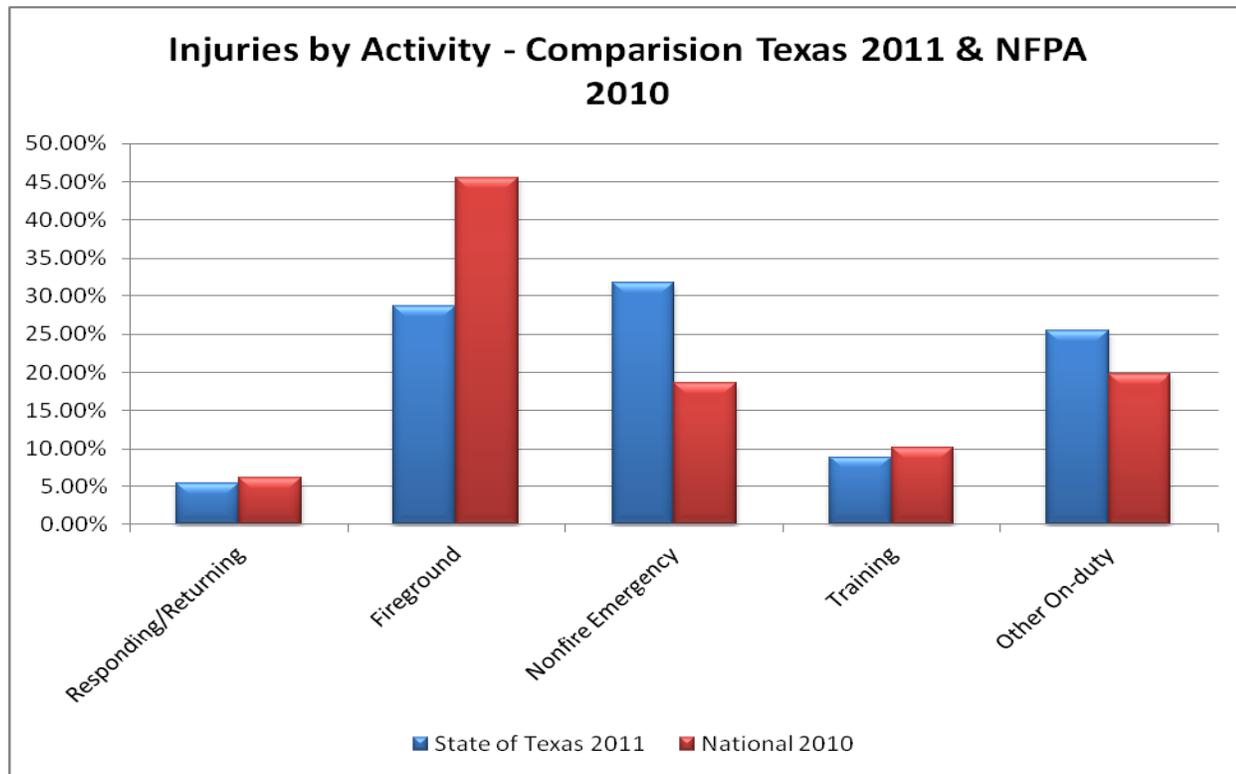
- NFPA, U.S. Firefighter – Injuries – 2010

In Texas, the number of non-fire emergencies occurring and the number of injuries that are resulting specifically around EMS type calls is significant. We do not have the specific numbers in 2011 but hope to see these in 2012.

Texas Commission on Fire Protection categories:

- Fire Ground includes Fire Suppression and Rescue – Fire Related.
- Non-Fire includes Rescue Non-Fire and Hazmat.
- Other on-duty includes Fire Prevention, Station Duties and Wellness/Fitness.

Activity	State of Texas 2011		National 2010	
	Count	Percentage	Count	Percentage
Responding/Returning	226	5.41%	4380	6.09%
Fire ground	1197	28.64%	32675	45.46%
Non-fire Emergency	1325	31.70%	13355	18.58%
Training	368	8.80%	7275	10.12%
Other On-duty	1064	25.45%	14190	19.74%
	4180		71875	



Report 2011	Respond/Return TX 2011		Respond/Return NFPA 2010	
	Number	Percent	Number	Percent
Burns (Fire or Chemical)	1	0.44	50	1.1
Smoke-Gas Inhalation	1	0.44	20	0.5
Other Respiratory Distress			60	1.4
Burns & Smoke Inhalation (no)			0	0.0
Wound, cut, bleeding, bruise	51	22.57	655	15.0
Dislocation, fracture	8	3.54	230	5.3
Heart Attack or Stroke	2	0.88	70	1.6
Strain, sprain, muscular pain	150	66.37	2705	61.8
thermal stress (frostbite, heat exhaustion)	2	0.89	205	4.7
Other	9	3.98	385	8.8
Exposures	2	0.89		
Totals	226	100	4380	100

Report 2011	Fireground TX 2011		Fireground NFPA 2010	
	Number	Percent	Number	Percent
Burns (Fire or Chemical)	132	11.03	1940	5.90
Smoke-Gas Inhalation	30	2.51	1220	3.70
Other Respiratory Distress			440	1.40
Burns & Smoke Inhalation (no)			555	1.70
Wound, cut, bleeding, bruise	208	17.38	4650	14.20
Dislocation, fracture	14	1.17	855	2.60
Heart Attack or Stroke	21	1.75	175	0.50
Strain, sprain, muscular pain	443	37.01	17250	52.80
thermal stress (frostbite, heat exhaustion)	170	14.2	2350	7.20
Other	12	1	3240	9.90
Exposures	167	13.95		
Totals	1197	100	32675	100

Report 2011	Non Fire Emergency TX 2011		Non Fire Emergency NFPA 2010	
	Number	Percent	Number	Percent
Burns (Fire or Chemical)	3	0.23	90	0.70
Smoke-Gas Inhalation	3	0.23	115	0.90
Other Respiratory Distress			110	0.80

Burns & Smoke Inhalation (no)			10	0.10
Wound, cut, bleeding, bruise	165	12.45	1845	13.80
Dislocation, fracture	4	0.3	195	1.50
Heart Attack or Stroke	0	0	100	0.80
Strain, sprain, muscular pain	592	44.68	8650	64.80
thermal stress (frostbite, heat exhaustion)	8	0.6	140	1.10
Other	4	0.3	2100	15.70
Exposures	546	41.21		
Totals	1325	100	13355	100

Report 2011	Training TX 2011		Training NFPA 2010	
	Number	Percent	Number	Percent
Burns (Fire or Chemical)	7	1.9	205	2.80
Smoke-Gas Inhalation	1	0.27	50	0.70
Other Respiratory Distress			130	1.80
Burns & Smoke Inhalation (no)			35	0.50
Wound, cut, bleeding, bruise	70	19.03	1320	18.10
Dislocation, fracture	8	2.17	235	3.20
Heart Attack or Stroke	7	1.9	135	1.90
Strain, sprain, muscular pain	202	54.89	4255	58.50
thermal stress (frostbite, heat exhaustion)	41	11.14	380	5.20
Other	10	2.72	530	7.30
Exposures	22	5.98		
Totals	368	100	7275	100

Report 2011	Other On Duty TX 2011		Other On Duty NFPA 2010	
	Number	Percent	Number	Percent
Burns (Fire or Chemical)	16	1.5	300	2.10
Smoke-Gas Inhalation	1	0.09	95	0.70
Other Respiratory Distress			200	1.40
Burns & Smoke Inhalation (no)			35	0.30
Wound, cut, bleeding, bruise	247	23.21	2640	18.60
Dislocation, fracture	20	1.88	305	2.20
Heart Attack or Stroke	30	2.82	330	2.30
Strain, sprain, muscular pain	634	59.59	7525	53.00
thermal stress (frostbite, heat exhaustion)	26	2.44	120	0.90
Other	33	3.1	2640	18.60
Exposures	57	5.37		
Totals	1064	100	14190	100

Near-Miss

Summaries of three Near-Miss Reports – Flower Mound, Hutto and Wichita Falls are included below.

Three departments reported near miss injuries in 2011. The departments took the opportunity to utilize these experiences to really look within their departments to see what they were doing and how they could prevent these from happening again. We would like to recognize and thank these departments for taking steps to change the culture within the fire service. The summary versions are provided below and the full versions are available from the departments.

Flower Mound

Date of Incident: June 17, 2011

Time: 2130

Weather Conditions: Hot 95 degrees, the day's high had been 102 with winds from the south, sustained at 23, gusts to 41 MPH, humidity 40%.

Size up: Large (5,100 sq. ft.) two-story single family residence, wood construction, brick veneer, composition shingle roof, fire through the roof of the attached three car garage (south side of residence).

Exposures: There were residential homes north and south with 15-ft. side-yard setbacks. Firebrands were landing on other structures to the north of the fire.

Initial actions: First crew was assigned the interior of the home on first floor with a 2.5" line to the door between the living space and the garage. The second interior crew was assigned to the second floor to do a primary search.

Of course it is human nature to minimize personal exposure when things go wrong. Most often that is exactly the worst thing you can do. To seek the root cause, discover, and to understand and learn is to protect you from future failure. It is also imperative to communicate those lessons to fire service personnel in hopes the information helps to prevent future casualties. The event we recently experienced resulted in injury to two firefighters. In actuality, it is very clear we were moments from losing two firefighters to a flashover in a residential property.

It would have been easy to do a quick post incident analysis; admit that was a close call and move on. Instead we wanted to dig deeper and analyze not only what went wrong, but what went right. To that end, we wanted to reinforce the actions of personnel, methods and procedures which allowed us to overcome a potentially lethal scenario. Of equal importance, we needed to know what factors, actions and dynamics that colluded to expose our personnel to grave danger. We felt it was essential we analyze the incident to discover these points. We needed to reveal the issues with a goal not to point fingers, assign individual blame or guilt.

A committee was assigned to analyze and evaluate this near miss. The personnel who were assigned to the task were not present at the fire. Each rank of the department from Battalion Chief to rookie firefighter served on the panel. The charge given was to look at all factors, not just the incident. The areas the committee evaluated included but were not limited to: personal accounts, bystander video, weather conditions, fire behavior, training, SOP's, communications, tactics, departmental culture, RIT, Mayday, command, company level and actions of personnel.

The final report provides enhanced details, but generally we found that:

- Prior to the incident, drills focusing on mayday and self-evacuation were invaluable. The two members recounted they realized they were in trouble and action must take place immediately. They called a Mayday before it was too late. The challenges of the drills conducted in a maze and live fire scenarios performed at various training fields in the area proved to be invaluable.
- As the Mayday was called, radio traffic ceased leaving just essential traffic centered on dealing with the Mayday. Over time we have been able to provide all personnel on the fireground with portable radios. With that came the benefit that personnel all know what is being communicated, but also the potential drawback of too much radio clutter. Prior to our event, Officers had listened to radio recordings of a fire where multiple firefighters were lost at another department. The significance was that Command seemed to be overwhelmed with answering non-priority communications, while you could tell he was attempting to account for his personnel.
- At the incident, personnel had accomplished, or were in the process of implementing RIT and rescue procedures in advance, and just in case of such a scenario. RIT was in place but additional ground ladders were being placed as the Mayday was called. A ladder was set just as the firefighters began their bailout of a window.
- The effects of the heavy winds (to 41 MPH) created challenging conditions as the fire grew rapidly in intensity.

- The building construction seemed to have a factor in the progress of the fire. The interior crew also recounted how a Mylar- like window film treatment inhibited their ability to break and clear glass for their escape.
- Crews were assigned to enter and search the residence, but failed to use a hose line to cover them. The area of the residence where they found themselves trapped and disoriented had initially been cool and with limited smoke. Their thermal imager was with them, but not powered on. Once the fire breached the wall, the room was immediately untenable. Their tag line had also not been deployed.
- The choice of hand tools selected by the interior search crew was not the most appropriate for their assignment.

Since this event several actions have taken place:

- The final report from the panel has been disseminated to all personnel in the interest of applying lessons learned.
- The Captain, who was trapped with the firefighter, has created a website in order to share his experience with other fire personnel. His website includes the final document, radio traffic, bystander video and his personal thoughts. He has since developed a program which he has delivered to all of our personnel recounting the incident. He provides honest analysis of the lessons learned. He has also been a guest lecturer at many departments throughout North Texas to allow his experience to benefit others.
- We have evaluated the tactics utilized during this incident. We are training to reinforce the use of hose lines, tag lines, hand tools and thermal imaging when conducting interior search operations. Training also includes additional concentration on building construction and weather influences relative to fire behavior.
- Turnout gear is only a relatively thin barrier between a hostile and lethal environment and the firefighter inside. In sterile laboratory settings, structural gear is tested to provide about 17.5 seconds of personal protection in a flashover situation - before the firefighter receives a second-degree burn. Actual fireground conditions can vary widely. Our personnel have all examined the thermal insult the bunker gear and SCBA withstood. This visual drives home the need for proper use, inspection and care of PPE and SCBA. This incident underscores how essential it is to perform daily inspections and advanced testing of gear.

Upon conclusion of our evaluation, we found the panel conducted the analysis in a professional and thoughtful manner. We knew from inception it ran the risk of being perceived by personnel as being an exercise in blame and fault finding. In the end, the process actually worked to build trust as it was seen as thorough, honest and non-punitive. This event will serve to remind us we are engaged in a deadly serious profession. We don't want the lessons learned here to have been in vain, or be soon forgotten.

Hutto

[Williamson County Emergency Services District #3](#)
[Hutto Fire Rescue](#)

On September 5, 2011, Hutto Fire Rescue experienced a firefighter near-miss incident. This incident resulted in two firefighters receiving first- and second-degree burns to their arms, neck, and ears. While the injuries were minor when you consider what could have happened; nonetheless they were still injuries with lessons to be learned. Three areas for improvement resulted from our internal investigation into this near-miss incident.

These are as follows:

1. **Equipment Checks:** These must be consistent across the job and must occur immediately at the start of each shift. This includes personal protective equipment as well as equipment assigned to the apparatus.
2. **Training:** COMMAND training must be continued for all officers. Additionally, training must be completed and consistent for all full-time, part-time, PRN part-time, and volunteer-time personnel.
3. **Personal Protective Equipment (PPE) Specifications:** Work with the Safety Committee on the development of specifications for all types of PPE. Do not just rely on a tag or brochure that states an item meets a particular National Fire Protection Association (NFPA) standard. These are minimum standards only. Not all items are alike even if they meet the minimum standard.

By following our own recommendations we believe that we can continue to reduce the number and severity of an injury in this fire department. Should you have any questions or comments, please do not hesitate to contact me.

Respectfully,

Scott D. Kerwood
 Fire Chief

Wichita Falls

Summary Pending

Fatalities

Four fatalities were reported to the Texas Commission on Fire Protection in 2011.

The first occurred on 4/15/2011. Eastland Fire Department

“Fire Dept. was working a large Wildland fire. Brush truck was trying to escape a firestorm along with other trucks. Another department’s truck was stopped in the gate with nobody around it. Firefighter on back of brush truck baled off from extreme heat and jumped in Tanker. Driver of brush truck bailed out and ran to the County road outside the gate. After firestorm passed there were 3 firefighters missing. 2 were found and had got on other trucks and got out. Driver of brush truck was found dead in ditch of county road. Driver was wearing bunker pants no coat, no helmet, no gloves.”

The second occurred on 6/23/2011. Dallas Fire-Rescue

“Employee was found unresponsive in bunk at fire station, CPR was performed, he was transported to ER, pronounced dead, cause now determined as coronary artery disease.”

The third occurred on 7/26/2011. – This is not listed in the State Fire Marshal’s report as it was not listed as an LODD. Baytown Fire & Rescue

“Firefighter worked a 24-hour shift beginning at 0700 on 07/25/2011. His crew responded to 3 calls within that shift. The firefighter also performed his physical exercises in the morning prior to leaving work. The exercises consist of stretching (yoga) and running on the track. The firefighter finished work at 0700 on 07/26/2011 and went home. At around noon he attended a karate class and then returned home. He took a nap (due to calls during the night) and his spouse attempted to wake him at around 1700. He was unresponsive. EMS was called and their attempts to revive him were futile. He was pronounced dead at home. The Jefferson County (Texas) M. E.’s office performed an autopsy.”

The fourth occurred on 8/14/2011. Dallas Fire-Rescue

“While at a structure fire employee was on the roof to begin ventilation when the roof collapsed and employee dropped into attic, sustaining multiple injuries, pronounced dead at the hospital.”

The State Fire Marshal’s office compiles all the LODD reports for the state. Texas Commission on Fire Protection only had three of the LODD’s reported to them through the Injury Reporting system. Full reports can be viewed at the State Fire Marshal’s office at <http://www.tdi.texas.gov/fire/documents/fmloddannul11.pdf>

1. Finding: A number of burn injuries reported during the year were attributed to failure of the individual to properly don their PPE.
Proposed Recommendation: Response personnel should take the additional few seconds at every emergency incident to double-check their own gear, and the gear of their team members, to ensure that all PPE has been properly donned. Recommend review or revision of department SOPs to include procedure for double-checking protective equipment prior to commencement of fire attack or other emergency operation.
2. Finding: A number of burn injuries were reported in situations where PPE had been properly donned and was still in place at the time of the injury. This would imply that personnel may be entering areas or remaining in situations where fire conditions are exceeding the protective limits of their gear.
Proposed Recommendation: Situational awareness must be maintained at all times during emergencies, and personnel should be reminded that size up is a continual process at every incident. Recommend refresher training in tactics and strategy, and incident management; and review or revision of applicable SOPs as necessary.
3. Finding: A substantial number of reported injuries occurred during non-emergency activities such as routine station duties, hydrant maintenance, and wellness-fitness activities. Discretionary time is generally at a maximum during these activities, which should allow personnel plenty of opportunity to address safety considerations prior to commencing any actions.
Proposed Recommendation: Recommend regular periodic reviews of department policies and procedures pertaining to non-emergency activities, and revision or amendment of those policies and procedures so as to increase personnel safety.

17. Discussion and possible action regarding the proposed rule review plan for fiscal year 2012, Pursuant to Section 2001.039, Texas Government Code with respect to proposed review and consideration of re-adoption of each of the rules contained in the following Chapters of Title 37 Administrative Code:

- 37 TAC, Chapter 401-Practice and Procedure**
- 37 TAC, Chapter 403-Criminal Convictions and Eligibility for Certification**
- 37 TAC, Chapter 405-Charges for Public Records**
- 37 TAC, Chapter 407-Administration**
- 37 TAC, Chapter 431-Fire Investigation**
- 37 TAC, Chapter 433-Minimum Standards for Driver/Operator-Pumper**
- 37 TAC, Chapter 435-Fire Fighter Safety**
- 37 TAC, Chapter 437-Fees**
- 37 TAC, Chapter 443-Certification Curriculum Manual**
- 37 TAC, Chapter 445-Administrative Inspections and Penalties**
- 37 TAC, Chapter 447-Part-Time Fire Protection Employee**
- 37 TAC, Chapter 449-Head of a Fire Department**

18. Discussion and possible action on future meeting dates, agenda items, and locations.

19. Adjourn meeting.