

**FIRE FIGHTER ADVISORY COMMITTEE MEETING**  
**September 21, 2023, 10:00 A.M.**  
**1701 N. Congress Ave., William B. Travis Bldg., Room 1-104, Austin, Texas**

The meeting of the Fire Fighter Advisory Committee will be held in person at the physical location above.

- 1. Roll call and excuse of committee members.**
- 2. Adoption of the March 7, 2023, Fire Fighter Advisory Committee meeting minutes.**
- 3. Discussion and possible action on 37 Texas Administrative Code (TAC), Chapter 495, Regulation of Nongovernmental Departments.**
- 4. Discussion and possible action on new, 37 TAC, Chapter 469, Technical Rescue.**
- 5. Subjects for future agenda items.**
- 6. Future meeting dates.**
- 7. Adjourn meeting.**

**1. Roll call and excuse of committee members.**

**2. Adoption of the March 7, 2023, Fire Fighter Advisory Committee meeting minutes.**

## TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Daniel DeYear called the March 30, 2023, 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.

Member Attendance	Vince Abrigo Jason Collier	Ken Swindle Daniel DeYear	Keith Schmidt Daniel Buford*	Antonio Ramos Daniel Anderson	Jim Reidy
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\*absent entire meeting  
\*\*absent part of meeting

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Staff	Mike Wisko Holden Wenger Rick Wallace	Joyce Guinn Candace Barnett	Amanda Khan Kenneth Barnett	Cliff Grant Robert Reese	Grace Wilson Sami Lepisto
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Attendees	Paul Hamilton Keith Simpson	Julie Webb Blake Stayton	Adam North Jessica Godinea	Corey Gregor B Hallmark	Devin Wilborn Alan Dillon
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1. Roll call                      Secretary, Keith Schmidt called roll. A quorum was present.
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2. Adoption of Minutes                      A motion was made by Jim Reidy and seconded by Daniel Ken Swindle to approve the minutes from December 7, 2022, Fire Fighter Advisory Committee meeting. The motion carried.
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3. Election of Officers                      The committee voted on the election of officers. Daniel DeYear was voted the Committee Chair, Jason Collier was voted as Assistant Chair, and Keith Swindle as Secretary.
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4. A. Fire Marshal Curriculum Manual                      No action was taken.  
B. Fire Marshal Skills Manual                      No action was taken.  
A. Investigator Curriculum Manual                      A motion was made by Keith Schmidt and seconded by Antonio Ramos to approve amendments to the Investigator Curriculum Manual. The motion carried.
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5. A. Chapter 459 Fire and Life Safety Educator                      A motion was made by Daniel Anderson and seconded by Jim Reidy to accept the review of 37 Texas Administrative Code (TAC), Chapter 459, Fire and Life Safety Educator, and to forward to the Commission without changes. The motion carried.  
B. Chapter 461 Incident Commander                      A motion was made by Jim Reidy and seconded by Antonio Ramos to accept the review of 37 TAC, Chapter 461, Incident Commander, and forward to the Commission with changes. The motion carried.

C. Chapter 491 Voluntary Regulation of State Agencies And State Agency Employees A motion was made by Antonio Ramos and seconded by Antonio Jim Reidy to accept the review of 37 TAC, Chapter 491, Voluntary Regulation of State Agencies and State Agency Employees, and to forward to the Commission without changes. The motion carried.

D. Chapter 493 Voluntary Regulation of Federal Agencies And Federal Fire Fighters A motion was made by Ken Swindle and seconded by Antonio Ramos to accept the review of 37 TAC, Chapter 493, Voluntary Regulation of Federal Agencies and Fire Fighters, and to forward to the Commission without changes. The motion carried.

E. Chapter 495 Regulation of Nongovernmental Departments A motion was made by Ken Swindle and seconded by Jim Reidy to table the review of 37 TAC, Chapter 495, Regulation of Nongovernmental Departments. The motion carried.

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6. Subjects for Future Agendas There were no subjects for future agendas.

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7. Future meeting Dates The committee set dates for future meetings June 15, 2023, and December 4, 2023, with 9:00 a.m. tentative start times. The September 21, 2023, meeting that had been determined at a previous meeting, was confirmed.

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8. Adjournment A motion was made by Jim Reidy and seconded by Antonio Ramos to adjourn. The motion carried.

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Daniel DeYear  
Presiding Officer

**3. Discussion and possible action on 37 Texas Administrative Code (TAC), Chapter 495, Regulation of Nongovernmental Departments.**

**CHAPTER 495**  
**REGULATION OF NONGOVERNMENTAL DEPARTMENTS**  
**SUBCHAPTER A**  
**VOLUNTARY REGULATION OF NONGOVERNMENTAL DEPARTMENTS**

**§495.1. Application Procedures.**

A nongovernmental entity may apply to the commission for voluntary regulation pursuant to the Texas Government Code, 419.085. A nongovernmental entity seeking voluntary regulation shall inform the commission in writing of its request and must provide the following documentation:

- (1) a letter from the Texas Department of Insurance verifying that the area protected constitutes a rating of one through eight assigned by Insurance Services Organization;
- (2) documentation from the United States Census Bureau verifying the population of the protected area;
- (3) written verification from the administrative head of the department that the entity provides fire protection to an unincorporated area; and
- (4) written documentation of the duties, responsibilities, and work schedules of the fire protection personnel employed by the entity.

*Source Note: The provisions of this §495.1 adopted to be effective March 23, 1994, 19 TexReg 1681; amended to be effective March 1, 1999, 24 TexReg 793; amended to be effective December 24, 2002, 27 TexReg 12008*

**§495.3. Notification.**

If the entity meets the requirements of the Texas Government Code, §419.085, the commission shall notify in writing the applying entity and the affected fire protection employees of its decision. Once the entity has been notified, the entity and affected employees have one year after notification to comply with all rules and regulations applicable to fire protection personnel.

*Source Note: The provisions of this §495.3 adopted to be effective March 23, 1994, 19 TexReg 1681.*

**§495.5. Nongovernmental Fire Protection Employees.**

A full-time fire protection employee of a nongovernmental entity that meets the requirements of the Texas Government Code, §419.085, is eligible for certification under the same rules as full-time fire protection personnel employed by local governments. Work experience at the nongovernmental department meeting the requirements for voluntary regulation shall be recognized toward certification.

*Source Note: The provisions of this §495.5 adopted to be effective March 23, 1994, 19 TexReg 1681*

## CHAPTER 495

### REGULATION OF NONGOVERNMENTAL DEPARTMENTS

#### SUBCHAPTER B

#### REGULATION OF NONGOVERNMENTAL ORGANIZATIONS AND PERSONNEL

##### **§495.201. Nongovernmental Organizations.**

An organization that is not a local governmental entity or a department of a local government entity is subject to all rules and regulations of the commission as if the organization were a local government if:

(1) the organization provides fire protection to a local governmental entity for profit under a contract or any other agreement with the local governmental entity; and

(2) the organization would be a fire department if the organization were a department of a local governmental entity.

*Source Note:* The provisions of this §495.201 adopted to be effective March 23, 1994, 19 TexReg 1682.

##### **§495.203. Nongovernmental Organization Employees.**

An employee of a nongovernmental organization that is subject to regulation by the commission who would be a fire protection personnel if employed by a local governmental entity is subject to all rules and regulations of the commission pertaining to fire protection personnel.

*Source Note:* The provisions of this §495.203 adopted to be effective March 23, 1994, 19 TexReg 1682.

##### **§495.205. Nongovernmental Personnel.**

An individual that is not employed by a local governmental entity is subject to all rules and regulations of the commission pertaining to fire protection personnel if the individual would be a fire protection personnel if the person was employed by a local governmental entity and:

(1) provides fire protection to a local governmental entity under a contract or other agreement between the individual and the local governmental entity; or

(2) provides fire protection to a local governmental entity under a contract or other agreement between a governmental entity and a nongovernmental organization regulated under §495.201 of this title (relating to Nongovernmental Organizations).

*Source Note:* The provisions of this §495.205 adopted to be effective March 23, 1994, 19 TexReg 1682.

##### **§495.207. Regulation and Certification.**

A nongovernmental organization that is subject to regulation under this chapter on September 1, 1993, is subject to all rules and regulations of the commission effective immediately.

*Source Note:* The provisions of this §495.207 adopted to be effective March 23, 1994, 19 TexReg 1682; amended to be effective December 24, 2002, 27 TexReg 12008



**4. Discussion and possible action on new, 37 TAC, Chapter 469, Technical Rescue.**

CHAPTER 469

TECHNICAL RESCUE

SUBCHAPTER A

MINIMUM STANDARDS FOR ROPE RESCUE

§469.1. ROPE RESCUE AWARENESS LEVEL & OPERATIONS LEVEL CERTIFICATION.

- (a) An individual who has met the requirements of chapters 5.1 and 5.2 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications and has the knowledge, skills, and ability to perform Rope Rescue at the Awareness Level and Operations Level.
- (b) All individuals holding a Rope Rescue Awareness Level and Operations Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) Special temporary provision. Individuals are eligible to take the commission examination for Rope Rescue Awareness Level /Operations Level by:
  - (1) hold as a minimum, Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel through the commission; and
  - (2) provide documentation acceptable to the commission, in the form of an affidavit from the individual's Head of Department or Chief Training Officer, that the individual has met the department's requirements to perform as a Rope Rescuer and has demonstrated proficiency as a Rope Rescuer at the Rope Rescue Awareness Level & Operations Level.
  - (3) All applications for testing during the special temporary provision period must be received no earlier than February 1, 2024, and no later than February 1, 2025.
  - (4) This subsection will expire on March 1, 2025.

§469.3. Minimum Standards for Rope Rescue Awareness Level & Operations Level Certification.

In order to be certified to the Rope Rescue Awareness Level & Operations Level, an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) complete a commission-approved Rope Rescue Awareness Level & Operations Level program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Rope Rescue Awareness Level & Operations Level program must consist of one of the following:
  - (a) completion of an in-state Rope Rescue Awareness Level & Operations Level program meeting the requirements of the applicable NFPA standard and conducted by a commission-certified training provider that was submitted and approved through the commission's training prior approval system; or
  - (b) completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

§469.5. Examination Requirement.

**Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Awareness Level & Operations Level certification.**

**§469.7. Reserved. (IFSAC)**

**CHAPTER 469**

**TECHNICAL RESCUE**

**SUBCHAPTER B**

**MINIMUM STANDARDS FOR ROPE RESCUE**

**§469.201. Rope Rescue Technician Level**

- (a) **An individual who has met the requirements of chapter 5.3 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications and has the knowledge, skills, and ability to perform Rope Rescue at the Technician Level.**
- (b) **All individuals holding a Rope Rescue Technician Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).**
- (c) **Special temporary provision. Individuals are eligible to take the commission combined examination for Rope Rescue Awareness Level/Operations Level and Technician Level by:**

**§469.203. Minimum Standards for Rope Rescue Technician Level Certification**

**In order to be certified at the Rope Rescue Technician Level, an individual must:**

- (1) **Option 1-- hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and**
  - (a) **hold a Rope Rescue Awareness Level and Operations Level certification through the commission; and**
  - (b) **complete a commission-approved Rope Rescue Technician Level program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Rope Rescue Technician Level program must consist of one of the following:**
    - (1) **completion of an in-state Rope Rescue Technician Level program meeting the requirements of the applicable NFPA standard and conducted by a commission-certified training provider that was submitted and approved through the commission's training prior approval system; or**
    - (2) **completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.**
- (2) **Option 2-- hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and**
  - (a) **complete a commission approved Rope Rescue Awareness Level & Operations Level program. An approved Rope Rescue Awareness Level & Operations Level program must consist of one of the following:**
    - (1) **completion of an in-state Rope Rescue Awareness Level & Operations Level program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider that was submitted and approved through the commission's training prior approval system; or**

(2) completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; and

(b) complete a commission approved Rope Rescue Technician Level program. An approved Rope Rescue Technician Level program must consist of one of the following:

(1) completion of an in-state Rope Rescue Technician Level program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider that was submitted and approved through the commission's training prior approval system; or

(2) completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; and

(c) successfully pass the commission examination for Rope Rescue Awareness Level & Operations Level combined with the Technician Level as specified in Chapter 439 of this title (relating to Examinations for Certification).

**§469.205. Examination Requirement.**

**Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Technician Level certification.**

**§469.207. Reserved. (IFSAC)**

**5. Subjects for future agenda items.**

**6. Future meeting dates.**

**7. Adjourn meeting.**