

FIRE FIGHTER ADVISORY COMMITTEE
AGENDA
September 12, 2008, 10:00 A.M.
William B. Travis Bldg. 1701 N. Congress, 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 – 10:00 a.m.
2. Adoption of the June 6, 2008 Fire Fighter Advisory Committee meeting minutes.
3. Report from the Curriculum and Testing Committee with discussion and possible action to include additions to the Fire Officer Reference list.
 1. Haz Mat Ad Hoc members
 2. IFSAC Site Visit Update
 3. Online Testing Update
4. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 421, Standards for Certification including, but not limited to §421.5 (11), Definitions.
5. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 435, Fire Fighter Safety including, but not limited to §435.1, Protective Clothing.
6. Discussion and possible recommendation regarding proposed rule changes to 37 TAC regarding Chapter 445, Administrative Inspections and Penalties, including but not limited to §445.9, Minor Violations.
7. New matters presented by the committee members and the public to be considered for placement on a future agenda.
8. Discussion and possible recommendations concerning the providing of input to the NFPA Standard revision process.
9. Discussion and possible action on future meeting dates, agenda items, and locations.
10. Adjourn meeting.

1. Roll call – 10:00 a.m.

2. Adoption of the June 6, 2008 Fire Fighter Advisory Committee meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Jim Reidy called the June 6, 2008 meeting of the Fire Fighter Advisory Committee to order at 10:00 a.m. at the William B. Travis Bldg., 1701 N. Congress Ave., Room 1-104, Austin, Texas

Attending	Jim Reidy	Leonardo Perez	Michael Wisko
	Tommy Anderson	Amado Cano, Jr.	Rhea Cooper
	Daniel DeYear	David Hudgins **	J. P. Steelman

*absent entire meeting
**absent part of meeting

Staff	Jake Soteriou	Miles Skipper	Gary L. Warren, Sr.
	Deborah Cowan	Amanda Ellison, Assistant Attorney General	
	Dianne Hudson		

1. Roll call Chairman, Jim Reidy, called roll and 8 of 9 members were present.

2. Adoption of Minutes A motion was made by Tommy Anderson and seconded by Amado Cano to approve the minutes of the March 5, 2008, fire fighter advisory committee meeting. The motion carried (8 for, 1 absent)

3. Report from the Curriculum and Testing Committee Pat McAuliff, Chair of the committee gave a brief overview of committee activities. No action necessary.

4. Report from the Curriculum Lists and Testing Committee Fire Officer Reference List After discussion, a motion was made by Michael Wisko and seconded by Leonardo Perez to recommend changes to the Fire Officer I and Fire Officer II Testing Reference. The motion carried

5. Higher Levels of Certification After discussion, no action necessary.

6. 37 TAC, Chapter 421 A motion was made by Tommy Anderson and seconded by Rhea Cooper to accept the recommended changes to 37 TAC Chapter 421, §421.5 as discussed. The motion carried.

7. 37 TAC, 425 A motion was made by Tommy Anderson and seconded by Daniel DeYear to Chapter accept the recommended changes to 37 TAC Chapter 425, §425.3, 425.5, 425.7, and 425.11 as discussed. The motion carried.

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8. 37 TAC,
Chapter 435 The following individuals provided testimony:
Gregg Lloyd, Sherman Fire Department
Jim Fiero, Horseshoe Bay Fire Department
Monty Owens, Amarillo Fire Department
Bill Palya, Bonham Fire Department
Mike Rhoads, Amarillo Fire Department
Robert Havens, Port Arthur Fire Department
- No action taken.
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9. New Matters Chapter 435, Fire Fighter Safety
From Public
-
10. Future Meeting A meeting was scheduled for September 12, 2008.
Dates
-
11. Adjournment A motion was made by Michael Wisko and seconded by Amado Cano to adjourn the
meeting. The motion carried.

Jim Reidy
Presiding Officer

3. Report from the Curriculum and Testing Committee with discussion and possible action to include additions to the Fire Officer Reference list.

1. Haz Mat Ad Hoc members
2. IFSAC Site Visit Update
3. Online Testing Update

4. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 421, Standards for Certification including, but not limited to §421.5 (11), Definitions.

Chapter 421

Standards for Certification

421.5 Definitions

- (11) College credits--Credits earned for studies satisfactorily completed at ~~a regionally accredited~~ 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.

5. Discussion and possible recommendation regarding proposed rule changes to 37 TAC, Chapter 435, Fire Fighter Safety including, but not limited to §435.1, Protective Clothing.

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.
 - (A) Structural fire fighting ensembles and ensemble elements shall be retired in accordance with NFPA 1851, 2008, Chapter 10.2.1; no more than 12 years from the date the ensembles or ensemble elements were manufactured and no more than 10 years from the date first put into service.
 - (B) Proximity fire fighting ensembles and ensemble elements shall be retired in accordance with NFPA 1851, 2008, Chapter 10.2.1; no more than 12 years from the date the ensembles or ensemble elements were manufactured and no more than 10 years from the date first put into service.
- (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) It has been demonstrated that the product identified as BREATHE-TEX®, manufactured by Aldan Engineered Coated Fabrics, used as a moisture barrier in some protective clothing, may fail unpredictably and allow moisture to pass through the barrier. This product is the subject of recalls by some manufacturers. Pursuant to the Government Code, §419.040 (b), the commission has determined that continued use of protective clothing having the moisture barrier identified above constitutes an undue risk to the wearer. Therefore, all regulated fire departments shall as of January 1, 2002, remove from service all protective clothing containing Breathe-Tex® moisture barriers.~~
- (c)(d) 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.

6. Discussion and possible recommendation regarding proposed rule changes to 37 TAC regarding Chapter 445, Administrative Inspections and Penalties, including but not limited to §445.9, Minor Violations.

§445.9 Minor Violations

If during the course of a departmental inspection, the inspector determines the department has committed minor violations, the following procedures shall apply.

- (1) The inspector shall issue a formal notice of noncompliance identifying the findings of fact.
- (2) The department then has 14 calendar days from the date the formal notice of noncompliance is received to correct the violations and provide the commission with proof of compliance or to provide the commission with a written schedule of actions which will be carried out to achieve compliance. The schedule of actions will allow necessary amounts of time for such things as obtaining items through city requisitions and bid processes, when necessary. Lack of funds is not an acceptable reason for delay.
- (3) A regulated department's schedule of actions to remedy non-compliance with NFPA 1851, 2008, Section 6.3, Advanced Inspection, and Chapter 12 Testing, must be operational no later than October 1, 2009.**
- ~~(3)~~**(4)** If the department fails to provide proof of compliance or a written schedule of actions within the 14 calendar days, an administrative penalty of up to \$300 per violation may be recommended by the commission staff. If the department has been compelled to submit proof of compliance or a schedule of actions for the same or similar violations within the previous five years, the administrative penalty shall be up to \$600 per violation.
- ~~(4)~~**(5)** In the event the department fails to achieve compliance in accordance with the agreed-upon schedule of actions, an administrative penalty of up to \$600 per violation may be recommended by the commission staff unless the commission staff determines that sufficient reason exists for extending the time allowed for compliance.
- ~~(5)~~**(6)** In all cases where an administrative penalty is recommended by the commission staff, the department may be granted 14 calendar days to pay the administrative penalty and come into compliance or submit a written notice of appeal.
- ~~(6)~~**(7)** If the department fails to pay the administrative penalty and come into compliance within the required time frame, a hearing may be scheduled. If determined by the hearing process that violations occurred, the department may be:
 - (A) allowed extra time to come into compliance;
 - (B) assessed appropriate penalties which may be probated and may include suspension of certificates, administrative penalties, hearing costs, and attorneys fees;
 - (C) required to furnish proof of compliance.

7. New matters presented by the committee members and the public to be considered for placement on a future agenda.

8. Discussion and possible recommendations concerning the providing of input to the NFPA Standard revision process.

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

10. Adjourn meeting.