

TEXAS COMMISSION ON FIRE PROTECTION

June 30, 2010 at 10:00 a.m.

William B. Travis Bldg., 1701 N. Congress Avenue, Room 1-104, Austin, Texas

1. Roll call---10:00 a.m.
2. Welcome new commission member Tony Cortes.
3. Adoption of the April 22, 2010 Commission meeting minutes.
4. The Budget and Strategic Plan subcommittees will meet on June 30, 2010, during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget, strategic plan and legislative appropriations request. The subcommittees may meet separately or together.
5. Report from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
6. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, and the State Fire Marshal's Office.
7. Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
8. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future Commission meetings.
9. Discussion and possible action on future meeting dates.
10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:
 - A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:
 1. Proposed amendments to 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, including, but not limited to §429.203.
 2. Proposed amendments to 37 TAC, Chapter 431, Fire Investigation, Subchapter A, including, but not limited to §431.3.
 - B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:
 1. Proposed amendments to 37 TAC, Chapter 427, Training Facility Certification, Subchapter A, On-Site Certified Training Provider, including, but not limited to §427.7.
 2. Proposed amendments to 37 TAC, Chapter 435, Fire Fighter Safety, including, but not limited to new §435.25, Courage to Be Safe Program.
 - C. Discussion and possible action on appointment of Chuck French to the Curriculum and Testing Committee.
 - D. Report from the Curriculum and Testing Committee.

11. Update from standards division director on matters relating to the activities of the following committees: International Fire Service Accreditation Congress, Respiratory Protection and Personal Alarm Equipment Committee, Fire Service Occupational Safety Committee, NFPA 1971 Technical Committee, and NFPA Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment.
12. Discussion and possible action on direction from commissioners regarding development of recommendations for reducing fire protection personnel injuries and reporting that data annually to the State Fire Marshal.
13. Discussion and possible action regarding Pro Board Certification reciprocity.
14. Discussion and possible action regarding the automation of agency processes.
15. Discussion and possible action on matters from the Executive Director.
 - A. Report on decisions of the Executive Director in contested cases and consent orders.
 - B. Status of division functions.
16. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an interim basis in this position.
17. Open session for further discussion and possible action regarding preceding agenda item.
18. Adjourn meeting.

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.

1. Roll call---10:00 a.m.

2. Welcome new commission member Tony Cortes.

3. Adoption of the April 22, 2010 Commission meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Chris Connealy, at 10:00 a.m. called the April 22, 2010 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Les Bunte Carl Giles Arthur Pertile, III*	Elroy Carson* John Gillette Kimberly Shambley*	Chris Connealy Jody Gonzalez Steve Tull	Rhea Cooper John Green	Yusuf Farran Micheal Melton
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*absent entire meeting
**absent part of meeting

Staff	Gary L. Warren, Sr. Jim Crowson, Assistant Attorney General	Deborah Cowan	Jake Soteriou	Ana Muñoz	Miles Skipper
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Guests	Thomas McNulty Ray Vaden Jim Reidy	Jay Sikes Ken Macinnes Randy Safer	Tim Hunter Scott Korwood Jason Cooper	Cary Roccaforte Adrian Garcia Paul Maldonado	David Teverbaugh John Newton
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| 1. Roll call | Secretary, John Gillette called roll and 10 of 13 commissioners were present. |
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| 2. Adoption of Minutes | A motion to approve the minutes of the January 21, 2010 commission meeting was made by Steven Tull and seconded by Les Bunte. The motion carried. |
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| 3. Subcommittee Meetings | The subcommittees did not meet. |
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| 4. Budget and Strategic Plan Subcommittee Reports | No action necessary |
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| 5. Reports from Fire Service Interest Groups | Brief reports were given by the Texas State Association of Fire Fighters, National Fire Protection Association, State Fire Marshal's Office, State Fire Marshal's Office and the Texas Fire Chief's Association. |
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| 6. Report from Fire Service School Advisory Board & TEEEX | Commission representative, Michael Hunt was unable to attend the meeting. Commissioner Bunte gave a brief report. |
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| 7. New matters | IFSAC/Pro Board accreditation acceptance |
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| 8. Future Meeting Dates | Commission meeting date set for June 30, 2010 beginning at 10:00 a.m.
A meeting was set for October 20, 2010 beginning at 10:00 a.m. |
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| 9. Matters from Fire Fighter Advisory Committee | <p>A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 421, §421.9 and §421.11 as discussed was made by Les Bunte and seconded by Rhea Cooper. The motion carried.</p> <p>2. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 423, §423.3 and §423.13 as discussed was made by John Gillette and seconded by Carl Giles. The motion carried.</p> |
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3. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 425, §§425.1, 425.3, 425.5 and 425.7 as discussed was made by John Green and seconded by Micheal Melton. The motion carried.
 4. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 427, §§427.18, 427.301, 427.303 and 427.305 with changes as discussed was made by John Gillette and seconded by Steven Tull. The motion carried.
 5. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 439, §439.11 as discussed was made by Rhea Cooper and seconded by Les Bunte. The motion carried.
 6. A motion to approve for final adoption the proposed amendments to 37 TAC Chapter 453, §453.7 as discussed was made by Rhea Cooper and seconded by Carl Giles. The motion carried.
- B.
1. A motion to approve for publication the proposed amendments to 37 TAC Chapter 429, §429.203 with changes as discussed was made by Jody Gonzalez and seconded by John Gillette. The motion carried.
 2. A motion to approve for publication the proposed amendments to 37 TAC Chapter 431, §431.3 with changes as discussed was made by John Gillette and seconded by Jody Gonzalez. The motion carried.
- C.
- A motion to authorize the Presiding Officer to draft a letter to the National Fire Protection Association including the Fire Fighter Advisory Committee recommendations to leave the current language in NFPA 1971 regarding THL and TPP rather than adopt the proposed recommendations currently being reviewed. The motion carried.
- D.
- Pat McAuliff, Chairman, Testing and Curriculum Committee was unable to attend meeting. Larry Whitis gave a brief review of the recommended amendments to the Basic Fire Suppression curriculum and Hazardous Materials curriculum.

A motion to adopt the curricula to the 2008 edition of NFPA 1001 with a directive for the Curriculum & Testing Committee to review the curricula again and return the recommended hours back to 468 for the Basic Fire Suppression curriculum and 80 for the Hazardous Materials curriculum was made by Rhea Cooper and seconded by Carl Giles. The issue was tabled for further review and discussion.

After further review, the motion was withdrawn.

A motion to adopt the recommended changes to the Basic Fire Suppression curriculum and Hazardous Materials curriculum to meet the 2008 edition of NFPA 1001 and NFPA 472 respectively was made by Rhea Cooper and seconded by Carl Giles. The motion carried.

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| 10. Staff update on NFPA Committee Activities | Jake Soteriou informed commissioners that the agency had not attended any NFPA committee meetings this quarter. He also informed commissioners he would provide an update on the International Fire Service Accreditation Congress (IFSAC) meeting staff attended last week at the next schedule commission meeting. |
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| 11. Matters from Executive Director | <p>a. Mr. Warren informed commissioners there were no consent orders during last quarter.</p> <p>b. Mr. Warren reported the agency is currently undergoing a Post Payment Audit by the Comptroller's Office. He reminded commissioners the agency's Strategic Plan was due June 18, 2010 and its Legislative Appropriations Request (LAR) is due the end of July 2010. He also reported the agency had completed its annual risk assessment in March. He also reported that he and Jake Soteriou attended the Texas State Association of Fire Fighters annual conference in Austin on April 20, 2010. He reminded the commissioners their personal financial statements were due April 30, 2010. He reported the agency had received the results of the Survey of Employee Engagement (formerly the Survey of Organizational Excellence) but had not had the opportunity to review it but would have an update at the next commission meeting. He reported the agency had submitted its Texas Homeland Strategic Plan as required. He also reported the agency had already begun to return appropriated funds to the Comptroller's Office as identified in the agency's 5% reduction letter. Mr. Warren then introduced Mark Roughton the agency's Information Resources Manager. Mark Roughton gave a brief overview of the agency's new FIDO system created to assist the agency in meeting its new sunset legislation mandates.</p> |
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| 12. Executive Session | Presiding Officer, Chris Connealy did not call the Executive Session. |
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| 13. Open Session | No action taken. |
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| 14. Adjournment | A motion to adjourn was made by John Gillette and seconded by Rhea Cooper. The motion carried. |

Chris Connealy, Presiding Officer

- 4. The Budget and Strategic Plan subcommittees will meet on June 30, 2010, during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency operating budget, strategic plan and legislative appropriations request. The subcommittees may meet separately or together.**

TCFP FY10 Measures, FY10 Strategic Plan

Key	Division	FY10 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY10 YTD Sum	FY10 Target	% ytd/tar	Measures/Explanation
Output <i>A quantifiable indicator of the number of goods or services an agency produces</i>									
<input type="checkbox"/>	Lib	01-01-01:01	172	212	252	636	868	73%	Number of requests from fire department and other entities for agency training and education resources.
						Cumulative			On track to meet target
<input type="checkbox"/>	Lib	01-01-01:02	68	68	45	181	124	146%	Number of research requests for agency information resource center.
						Cumulative			Exceeded target
<input type="checkbox"/>	Std	02-01-01:01	119	250	214	583	600	97%	Number of inspections of regulated entities.
						Cumulative			On track to exceed target
<input type="checkbox"/>	Std	02-01-01:02	2,088	2,091	2,545	6,724	9,000	75%	Number of new certifications issued to individuals.
						Cumulative			On track to meet target
<input type="checkbox"/>	Std	02-01-01:03	25,346	286	2,435	28,067	26,500	106%	Number of certifications renewed (individuals).
						Cumulative			Exceeded target
<input type="checkbox"/>	Std	02-01-01:04	2,425	2,730	2,913	8,068	10,000	81%	Number of individuals examined.
						Cumulative			On track to exceed target
<input type="checkbox"/>	Adm	04-01-01:01	5,215	7,914	6,928	20,058	13,000	154%	Dollar value of HUB contacts awarded.
						Cumulative			Exceeded target
Explanatory (Annual) <i>An indicator of factors, agency resources, or requests received that affect a state entity's performance.</i>									
<input type="checkbox"/>	Fin	01-02-01:01	0	0	0	0	1,000,000	0%	Amount available to fire departments for loans and grants.
						Cumulative			Program transferred to Texas Forest Service.
<input type="checkbox"/>	Fin	01-02-01:02	0	0	0	0	3,779,224	0%	Amount requested by fire departments for loans and grants.
						Cumulative			Program transferred to Texas Forest Service.
<input type="checkbox"/>	Std	02-01-01:01	89.72	91.41	91.11	91	92	99%	Pass Rate (Percent)
						Non-Cumulative			On track to meet target.
<input checked="" type="checkbox"/>	Std	02-01-01:02	28,395	28,977	28,514	28,514	26,750	107%	Number of fire service personnel certified by the Commission.
						Non-Cumulative			Exceeded expectations because the number of certified fire fighters increased at a greater % than projected.
<input type="checkbox"/>	Std	02-01-01:03	222	211	230	230	210	110%	Number of fire service training facilities certified by the Commission.
						Non-Cumulative			Exceeded target

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance; otherwise, a measure is non-cumulative.

Non-Cumulative Measure: A measure which, in order to determine year-to-date performance, must be calculated for the entire reporting period and not on the basis of adding together the performance from separate reporting periods

TCFP FY10 Measures, FY10 Strategic Plan

Key	Division	FY10 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY10 YTD Sum	FY10 Target	% ytd/tar	Measures/Explanation
Efficiency <i>A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units</i>									
<input type="checkbox"/>	Std	02-01-01:01	1.73	20.4	10.66	4.28	6	71%	Average certification cost per individual certificate issued.
						Non-Cumulative	Lower than target which is goal.		
<input type="checkbox"/>	Std	02-01-01:02	2.16	2.32	233	2.33	2.5	93%	Average certification cost per facility certificate issued.
						Non-Cumulative	Lower than target which is goal.		
<input type="checkbox"/>	Std	02-01-01:03	98.71	95.41	98.51	98.51	90	109%	Percentage of new individual certificates issued within 10 days.
						Non-Cumulative	Exceeds target which is goal.		
<input type="checkbox"/>	Std	02-01-01:05	30.27	34.36	31.33	32.03	21	153%	Average cost per exam administered.
						Non-Cumulative	Target was lower when demand went up. Additional staff were added to meet demand and thus cost went up.		
Outcome (Annual) <i>A quantifiable indicator of the public and customer benefits from an agency's actions</i>									
<input checked="" type="checkbox"/>	Fin	01-02:01	0	0	0	0.0%	32%	0%	Percent of total amount requested for loans/grants compared with requests awarded.
						Non-Cumulative	Program transferred to Texas Forest Service.		
<input checked="" type="checkbox"/>	Std	02-01:01	96%	96%	93.9	93.9%	95%	99%	Percent of inspected certificate holders with no recent violations.
						Non-Cumulative	On target.		
<input type="checkbox"/>	Fin	04-01:01	11%	13%	25%	25.0%	10%	250%	Percent of total dollar value of purchasing contracts awarded to HUBs.
						Non-Cumulative	On track to exceed target.		

Note: Explanations are provided for measures that are 5% or more off target. Targets were requested in the FY10 operating budget document.

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Updated: 6/16/10

Thru: May 31, 2010

Summary

	FY10	FY10			
Goals:	Budget	Expended	Encumb	Balance	%
Education, Information and Assistance	47,160	36,044		11,116	
Fire Department Standards	1,194,837	880,166		314,671	
Indirect Administration	727,160	522,128		205,032	
Merit Budget	30,167				
1001 - Salaries & Wages:	1,999,324	1,438,338	0	530,819	27%
Education, Information and Assistance	260	180		80	
Fire Department Standards	38,456	28,544		9,912	
Indirect Administration	21,135	31,077		-9,942	
1002 - Other Personnel Costs	59,851	59,801	0	50	0%
Education, Information and Assistance	0	0		0	
Fire Department Standards	0	0		0	
Indirect Administration	7,000	4,454		2,546	
2001 - Professional Fees and Services:	7,000	4,454	0	2,546	36%
Education, Information and Assistance	2,800	1,173		1,627	
Fire Department Standards	10,400	12,395		-1,995	
Indirect Administration	3,100	1,411		1,689	
2003 - Consumable Supplies:	16,300	14,979	0	1,321	8%
Education, Information and Assistance	250	187		63	
Fire Department Standards	24,300	14,048		10,252	
Indirect Administration	4,100	2,428		1,672	
2004 - Utilities:	28,650	16,662	0	11,988	42%
Education, Information and Assistance	0	0		0	
Fire Department Standards	99,000	48,146		50,854	
Indirect Administration	26,000	12,876		13,124	
2005 - Travel:	125,000	61,022	0	63,978	51%
Education, Information and Assistance	525	353		172	
Fire Department Standards	4,000	1,602		2,398	
Indirect Administration	1,100	792		308	
2006 - Rent - Building (storage):	5,625	2,747	0	2,878	51%
Education, Information and Assistance	877	348		529	
Fire Department Standards	23,708	9,407		14,301	
Indirect Administration	11,415	4,379		7,036	
2007 - Rent - Machine and Other:	36,000	14,134	0	21,866	61%
Education, Information and Assistance	6,504	4,235		2,269	
Fire Department Standards	50,822	31,115		19,707	
Indirect Administration	26,992	17,424		9,568	
2009 - Other Operating Expense:	84,318	52,774	0	31,544	37%
Education, Information and Assistance	1,000,000	1,000,000		0	
Fire Department Standards	0	0		0	
Indirect Administration	0	0		0	
4000 - Grants:	1,000,000	1,000,000	0	0	0%
Education, Information and Assistance	15,100	10,268		4,832	
Fire Department Standards	2,700	0		2,700	
Indirect Administration	1,300	0		1,300	
5000 - Capital Expenditures:	19,100	10,268	0	8,832	46%
TOTAL - ALL EXPENDITURES	3,381,168	2,675,179	0	675,822	20%
			3,381,168		0 * diff
			Appropriated Amt in GAA:	3,381,168	
			Revenue vs \$35,000 IFSAC sales:	0	

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%	
	Budget:	48,238	0	0	47,160	-1,078
	Expended:	36,044	0	0	36,044	
1001 - Balance Salaries & Wages:	12,194	0	0	11,116	24%	
Other Personnel Costs:						
7017- One-Time Merit	0	0	0	0		
7022- Longevity Pay	180	0	0	180		
7023- Lump Sum Termination	0	0	0	0		
	Budget:	260	0	0	260	0
	Expended:	180	0	0	180	
1002 - Balance Other Personnel Costs	80	0	0	80	31%	
Professional Fees and Services:						
7245- Financial & Accounting Services	0	0	0	0		
7253- Other Professional Fees (EAP)	0	0	0	0		
7274- Temporary Employment Agencies	0	0	0	0		
7275- Computer Programming Services	0	0	0	0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2001 - Balance Professional Fees and Services:	0	0	0	0	#DIV/0!	
	Budget:	2,800	0	0	2,800	0
	Expended:	207	966	0	1,173	
2003 - (7300) Balance Consumable Supplies:	2,593	(966)	0	1,627	58%	
Utilities:						
7501- Electricity	0	0	0	0		
7503- Telecommunications-Long Distance	0	0	0	0		
7504- Telecommunications-Monthly Charge	187	0	0	187		
7514- Telecommunications-Maint & Repair	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0		
7517- Telecommunications Equipment-Expensed	0	0	0	0		
	Budget:	250	0	0	250	0
	Expended:	187	0	0	187	
2004 - Balance Utilities:	63	0	0	63	25%	
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0	0	0		
7102- Mileage	0	0	0	0		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	0	0	0		
7106- Travel I/S - Meals & Lodging	0	0	0	0		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	0	0		
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0		
7111- Travel OOS - Public Transportation Fares	0	0	0	0		
7112- Travel OOS - Mileage	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	0		
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0		
7135- Travel I/S - State Occupancy Tax	0	0	0	0		
	Budget:	0	0	0	0	0
	Expended:	0	0	0	0	
2005 - Balance Travel:	0	0	0	0	#DIV/0!	
	Budget:	525	0	0	525	0
	Expended:	353	0	0	353	
2006 - (7470) Balance Rent - Building (storage):	172	0	0	172	33%	

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	221	0	0	221	
7411- Rental - Computer Equipment	127	0	0	127	
Budget:	877	0	0	877	0
Expended:	348	0	0	348	
2007 - Balance Rent - Machine and Other:	529	0	0	529	60%
Other Operating Expense:					
7201- Membership Dues	320	0	0	320	
7203- Registration Fees-Employee Training	45	0	0	45	
7210- Fees & Other Charges (DPS)	0	0	0	0	
7211- Awards	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	
7267- Maint & Repair - Computer Equipment	3	0	0	3	
7273- Reproduction & Printing	27	0	0	27	
7276- Communication Services (T-1 Line)	62	0	0	62	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	0	
7291- Postage & Postal Services	320	0	0	320	
7299- Purchased Contracted Services	1,724	0	0	1,724	
7303- Subscriptions, Periodicals and Info Services	176	0	0	176	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	14	0	0	14	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	
7367- Personal Property - Maint & Repair	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	10	0	0	10	
7377- Computer Equipment - Expensed	60	0	0	60	
7378- Computer Equipment - Controlled	32	0	0	32	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	1,418	0	0	1,418	
7382- Books - Expensed	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	
7953- SWCAP payment/cost allocation	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	25	0	0	25	
Budget:	6,504	0	0	6,504	0
Expended:	4,235	0	0	4,235	
2009 - Balance Other Operating Expense:	2,269	(0)	0	2,269	35%
Grants:					
7312- Medical Supplies	0	0	0	0	
7623- Grants- Community Serv. Programs	0	0	0	1,000,000	
7701- Loans to Political Subdivisions	0	0	0	0	
Budget:	0	0	1,000,000	1,000,000	0
Expended:	0	0	1,000,000	1,000,000	
4000 - Balance Grants:	0	0	0	0	0%
Capital Expenditures:					
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	10,268	0	0	10,268	
Budget:	15,100	0	1,300	15,100	-1,300
Expended:	10,268	0	0	10,268	
5000 - Balance Capital Expenditures:	4,832	0	1,300	4,832	32%
Budget:	74,554	0	1,001,300	1,075,854	
Expended:	51,823	966	1,000,000	1,052,789	
TOTAL BALANCE	22,731	(966)	1,300	20,687	2%

Texas Commission on Fire Protection

Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Budget:	126,149	451,230	189,019	315,757	90,016	1,194,837	22,666
Expended:	99,788	339,272	141,572	232,132	67,402	880,166	
1001 - Balance Salaries & Wages:	26,361	111,958	47,447	83,625	22,614	292,005	24%
Other Personnel Costs:							
7017- One-Time Merit	0	1,900	400	1,400	400	4,100	
7022- Longevity Pay	2,060	6,180	3,180	6,140	880	18,440	
7023- Lump Sum Termination	0	5,068	0	0	0	5,068	
7030- Employee Incentive Bonus	232	259	86	359	0	936	
Budget:	3,120	9,040	3,400	6,980	1,560	38,456	14,356
Expended:	2,292	13,408	3,666	7,899	1,280	28,544	
1002 - Balance Other Personnel Costs	828	(4,368)	(266)	(919)	280	(4,444)	-12%
Professional Fees and Services:							
7245- Financial & Accounting Services	0	0	0	0	0	0	
7253- Other Professional Fees (EAP)	0	0	0	0	0	0	
7274- Temporary Employment Agencies	0	0	0	0	0	0	
7275- Computer Programming Services	0	0	0	0	0	0	
Budget:	0	0	0	0	0	0	0
Expended:	0	0	0	0	0	0	
2001 - Balance Professional Fees and Services	0	0	0	0	0	0	#DIV/0!
Budget:	500	2,500	2,000	3,000	1,000	10,400	1,400
Expended:	2,911	1,964	4,943	2,577	0	12,395	
2003 - (7300) Balance Consumable Supplies:	(2,411)	536	(2,943)	423	1,000	(3,395)	-33%
Utilities:							
7501- Electricity	0	0	0	0	0	0	
7503- Telecommunications-Long Distance	0	0	0	0	0	0	
7504- Telecommunications-Monthly Charge	5,042	2,272	0	0	0	7,314	
7514- Telecommunications-Maint & Repair	0	0	0	0	0	0	
7516- Telecommunications-Other Charges (reg voice/inte)	0	6,734	0	0	0	6,734	
7517- Telecommunications Equipment-Expensed	0	0	0	0	0	0	
Budget:	16,861	4,700	0	0	0	24,300	2,739
Expended:	5,042	9,006	0	0	0	14,048	
2004 - Balance Utilities:	11,819	(4,306)	0	0	0	7,513	31%
Travel:							
7101- Travel I/S - Public Transportation Fares	0	5,242	0	4,480	0	9,722	
7102- Mileage	0	8,727	0	3,453	0	12,180	
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	0	0	
7105- Travel I/S - Incidental Expenses	0	1,945	29	2,080	0	4,054	
7106- Travel I/S - Meals & Lodging	0	15,429	320	5,494	0	21,244	
7107- Travel I/S - Non-Overnight Travel (Meals)	0	298	0	29	0	326	
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0	0	0	
7111- Travel OOS - Public Transportation Fares	0	0	0	26	0	26	
7112- Travel OOS - Mileage	0	23	0	0	0	23	
7115- Travel OOS - Incidental Expenses	0	20	0	2	0	22	
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	247	0	247	
7135- Travel I/S - State Occupancy Tax	0	211	19	73	0	303	
Budget:	0	60,264	500	23,000	500	99,000	14,736
Expended:	0	31,894	368	15,884	0	48,146	
2005 - Balance Travel:	0	28,370	132	7,116	500	36,118	36%
7462- Rent office space - building		1,602				1,602	
Budget:	4,000	0	0	0	0	4,000	0
Expended:	0	1,602	0	0	0	1,602	
2006 - (7470) Balance Rent - Building (storage):	4,000	(1,602)	0	0	0	2,398	60%

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Rent - Machine and Other:							
7406- Rental - Furnishings & Equipment (copier)	5,976	0	0	0	0	5,976	
7411- Rental - Computer Equipment	3,431	0	0	0	0	3,431	
Budget:	23,708	0	0	0	0	23,708	0
Expended:	9,407	0	0	0	0	9,407	
2007 - Balance Rent - Machine and Other:	14,301	0	0	0	0	14,301	60%
Other Operating Expense:							
7201- Membership Dues	25	0	0	0	0	25	
7203- Registration Fees-Employee Training	800	0	126	276	126	1,328	
7210- Fees & Other Charges (DPS)	0	0	528	0	0	528	
7211- Awards	0	0	0	0	0	0	
7216- Insurance Premiums - appvd by oag	0	250	0	0	0	250	
7262- Maint & Repair - Computer Software	0	0	0	0	0	0	
7267- Maint & Repair - Computer Equipment	72	0	0	767	0	839	
7273- Reproduction & Printing	732	0	5,278	116	0	6,126	
7276- Communication Services (T-1 Line)	1,606	0	0	0	0	1,606	
7281- Advertising Services	0	0	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	3,164	0	3,164	
7291- Postage & Postal Services	8,651	235	0	88	0	8,974	
7299- Purchased Contracted Services	119	0	0	0	0	119	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	0	0	
7312- Medical Supplies	0	0	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	82	0	453	0	535	
7335- Parts -Computer Equipment - Expensed	368	271	0	163	0	801	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	0	0	
7367- Personal Property - Maint & Repair	0	0	9	0	0	9	
7374- Personal Property-Furn & Equip - Controlled	263	110	0	321	0	694	
7377- Computer Equipment - Expensed	1,626	279	98	0	0	2,002	
7378- Computer Equipment - Controlled	851	205	0	27	0	1,083	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	0	0	
7380- Computer Software - Expensed	2,252	0	0	0	0	2,252	
7382- Books - Expensed	0	122	0	0	0	122	
7806- Interest on Delayed Payment	1	2	0	0	0	3	
7947- Workers Compensation Transfer (SORM)	0	0	0	0	0	0	
7953- SWCAP payment/cost allocation	0	0	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	654	0	0	0	0	654	
Budget:	19,669	7,000	4,000	4,000	1,000	50,822	15,153
Expended:	18,019	1,555	6,039	5,376	126	31,115	
2009 - Balance Other Operating Expense:	1,650	5,445	(2,039)	(1,376)	874	4,554	9%
Capital Expenditures:							
7312- Medical Supplies	0	0	0	0	0	0	
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	0	0	
Budget:	2,700	0	0	0	0	2,700	0
Expended:	0	0	0	0	0	0	
5000 - Balance Capital Expenditures:	2,700	0	0	0	0	2,700	100%
Budget:	196,707	534,734	198,919	352,737	94,076	1,377,173	0
Expended:	137,459	398,701	156,587	263,868	68,808	1,025,423	
TOTAL BALANCE	59,248	136,033	42,332	88,869	25,268	351,750	26%

Current Costs for Performance Measures: salaries, travel, consumables:

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	Total
4006 - Certification	47,937	48,983	53,628	0	150,548
4007 - Testing	73,402	93,816	91,274	0	258,492

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%	
	Budget:	364,912	347,645	0	727,160	14,603
	Expended:	253,397	268,731	0	522,128	
1001 - Balance Salaries & Wages:	111,515	78,914	0	205,032	28%	
Other Personnel Costs:						
7004- Non-Permanent Full-Time Employee	16,177	0	0	16,177		
7017- One-Time Merit	1,500	0	0	1,500		
7022- Longevity Pay	3,620	8,480	0	12,100		
7023- Lump Sum Termination	0	0	0	0		
7030- Employee Incentive Bonus	378	922	0	1,300		
	Budget:	4,260	7,820	0	21,135	9,055
	Expended:	21,675	9,402	0	31,077	
1002 - Balance Other Personnel Costs	(17,415)	(1,582)	0	(9,942)	-47%	
Professional Fees and Services:						
7245- Financial & Accounting Services	0	4,330	0	4,330		
7253- Other Professional Fees (EAP)	0	123	0	123		
7274- Temporary Employment Agencies	0	0	0	0		
7275- Computer Programming Services	0	0	0	0		
	Budget:	0	7,000	0	7,000	0
	Expended:	0	4,454	0	4,454	
2001 - Balance Professional Fees and Services:	0	2,546	0	2,546	36%	
	Budget:	600	2500	0	3,100	0
	Expended:	9	1,402	0	1,411	
2003 - (7300) Balance Consumable Supplies:	591	1,098	0	1,689	54%	
Utilities:						
7501- Electricity	0	0	0	0		
7503- Telecommunications-Long Distance	0	0	0	0		
7504- Telecommunications-Monthly Charge	0	2,428	0	2,428		
7514- Telecommunications-Maint & Repair	0	0	0	0		
7516- Telecommunications-Other Charges (reg voice/internet)	0	0	0	0		
7517- Telecommunications equipment - Expensed	0	0	0	0		
	Budget:	0	4100	0	4,100	0
	Expended:	0	2,428	0	2,428	
2004 - Balance Utilities:	0	1,672	0	1,672	41%	
Travel:						
7101- Travel I/S - Public Transportation Fares	0	0	1,577	1,577		
7102- Mileage	557	732	4,870	6,158		
7104- Travel I/S - Actual Expense Overnight	0	0	0	0		
7105- Travel I/S - Incidental Expenses	0	8	470	478		
7106- Travel I/S - Meals & Lodging	0	139	0	139		
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	31	31		
7110- Travel I/S - Board Member Meals & Lodging	0	0	4,400	4,400		
7111- Travel OOS - Public Transportation Fares	0	0	0	0		
7112- Travel OOS - Mileage	0	0	0	0		
7115- Travel OOS - Incidental Expenses	0	0	0	0		
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	0		
7135- Travel I/S - State Occupancy Tax	0	0	92	92		
	Budget:	0	2,000	24,000	26,000	0
	Expended:	557	878	11,441	12,876	
2005 - Balance Travel:	(557)	1,122	12,559	13,124	50%	
	Budget:	0	1,100	0	1,100	0
	Expended:	240	552	0	792	
2006 - (7470) Balance Rent - Building (storage):	(240)	548	0	308	28%	

Texas Commission on Fire Protection
Fiscal Year 2010 - Operating Budget

Thru: May 31, 2010

Goal C: Indirect Administration

	<u>Exec Office</u>	<u>Supp Svcs</u>	<u>Commis</u>	<u>Total</u>	<u>%</u>
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	2,557	0	2,557	
7411- Rental - Computer Equipment	0	1,821	0	1,821	
Budget:	2,000	9,000	0	11,415	415
Expended:	0	4,379	0	4,379	
2007 - Balance Rent - Machine and Other:	2,000	4,621	0	6,621	58%
Other Operating Expense:					
7201- Membership Dues	150	125	0	275	
7203- Registration Fees-Employee Training	105	744	0	849	
7210- Fees & Other Charges (DPS)	0	6	0	6	
7211- Awards	533	0	0	533	
7216- Insurance Premiums - appvd by oag	0	0	0	0	
7262- Maint & Repair - Computer Software	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	35	0	35	
7273- Reproduction & Printing	0	392	55	447	
7276- Communication Services (T-1 Line)	1,850	865	0	2,715	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	0	
7291- Postage & Postal Services	7	4,165	0	4,172	
7299- Purchased Contracted Services	0	57	0	57	
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	
7312- Medical Supplies	0	0	0	0	
7330- Parts -equip, furn	0	0	0	0	
7334- Furnishings & Equipment -Expensed	0	0	0	0	
7335- Parts -Computer Equipment - Expensed	116	810	0	926	
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	
7367- Personal Property - Maint & Repair	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	0	326	0	326	
7377- Computer Equipment - Expensed	0	783	0	783	
7378- Computer Equipment - Controlled	0	685	0	685	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	375	1,084	0	1,459	
7382- Books - Expensed	0	150	0	150	
7806- Interest on Delayed Payment	0	1	0	1	
7947- Workers Compensation Transfer (SORM)	0	2,642	0	2,642	
7953- SWCAP payment/cost allocation	0	1,012	0	1,012	
7961- STS Transfers-Telecommunications (TexAn)	0	352	0	352	
Budget:	4,992	22,000	0	26,992	0
Expended:	3,135	14,234	55	17,424	
2009 - Balance Other Operating Expense:	1,857	7,766	(55)	9,568	35%
Capital Expenditures:					
7312- Medical Supplies	0	0	0	0	
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	
Budget:	1,300	0	0	1,300	0
Expended:	0	0	0	0	
5000 - Balance Capital Expenditures:	1,300	0	0	1,300	100%
Budget:	378,064	403,165	24,000	805,229	0
Expended:	279,013	306,458	11,496	596,968	
TOTAL - BALANCE	99,051	96,707	12,504	208,261	26%



Legislative Budget Board
Robert E. Johnson Bldg
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Austin, TX 78701
(512) 463-1200

Governor's Office of
Budget, Planning and Policy
1100 San Jacinto, 4th Floor
Austin, TX 78701
(512) 463-1778

MEMORANDUM

May 27, 2010

TO: State Agency Board/Commission Chairs
State Agency Heads/Executive Directors
Appellate Court Justices and Judges
Chancellors, Presidents, and Directors of Institutions and Agencies of Higher Education

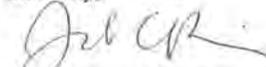
Detailed instructions for the submission of legislative appropriations requests for the 2012-13 biennium have been posted on the Legislative Budget Board and Governor's Office websites. A schedule of due dates is included as an appendix to the instructions.

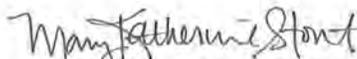
As a starting point for budget deliberations, an agency's baseline request for general revenue-related (GR and GR-Dedicated) funds may not exceed the sum of amounts expended in fiscal year 2010 and budgeted in fiscal year 2011 adjusted to reflect the full five percent reduction target identified by our offices for each agency. Agencies must also submit a supplemental schedule detailing how they would reduce the baseline request by an additional 10 percent (in five percent increments) in general revenue-related funding.

Exceptions to the baseline request limitation include amounts necessary to maintain funding for the Foundation School Program, satisfy debt service requirements for bond authorizations, maintain benefits and eligibility in Medicaid entitlement programs, the Children's Health Insurance Program, and the foster care program, maintain health and human services eligibility staffing, and satisfy employer contribution requirements for state pension systems and employee group benefits, though group benefit modifications may be considered. Funding requests for other purposes which exceed the baseline spending level may not be included in the baseline request but may be submitted as exceptional items.

We appreciate the opportunity to work with you and your staff during this budget cycle.

Sincerely,


John O'Brien, Director
Legislative Budget Board


Mary Katherine Stout, Director
Governor's Office of Budget,
Planning and Policy

Mailing Address: P.O. Box 12666 Austin, TX 78711-2666

5. **Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.**

6. **Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas Forest Service, the National Fire Protection Association, and the State Fire Marshal's Office.**

7. **Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

8. **New matters from the commission, staff, or public regarding rulemaking which may be discussed in future Commission meetings.**

9. Discussion and possible action on future meeting dates.

- 10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 - 1. Proposed amendments to 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, including, but not limited to §429.203.**

Chapter 429

MINIMUM STANDARDS FOR FIRE INSPECTORS

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION BASED ON REQUIREMENTS IN EFFECT PRIOR TO JANUARY 1, 2005

§429.1. Minimum Standards for Fire Inspection Personnel.

- (a) Subchapter A of this chapter will expire on December 31, 2010.
- (b) 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 §429.3 of this title (relating to Minimum Standards for Basic Fire Inspector Certification) within one year of initial appointment to such position.
- (c) 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.
- (d) Individuals holding any level of fire inspector certification shall be required to comply with the continuing education requirements of §441.13 of this title (relating to Continuing Education for Fire Inspection Personnel).
- (e) Code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.

§429.3. Minimum Standards for Basic Fire Inspector Certification.

In order to be certified by the Commission as a Basic Fire Inspector an individual must have completed a Commission-approved Basic Fire Inspector Curriculum dated prior to January 1, 2005, and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

§429.5. Minimum Standards for Intermediate Fire Inspector Certification.

- (a) Applicants for Intermediate Fire Inspector Certification holding the prerequisite Basic Fire Inspector certification based on the curricula in place before January 1, 2005, must meet the following requirements:
 - (1) 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.

§429.7. Minimum Standards for Advanced Fire Inspector Certification.

- (a) Applicants for Advanced Fire Inspector certification holding the prerequisite Basic Fire Inspector certification based on the curricula in place before January 1, 2005 must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.5 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.

§429.9. 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 §429.7(a) 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 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.

§429.11. 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 state examination based on the curriculum in place prior to January 1, 2005, may be granted IFSAC seals for Inspector I and Inspector II by making application to the commission for the IFSAC seals and paying applicable fees.
- (d) Individuals who pass the applicable state examination based on the curriculum in place prior to January 1, 2005, may apply to test for Plans Examiner I. Upon successful completion of the examination an IFSAC seal for Plans Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.
- (e) Individuals who pass the applicable commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification) pertaining to Chapter 4 of the commission's Certification Curriculum Manual, as approved by the commission in accordance with Chapter 443 of this title (relating to Certification Curriculum Manual), on or after January 1, 2005, must follow the guidelines of Subchapter B of this chapter.

SUBCHAPTER B

Minimum Standards for Fire Inspector Certification

§429.201. Minimum Standards for Fire Inspector Personnel – New Track.

- (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--New Track) 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 – New Track.

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, three semester hours; or Fire Prevention Codes and Inspections, three semester hours;

- (iii) Building Code, three semester hours;
- (iv) Building Construction, three semester hours;
- (v) Hazardous Materials, three semester hours. (Total semester hours, 15*. NOTE: Building Code and Building Construction may be combined into a single three-semester hour class. If this is the case, the total semester hours may be reduced to 12. Hazardous Materials I or II may be used to satisfy the requirements of Hazardous Materials). ~~[-or]~~

~~[(D) — successful completion of a National Fire Academy program for fire inspection. The program must include the basic course, Fire Inspection Principles I, and two of the following courses or their successors:~~

- ~~(i) — Fire Prevention Specialist II; or~~
- ~~(ii) — Plans Review for Inspectors; or~~
- ~~(iii) — Code Management: A Systems Approach; or~~
- ~~(iv) — Management of Fire Prevention Programs; or~~
- ~~(v) — Strategic Analysis of Fire Prevention Programs.]~~

§429.205. Minimum Standards for Intermediate Fire Inspector Certification – New Track.

Applicants for Intermediate Fire Inspector certification holding a prerequisite Basic Fire Inspector certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification – New Track) must have acquired four (4) years experience appointed as a fire inspector.

§429.207. Minimum Standards for Advanced Fire Inspector Certification--New Track.

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--New Track);
- (2) acquire as a minimum eight (8) years experience appointed as a fire inspector; and
- (3) show successful completion of Fire Inspector III and Plans Examiner II courses meeting the applicable job performance requirements as identified in NFPA 1031, Professional Qualifications for Fire Inspector and Plan Examiner.

§429.209. Minimum Standards for Master Fire Inspector Certification – New Track.

(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.

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

(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 state examination prior to January 1, 2005, may be granted IFSAC seals for Inspector I and Inspector II by making application to the commission for the IFSAC seals and paying applicable fees.
- (d) Individuals who pass the applicable state examination 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.
- (e) 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

10. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. **Discussion and possible final adoption on proposed amendments, new sections, repeals, and rule reviews as follows:**
 2. **Proposed amendments to 37 TAC, Chapter 431, Fire Investigation, Subchapter A, including, but not limited to §431.3.**

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 and successfully pass the commission examination pertaining to that curriculum.
- (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 Requirements 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 Commission as a peace officer with the employing entity for which the arson investigations will be done; 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 a National Fire Academy program for fire investigation. The program must include the basic course, Fire Arson Investigation, and two of the following courses or their predecessor:~~
 - ~~(i) Arson Detection; or~~
 - ~~(ii) Fire Cause Determination for Company Officers; or~~
 - ~~(iii) Initial Fire Investigation; or~~
 - ~~iv) Management of Arson Prevention and Control.]~~
 - ~~(B)(C)~~ 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: Arson Investigator, 3 semester hours; Hazardous Materials, 3 semester hours; Building Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12. The three semester hour course "Building Codes and Construction" may be substituted for Building Construction. Arson Investigator I or II may be used to satisfy the requirements of Arson Investigation. Hazardous Materials I or II may be used to satisfy the requirements of Hazardous Materials.

§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 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 are appointed fire investigation duties must be, as a minimum, certified as a structure fire protection personnel or fire investigator by the commission.
- (b) Prior to being appointed to fire investigation duties, personnel who are not certified as structure fire protection personnel must complete a commission approved basic fire investigator training program and successfully pass the commission examination pertaining to that curriculum.
- (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 Requirements 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
 - (C) Option 3—Completion of coursework from either the A-List 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.

§431.209. 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 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.

- 10. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
 - 1. Proposed amendments to 37 TAC, Chapter 427, Training Facility Certification, Subchapter A, On-Site Certified Training Provider, including, but not limited to §427.7.**

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.
- (h) An on-site training provider certified for the first time by the commission will receive, at no charge, one Commission Certification Curriculum and Standards Manual on CD that is to be utilized by the certified on-site training provider's instructors. The on-site provider is responsible for ensuring that all subjects are taught as required by the respective curriculum. Additional CD copies may be purchased from the commission or downloaded from the agency web site. On-site training providers that renew their certification will receive appropriate updates at no charge.

§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. ~~[Protective clothing and elements that are no longer of 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.]~~

- 1. Protective clothing and elements no longer of 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;
 - (E) ladders;
 - (F) fire hose, appliances, and streams;
 - (G) overhaul;
 - (H) water supply;
 - (I) ventilation; and
 - (J) forcible entry.
- (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.
- (e) A distance training provider certified for the first time by the Commission will receive, at no charge, one Commission Certification Curriculum and Standards Manual on CD to be utilized by the certified distance training providers' instructors. The distance training provider is responsible for ensuring that all subjects are taught as required by the curricula. Additional CD copies may be purchased from the Commission or downloaded from the agency website. Distance training providers that renew their certification will receive appropriate updates at no charge.

§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 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) 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 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) Fails to meet at least a 70 percent student pass rate on the state certification examination per course.

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 §427.305 of this title.
- (c) 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 that the skill evaluations took place, and the names of the field examiners who conducted the evaluations.

§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, a schedule of periodic, final, and skills tests, and a class schedule at least 20 days prior to the proposed starting 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. See §439.5(b) of this title.
 - (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.
- (d) Approved courses are subject to audit by Commission staff at any time during the approved schedule. Any deviation in the approved course schedule, content, 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, final, and skills testing conducted by training providers during and at the end of a training program. 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 written tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. In addition to periodic tests, a comprehensive final written test must be administered. A passing score of 70% must be achieved on all required written tests. If a course is taught in phases, one comprehensive final written test shall be administered at the completion of all phases and a passing score of 70% must be achieved.

- (d) If performance skill evaluations are part of the applicable curriculum, performance testing records shall be kept in accordance with §427.301 of this title. This will ensure that each trainee has demonstrated an ability to competently and carefully perform all tasks and operations associated with the training, both individually and as a member of a team.
- (e) During the course of instruction, the provider of training shall test for competency all performance skills listed in the applicable curriculum. This applies only for curricula in which performance standards have been developed. Skill evaluations may take place at any time during the academy but must take place after all training on the identified subject area has been completed. The number of opportunities to successfully complete particular performance skill objectives evaluated during an academy is at the discretion of the designated training officer. Retests must be conducted prior to the administration of the Commission designated performance evaluations. All skills must be demonstrated in the presence of a Commission-approved field examiner.

§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.

10. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. **Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
 2. **Proposed amendments to 37 TAC, Chapter 435, Fire Fighter Safety, including, but not limited to new §435.25, Courage to be Safe Program.**

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.
- (d) In accordance with §419.043, Texas Government Code and subsection (b) of this section as set out hereinabove and consistent with past practice with respect to the implementation of NFPA standards when immediate implementation of a standard as written is impractical for Texas, the modifications contained in Sections 10.1.2, 10.1.3, and 10.1.3.1 of the 2008 Edition of NFPA 1851 (effective June 24, 2007) shall be implemented as follows:
- (1) with respect to Section 10.1.2, structural fire fighting ensembles and ensemble elements shall be retired in accordance with Section 10.2.1 of the 2008 Edition of NFPA 1851, no more than 12 years from the date the ensembles or ensemble elements were manufactured, or no more than 10 years from the date the ensemble or ensemble elements were first put into service;
 - (2) with respect to Section 10.1.3, proximity fire fighting ensembles and ensemble elements shall be retired in accordance with Section 10.2.1 of the 2008 Edition of NFPA 1851, no more than 12 years from the date the ensembles or ensemble elements were manufactured, or no more than ten years from the date the ensemble or ensemble elements were first put into service; and
 - (3) with respect to Section 10.1.3.1, the radiant reflective outer shells shall be retired in accordance with Section 10.2.1 of the 2008 Edition of NFPA 1851, no more than 7 years from the date the outer shells are manufactured or no more than 5 years from the date the outer shells were first put into service.

- (e) Subsections (d) and (e) of this section will expire March 1, 2011.

§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 Program

- (a) In an effort to improve firefighter safety in the State of Texas, all fire protection personnel certified by the Texas Commission on Fire Protection are required to complete the "Courage to be Safe Program" utilizing an instructor approved by the National Fallen Firefighter Foundation by December 1, 2015.
- (b) All certified fire protection personnel appointed duties after December 1, 2015 will be required to complete the "Courage to be Safe Program" training within one year of the date of appointment to the fire department.
- (c) Texas Commission on Fire Protection Compliance Inspectors will verify fire department and individual training records to ensure that all regulated fire protection personnel have accomplished this training after this date. Records would include the name of the individual fire fighter, name of the instructor and the date of the training.

10. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - C. **Discussion and possible action on appointment of Chuck French to the Curriculum and Testing Committee.**

10. **Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - D. **Report from the Curriculum and Testing Committee.**

11. **Update from standards division director on matters relating to the activities of the following committees: International Fire Service Accreditation Congress, Respiratory Protection and Personal Alarm Equipment Committee, Fire Service Occupational Safety Committee, NFPA 1971 Technical Committee, and NFPA Technical Correlating Committee on Fire and Emergency Services Protective Clothing and Equipment.**

2010 IFSAC Annual Conference
Oklahoma City, Oklahoma
April 14-17, 2010

IFSAC Summary Update

1. The 2010 Annual IFSAC Conference marked the 20 year anniversary of IFSAC.
2. Tim Bradley who has been the Chair of the Certificate Assembly Board of Governors for the last 15 years, and was one of the founding members, stepped down. Rob Pike, Programs Supervisor, Office of the Fire Commissioner, Manitoba Emergency Services College, was elected as the new Chair by the other board members. Mr. Bradley has accepted the invitation of the IFSAC Manager to fill the position of Parliamentarian for IFSAC.
3. A "Code of Conduct" policy that was developed for the entire IFSAC organization was reviewed and passed by the Congress. The next step is for the Ethics committee to develop a formal process in handling alleged violations of the code.
4. The Committee on Site Teams presented a timeline to be added to the IFSAC Accreditation Procedures that was approved by the Certificate Assembly. A new timeline that required an earlier submission of the entity's application/self-study documents was needed in order to accommodate the scheduling of international travel.
 - a. IFSAC Administration will send notification to the entity twelve (12) months prior to when a site visit is due.
 - b. Entities will be required to provide preliminary site visit dates to IFSAC Administration no less than six (6) months prior to when the site visit is due. A site team leader is appointed at this time.
 - c. Completed applications must be submitted by the entity to IFSAC Administration no less than 90 days prior to the scheduled site visit. The information is sent to the site team leader for a technical review for completeness.
 - d. After the site team leader has completed his/her review of the entity' application/self-study documents, the entity will be notified no less than sixty (60) days prior to the scheduled site visit about whether the site visit will proceed. The remaining site team members are confirmed and sent the self-study/application.
5. The Fall 2010 IFSAC meeting will be held in Halifax, Nova Scotia, Canada, September 24-25, 2010. The 2011 Annual IFSAC Conference will be held April 13-16, 2011 in Newfoundland, Canada.
6. Based on the IFSAC Manager's report given at the meeting, the Certificate Assembly currently has 67 members, 10 participating countries, 51 accredited entities, and 829,898 IFSAC seals in the International Registry. The following two new voting member applications were approved by the Certificate Assembly:
 - a. Florida State Fire Marshal, Bureau of Fire Standards & Training
 - b. National Academy for Professional Training, Qatar
- 7.

- 12. Discussion and possible action on direction from commissioners regarding development of recommendations for reducing fire protection personnel injuries and reporting that data annually to the State Fire Marshal.**

TEXAS COMMISSION ON FIRE PROTECTION



On-Duty Injury Reports

2010

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Executive Summary

The Executive Summary details three areas of the data collection process and explains the rationale behind the information found in this first annual report. The areas are: Fire Fighter Injuries and Casualties; Firefighter: Individual and Department Online (FIDO) System; and Reports, Information, and Data Collection.

Fire Fighter Injuries and Casualties

One of the Texas Commission on Fire Protection's main priorities is to ensure the safety of the state's fire fighters. The commission accomplishes this goal by establishing education and training standards for fire fighter certification, and by enforcing standards regarding protective clothing, breathing apparatus, and standard operating procedures.

On September 1, 2001, the State Fire Marshal's Office (SFMO) became responsible for investigating all line-of-duty deaths involving fire-service personnel in Texas. The commission assists the SFMO with these investigations upon request by inspecting protective clothing and self-contained breathing apparatus for compliance with applicable National Fire Protection Association (NFPA) standards and state statutes. The agency also inspects training records and standard operating procedures for compliance with state statutes.

On September 1, 2009, new provisions in Chapter 419 of the Government Code gave the commission the authority and responsibility to gather and evaluate data on fire protection personnel injuries, and to recommend ways to reduce the number of fire protection personnel injuries. The statute requires the commission to forward its report and recommendations to the SFMO by September 1 of each year.

Firefighters: Individuals and Departments Online (FIDO)

To facilitate the gathering of data on fire protection personnel injuries, the commission has internally developed a web-based software application called FIDO. (Chapter 419 requires the commission to provide interactivity with its customers via the internet; the FIDO system is restricted to registered users, including:

1. Fire departments with a commission-assigned fire department identification (FDID) number.
2. Other fire protection-related entities with a commission-assigned FDID, such as fire marshals, training schools, law enforcement agencies, etc.
3. Individuals with a commission-assigned personal identification number (PIN). These individuals include certified fire fighters, department administrators, etc.

The purpose of the FIDO system is two-fold. For fire departments and registered entities, the FIDO system will allow departmental account users to:

- File reports with the commission
- Manage department data
- Manage department employee data
- Generate reports in real time

For individual fire fighters, the FIDO system will allow users to:

- Manage personal data
- Generate reports in real time, such as certification cards

The FIDO system has strong identity management controls. Regulated departments must assign their own users, beginning with “Level 1” users, who are the owners of department data. (Typically the “Level 1” user is the fire chief or head of the department.) The commission creates accounts for Level 1 users only upon receipt of a written request, on the department’s letterhead, with the head of department’s signature.

When the Level 1 account for a department has been created, the department can then assign additional users with specific access rights to the system, depending upon the department’s specific needs. Departments can also create individual accounts for their employees, to enable individuals to manage their personal information.

The agency began creating accounts for departments early in 2010 and will continue the process throughout the next biennium.

Reports, Information, and Data Collection

This report contains data submitted by commission-regulated departments. The departments have expended both time and resources to submit the data and have been willing participants in the legislations’ attempt to improve the safety of fire fighters. This report illustrates the statistical information that the commission can derive from the data in a variety of ways.

The report will detail the type of injuries incurred by fire fighters in the performance of their duties as well as the following:

- Injury by body location
- Severity of the injury
- Age or age groups of the injured
- Activities at the time of injury

The report will compare Texas trends with those of the National Fire Protection Association’s annual report, “U.S. Firefighter Injuries.” The intent of this report is to identify trends and recommend methods and practices to reduce future injuries. Fire departments, individual fire fighters and other interested parties should be able to review the data and identify cause-and-effect relationships surrounding injuries, both within individual departments and across the state.

Commission staff will compile the data collected via the FIDO system and will make it available for the commissioners’ review on an annual basis.

The commission staff will base future editions of this report on a calendar year cycle. During the first quarter of each new calendar year, the commissioners will review the data from the previous year. This review will allow for discussion and adoption of the final report in a timely manner for submittal to the SFMO.

2010 Injury Reports

Statutory and Administrative Authority

During the 81st Legislative session, the Texas Legislature passed into law Texas Government Code, §419.048, requiring the Texas Commission on Fire Protection to begin gathering and analyzing fire service injury data. At its January 2010 meeting, the commission adopted new rules requiring regulated entities to report injuries to the commission. The administrative rules that enable the commission to complete this task are codified in the 37 TAC Chapter 435, Fire Fighter Safety:

§435.23. Fire Fighter Injuries

- (a) A fire department shall report all Texas Worker Compensation 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) Investigable 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. Investigable 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.*

Affected Populations

The commission regulates approximately 640 entities. There are approximately 1,900 volunteer fire departments in Texas. Volunteer fire departments are not regulated by the commission.

The commission estimates that the Texas fire service consists of approximately 68,000 fire fighters, of whom roughly 26,000 are subject to commission certification requirements. The commission estimates that there are approximately 42,000 unregulated volunteer fire fighters in the state.

Of the 640 entities regulated by the Texas Commission on Fire Protection that were sent letters to establish an on-line account for reporting injuries, as of June 15, 2010, 476 entities have created their FIDO accounts. These accounts are the gateway to the online injury reporting program. Of the 476 entities registered, 56 entities have participated by submitting injury reports via the on-line program. Thus, this initial report is based on the reporting of 9 percent of the potential reporting entities.

The commission thanks those entities who have begun reporting injuries and encourages their continued reporting. The commission strongly encourages those entities that are not reporting injuries to begin doing so. Full participation will make the state's data more valid, particularly when comparing Texas data to national data. Reporting departments can also benefit by comparing data between state regions and among similar departments.

Background

The commission's injury reporting system is designed to comply with its establishing legislation, while recognizing the inherent risks associated with the services provided by today's fire departments. The commission's enabling legislation helps address these risks by providing the commission with the authority to set statewide standards. The commission correlates the injury data to existing regulations that cover the following areas:

- Proper utilization, care, selection, and maintenance of all personal protective equipment (PPE).
- Proper utilization, care, selection, and maintenance of self-contained breathing apparatus (SCBA).
- Proper utilization, care, selection, and maintenance of personal alert safety system (PASS) devices.
- Proper adherence to policies and procedures pertaining to the:
 - National Incident Management System (NIMS).
 - Personnel Accountability System.
 - Operating at Emergency Incidents.
 - Interior Structural Fire Fighting with emphasis on the "two-in/two-out" rule.
 - Wellness and Fitness initiatives.

In the process of reviewing the submitted injury reports, the commission staff will determine whether to seek additional information or conduct investigations of each reported injuries, based on:

- the information provided by the submitting department.
- the explanation of the injury as narrated by the submitting department.
- the involvement of any of the above-listed equipment or SOPs.
- the seriousness of the injury.

If the commission staff determines that an investigation is warranted, the assigned investigator (typically the regional compliance officer and any additional support staff) will first review all of the above-listed items. Additionally, the investigator may review the following items:

- Individual continuing education records for the past two certification periods.
- Protective clothing inspection records [NFPA 1851 and 37 TAC 435.1(3)].
- Breathing air test records for the past two years [37 TAC 435.3(4)].
- SCBA cylinder hydrostatic test records [37 TAC 435.3(5)].
- SCBA annual full-function test records [37 TAC 435.3(8)].
- SCBA duty period inspection records for in-service units [37 TAC 435.3(3)].
- Reserve SCBA weekly inspection records [37 TAC 435.3(3)].
- PASS in-service duty period inspection records [37 TAC 435.9(3)].
- SCBA maintenance authorization certificates [37 TAC 435.9(8)].
- Annual SCBA full-function test machine calibration certificate [37 TAC 435.3(8)].
- SCBA bottle hydrostatic testing vendor DOT certificate [37 TAC 435.3(5)].

The investigator may also review other documents pertaining to the incident, as well as documents pertaining to testing, care, and maintenance of listed items since the occurrence of the injury event. Potentially, a review of past commission-required records (previous inspections, certifications, course approvals and records, and investigations) may be included in the document reviews.

In the event the injury occurred at a certified training facility, the investigator may require the following additional information:

- Name of chief training officer/training coordinator.
- List of instructor staff.
- Records from certification courses delivered in the past two certification periods.
- Records for protective clothing used by students participating in live fire training.
- Records of SCBA used by students in live fire training (inspection, annual testing, air quality).
- Standard operating procedures (PPE, SCBA, PASS, accountability and incident command).
- Reference materials required for each discipline in which the facility holds certification.

Based on the findings of the investigation, the commission may conduct hearings to determine the need for administrative action concerning the injury incident.

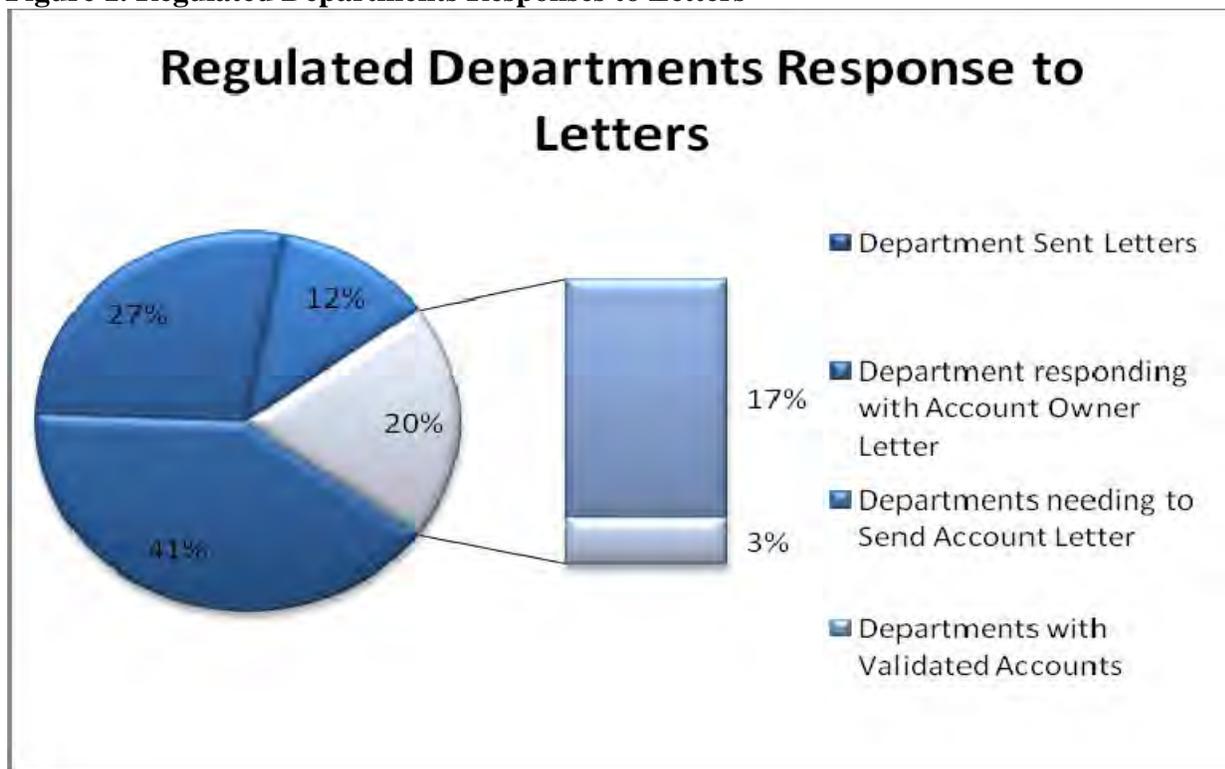
Overall Results

The information contained in this report is based on 56 entities reporting of the 640 regulated entities in the State of Texas. Of the regulated entities that are required to report, the following information pertains to these entities are:

Table 1. Departments and Percentages

	Number of Departments	Percentages
Departments Sent letters	640	100%
Departments responding with Account Owner Letter	476	74%
Department needing to send Account Letter	176	28%
Departments with Validated Accounts	279	44%
Departments with Reported Injuries	56	9%

Figure 1. Regulated Departments Responses to Letters



Departments with Validated Accounts	279
Departments with Reported Injuries	56

The overall results of this first reporting period – March 1 to June 15, 2010, reveals that only 9% of the regulated departments reporting. The reporting departments reported a total of 427 injuries for this time period.

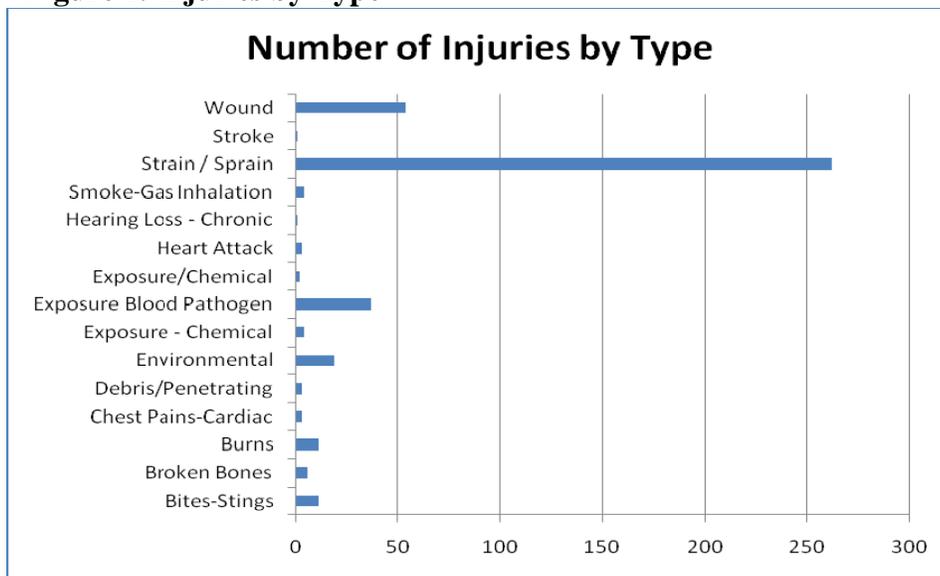
Injuries by Type

The reported injuries fall into the following categories:

Table 2. Injuries by Type

Type of Injury	Count
Bites-Stings	11
Broken Bones	6
Burns	11
Chest Pains – Cardiac	3
Debris/Penetrating	3
Environmental	19
Exposure - Chemical	4
Exposure Blood Pathogen	37
Exposure/Chemical	2
Heart Attack	3
Hearing Loss – Chronic	2
Smoke-Gas Inhalation	4
Strain / Sprain	262
Stroke	1
Wound	54

Figure 2. Injuries by Type



During this first reporting period, 67 percent of the reported injuries were strains and sprains. The second-highest injury type was wounds, which accounted for 11.6 percent of reported injuries. Exposure to blood pathogens was the next highest, at 8.7 percent.

Injuries by Severity

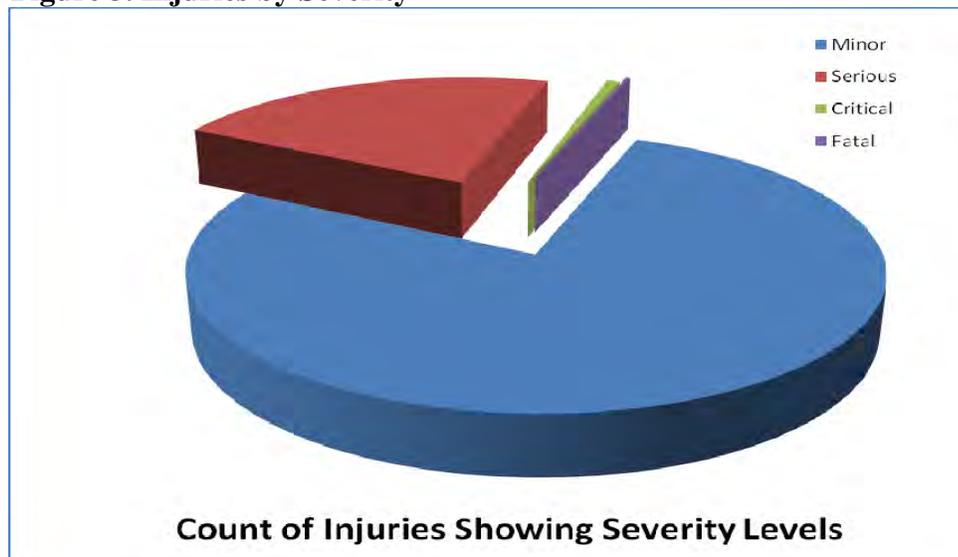
In addition to categorizing injury types, the commission classifies injuries by their level of severity. The levels of severity are minor, serious, critical, and fatal.

As for the level of severity, minor injuries accounted for 77.3 percent of the reported injuries, while 21.8 percent were serious; and 0.007 percent was critical injuries. One fatal injury was reported; the fatal injury occurred in a non-fire/non-rescue scenario.

Table 3. Injuries by Severity

Severity	Count
Minor	330
Serious	93
Critical	3
Fatal	1
	427

Figure 3. Injuries by Severity



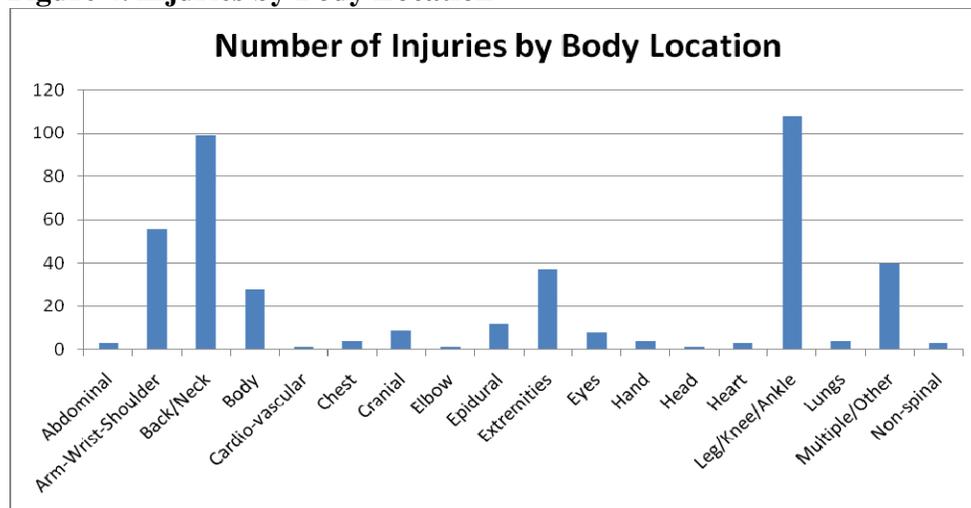
Injuries by Body Location

The body part affected by the injury is often associated with the type of injury and its severity. Of the reported injuries, the leading body parts affected were leg, knee, and ankle joints, with 25.7 percent, followed closely by back and neck injuries with 23.5 percent. These two body part injury locations accounted for 51 percent of all injuries.

Table 1. Injuries by Body Location

Body Location of Injury	Number of Injury
Abdominal	3
Arm-Wrist-Shoulder	56
Back/Neck	99
Body	28
Cardio-vascular	1
Chest	4
Cranial	9
Elbow	1
Epidural	12
Extremities	37
Eyes	8
Hand	4
Head	1
Heart	3
Leg/Knee/Ankle	108
Lungs	4
Multiple/Other	40
Non-spinal	3

Figure 4. Injuries by Body Location



Injuries by Type of Duty

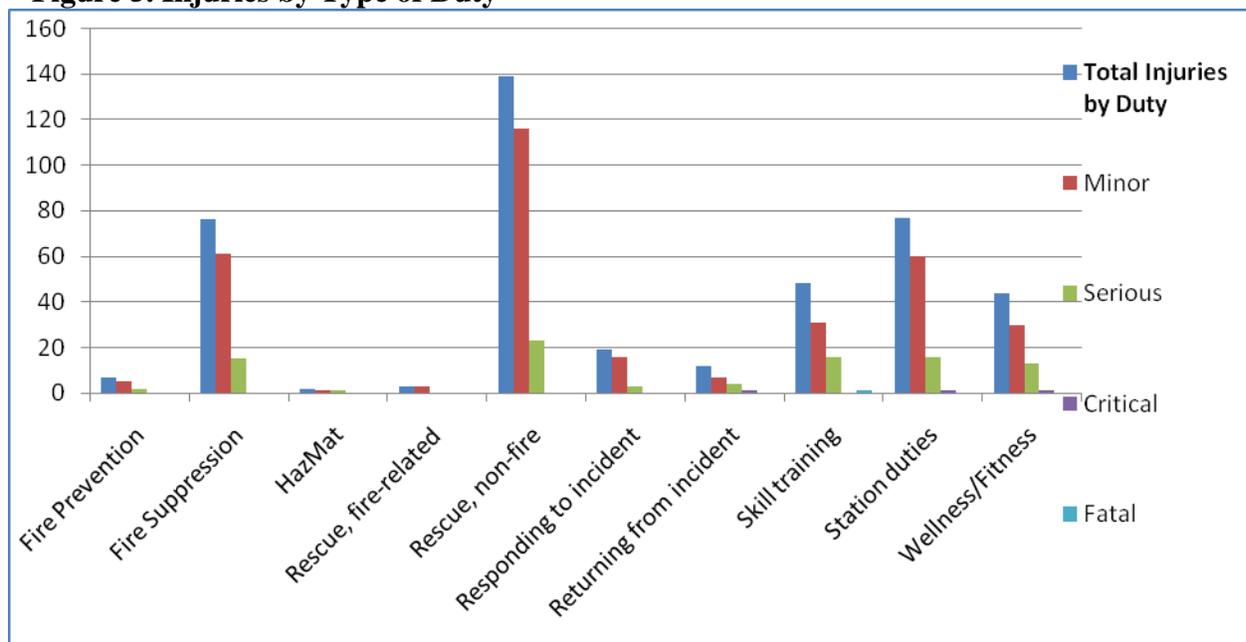
The type of duty performed by fire service personnel varies, but the results show that non-fire suppression-related duties accounted for slightly over half (50.65 percent) of the reported injuries. Rescue (non-fire-related) accounted for 32.6 percent of reported injuries and station duties accounted for 18.05 percent. Rescue (non-fire-related) is associated most closely with emergency medical services (EMS) functions of the fire service.

Fire suppression duties accounted for the third-highest number of injuries with 17.8 percent.

Table 5. Injuries by Type of Duty

Type of Duty	Total Injuries	Minor	Serious	Critical	Fatal
Fire Prevention	7	5	2		
Fire Suppression	76	61	15		
HazMat	2	1	1		
Rescue, fire-related	3	3			
Rescue, non-fire	139	116	23		
Responding to incident	19	16	3		
Returning from incident	12	7	4	1	
Skill training	48	31	16		1
Station duties	77	60	16	1	
Wellness/fitness	44	30	13	1	

Figure 5. Injuries by Type of Duty



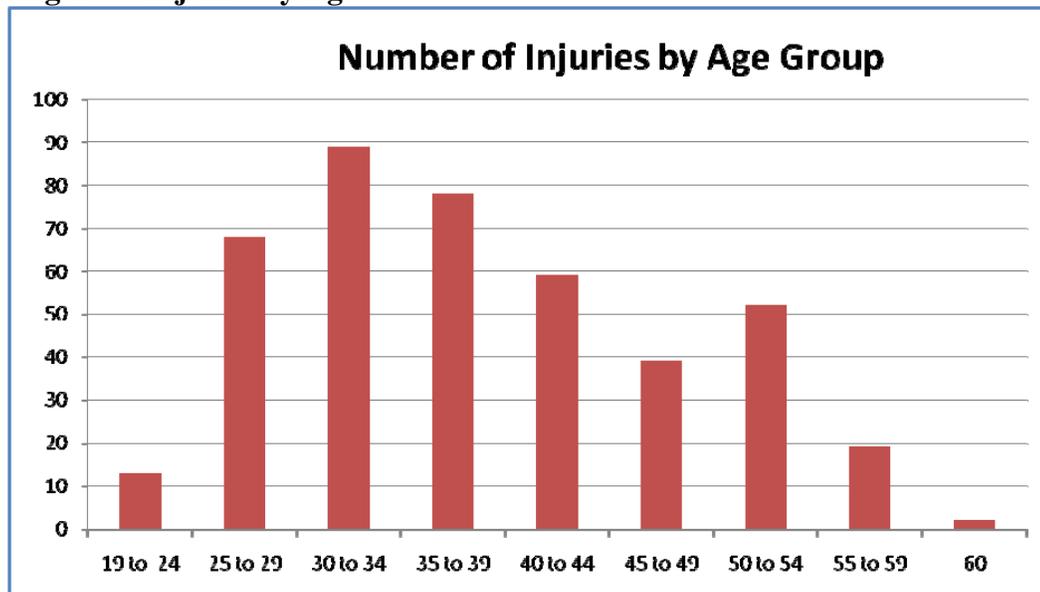
Injuries by Age

Injuries by age or age groups as shown in this report are provided for informational purposes only at this time. There is not enough statistical data for regulated departments to draw any significant conclusions regarding age or age groups.

Table 6. Injuries by Age

Injuries by Age	Count
19 to 24	9
25 to 29	38
30 to 34	56
35 to 39	50
40 to 44	36
45 to 49	25
50 to 54	26
55 to 59	26
60	1

Figure 6. Injuries by Age



Comparison to National Trends

Comparing the State of Texas regulated departments injuries with those reported to the National Fire Protection Association’s (NFPA) *U.S. Firefighter Injuries – 2008* (the latest version available for comparison at this time), will be of limited value due to the following:

- This report is the first year of injury reports from regulated departments in Texas, and the data from NFPA to which we would compare it is two years old.
- The enabling legislation mandates the collection of different information or data, so not all categories will be available for comparison. (For example, the NFPA report provides a comparison based on department size, but the commission does not collect data on department size.)
- The NFPA defines categories of duties differently than the commission does, so in order to compare categories, the commission has had to make some assumption. For example, NFPA has a category of “Other Duties,” but there is no definition of what “other duties” this category includes. The commission has combined fire prevention, station duties, and wellness/fitness into this “other duties” category for comparison with the NFPA’s “Other Duties” category.
- For comparison purposes and to achieve continuity among the data from each source, not all types of injuries categories are compared to each other in this report. Only those that are identified as being in common are listed in the comparison.

The comparison does, however, reveal some interesting facts. The injuries reported by commission-regulated departments do appear to track statistically close to the NFPA-reporting departments in the areas of “Responding to or Returning from an Incident,” “Training/Skills Training,” and “Other Duties.” However, in the areas where there is a difference, the difference is statistically a 2:1 ratio variance. In the category of “Fireground Operations,” the NFPA-reporting departments are twice as likely to have an injury when performing this duty, but the reverse is true for “Non-Fire Emergency Operations.”

Table 7. Commission vs. NFPA Injuries by Type of Duty

	Responding to or Returning from Incident		Fireground Operations		Non-Fire Emergency Operations		Training / Skills Training		Other Duties		Total
Commission regulated	18	7.69%	51	21.79%	83	35.47%	31	13.25%	51	21.79%	234
NFPA reporting	4,965	6.23%	36,595	46.93%	15,745	19.76%	8,145	10.22%	14,250	17.88%	79,700

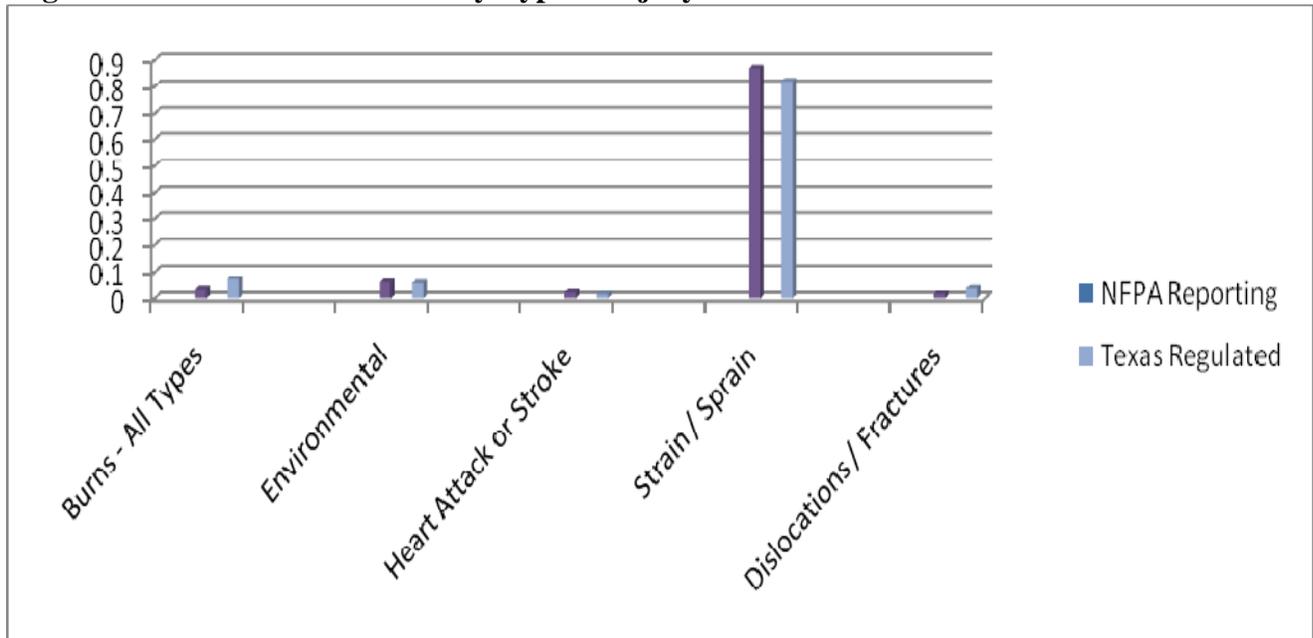
- “Commission-regulated departments – fireground operations” include fire suppression and rescue (fire-related) incidents.
- “Commission-regulated departments - non-fire emergency operations” include rescue (non-fire-related) incidents and hazardous materials incidents.
- “Commission-regulated departments - other duties” include fire prevention, station duties, and wellness/fitness.

The information utilized in developing a comparison between the Texas regulated departments and the National Fire Protection Association also allows a comparison based on type of injury. This information reveals:

Table 8. Commission vs. NFPA by Type of Injury

Type of Injury	Texas Regulated		NFPA Reporting	
	Count	Percentage	Count	Percentage
Burns - All Types	11	3.61%	3,725	7.23%
Environmental	19	6.23%	2,890	5.62%
Heart Attack or Stroke	7	2.3%	770	1.50%
Strain / Sprain	262	72.13%	42,200	82.00%
Dislocations / Fractures	6	1.97%	1,880	3.65%
Total	305		51,465	

Figure 8. Commission vs. NFPA by Type of Injury



Although the number of comparable injuries varies greatly, the data reflects the same trends and reveals only minor difference which, given the available data, would be found to be statistically insignificant. As in the Texas regulated departments, the leading type of injuries in the NFPA reporting departments is found under the category of “Strain / Sprain.” The Texas regulated departments experienced these types of injuries 72.13% of the times while the NFPA reporting departments experience these types of injuries 82.0% of the time.

Investigations

During this initial reporting period, the Commission's compliance section conducted several follow-up telephone calls for clarification, correction of information submitted (i.e. gender selection varied from narrative statement's gender), and response to inquiries from departments concerning the process and procedures for reporting injuries.

Commission compliance officers formally investigated one reported injury. The injury involved a fire fighter who received burns to the hands while performing fire suppression duties at a residential occupancy. The fire suppression activities occurred at a residential occupancy (approximately 20,000 square feet) that was protected by a fire sprinkler system in the living areas but not in the attic spaces. The fire leading to the injuries was located in one of the attic spaces. In investigating this event, the following information was discovered:

1. The individual was involved in fire suppression activities which mainly consisted of looking for fire extension into the attic spaces of a single-family residence.
2. The individual had available all the appropriate personal protective equipment (PPE) necessary for fire suppression activities in accordance with the policies and procedures of the regulated department and in compliance with commission rules and regulations.
4. The individual was utilizing a properly maintained and donned self-contained breathing apparatus. The individual was in the process of re-donning PPE based on the discovery of a fire in one of the attic spaces but had not re-donned all of the components – gloves were the last item to be donned and this had not be done prior to the individual being exposed to the elements of the fire (heat and possible fire components).
5. The individuals involved in this event did maintain team integrity.
6. The individuals in this event were able to self rescue by evacuating the structure via an interior stairway.

The individual involved in this incident received second-degree burns to the hands due to exposure to fire elements. The individual was transported to the local burn unit where treatment was provided. The individual was later released from the hospital after treatment and was not required to spend time in the hospital beyond the initial treatment period. The individual was cleared to return to work with restriction on the following day. The individual did not return to full duty for 27 days from the initial date of the injury.

In addition to this formal investigation, another event would have warranted similar action but due to the lapse time between the event and the report being received by the Commission, an informal telephone investigation was conducted. This event also pertained to fire suppression activities, this time in a commercial occupancy. The fire suppression crew responded to a reported "smoking printer" but arrived to find a small fire involving the office equipment.

Per the telephone investigation, the following information can be reported:

1. The fire suppression crew entered the occupancy as a team and maintained team integrity.
2. The fire suppression crew did not don SCBA prior to entry into a potentially hazardous environment
3. The fire suppression crew was able to self rescue from the potentially hazardous environment.

Two (2) fire fighters were transported to the hospital for the treatment of smoke inhalation. One (1) of the fire fighters has returned to work without restriction missing only one shift. The other individual has not returned to work as of this report.

The department has addressed all issues internally. Based on the telephone investigation, no further action was warranted by the Commission at this time.

Definition and Terms

Activity: The assigned duty or task at the time of injury that the individual was performing.

Body Location of Injury: The anatomical or physiological location or body part that sustained an injury or insult.

FDID: Fire department identification number, a unique number assigned by the commission through an automated process to identify each department and data associate with said department.

Firefighter: Individual and Department On-line (FIDO) system: FIDO is an official, web-based, software application provided by the Texas Commission on Fire Protection (TCFP). This application is implemented as per [§419.012 of the Texas Government Code](#), which mandates TCFP to provide interactivity via the Internet for regulated entities and individuals.

Level 1- Primary Account Owner/Account Owner: a department employee with full rights who can do anything to manage the department's records or contacts with TCFP. At least one (1) person must have Level 1 rights and be designated as the Primary Account Owner.

Level 2: A department employee with Level 2 rights can do anything to manage the department's records with TCFP **except** assigning / removing department administrators. This role will typically be for smaller departments where the same person(s) is doing the two (2) roles listed under Level 3 and Level 4 below.

Level 3: A department employee with Level 3 rights can do anything that is considered department administration. Examples are: Change of duty or removal from appointment, generating renewal statements, etc. This role will typically be for larger departments.

Level 4: A department employee with Level 4 rights can do the functions with the commission that pertain to certain reporting requirements. This role will typically be for larger departments and would not include the ability to submit change of duty or removal from appointment, generating renewal statements, etc. This role would be to submit things like the "Injury Report."

Line of Duty Deaths (LODD): An event that leads to the loss of life while the individual is performing an assigned duty or preparing to perform an assigned duty associated with the fire service or associated duties of the fire service.

National Fire Protection Association (NFPA): The mission of the international nonprofit NFPA, established in 1896, is to reduce the worldwide burden of fire and other hazards on the quality of life by providing and advocating consensus codes and standards, research, training, and education. It is the world's leading advocate of fire prevention and an authoritative source on public safety, NFPA develops, publishes, and disseminates more than 300 consensus codes and standards intended to minimize the possibility and effects of fire and other risks.

Severity: The level of damage or insult sustained by the individual as a result of an injury. The severity is divided into the following categories on the injury report:

Minor: An injury resulting in no loss of time or deviation from the individual's original duty assignment.

Serious: An injury resulting in loss of time or deviation from the individual's original duty assignment due to their ability to perform the original assignment.

Critical: An injury resulting in loss of time or deviation from the individual's original duty assignment and treatment in a medical facility other than seeking treatment and release.

Fatal: An injury resulting in loss of life.

State Fire Marshal's Office (SFMO): Since 1997 the State Fire Marshal's Office (SFMO) has been part of the Texas Department of Insurance as directed by SB 371, 75th Legislature. Mission: To reduce loss of life and property due to fire and related hazards.

Through the efforts of four divisions, Prevention and Outreach, Fire Safety Inspections, Licensing and Enforcement, and Fire Investigations, and in collaboration with private sector entities, the regulated fire service industry, the Texas fire service, local and state agencies, and the public, the SFMO seeks to create communities well prepared to protect themselves against fire.

State Firemen's and Fire Marshals' Association (SFFMA): The SFFMA is one of the largest trade associations in Texas. The 134 year old organization is the oldest and the largest fire service association in the state. Membership includes 1200 fire departments, 21,000+ individual members, and 80 industrial fire brigades. The cornerstone of the organization is the Certification Program for volunteer firefighters, which encourages training, education and certification for all volunteers. The SFFMA founded and now supports and sponsors the world's largest fire training school, at Texas A&M University, providing instructors and professional service on the TEEX Fire School's Advisory Board. In addition, the association is extremely active in its legislative efforts that affect the fire service of Texas.

Texas Commission on Fire Protection (TCFP): The Texas Commission on Fire Protection is a Texas State regulatory agency charged with the statutory authority and role to serve Texas fire departments by:

- providing resources to Texas fire departments with critical equipment and training needs, and
- establishing and enforcing standards for fire protection personnel training, protective clothing, and self-contained breathing apparatus.

Type of Injury: The selected options detailing the nature of the injury and its source or root cause which inflicted bodily damage to the individual.

Statistics and Trends in Fire Fighter Injuries **(Future Inclusion)**

Recommendations **(Commission Input Required)**

13. Discussion and possible action regarding Pro Board Certification reciprocity.



ProBoard Fire Service Professional Qualifications System International Accreditation for Fire Service Organizations

HISTORY AND OVERVIEW

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In 1972, the Joint Council of National Fire Service Organizations (Joint Council) founded the National Professional Qualifications System (NPQS) in an effort to help guide the fire service toward professionalism. Certification arose over a concern that training was becoming very uneven between jurisdictions and sometimes even inadequate. As a result of these concerns, a nine member National Professional Qualifications Board (Pro Board) was established by the Joint Council to direct the new accreditation and registry system.

In order to develop a system of rationalized training for fire fighters, the Pro Board requested that the National Fire Protection Association (NFPA) charge consensus technical committees with the development of unambiguous standards to be used in the certification process. It is important to remember that the professional standards were developed by persons performing the jobs (e.g. fire fighters worked on the fire fighter standards, fire investigators on the fire investigator standard, etc.). The initial standard for professional competency was developed for Fire Fighter in 1974.

After the dissolution of the Joint Council, the National Professional Qualifications System was incorporated in July 1990 as the National Board on Fire Service Professional Qualifications (NBFSPQ) and continues to be referred to as the Pro Board. The Pro Board operates under the direction of a Board of Directors consisting of one member from the International Association of Arson Investigators (IAAI), International Association of Fire Chiefs (IAFC), National Association of State Fire Marshals (NASFM), National Fire Protection Association (NFPA), and, North American Fire Training Directors (NAFTD) and issues accreditation to those agencies that test to approved fire service standards. Today, accreditation is issued for certification in 72 levels of sixteen standards of fire service related competencies. Individuals may become certified in as many disciplines as they desire. And, because examinations are based on widely available NFPA standards, the Pro Board avoids problems inherent to local or regional certification systems.

In its most simple form, certification means that an individual has been tested by an accredited examining agency on a body of clearly delineated material and found to meet or exceed the minimum standard. In this instance, certification provides the individual with the opportunity to test skills and knowledge against peers from all types of fire departments and fire service agencies. Well into its third decade, the Pro Board is the premiere program in the United States and Canada for certification oversight of fire service professionals, career or volunteer.

Under the Pro Board process, agencies or organizations within States and Provinces apply for accreditation in order to certify individuals to the NFPA standards. These agencies then act as certifying agents operating under the aegis of the National Board on Fire Service Professional Qualifications.

After success on the examination within a particular discipline, the candidate is then eligible to join the National Register of Fire Services Professionals. It is important to remember that under the Pro Board, certifications belong to the individual—a tremendous advantage over local systems. For instance, a certified firefighter on the National Register may, in many cases, transfer between

departments in states which are accredited by the Pro Board.

Certification and placement on the National Register works to serve both the individual who is certified and the department that he or she serves. Certified individuals have a credibility that has already proven invaluable to many arson investigators, fire inspectors and others who regularly interface with the legal system. In a profession, which is highly decentralized, certification provides the individual with a sense of accomplishment and draws the fire service as a whole into a much closer alliance. Volunteer members of combination departments who are certified know that they are highly regarded; and wholly volunteer services with nationally certified members know that their competence is well established. As an incentive to professional growth and advancement, certification proves that the member is highly motivated and serious about measuring up to national standards. Certification also addresses the needs of fire service professionals whose career achievements are not as easily rewarded or in evidence as sworn employees. Civilians, many of whom function as inspectors, public safety telecommunicators, life safety educators, and training academy instructors, have long needed a way to present credentials within these disciplines. Being certified to national standards goes far in addressing this concern.

There are also many reasons why having nationally certified members improves the departments for which they work. First, the respect, reputation, and prestige of such professional organizations will expand in proportion to their number of certified members. These departments will have officers and civilian professionals whose credibility is unquestionable. Second, a fire department's training center will improve as higher goals are secured through the acceptance of the standards. As a result, such training centers will be able to measure themselves as part of a national fire training system. Overall, departments and services that teach to the standards and expect members to become certified will become stronger entities.

Fire departments with a commitment to the national certification process may have an easier time during annual budget justifications. They can argue that having a high proportion of certified members indicates a commitment to the community beyond the adherence to local mandates. Certification indicates a higher level of professional motivation that should be justly rewarded. It is incumbent upon individual departments to encourage their members to become certified by adopting the accreditation and certification scheme as an expectation for all members who fall within the examined disciplines.

Professional standards are particularly important in high-risk industries such as the fire service. We must share the same values if we are to evolve further as a profession. The widespread adoption of the accreditation and certification movement offered by the National Board on Fire Service Professional Qualifications will go far in ensuring that this trend continues to the benefit of each one of us.

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ProBoard Fire Service Professional Qualifications System
International Accreditation for Fire Service Organizations

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Institution of Fire Engineers: The Institution of Fire Engineers is a worldwide fire engineering/service organization with 11,000 members in 23 countries—and growing. You can become a part of this global organization because your certificates acquired through the National Fire Service Professional Qualifications Board are recognized as equivalent competencies in the IFE arena. [Click here for more information:](#)

Podcast link: Go to Recent Episodes/ February 2009

Curt Varone, NFPA's Director of Public Fire Protection, discusses the purpose and function of the ProBoard, with Tony O'Neill and Steve Austin. Tony is the ProBoard's Secretary Treasurer and Steve is the Vice Chairman of the Board of Directors.

Pictures from January 2009 Advisory Committee Meeting

Presentations from January 2009 Advisory Committee Meeting

(note: also can be accessed from the '[Documents](#)' page)

[\[Mission\]](#) [\[Accreditation\]](#) [\[Certification\]](#) [\[Benefits\]](#) [\[Organization\]](#)

Mission: The purpose of the Pro Board is to establish an internationally recognized means of acknowledging professional achievement in the fire service and related fields. The **accreditation** of organizations that **certify** uniform members of public fire departments, both career and volunteer, is the primary goal. However, other organizations with fire protection interests may also be considered for participation. Accreditation is generally provided at the State or Provincial level to the empowered certifying authority of that jurisdiction. [\[Top of Page\]](#)

Accreditation: The Pro Board accredits organizations that use the National Fire Protection Association's (NFPA's) professional qualification standards. The accreditation process begins with the submission of an application, including a detailed self study document, by the organization seeking accreditation. The application package is then reviewed by the members of the Committee on Accreditation (COA) for completeness and compliance with the accreditation criteria of the Pro Board. The next step is a site visit by a

team of COA members, usually two, who perform an extensive on-site review of the organization's testing and certification processes. The site visit team prepares a report and presents it to the COA. The COA decides if accreditation is granted. [\[Top of Page\]](#)

Certification: An entity that is accredited by the Pro Board makes certification available to its members. Members are then eligible to be placed on the Pro Board's Certification Registry and receive a Certificate of National Certification. In addition, the Pro Board encourages reciprocity among certifying agencies. This helps assure that Pro Board certification will be recognized by the department as the members seek advancement, and by other departments should they seek to transfer within the fire service. The cost of national registration including a Pro Board Certificate ranges from \$5.50 to \$15.00 depending on the certificate distribution plan selected by the accredited agency. [\[Top of Page\]](#)

Benefits: Professionalism has long been a goal sought by members of the fire service. It has only been within the past 25 years that a system has evolved to produce national professional qualifications standards that an entity can use to establish performance measures for personnel. Entities that achieve Pro Board accreditation are recognized as having met the rigors of review by an independent organization. This third party independent review is the best way to assure candidates and governance bodies that the entity's program meets the national standards.

ProBoard recognized certification from an accredited entity is a statement of success, an indisputable mark of performance belonging to individual fire service professionals. Each successful candidate for certification from an accredited entity knows that he or she has been measured against peers and meets rigorous national standards. Certification affords the individual a uniformity and portability of qualifications. In addition, the credibility of an organization is enhanced by having members certified to national consensus standards. A high percentage of certified members within a department should certainly help managers in their pursuit of adequate funding at budget time. [\[Top of Page\]](#)

Organization: The Pro Board was incorporated in 1990 as the "National Board on Fire Service Professional Qualifications", a non-profit corporation. The organization is commonly known as The Pro Board. A Board of Directors administers the system and currently consists of one member from the International Association of Arson Investigators, Inc. (IAAI), the International Association of Fire Chiefs (IAFC), the National Association of State Fire Marshals (NASFM), the National Fire Protection Association (NFPA), the North American Fire Training Directors (NAFTD), one member At-Large and the Chair of the Pro Board Advisory Committee. The Chair of the Committee on Accreditation (COA) serves as a non-voting, ex-officio, member on the Board. The Board of Director's primary responsibility is to set policy for the system and ensure fiscal stability for continued operation. The Committee on Accreditation is comprised of representatives appointed by the Board of Directors and representatives elected by the accredited entities. They are

charged with the task of accreditation through review of applications, site visits and implementation of policy set by the Board of Directors. The Advisory Committee is comprised of delegates from all of the accredited entities. It serves as a conduit for policy questions and suggestions to be addressed by the Board of Directors and/or the COA . [\[Top of Page\]](#)

Contact information for the ProBoard:

If you represent an accredited entity or an agency that is interested in accreditation by the ProBoard please contact the Chairman of the Committee on Accreditation:

Frederick Piechota

[\[email\]](#)

413-267-5140

If you are an individual who is seeking information about certifications or certificates please contact the Certification Coordinator.

Amy Sturtevant

[\[email\]](#)

617.984.7474

For more information about fire service professional qualifications, certification and/or accreditation, please feel free to explore our site, review our documents and ask us questions. Thank you for your interest.

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WHAT IS THE DIFFERENCE BETWEEN ACCREDITATION AND CERTIFICATION?

Accreditation is the stamp of approval from a third party (Pro Board) review of an agency's certification system. The review includes all aspects of certification testing including; completeness, fairness, security, validity and correlation to the national standards. Agencies such as state/provincial certification agencies, educational institutions, governmental entities, and national organizations are accredited.

Certification is the verification that a candidate has successfully completed an evaluation of his/her knowledge, skills and abilities against the national standard. Individuals that successfully pass a certification exam are certified.

Candidates that are certified by an accredited agency have the value added of the assurance that the test they took accurately measured them against the standard.

HOW DOES AN AGENCY BECOME ACCREDITED?

State/Provincial certification agencies, educational institutions, governmental entities, and national organizations may seek accreditation by contacting a Pro Board representative at 413-267-5140 or 617-984-7420 or by going to the Pro Board's website at www.theproboard.org.

WHAT DOES THE ACCREDITATION PROCESS INVOLVE?

The agency applying for Pro Board accreditation must first, complete and submit an *Application for Accreditation, COA-1*; an *Accreditation Self-Study Document, COA-3*; and submit the required materials to substantiate that the agency meets the Pro Board's accreditation criteria. After review of those materials, the agency receives a site visit evaluation of the agency's testing processes by the Pro Board.

HOW DOES A PERSON RECEIVE A PRO BOARD CERTIFICATE AND GET ENTERED INTO THE PRO BOARD'S CERTIFICATION REGISTRY?

A person can receive a Pro Board certificate and be registered in the ProBoard's Certification Registry only if he or she has been tested and certified through a Pro Board accredited agency. The Pro Board does not test and certify individuals.

HOW CAN I CONVERT MY STATE/PROVINCIAL CERTIFICATION TO A PRO BOARD CERTIFICATE?

First, check to make sure that your certification was received from a Pro Board accredited agency. If your certification was received from a Pro Board accredited agency you may request the

accredited agency to issue you an *Application for ProBoard Registration and Certification, COA-7* and submit the completed form to the address listed on the form.

IF I COME FROM A STATE/PROVINCE THAT IS NOT PRO BOARD ACCREDITED HOW CAN I OBTAIN A PRO BOARD CERTIFICATE?

To receive a Pro Board certificate you must be certified through a Pro Board accredited agency. Log on to the Pro Board website and determine if there is an accredited agency that is close to you. Contact that agency to ascertain your eligibility through them. Some national organizations are Pro Board accredited and may offer the certification test that you seek. Lastly, contact your state's/province's certification/training office and ask them when they will become Pro Board accredited.

HOW CAN I CHECK TO SEE IF I AM LISTED IN THE PRO BOARD'S NATIONAL REGISTRY?

Click on [Certification Search](#).

On the page titled '*Search the Pro Board Certification Registry*' type in your last name and last four digits of your social security number.

If you have additional questions regarding your search you may contact the Certification Administrator from this page.

I HAVE LOST MY PRO BOARD CERTIFICATE, HOW DO I OBTAIN A DUPLICATE CERTIFICATE?

Duplicate certificates will be issued at a charge of \$15.00 per certificate by contacting the Certification Coordinator at 617-984-7474.

HOW CAN I RECEIVE A PRO BOARD CERTIFICATE FOR MY DEPARTMENT OF DEFENSE CERTIFICATION?

There are two methods that may be utilized to convert your Department of Defense certification to a Pro Board certificate.

First Method: On the [Documents](#) page click on 'Application for a Pro Board Certificate for DOD applicants'. Download the form, complete the Applicant Information section and submit the form to the address listed with \$15.00 for each certificate desired.

Second Method: Contact the Certification Coordinator at 617-984-7474.

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14. Discussion and possible action regarding the automation of agency processes.

15. Discussion and possible action on matters from the Executive Director.

- A. Report on decisions of the Executive Director in contested cases and consent orders.**
- B. Status of division functions.**

16. **Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and appoint, employment, reassignment, or duties of personnel acting on an interim basis.**

17. Open session for further discussion and possible action regarding preceding agenda item.

18. Adjourn meeting.



TEXAS HOTEL OCCUPANCY TAX EXEMPTION CERTIFICATE



CAROLE KEETON STRAYHORN • TEXAS COMPTROLLER OF PUBLIC ACCOUNTS

NOTE: This certificate is for business only, not to be used for private purposes, under penalty of law. The hotel operator may request a government ID, business card or other identification to verify exemption claimed. Certificate should be furnished to the hotel or motel. DO NOT send the completed certificate to the Comptroller of Public Accounts. The certificate does not require a number to be valid. Refer to Hotel Rule 3.161 for exemptions.

Check exemption claimed:

- United States government or Texas government official exempt from state, city, and county taxes.** Includes US government agencies and its employees traveling on official business, Texas state officials or employees who present a Hotel Tax Exemption Photo Identification Card, and diplomatic personnel of a foreign government who present a Tax Exemption Card issued by the US Department of State.
- Religious, charitable, or educational organization or employee exempt from state tax only.** Educational organizations include school districts, private or public elementary and secondary schools, and Texas institutions of higher education as defined in Section 61.003, Texas Education Code. Beginning October 1, 2003, non-Texas institutions of higher education (public and private universities, junior colleges, community colleges) must pay the state hotel occupancy tax. Religious and charitable organizations must hold a letter of exemption issued by the Comptroller of Public Accounts to claim the exemption.
- Other. Organization exempt by law other than Chapter 156, Tax Code.** Specify reason for exempt status below. **Supporting Documentation Required.**

Name of exempt organization Texas Commission on Fire Protection	Organization exempt status (Religious, charitable, educational, governmental) government
Address of exempt organization (Street and number, city, state, ZIP code) 1701 N. Congress Avenue, Suite 105, Austin, TX 78701	

GUEST CERTIFICATION: I declare that I am an occupant of this hotel/motel on official business sanctioned by the exempt organization named above and that all information shown on this document is true and correct.

Guest name (Please print)

	Date
--	------

FOR HOTEL/MOTEL USE ONLY (OPTIONAL)

Name of hotel/motel				
Address of hotel/motel (Street and number, city, state, ZIP code)				
Room rate	Local tax	Exempt state tax	Amount paid by guest	Method of payment

You have certain rights under Ch. 559, Government Code, to review, request, and correct information we have on file about you. To review or correct your state tax-related information, contact the Texas State Comptroller's office.

Hotels may require verification before accepting a hotel occupancy tax exemption certificate. An organization may qualify for hotel occupancy tax exemption even when it does not have a Comptroller's letter of hotel tax exemption or cannot be found on the Comptroller's list of exempt organizations. Some examples include churches, public schools, and community colleges.

You may need to pay the tax until verification of hotel tax exemption can be obtained from the Comptroller's office. You can apply to the hotel for a refund or credit.

To receive verification or to apply for exemption, please contact a hotel tax specialist toll free at 1-800-252-1385 or in Austin at 512/463-4600. From a Telecommunications Device for the Deaf (TDD), call 1-800-248-4099 or in Austin 512/463-4621.

You may also visit us online at <http://www.window.state.tx.us/taxinfo/exempt/>. Receive tax help via e-mail at exempt.orgs@cpa.state.tx.us.

TRAVEL INFORMATION

Name: _____

Commissioner

Date: _____

The following original receipts are needed for travel reimbursement (if applicable).

Hotel
 Airfare
 Rental Car
 Fuel for Rental Car
 Mileage (Google Map printout)
 Public Transportation-(bus, taxi, airport shuttle etc.)
 Parking
 Toll

Please complete the following so that your travel reimbursement can be processed as quickly as possible.

Starting Date: _____

Starting Time: _____

Starting Location: _____

Arrival Location: _____

Ending Date: _____

Arrival Time: _____

Starting Location: _____

Arrival Location: _____

DAILY MEAL TOTALS

Day One: \$ _____

Day Two: \$ _____

Day Three: \$ _____

Day Four: \$ _____

DAILY MILEAGE TOTALS

Day One: beginning odometer _____
 ending odometer _____

Day Two: beginning odometer _____
 ending odometer _____

Day Three: beginning odometer _____
 ending odometer _____

Day Four: beginning odometer _____
 ending odometer _____

My signature below confirms that all expenses were incurred while traveling on official state business.

Signature: _____

Revised 12/01/09