

6. Discussion and possible recommendation regarding proposed rule changes 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 firefighters regulated by the Texas Commission on Fire Protection as of -----are required to complete the Courage to be Safe Curriculum utilizing an instructor approved by the National Fallen Firefighter Foundation by -----(date five years from the adoption date).
- (b) TCFP Inspectors will verify training records that all regulated members have accomplished this training after this date.
- (c) Regulated fire fighters hired after the date when training is to be completed will be required to complete this training within one year of being hired by a fire department.



City of Lancaster
FIRE DEPARTMENT
BE POLITE

PROTECT THE PUBLIC

GO HOME SAFE

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August 17, 2010

Texas Commission on Fire Protection

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The **Lancaster Fire Department** supports the Texas Commission on Fire Protection requiring all regulated firefighters to complete the National Fallen Firefighter Foundation, Courage to Be Safe Program. This program reviews the 16 Firefighter Life Safety Initiatives in an effort to reduce LODDs. The rule change proposed to the Commission allows a firefighter five years to complete this course from its adoption date and after this period all new firefighters must complete it within one year of their hire date. These training hours will count towards the 20 hours of continuing education required by the Commission for each firefighter. The Courage to be Safe program is three to four hours long and there will be numerous train-the-trainer courses offered for fire departments to provide internal training to their members. There will also be an Internet version of the course as an alternative means to complete this class.

In closing, the **Lancaster Fire Department** supports this effort to reduce LODDs in the fire service.

Sincerely,

Dick Knopf, Fire Chief

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August 27, 2010

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The Houston Fire Department supports the Texas Commission on Fire Protection requiring all regulated firefighters to complete the National Fallen Firefighter Foundation, Courage to be Safe Program. This program reviews the 16 Firefighter Life Safety Initiatives in an effort to reduce LODDs. The rule change proposed to the Commission allows a firefighter of five years to complete this course from its adoption date and after this period all new firefighters must complete it within one year of their hire date. These training hours will count towards the 20 hours of continuing education required by the Commission for each firefighter. The Courage to be Safe program is three to four hours long and there will be numerous train-the-trainer courses offered for fire departments to provide internal training to their members and there will also be an Internet version of the course as well as an alternative means to complete this class.

In closing, the Houston Fire Department supports this effort to reduce LODDs in the fire service.

Sincerely,

Rick Flanagan

Acting Fire Chief

Houston Fire Department

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September 2, 2010

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The Capital Area Fire Chiefs Association (CAFCA) supports the Texas Commission on Fire Protection requiring all regulated firefighters to complete the National Fallen Firefighter Foundation, Courage to be Safe Program. This program reviews the 16 Firefighter Life Safety Initiatives in an effort to reduce LODDs. The rule change proposed to the Commission allows a firefighter five years to complete this course from its adoption date and after this period all new firefighters must complete it within one year of their hire date. These training hours will count towards the 20 hours of continuing education required by the Commission for each firefighter. The Courage to be Safe program is three to four hours long and there will be numerous train-the-trainer courses offered for fire departments to provide internal training to their members and there will also be an Internet version of the course as well as an alternative means to complete this class.

In closing, CAFCA supports this effort to reduce LODDs in the fire service.

Sincerely,

Gary Warren
President, CAFCA