

4. Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, including, but not limited to; §429.201 Minimum Standards for Fire Inspector Personnel, §429.203 Minimum Standards for Basic Fire Inspector Certification, §429.205 Minimum Standards for Intermediate Fire Inspector Certification, §429.207 Minimum Standards for Advanced Fire Inspector Certification, §429.209 Minimum Standards for Master Fire Inspector Certification, and §429.211 International Fire Service Accreditation Congress (IFSAC) Seal.

Chapter 429

MINIMUM STANDARDS FOR FIRE INSPECTORS

~~[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.

(e) Any regulated firefighter that holds at least a Basic Fire Inspector Certification through the Texas Commission on Fire Protection (TCFP) and is required to perform inspections as part of their regularly assigned duties shall be considered by TCFP as also being in the Fire Inspector discipline for purposes of attaining higher levels of certification. Inspection will include any inspection that requires a TCFP certified inspector.

§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 Construction in the Fire Service or Building Codes and Construction** ~~[Building Code]~~, three semester hours;
 - ~~[(iv) Building Construction, three semester hours;]~~
 - (iv)** ~~[(v)]~~ Hazardous Materials **I, II, or III**, three semester hours. (Total semester hours, **12**).~~[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 Material).]~~

§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.]~~

(c)(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.



Johnny Isbell
Mayor

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City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

June 21, 2011

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

Dear Sir,

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

Current Texas Commission on Fire Protection Rules:

RULE §429.209 Minimum Standards for Master Fire Inspector Certification

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

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

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

RULE §431.209 Minimum Standards for Master Fire Investigator Certification

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

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

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

NOT
FOR
PEACE
OFFICERS





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City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

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

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

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

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

Thank you for considering this matter.

David Brannon
Fire Marshal





Johnny Isbell
Mayor

City of Pasadena Fire Marshal's Office



David M. Brannon
Fire Marshal

RULE §431.9 Minimum Standards for Master Arson Investigator Certification

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

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

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

Proposed Rule Change:

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

Rationale and Justification:

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

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

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

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

