

TEXAS COMMISSION ON FIRE PROTECTION

January 12, 2012, 10:00 a.m.

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

1. Roll call –10:00 a.m.
2. Adoption of the October 5, 2011 and October 27-28, 2011 Commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on January 12, 2012 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 and strategic plan. The subcommittees may meet separately or together.
4. Report from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
5. 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.
6. 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).
7. Discussion and possible action regarding the appointment of a new Commission representative to serve on the Texas Fire School Advisory Board.
8. Presentation by Chairman Nizam Peerwani of the Forensic Science Commission regarding recommendations made with regards to initiatives designed to improve fire investigation activities in Texas.
9. New matters from the commission, staff, or public regarding rulemaking which may be discussed in future Commission meetings.
10. Discussion and possible action on future meeting dates.
11. 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 425, Fire Service Instructors, including, but not limited to, §425.1, Minimum Standards for Fire Service Instructor Certification.
 2. Proposed amendments to 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, §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.
 3. Proposed amendments to 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.3, Minimum Standards for Basic Arson Investigator Certification.

4. Proposed amendments to 37 TAC, Chapter 451, Fire Officer, Subchapter A, Minimum Standard for Fire Officer I, including, but not limited to, §451.3, Minimum Standards for Fire Officer I Certification, and Subchapter B, Minimum Standards for Fire Officer II, including, but not limited to, §451.203, Minimum Standards for Fire Officer II Certification.
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:
1. Proposed amendments to 37 TAC, Chapter 421, Standards for Certification, including, but not limited to, §421.9, Designation of Fire Protection Duties.
 2. Proposed amendments to 37 TAC, Chapter 435, Fire Fighter Safety, including, but not limited to, §435.1, Protective Clothing.
 3. Proposed amendments to 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.5, Requirements, and §441.13, Continuing Education for Fire Inspection Personnel.
12. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.
 13. Discussion and possible action regarding the proposed rule review plan for fiscal year 2012, pursuant to Section 2001.039, Texas Government Code with respect to the review and re-adoption of each of the rules contained in the plan.
 14. 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.
 15. Executive session pursuant to Government Code, Section 551.074, for the discussion of personnel matters: the appoint, 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.
 16. Open session for further discussion and possible action regarding preceding agenda item.
 17. 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. Adoption of the October 5, 2011 and October 27-28, 2011 Commission meeting minutes.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Chris Connealy, at 10:00 a.m. called the October 5, 2011 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 Leonardo Perez	Chris Connealy Jody Gonzalez* Steve Tull	Tony Cortes* John Green	Yusuf Farran* John McMakin
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*absent entire meeting
**absent part of meeting

Staff	Jake Soteriou Jim Crowson, Assistant Attorney General	Deborah Cowan	Don Wilson	Mollie Clakley
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Guests	Mike Hunt Mike Jones	Mike Higgins Paul Maldonado	Gary Wisdom Johnny Villarreal	Cary Roccaforte George Eure	Ken Dozier	Jim Reidy
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1. Roll call Secretary, John Gillette called roll and a quorum was present.

2. Adoption of Minutes A motion to approve the minutes of the August 1, 2011 commission meeting minutes was made by Steve Tull and seconded by John McMakin. The motion carried.

3. Budget and Strategic Plan Subcommittee Meeting The subcommittees met together to review the agency's current budget and performance measures.

4. Subcommittee Reports After discussion there was no action taken.

5. Reports from Fire Service Interest Groups Brief reports were given by the Texas State Association of Fire Fighters, the Texas Fire Chief's Association and the State Fire Marshal's Office.

6. Report from Fire Service School Advisory Board & TEEEX Commission representative, Michael Hunt informed commissioners that he had nothing to report. He also informed commissioners that the Fire Service School Advisory Board would be meeting on October 6, 2011.

7. New Matters Review of recommendations of the Forensic Science Commission.

8. Future Meeting Dates A motion to defer to the Presiding Officer working with staff to set the next meeting date when a room can be reserved was made by Les Bunte and seconded by Carl Giles. The motion carried.

9. Matters from Fire Fighter Advisory Committee A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 435, §435.1 and §435.27 with changes as discussed was made by Steve Tull and seconded by Leonardo Perez. The motion carried.

2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 439, Subchapter A, Examinations For On-Site Delivery Training, new §439.13 as discussed was made by John Gillette and seconded by Carl Giles. The motion carried.
- B.
1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 425, §425.1 as discussed was made by Les Bunte and seconded by Elroy Carson. The motion carried.
 2. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 429, §§429.201, 429.203, 429.205, 429.207, 429.209, and 429.211 as discussed was made by Elroy Carson and seconded by Steve Tull. The motion carried.
 3. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 431, §431.3 as discussed was made by John Gillette and seconded by Leonardo Perez. The motion carried.
 4. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 451, Subchapter A, Minimum Standard for Fire Officer I, §451.3 and Subchapter B, Minimum Standards for Fire Officer II, §451.203 as discussed was made by Les Bunte and seconded by John Green. The motion carried.
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10. Matters from Executive Director
- a. Mr. Soteriou informed commissioners the agency had one contested case or consent orders since the last commission meeting.
 - b. Mr. Soteriou provided the commissioners with an update on the agency's current vacancies. He also informed commissioners the agency had acquired new accounting software (MIP) to assist with support service functions due to legislative session funding cuts (both fiscal and human). He also informed commissioners the agency had been assigned a new team manager and budget analyst at the Legislative Budget Board (LBB).
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11. Executive Session
- Presiding Officer, Chris Connealy called the Executive Session at 1:24 p.m.
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12. Open Session
- Presiding Officer, Chris Connealy called for open session at 2:30 p.m. No action necessary.
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13. Adjournment
- A motion to adjourn was made by Carl Giles and seconded by John McMakin. The Motion carried.

Chris Connealy, Presiding Officer

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Chris Connealy, at 8:10 a.m. called the October 27-28, 2011 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** Leonardo Perez	Chris Connealy Jody Gonzalez Steve Tull	Tony Cortes* John Green	Yusuf Farran John McMakin
				*absent entire meeting	
				**absent part of meeting	

Staff	Jake Soteriou Veena Mohan, Assistant Attorney General	Deborah Cowan	Kevin Keyburn, Assistant Attorney General
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Guests	Mike Higgins
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1. Roll call On October 27, 2011, Presiding Officer, Chris Connealy called roll and a quorum was present.
2. Executive Session Presiding Officer, Chris Connealy called the Executive Session at 8:10 a.m.
3. Open Session Presiding Officer, Chris Connealy called the commission back into open session at 4:30 p.m.
4. Adjourn or Recess A motion was made by Yusuf Farran and seconded by Leonardo Perez to recess the meeting until 8:00 a.m. on October 28, 2011. The motion carried.
5. Roll call On October 28, 2011, Presiding Officer, Chris Connealy called roll and a quorum was present.
6. Executive Session Presiding Officer, Chris Connealy called the Executive Session at 8:05 a.m.
7. Open Session Presiding Officer, Chris Connealy called the commission back into open session at 10:00 a.m.

A motion was made by Yusuf Farran and seconded by Arthur Pertile, III to appoint Don Wilson as the new Executive Director of the Texas Commission on Fire Protection pending a successful criminal history background check. The motion carried, (10 for, 2 against, 1 absent).
8. Adjourn A motion to adjourn was made by Yusuf Farran and seconded by Carl Giles. The motion carried.

Chris Connealy, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees will meet on January 12, 2012 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 and strategic plan. The subcommittees may meet separately or together.**

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Updated: 12/12/11

Thru: November 30, 2011

Summary

Goals:	FY12 Budget	FY12 Expended	Balance	%
Education, Information and Assistance	48,778	12,194	36,583.20	
Fire Department Standards	1,121,217	242,347	878,870.26	
Indirect Administration	450,752	108,979	341,773.53	
Merit Budget				
1001 - Salaries & Wages:	1,620,747	363,520	1,257,226.99	78%
Education, Information and Assistance	500	120	380.00	
Fire Department Standards	38,700	4,860	33,840.00	
Indirect Administration	16,920	2,540	14,380.00	
1002 - Other Personnel Costs	56,120	7,520	48,600.00	87%
Education, Information and Assistance	0	0	0.00	
Fire Department Standards	2,578	2,521	56.78	
Indirect Administration	15,682	6,837	8,844.71	
2001 - Professional Fees and Services:	18,260	9,359	8,901.49	49%
Education, Information and Assistance	4,356	22	4,333.53	
Fire Department Standards	16,243	673	15,570.47	
Indirect Administration	3,313	179	3,133.41	
2003 - Consumable Supplies:	23,912	874	23,037.41	96%
Education, Information and Assistance	386	63	322.39	
Fire Department Standards	24,384	5,242	19,141.97	
Indirect Administration	2,699	442	2,256.74	
2004 - Utilities:	27,468	5,747	21,721.10	79%
Education, Information and Assistance	0	0	0.00	
Fire Department Standards	53,708	9,607	44,101.55	
Indirect Administration	18,775	6,180	12,595.13	
2005 - Travel:	72,483	15,786	56,696.68	78%
Education, Information and Assistance	480	14	466.36	
Fire Department Standards	2,136	534	1,602.18	
Indirect Administration	1,128	342	786.00	
2006 - Rent - Building (storage):	3,744	890	2,854.54	76%
Education, Information and Assistance	641	64	577.66	
Fire Department Standards	12,568	1,467	11,101.16	
Indirect Administration	6,675	447	6,228.61	
2007 - Rent - Machine and Other:	19,885	1,977	17,907.43	90%
Education, Information and Assistance	2,316	153	2,163.16	
Fire Department Standards	43,816	6,479	37,336.73	
Indirect Administration	26,145	21,251	4,894.08	
2009 - Other Operating Expense:	72,278	27,884	44,393.97	61%
Education, Information and Assistance	0	0	0.00	
Fire Department Standards	5,000	4,565	435.13	
Indirect Administration	0	0	0.00	
4000 - Grants:	5,000	4,565	435.13	9%
Education, Information and Assistance	4,205	0	4,205.00	
Fire Department Standards	0	0	0.00	
Indirect Administration	0	0	0.00	
5000 - Capital Expenditures:	4,205	0	4,205.00	100%

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Updated: 12/12/11

Thru: November 30, 2011

Summary

Goals:

TOTAL - ALL EXPENDITURES

	FY12	FY12		
	Budget	Expended	Balance	%
TOTAL - ALL EXPENDITURES	1,924,102	438,122	1,485,979.74	77%

1,944,829	(20,727)	* diff
GAA	Balance	

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal A: Education, Info and Assistance

		Library	IT	Grants	Total	%
Budget:		48,778	0	0	48,778	0
Expended:		12,194	0	0	12,194	
1001 - Balance Salaries & Wages:		36,583	0	0	36,583	75%
Other Personnel Costs:						
7017- One-Time Merit		0	0	0	0	
7022- Longevity Pay		120	0	0	120	
7023- Lump Sum Termination		0	0	0	0	
Budget:		500	0	0	500	0
Expended:		120	0	0	120	
1002 - Balance Other Personnel Costs		380	0	0	380	76%
Professional Fees and Services:						
7242- Consulting Services - IT Computer		0	0	0	0	
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:		356	4000	0	4,356	0
Expended:		22	0	0	22	
2003 - (7300) Balance Consumable Supplies:		334	4,000	0	4,334	99%
Utilities:						
7501- Electricity		0	0	0	0	
7503- Telecommunications-Long Distance		0	0	0	0	
7504- Telecommunications-Monthly Charge		63	0	0	63	
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:		386	0	0	386	0
Expended:		63	0	0	63	
2004 - Balance Utilities:		322	0	0	322	84%
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	
7136- Travel I/S - State Occupancy Tax Galveston		0	0	0	0	
Budget:		0	0	0	0	0
Expended:		0	0	0	0	
2005 - Balance Travel:		0	0	0	0	#DIV/0!

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
Budget:	480	0	0	480	0
Expended:	14	0	0	14	
2006 - (7470) Balance Rent - Building (storage):	466	0	0	466	97%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	36	0		36	
7411- Rental - Computer Equipment	28	0		28	
Budget:	641	0	0	641	0
Expended:	64	0	0	64	
2007 - Balance Rent - Machine and Other:	578	0	0	578	90%
Other Operating Expense:					
7042- ERS Insurance Payment	121.95	0.00		122	
7201- Membership Dues	0	0		0	
7203- Registration Fees-Employee Training	0	0		0	
7295 Fees & Other Charges (DPS) (7210)	0	0		0	
7211- Awards	0	0		0	
7216- Insurance Premiums - appvd by oag	0	0		0	
7262- Maint & Repair - Computer Software	0	0		0	
7267- Maint & Repair - Computer Equipment	0	0		0	
7273- Reproduction & Printing	0	0		0	
7276- Communication Services (T-1 Line)	21	0		21	
7281- Advertising Services	0	0		0	
7286- Freight & Delivery Services	0	0		0	
7291- Postage & Postal Services	1	0		1	
7299- Purchased Contracted Services	2	0		2	
7303- Subscriptions, Periodicals and Info Services	0	0		0	
7312- Medical Supplies	0	0		0	
7330- Parts -equip, furn	0	0		0	
7334- Furnishings & Equipment -Expensed	4	0		4	
7335- Parts -Computer Equipment - Expensed	0	0		0	
7354- Bldg Remodel - State Leased -Expensed	0	0		0	
7367- Personal Property - Maint & Repair	0	0		0	
7374- Personal Property-Furn & Equip - Controlled	0	0		0	
7377- Computer Equipment - Expensed	0	0		0	
7378- Computer Equipment - Controlled	0	0		0	
7379- Computer Equipment - Cap (>1,000)	0	0		0	
7380- Computer Software - Expensed	0	0		0	
7382- Books - Expensed	0	0		0	
7806- Interest on Delayed Payment	0	0		0.00	
7947- Workers Compensation Transfer (SORM)	0	0		0	
7953- SWCAP payment/cost allocation	0	0		0	
7961- STS Transfers-Telecommunications (TexAn)	4	0		4	
Budget:	2,316	0	0	2,316	0
Expended:	153	0	0	153	
2009 - Balance Other Operating Expense:	2,163	0	0	2,163	93%
Grants:					
7312- Medical Supplies	0	0		0	
7623- Grants- Community Serv. Programs	0	0		0	
7701- Loans to Political Subdivisions	0	0		0	
Budget:	0	0	0	0	0
Expended:	0	0	0	0	
4000 - Balance Grants:	0	0	0	0	#DIV/0!

Capital Expenditures:

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
7354- Remodeling of Bldg-State Owned - Capitalized	0	0		0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0		0	
Budget:	4,205	0	0	4,205	0
Expended:	1,801	0	0	0	
5000 - Balance Capital Expenditures:	2,404	0	0	4,205	100%
Budget:	57,662	4,000	0	61,662	
Expended:	14,432	0	0	14,432	
TOTAL BALANCE	43,230	4,000	0	49,031	80%

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal B: Fire Department Standards

	Standards							%
	Mgmt	Complnc	Cert	Testing	Curr Dev	Admin	Total	
Budget:	91,542	442,475	188,475	251,229	44,837	102,659	1,121,217	0.00
Expended:	7,629	110,456	47,119	50,308	11,031	15,805	242,347	
1001 - Balance Salaries & Wages:	83,914	332,020	141,356	200,920	33,806	86,854	878,870	78%
Other Personnel Costs:								
7017- One-Time Merit	0	0	0	0	0	0	0	
7022- Longevity Pay	100	1,800	1,320	1,540	100	0	4,860	
7023- Lump Sum Termination	0	0	0	0	0	0	0	
7030- Employee Incentive Bonus	0	0	0	0	0	0	0	
Budget:	16,260	8,000	5,500	6,480	440	2,020	38,700	0
Expended:	100	1,800	1,320	1,540	100		4,860	
1002 - Balance Other Personnel Costs	16,160	6,200	4,180	4,940	340	2,020	33,840	87%
Professional Fees and Services:								
7242- Consulting Services - IT Computer	0	0	0	0	0		0	
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	2,521	0		2,521	
7275- Computer Programming Services	0	0	0	0	0		0	
Budget:	0	0	0	2,578	0	0	2,578	0
Expended:	0	0	0	2,521	0		2,521	
2001 - Balance Professional Fees and Services	0	0	0	57	0		57	2%
Budget:	3,568	500	8,400	3,675	100	0	16,243	0
Expended:	517	126	0	30	0		673	
2003 - (7300) Balance Consumable Supplies:	3,051	374	8,400	3,645	100		15,570	96%
Utilities:								
7501- Electricity	0	0	0	0	0		0	
7503- Telecommunications-Long Distance	0	0	0	0	0		0	
7504- Telecommunications-Monthly Charge	1,453	841	0	0	0		2,294	
7514- Telecommunications-Maint & Repair	0	0	0	0	0		0	
7516- Telecommunications-Other Charges (reg voice/inte	0	2,948	0	0	0		2,948	
7517- Telecommunications Equipment-Expensed	0	0	0	0	0		0	
Budget:	8,868	15,516	0	0	0		24,384	0
Expended:	1,453	3,789	0	0	0		5,242	
2004 - Balance Utilities:	7,415	11,727	0	0	0		19,142	79%
Travel:								
7101- Travel I/S - Public Transportation Fares	0	2,867	0	221	0		3,088	
7102- Mileage	0	1,010	39	152	0		1,202	
7104- Travel I/S - Actual Expense Overnight	0	0	0	9	0		9	
7105- Travel I/S - Incidental Expenses	0	539	0	154	0		693	
7106- Travel I/S - Meals & Lodging	0	2,077	0	483	0		2,559	
7107- Travel I/S - Non-Overnight Travel (Meals)	0	101	0	0	0		101	
7110- Travel I/S - Board Member Meals & Lodging	0	0	0	0	0		0	
7111- Travel OOS - Public Transportation Fares	0	0	0	1,310	0		1,310	
7112- Travel OOS - Mileage	0	0	0	0	0		0	
7114- Travel OOS -	0	0	0	133	0		133	
7115- Travel OOS - Incidental Expenses	0	0	0	62	0		62	
7116- Travel OOS - Meals, Lodging Allowable	0	0	0	380	0		380	
7135- Travel I/S - State Occupancy Tax	0	48	0	20	0		68	
7136- Travel I/S - State Occupancy Tax Galveston	0	0	0	0	0		0	
Budget:	0	37,728	440	15,541	0		53,708	
Expended:	0	6,643	39	2,924	0		9,607	
2005 - Balance Travel:	0	31,085	400	12,616	0		44,102	82%
7462- Rent office space - building		534					534	
Budget:	0	2,136	0	0	0		2,136	0
Expended:	0	534	0	0	0		534	
2006 - (7470) Balance Rent - Building (storage):	0	1,602	0	0	0		1,602	75%
Rent - Machine and Other:								
7406- Rental - Furnishings & Equipment (copier)	428	0	0	0	0		428	
7411- Rental - Computer Equipment	1,039	0	0	0	0		1,039	

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal B: Fire Department Standards

							Standards		%
	Mgmt	Complnc	Cert	Testing	Curr Dev	Admin	Total		
Budget:	12,568	0	0	0	0	0	12,568	0	
Expended:	1,467	0	0	0	0	0	1,467		
2007 - Balance Rent - Machine and Other:	11,101	0	0	0	0	0	11,101	88%	
Other Operating Expense:									
7042- ERS Insurance Payment	76.29	1,104.59	471.18	414.22	110.30	153.70	2,330		
7201- Membership Dues	0	0	0	0	0	0	0		
7203- Registration Fees-Employee Training	0	0	0	0	0	0	0		
7210- Fees & Other Charges (DPS)	0	0	3	0	0	0	3		
7211- Awards	0	0	0	0	0	0	0		
7216- Insurance Premiums - appvd by oag	0	250	0	0	0	0	250		
7262- Maint & Repair - Computer Software	0	0	0	0	0	0	0		
7267- Maint & Repair - Computer Equipment	0	0	0	862	0	0	862		
7273- Reproduction & Printing	0	0	0	0	0	0	0		
7276- Communication Services (T-1 Line)	474	0	0	0	0	0	474		
7281- Advertising Services	0	0	0	0	0	0	0		
7286- Freight & Delivery Services	0	0	0	1,208	0	0	1,208		
7291- Postage & Postal Services	26	0	0	0	0	0	26		
7299- Purchased Contracted Services	45	0	0	0	0	0	45		
7303- Subscriptions, Periodicals and Info Services	0	0	0	0	0	0	0		
7312- Medical Supplies	0	0	0	0	0	0	0		
7330- Parts -equip, furn	0	0	0	0	0	0	0		
7334- Furnishings & Equipment -Expensed	1,192	0	0	0	0	0	1,192		
7335- Parts -Computer Equipment - Expensed	0	0	0	0	0	0	0		
7354- Bldg Remodel - State Leased -Expensed	0	0	0	0	0	0	0		
7367- Personal Property - Maint & Repair	0	0	0	0	0	0	0		
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	0	0	0		
7377- Computer Equipment - Expensed	0	0	0	0	0	0	0		
7378- Computer Equipment - Controlled	0	0	0	0	0	0	0		
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	0	0	0		
7380- Computer Software - Expensed	0	0	0	0	0	0	0		
7382- Books - Expensed	0	0	0	0	0	0	0		
7806- Interest on Delayed Payment	0	2	0	0	0	0	2		
7947- Workers Compensation Transfer (SORM)	0	0	0	0	0	0	0		
7953- SWCAP payment/cost allocation	0	0	0	0	0	0	0		
7961- STS Transfers-Telecommunications (TexAn)	88	0	0	0	0	0	88		
Budget:	24,672	4,863	1,945	10,862	448	1,027	43,816	0.00	
Expended:	1,900	1,356	474	2,485	110	154	6,479		
2009 - Balance Other Operating Expense:	22,772	3,506	1,471	8,377	338	873	36,464	83%	
Grants:									
7312- Medical Supplies									
7623- Grants- Community Serv. Programs									
7701- Loans to Political Subdivisions									
Budget:	0	0	5,000	0	0	0	5,000	0	
Expended:	0	0	4,565	0	0	0	4,565		
4000 - Balance Grants:	0	0	435	0	0	0	435		
Capital Expenditures:									
7312- Medical Supplies	0	0	0	0	0	0	0		
7354- Remodeling of Bldg-State Owned - Capitalized	0	0	0	0	0	0	0		
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	0	0	0		
Budget:	0	0	0	0	0	0	0	0	
Expended:	0	0	0	0	0	0	0		
5000 - Balance Capital Expenditures:	0	0	0	0	0	0	0	#DIV/0!	
Budget:	157,478	511,218	209,759	290,364	45,825	105,706	1,320,351	0	
Expended:	13,065	124,704	53,517	59,808	11,242	15,958	278,295		
TOTAL BALANCE	144,413	386,514	155,807	230,556	34,584	951,874	951,874	72%	

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
Budget:	348,093	102,659		450,752	0
Expended:	79,395	29,584	0	108,979	
1001 - Balance Salaries & Wages:	268,699	73,075	0	341,774	76%
Other Personnel Costs:					
7004- Non-Permanent Full-Time Employee	0	0	0	0	
7017- One-Time Merit	0	0	0	0	
7022- Longevity Pay	1,380	1,160	0	2,540	
7023- Lump Sum Termination	0	0	0	0	
7030- Employee Incentive Bonus	0	0	0	0	
Budget:	14,900	2,020		16,920	0
Expended:	1,380	1,160	0	2,540	
1002 - Balance Other Personnel Costs	13,520	860	0	14,380	85%
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0	1,540	0	1,540	
7245- Financial & Accounting Services	0	0	0	0	
7253- Other Professional Fees (EAP)	0	0	0	0	
7274- Temporary Employment Agencies	0	5,297	0	5,297	
7275- Computer Programming Services	0	0	0	0	
Budget:		15,682		15,682	0
Expended:	0	6,837	0	6,837	
2001 - Balance Professional Fees and Services:	0	8,845	0	8,845	56%
Budget:	913	2400		3,313	0
Expended:	22	157	0	179	
2003 - (7300) Balance Consumable Supplies:	891	2,243	0	3,133	95%
Utilities:					
7501- Electricity	0	0	0	0	
7503- Telecommunications-Long Distance	0	0	0	0	
7504- Telecommunications-Monthly Charge	0	442	0	442	
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:		2,699		2,699	0
Expended:	0	442	0	442	
2004 - Balance Utilities:	0	2,257	0	2,257	84%
Travel:					
7101- Travel I/S - Public Transportation Fares	0	0	273	273	
7102- Mileage	0	43	3,270	3,313	
7104- Travel I/S - Actual Expense Overnight	0	0	0	0	
7105- Travel I/S - Incidental Expenses	0	0	216	216	
7106- Travel I/S - Meals & Lodging	0	-12	0	-12	
7107- Travel I/S - Non-Overnight Travel (Meals)	0	0	0	0	
7110- Travel I/S - Board Member Meals & Lodging	0	0	2,333	2,333	
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	57	57	
7136- Travel I/S - State Occupancy Tax Galveston	0	0	0	0	
Budget:	359	790	17,626	18,775	0.03
Expended:	0	31	6,149	6,180	
2005 - Balance Travel:	359	759	11,477	12,595	67%

Texas Commission on Fire Protection
Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
Budget:	240	888		1,128	0
Expended:	120	222	0	342	
2006 - (7470) Balance Rent - Building (storage):	120	666	0	786	70%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0	251	0	251	
7411- Rental - Computer Equipment	0	196	0	196	
Budget:		6,675		6,675	0
Expended:	0	447	0	447	
2007 - Balance Rent - Machine and Other:	0	6,229	0	6,229	93%
Other Operating Expense:					
7042- ERS Insurance Payment	702.07	283.43	0.00	986	
7201- Membership Dues	0	0	0	0	
7203- Registration Fees-Employee Training	0	0	0	0	
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	
7266- Maint & Repair - Building	0	0	0	0	
7267- Maint & Repair - Computer Equipment	0	0	0	0	
7273- Reproduction & Printing	0	0	0	0	
7276- Communication Services (T-1 Line)	0	144	0	144	
7281- Advertising Services	0	0	0	0	
7286- Freight & Delivery Services	0	0	0	0	
7291- Postage & Postal Services	0	8	0	8	
7299- Purchased Contracted Services	0	14	0	14	
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	27	0	27	
7335- Parts -Computer Equipment - Expensed	0	0	0	0	
7354- Bldg Remodel - State Leased -Expensed	17,909	0	0	17,909	
7367- Personal Property - Maint & Repair	0	0	0	0	
7374- Personal Property-Furn & Equip - Controlled	0	0	0	0	
7377- Computer Equipment - Expensed	0	0	0	0	
7378- Computer Equipment - Controlled	0	0	0	0	
7379- Computer Equipment - Cap (>1,000)	0	0	0	0	
7380- Computer Software - Expensed	0	0	0	0	
7382- Books - Expensed	0	0	0	0	
7806- Interest on Delayed Payment	0	0	0	0	
7947- Workers Compensation Transfer (SORM)	0	2,138	0	2,138	
7953- SWCAP payment/cost allocation	0	0	0	0	
7961- STS Transfers-Telecommunications (TexAn)	0	27	0	27	
Budget:	8,703	17,442		26,145	0
Expended:	18,611	2,640	0	21,251	
2009 - Balance Other Operating Expense:	(9,907)	14,801	0	4,894	19%
Capital Expenditures:					
7387- computer Software-expensed > 1,000	0	0	0	0	
7389- Books, Pre-Recorded Ref Material - Capitalized	0	0	0	0	
Budget:				0	0
Expended:	0	0	0	0	
5000 - Balance Capital Expenditures:	0	0	0	0	#DIV/0!
Budget:	373,208	151,255	17,626	542,089	0
Expended:	99,528	41,521	6,149	147,197	

Texas Commission on Fire Protection

Fiscal Year 2012 - Operating Budget

Thru: November 30, 2011

Goal C: Indirect Administration

	Exec Office	Supp Svcs	Commis	Total	%
TOTAL - BALANCE	273,681	109,734	11,477	394,892	73%

TEXAS COMMISSION ON FIRE PROTECTION

FY12 BUDGET, Approved:

last updated 09/23/11

FY12 - Method of Finance:

(as of: GAA)

	Info 13008	Stds 13014	Admin 13800	TOTALS
Regular Appropriation (from GAA)	65,778	1,271,851	557,200	1,894,829
INTERNAL Budget Transfers				0
License Plate Receipts		5,000		5,000
Appro. Receipts (IFSAC Seals)		45,000		45,000
Additional IFSAC Seals above \$45,000		0		0
State Farm Grant (Library)				0
Total Funding:	\$65,778	\$1,321,851	\$557,200	\$1,944,829

\$1,944,829

FY12 - BUDGET DETAIL

	Info 13008	Stds 13014	Admin 13800	TOTALS
1001 - Salaries & Wages:				
7001- Salaries - Exempt Positions			92,600	92,600
7002- Salaries - Classified Positions	48,778	1,121,217.18	358,152.42	1,528,147
700x- Merit Budget				0
700x- Equity Adjustment				0
1001 - Total Salaries & Wages	48,778	1,121,217	450,752	1,620,747
1002 - Other Personnel Costs:				
7004 - Non Permanent Full-Time Empl				0
7017- One-Time Merit -- budget				0
7022- Longevity Pay	500	23,700.00	6,920	31,120
7023- Lump Sum Terms and retirement payout		15,000.00	10,000	25,000
Excess from Salary Savings				0
7984- Unemployment Compensation				0
1002 - Total Other Personnel Costs	500	38,700	16,920	56,120
2001 - Professional Fees and Services:				
7242- Consulting Services - IT Computers			3,295.00	3,295.00
7245 - Financial & Accounting Services			5,510	5,510.00
7253- Other Professional Fees				0.00
7274- Temporary Employment Agencies		2,578	6,877	9,455.00
7275- Computer Programming Services				0.00
2001 - Total Professional Fees and Services:	0	2,578	15,682	18,260
2003 - Consumable Supplies:				
7300- Consumables toner, IFSAC seals	4,356	16,243	3,313	23,912
2003 - Total Consumable Supplies:	4,356	16,243	3,313	23,912
2004 - Utilities:				
7501- Electricity				0
7503- Telecommunications-Long Distance				0
7504- Telecommunications-Monthly Charge	386	12,485	2,699	15,569

FY12 - BUDGET DETAIL

	Info 13008	Stds 13014	Admin 13800	TOTALS
7299- Purchased Contracted Services	11.61	267	81	360
7303- Subscriptions, Periodicals and Info Services				0
7312- Medical Supplies				0
7330- Parts -equip, furn				0
7334- Furnishings & Equipment -Expensed	16.13	371	113	500
7335- Parts -Computer Equipment - Expensed	16.13	371	113	500
7340- Real Property and Improvements - Expensed				0
7354- Building remodel - State Leased Expensed				0
7367- Personal Property - M&R				0
7374- Personal Property-F&E- Controlled				0
7377- Computer Equipment - Expensed	32.26	742	226	1,000
7378- Computer Equipment - Controlled	32.26	742	226	1,000
7379- Computer Equipment - Cap (>1,000)				0
7380- Computer Software - Expensed	685.88	3,700	1,126	5,512
7382- Books - Expensed				0
7806- Interest				0
7947- Workers Compensation Transfer			2,850	2,850
7953- SWCAP payment/cost allocation			749	749
7961- STS Transfers-Telecommunications	68.84	1,583	482	2,134
0000- Other Miscellaneous (possible excess)				0
				0
				0
				0
2009 - Total Other Operating Expense:	2,316	43,816	26,145	68,891
4000 - Grants:				
7623- Grants- Community Serv. Programs		5,000		5,000
7701- Loans to Political Subdivisions				
4000 - Grants:	0	5,000	0	5,000
5000 - Capital Expenditures:				
7343- Remodeling of Bldg-State Owned-Capitalized				0
7387- computer Software-expensed > 1,000				0
7389- Books, Pre-recorded Ref Material - Capitali. NFPA (paper subscription)	4,205			4,205
				0
5000 - Capital Expenditures:	4,205	0	0	4,205
TOTAL - EXPENDITURES less BRP	61,662.06	1,320,350.74	542,089.23	1,920,715
Difference from MOF (Balance):	4,115.94	1,500.26	15,110.77	20,726.97

TCFP FY14 Measures, FY13 Strategic Plan

Key	Division	FY12 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY12 YTD Sum	FY12 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	169			169	800	21%	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	36			36	175	21%	Number of research requests for agency information resource center.
						Cumulative			On track to meet target
<input type="checkbox"/>	Std	02-01-01:01	236			236	600	39%	Number of inspections of regulated entities.
						Cumulative			On track to exceed target
<input type="checkbox"/>	Std	02-01-01:02	1,850			1,850	8,750	21%	Number of new certifications issued to individuals.
						Cumulative			On track to meet target
<input type="checkbox"/>	Std	02-01-01:03	26,909			26,909	28,840	93%	Number of certifications renewed (individuals).
						Cumulative			Majority of certifications are renewed during the 1st quarter.
<input type="checkbox"/>	Std	02-01-01:04	2,314			2,314	8,442	27%	Number of individuals examined.
						Cumulative			On track to meet target
<input type="checkbox"/>	Adm	04-01-01:01				0	13,000	0%	Dollar value of HUB contacts awarded.
						Cumulative			
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	N/A	N/A	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	N/A	N/A	Amount requested by fire departments for loans and grants.
						Cumulative			Program transferred to Texas Forest Service.
<input type="checkbox"/>	Std	02-01-01:01	91.62			92	90.0%	102%	Pass Rate (Percent)
						Non-Cumulative			Within Target
<input checked="" type="checkbox"/>	Std	02-01-01:02	28,397			28,397	29,800	95%	Number of fire service personnel certified by the Commission.
						Non-Cumulative			Meets target
<input type="checkbox"/>	Std	02-01-01:03	242			242	185	131%	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 FY14 Measures, FY13 Strategic Plan

Key	Division	FY12 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY12 YTD Sum	FY12 Target	% 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	1.66			1.66	6	28%	Average certification cost per individual certificate issued.
						Non-Cumulative			Lower than target which is desired
<input type="checkbox"/>	Std	02-01-01:02	0.76			0.76	2.5	30%	Average certification cost per facility certificate issued.
						Non-Cumulative			Lower than target which is desired
<input type="checkbox"/>	Std	02-01-01:03	92.00			92.00	95	97%	Percentage of new individual certificates issued within 10 days.
						Non-Cumulative			Within Target.
<input type="checkbox"/>	Std	02-01-01:05	23.68			23.68	85	28%	Average cost per exam administered.
						Non-Cumulative			Lower than target but will fluctuate during the year.
Outcome		<i>(Annual) 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%	N/A	N/A	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	93%			93.0%	95%	98%	Percent of inspected certificate holders with no recent violations.
						Non-Cumulative			Within target
<input type="checkbox"/>	Fin	04-01:01					10%	0%	Percent of total dollar value of purchasing contracts awarded to HUBs.
						Non-Cumulative			

Note: Explanations are provided for measures that are 5% or more off target.

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

5. **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.**

6. **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).**

- 7. Discussion and possible action regarding the appointment of a new Commission representative to serve on the Texas Fire School Advisory Board.**

From: Mike Hunt [mailto:mhunt@ci.duncanville.tx.us]
Sent: Thursday, October 06, 2011 10:45 PM
To: 'chris.connealy@tcfp.state.tx.us'
Subject: Resignation from the Fire School Advisory board

Chief Connealy,

I am informing you that I am resigning as the Commission representative to the Fire School Advisory board. Our department is making some changes in the Battalion Chiefs roles and responsibilities.

I have enjoyed the experience and will cherish the memories. I will continue making the meetings until my position is filled if this is acceptable with everyone. Again, thanks for letting me serve the firefighters of Texas.

Michael Hunt
Battalion Chief
Duncanville Fire Department

EDUCATION CODE

CHAPTER 86

TEXAS A & M UNIVERSITY

SUBCHAPTER A. GENERAL PROVISIONS

§ 86.16. FIREMEN'S TRAINING SCHOOL

(a) The Texas A & M University System shall conduct and maintain a firemen's training school through the Texas Engineering Extension Service as a unit of the university system in the manner deemed expedient and advisable by the system's board of regents. The Texas Engineering Extension Service shall serve as the recognized statewide fire and rescue training agency liaison to the National Fire Academy. In their capacity as the National Fire Academy liaison, the extension service shall distribute National Fire Academy student manuals on request to associations, fire departments, state agencies, and institutions of higher education which meet National Fire Academy qualifications.

(b) The firemen's training school advisory board is composed of:

(1) three members of the staff of the system appointed by the system's board of regents, one of whom shall be the director of the engineering extension service who serves ex officio as the chairman of the advisory board;

(2) four members or representatives of the State Firemen's and Fire Marshals' Association of Texas or its successor, appointed by the president or other managing officer of that association;

(3) one person who is fire protection personnel as defined by Section 419.021, Government Code, and who is the head of a training division for the fire department of a political subdivision, appointed by the Texas Commission on Fire Protection; and

(4) one fire chief appointed by the president or other managing officer of the Texas Fire Chiefs Association or its successor.

(c) The advisory board shall confer with and advise the engineering extension service with reference to the organization of the school, the purchasing of equipment, the curriculum and program, and the conduct and management of the school.

(d) Expenditures for the per diem expenses of members of the advisory board and all other necessary expenses of the school shall be made only on the order of the system's board of regents, and no warrants shall be paid unless also approved in writing by the director of the engineering extension service.

8. **Presentation by Chairman Nizam Peerwani of the Forensic Science Commission regarding recommendations made with regards to initiatives designed to improve fire investigation activities in Texas.**

underlying scientific validity of techniques affects the interpretation of findings. (NAS Report at 218.) The FSC includes specific recommendations on training of lawyers and judges in Section XI below.

XI. DRAFT RECOMMENDATIONS

The Commission makes seventeen recommendations below regarding initiatives designed to improve arson investigation in Texas. Though these recommendations have arisen from the arson investigations in this case, they are applicable to all fire investigation activities statewide. The Commission recognizes that each recommendation is dependent upon the willingness and ability of stakeholders to implement the recommendation. To that end, the Commission requests that the SFMO (in collaboration with the Texas Commission on Fire Protection (“TCFP”) and other appropriate stakeholders) review the recommendations provided below, in conjunction with any other national best practices (*see* examples cited) and develop its own near and long-term strategic plan. Any existing SFMO strategic plans or relevant initiatives should be incorporated. The plan should include an assessment of resources and highlight any gaps that could prevent stakeholders from implementing recommendations and best practices. The plan’s timeline should be aggressive but flexible to encourage effective implementation.

RECOMMENDATION 1: ADOPTION OF NATIONAL STANDARDS

The FSC recommends that fire investigators adhere to the standards of NFPA 921. The SFMO has indicated a willingness to improve standards and public confidence in fire investigation techniques. The Commission recommends

that all SFMO fire investigators adhere to the standards of NFPA 921 and serve as a model to other local fire investigators.

The FSC notes that laboratory testing on fire debris admitted into evidence in Texas courts is already subject to accreditation. For example, the SFMO laboratory that reviews fire debris is accredited through the American Society of Crime Laboratory Directors—Laboratory Accreditation Board (“ASCLD—LAB”). At this time, there are no plans to accredit the broader field of fire investigation. One obvious benefit of accreditation is that it provides an agency with an ongoing mechanism for assessing internal performance and implementing best practices.

While accreditation may not be appropriate for fire investigation, the Commission recommends that the SFMO work in collaboration with TCFP and other agencies to develop its own strategic plan setting forth best practices in fire investigation. The plan should meet the recommended national standards that exist at the time it is completed. Examples of guiding documents for current standards include but are not limited to the current edition of NFPA 921, NFPA 1033, the National Institute of Justice’s June 2000 report entitled *Fire and Arson Scene Evidence: A Guide for Public Safety Personnel* (See Exhibit 29); and the National Center for Forensic Science (Carl Chasteen), and Technical/Scientific Working Group’s January 2008 report entitled *Fire and Explosion Investigations and Forensic Analyses: Near-and Long-Term Needs Assessment for State and Local Law Enforcement*. (See Exhibit 30.)

RECOMMENDATION 2: RETROACTIVE REVIEW

Accredited disciplines of forensic science have standards that promote the re-examination of cases when science has evolved to create a material difference in the original analysis or result. Those standards include: (1) duty to correct; (2) duty to inform; (3) duty to be transparent; and (4) implementation of corrective action. The SFMO should develop similar standards.

If new scientific knowledge develops over time that would materially change the opinions or results in a criminal investigation, the individual or agency has a responsibility to inform the parties involved or develop procedures for doing so.

RECOMMENDATION 3: ENHANCED CERTIFICATION

The primary mechanism for training and educating fire investigators in Texas is individual certification. The certification process is administered by the TCFP. Texas has two separate certification titles for fire protection personnel: fire investigator and arson investigator. The main difference between the two is that an arson investigator must be certified both as a fire investigator and as a peace officer. The Texas Commission on Law Enforcement Officer Standards and Education (“TCLEOSE”) administers peace officer certification. Below is a summary of requirements for the four existing certification levels: basic, intermediate, advanced and master.

CLASS	FIRE INVESTIGATOR	ARSON INVESTIGATOR
Basic	<p>Completion of a TCFP-approved basic training program; <u>and</u></p> <p>Successfully passing the TCFP certification exam for fire investigators.</p>	<p>Peace officer license from TCLEOSE or federal equivalent; <u>and</u></p> <p>Accreditation from International Fire Service Accreditation Congress as fire investigator or TCFP- approved basic fire investigation certificate.</p>
Intermed.	<p>Prerequisite of basic fire investigator certification; <u>and</u></p> <p>4 years of fire protection experience <u>and either</u>:</p> <ul style="list-style-type: none"> • 6 semester hours of fire science or fire technology from an approved Fire Protection Degree Program; <u>or</u> • Acceptable combinations of coursework from either “A-List” or “B-List” courses (<i>See Exhibit 31</i>); <u>or</u> • Acceptable combination of college courses with either “A-List” or “B-List” courses. 	<p>Prerequisite of basic arson investigator certification; <u>and</u></p> <p>4 years of fire protection experience <u>and either</u>:</p> <ul style="list-style-type: none"> • 6 semester hours of fire science or fire technology from an approved Fire Protection Degree Program; <u>or</u> • Acceptable combinations of coursework from either “A-List” or “B-List” courses; <u>or</u> • Acceptable combination of college courses with either “A-List” or “B-List” courses.
Advanced	<p>Prerequisite of intermediate fire investigator certification; <u>and</u></p> <p>8 years of fire protection experience <u>and either</u>:</p> <ul style="list-style-type: none"> • 6 semester hours of fire science or fire technology from an approved Fire Protection Degree Program; <u>or</u> • Acceptable combinations of coursework from either “A-List” or “B-List” courses; <u>or</u> • Acceptable combination of college courses with either “A-List” or “B-List” courses. 	<p>Prerequisite of intermediate arson investigator certification; <u>and</u></p> <p>8 years of fire protection experience <u>and either</u>:</p> <ul style="list-style-type: none"> • 6 semester hours of fire science or fire technology from an approved Fire Protection Degree Program; <u>or</u> • Acceptable combinations of coursework from either “A-List” or “B-List” courses; <u>or</u> • Acceptable combination of college courses with either “A-List” or “B-List” courses.

		<ul style="list-style-type: none"> • Acceptable combination of college courses with either “A-List” or “B-List” courses.
Master	Prerequisite of advanced fire investigator certification; <u>and</u> 12 years fire protection experience; <u>and</u> 60 college semester hours or an associate’s degree that includes at least 18 hours in fire science subjects.	Prerequisite of advanced arson investigator certification; <u>and</u> 12 years fire protection experience; <u>and</u> 60 college semester hours or an associate’s degree that includes at least 18 hours in fire science subjects.

A. Continuing Education Requirements

Texas fire and arson investigators are required to maintain their certification by participating in at least 20 hours of continuing education coursework from the “A-List” or “B-List”, or a combination of the two. Alternatively, if an individual has completed a TCFP-approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion is documentation of continuing education for that certification renewal period.³ Arson investigators are also required to maintain their peace officer certification, which requires an additional 40 hours of continuing education coursework per training cycle (training cycles are two years long; the next cycle runs from September 1, 2011 to August 31, 2013.)⁴

B. NFPA 1033 Guidelines

In 2009, the NFPA released enhanced guidelines for education and

³ Information on fire investigator training and continuing education requirements was obtained from the most recent edition of the Texas Commission on Fire Protection’s *Standards Manual for Fire Protection Personnel*.

⁴ http://www.tcleose.state.tx.us/content/licensing_certifications.cfm

training of fire investigators nationwide, and clarified that the guidelines should apply to *all fire investigators*. Under NFPA 1033's guidelines, fire investigators should have, at a minimum, a high school degree plus successful coursework in the following topics at a "post-secondary education" level:

- fire science;
- fire chemistry;
- thermodynamics;
- thermometry;
- fire dynamics;
- explosion dynamics;
- computer fire modeling;
- fire investigation;
- fire analysis;
- fire investigation methodology;
- fire investigation technology;
- hazardous materials; and
- failure analysis and analytical tools. (NFPA 1033 at 1.3.8.)

Fire investigators must also maintain their knowledge in these subject areas and "remain current" with investigation methodology, fire protection technology, and code requirements by attending workshops and seminars and/or through professional publications and journals. (*Id.* at 1.3.7.)

The Commission recommends that the TCFP phase in a timeline for requiring all investigators to comply with NFPA 1033. The first phase should require that any fire investigator who testifies in court come into compliance with NFPA 1033 standards as soon as practicable. Subsequent phases should require compliance based on the levels of responsibility assumed by investigators. The timeline should be aggressive but flexible to encourage a smooth transition toward compliance. Continuing education requirements promulgated by the TCFP should incorporate NFPA 1033's guidelines.

The FSC also recommends that the SFMO expand its mock trial program to include more participants. One alternative would be to allow for online participation, or to work with the TCFP to make the program a component of continuing education for arson investigators.

RECOMMENDATION 4: COLLABORATIVE TRAINING ON INCENDIARY INDICATORS

The FSC is encouraged by recent efforts among fire scientists,⁵ investigators and officials at the SFMO to develop a training course that includes hands-on analysis of incendiary indicators through live burn exercises. The SFMO and TCFP should work with local fire departments to encourage maximum participation, possibly by offering sessions in multiple regional locations. A special effort should be made to ensure participation by smaller rural communities. The SFMO and TCFP should also take into consideration any other pertinent curriculum recommended by the NIJ and other national agencies and working groups. The FSC recommends that the following subjects be reviewed at a minimum:

- fire science basics;
- fuels;
- ignition;
- fire growth;
- incendiary indicators;
- myths and misconceptions;
- elimination of accidental causes;
- proper documentation and photos;
- eyewitness interviews;
- diagrams and use of the Ignition Matrix.

⁵ The FSC is especially grateful to Dr. John DeHaan for working with Commission staff to develop a suggested training curriculum.

Training should be limited to active fire investigators currently serving in Texas to encourage an open and honest exchange (similar to the “post-mortem” sessions conducted by medical doctors and scientists). It should include opportunities for investigators to participate in live burn exercises. All attendees should be given current copies of NFPA 921 and *Kirk’s Fire Investigation* at a minimum. Participants should receive continuing education credit for their attendance. Finally, an examination should be given at the end of the course to determine whether attendees absorbed key principles.

RECOMMENDATION 5: TOOLS FOR ANALYZING IGNITION SOURCES

New tools exist to help investigators identify and analyze various sources of ignition during a fire investigation. For example, the Ignition Matrix (*See Exhibit 32*) was introduced in the latest edition of *Kirk’s Fire Investigation* and NFPA 921 as a straightforward method for ensuring compliance with the various requirements of NFPA 921.⁶ The matrix prompts investigators to ask a series of questions regarding potential ignition sources. Investigators then label the information they have gathered based on pre-established color and notation categories. The approach constitutes a best practice method for evaluating sources of data at the scene of a fire and documenting the facts relied upon when reaching conclusions about various ignition possibilities. When carried out with a comprehensive map of the suspected area of origin, the Ignition Matrix provides investigators with a concrete way to conduct a methodical review of data and facts before forming an opinion, in compliance with NFPA 921. The SFMO

⁶ Information regarding the Ignition Matrix, developed by Lou Bilancia, was provided to the FSC by Dr. John DeHaan in February 2011.

should consider methods for integrating the Ignition Matrix into its training and investigative work.

RECOMMENDATION 6: PERIODIC CURRICULUM REVIEW

The FSC recommends that stakeholders (including representatives from the TCFP, SFMO, fire investigators and scientists) form a regular working group to review training curricula and ensure that it meets the ongoing needs of fire investigators in Texas. The group could also identify ways to take advantage of Internet-based training such as CFITrainer and virtual reality fire investigation programs. Because CFITrainer provides a variety of online options for achieving compliance with NFPA 1033, use of the website may be particularly helpful in rolling out the enhanced certification requirements discussed above.

RECOMMENDATION 7: INVOLVEMENT OF SFMO IN LOCAL INVESTIGATIONS

Local fire departments call the SFMO for assistance when they believe a case is significant enough to warrant such assistance. If the SFMO has personnel available, it sends them to assist. Based on discussions with SFMO leadership, it appears that the SFMO is always available to assist when called upon; the agency rarely (if ever) denies assistance. Some Commissioners have questioned whether there should be clear legal requirements governing cases in which the SFMO appears for assistance. The Commission strongly recommends that the SFMO have an Advanced or Master Arson Investigator participate in all fire investigations involving the loss of life.

RECOMMENDATION 8: ESTABLISHMENT OF PEER REVIEW GROUP/MULTIDISCIPLINARY TEAM

The Commission strongly recommends that the SFMO establish a peer review team (perhaps to include someone from the SFMO, a local investigator, a fire scientist and a medical examiner) to review pending and completed arson cases on a quarterly basis (similar to the cold case DNA task force group, or CPS' review of child abuse cases, multidisciplinary team (MDT) models, etc.) This would be a good-faith effort to assure the public that there is a review mechanism in place, especially for structure arson cases involving fatalities. It would also be a way to encourage ongoing professional development across the field. The most efficient approach may be to establish regional MDTs.

RECOMMENDATION 9: STANDARDS FOR TESTIMONY IN ARSON CASES

The FSC recommends that the SFMO and local fire investigators begin implementing the standards set forth in NFPA 1033 and related guidelines to improve the overall quality of testimony offered in arson investigations.

RECOMMENDATION 10: ENHANCED ADMISSIBILITY HEARINGS IN ARSON CASES

The FSC recommends that admissibility hearings (also referred to as *Daubert/Kelly* hearings) be conducted in all arson cases, due to the inherently complex nature of fire science and the continuously evolving nature of fire investigation standards. The FSC encourages both prosecutors and defense counsel to aggressively pursue admissibility hearings in arson cases. In addition, judges should affirmatively exercise their discretion to hold such hearings in all

arson cases as a method of ensuring that fire science testimony is reliable and relevant.

RECOMMENDATION 11: EVALUATING COURTROOM TESTIMONY

The Commission recommends that the SFMO and local fire departments develop policies and procedures for the evaluation of courtroom testimony.

RECOMMENDATION 12: MINIMUM REPORT STANDARDS

SFMO leadership reviews each fire investigation report submitted by its investigators, and instructs investigators to revise their reports if there is any indication of an incomplete analysis. This process is designed to help ensure that the scientific method is followed by SFMO investigators. However, it is limited to fire reports submitted by investigators employed by the SFMO; there is no standardized reporting method that applies to fire investigators statewide.

The Commission recommends that the SFMO develop and release minimum standards for fire investigation reporting statewide. As the NAS Report notes, “there is a critical need in most fields of forensic science to raise the standards for reporting and testifying about the results of investigations.” (NAS Report at 185.) Minimum standards should verify that key elements have been reviewed, documented, collected, photographed (to the extent applicable) and analyzed. They should also have a method for red-flagging scenarios in which additional consultation might be necessary (such as when an electrical engineer should be called in to help with arc mapping, etc.). They should track key elements of NFPA 921, and evolve as new editions are released. Tools such as the Ignition Matrix and voice-recognition software should be integrated into the

report-writing process. The SFMO has obtained a grant for the use of voice-recognition software; the FSC encourages the agency to seek additional ways to expand opportunities for using the software.

RECOMMENDATION 13: PRESERVATION OF DOCUMENTATION

The Commission notes that review of documentation in the Willingham case presented difficulties because the documents, photographs of fire debris and related records were no longer available. Local fire departments and the SFMO should preserve originals and forward only copies of documentation.

RECOMMENDATION 14: DISSEMINATION OF INFORMATION REGARDING SCIENTIFIC ADVANCEMENTS

The SFMO should identify additional ways to help the fire investigation community in Texas stay current with national developments in fire science. For example, there should be a consistent and effective method for disseminating new information regarding the results of fire science experiments and controlled burn studies. Formats could include quarterly electronic newsletters, regular online forums, periodic webcast updates, NIST and NCJRS library resources, journal abstracting services, etc. The SFMO may also consider retaining a fire scientist to consult on an as-needed basis. Such a relationship would encourage the free flow of information between the two communities and provide a continuous source of outside expertise for particularly challenging interpretive questions.

The FSC recommends that the SFMO perform an internal audit to evaluate fire investigation training, certification, policies and procedures to ensure compliance with all relevant national standards. The FSC recommends that the

SFMO develop a plan for implementing new standards as they evolve as well as ongoing quality assurance measures.

RECOMMENDATION 15: CODE OF CONDUCT/ETHICS

State agencies and professional organizations often have a Code of Conduct or Ethics to guide expectations. The FSC understands that the SFMO does not currently have such a Code; the FSC recommends that the SFMO establish a Code of Conduct/Ethics for fire investigators in Texas.

RECOMMENDATION 16: TRAINING FOR LAWYERS/JUDGES

The FSC recommends that the Texas Legislature and/or any other body overseeing continuing education in Texas consider requiring judges and lawyers practicing in criminal courts to have some form of ongoing forensic science training as a component of their Continuing Legal Education obligations.

RECOMMENDATION 17: FUNDING

The Commission urges that the Texas Legislature and municipalities take steps to ensure that sufficient funding is available to provide training to fire and arson investigators so that they may meet the standards set out in NFPA 921 and NFPA 1033, and stay current with national advances in fire science.

The FSC further recommends that the Texas Department of Insurance make it a priority to ensure that the SFMO receives sufficient funding so that its fire and arson investigators are properly trained to meet the standards set out in NFPA 921 and NFPA 1033, and so that they are able to stay current with advances in fire science.

Finally, the FSC recommends that the SFMO aggressively seek out alternative sources of funding for education of its investigators, including but not limited to federal and private grants.

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

10. Discussion and possible action on future meeting dates.

11. **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 425, Fire Service Instructors, including, but not limited to, §425.1, Minimum Standards for Fire Service Instructor Certification.**

CHAPTER 425

FIRE SERVICE INSTRUCTORS

§425.1. Minimum Standards for Fire Service Instructor Certification.

- (a) Training programs that are intended to satisfy the requirements for fire service instructor certification must meet the curriculum and competencies based upon NFPA 1041. All applicants for certification must meet the examination requirements of this section.
- (b) Prior to being appointed to fire service instructor duties, all personnel must complete a Commission-approved fire service instructor program and successfully pass the Commission examination pertaining to that curriculum.
- (c) Personnel who receive probationary or temporary appointment to fire service instructor duties must be certified by the Commission within one year from the date of appointment to such position.
- (d) An out-of-state, military, or federal instructor training program may be accepted by the Commission as meeting the training requirements for certification as a fire service instructor if the training has been submitted to the Commission for evaluation and found to be equivalent to or to exceed the Commission-approved instructor course for that particular level of fire service instructor certification.
- (e) An individual who holds a **bachelor's** [~~bachelors~~] degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the Texas State Board of Education or **an associate's degree with twelve semester hours of education instructional courses** is considered to have training equivalent to the Commission's curriculum requirements for Instructor I, II and III training.
- (f) Personnel holding any level of fire service instructor certification must comply with the continuing education requirements specified in §441.21 of this title.

§425.3. Minimum Standards for Fire Service Instructor I Certification.

In order to become certified as a Fire Service Instructor I an individual must:

- (1) have a minimum of three years of experience (as defined in §421.5(43) of this title) in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor I or II or III; or
- (3) have completed the appropriate curriculum for Fire Service Instructor I contained in Chapter 8 of the Commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title; and
- (4) successfully pass the applicable Commission examination as specified in Chapter 439 of this title; and
- (5) have completed the field examiner orientation course as specified in Chapter 439 of this title.

§425.5. Minimum Standards for Fire Service Instructor II Certification.

In order to become certified as a Fire Service Instructor II, an individual must:

- (1) hold as a prerequisite a Fire Instructor I certification as defined in §425.3 of this title; and
- (2) have a minimum of three years of experience (as defined in §421.5(43) of this title) in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor II, or III; or
- (4) have completed the appropriate curriculum for Fire Service Instructor II contained in Chapter 8 of the Commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title; and
- (5) successfully pass the applicable Commission examination as specified in Chapter 439 of this title.

§425.7. Minimum Standards for Fire Service Instructor III Certification.

In order to become certified as a Fire Service Instructor III an individual must:

- (1) hold as a prerequisite, a Fire Instructor II Certification as defined in §425.5 of this title; and
- (2) have a minimum of three years of experience (as defined in §421.5(43) of this title) in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor III; or
- (4) have completed the appropriate curriculum for Fire Service Instructor III contained in Chapter 8 of the Commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title; and
- (5) successfully pass the applicable Commission examination as specified in Chapter 439 of this title; and either
 - (A) hold as a prerequisite an advanced structural fire protection personnel certification, an advanced aircraft fire protection personnel certification, advanced marine fire protection personnel certification, advanced inspector certification, advanced fire investigator, or advanced arson investigator certification; or

- (B) have 60 college hours from a regionally accredited educational institution; or
- (C) hold an associate's degree from a regionally accredited educational institution.

§425.9. Minimum Standards for Master Fire Service Instructor III Certification.

In order to become certified as a Master Fire Service Instructor III the individual must:

- (1) hold as a prerequisite a Fire Service Instructor III certification; and
- (2) be a member of a paid, volunteer, or regulated non-governmental fire department; or a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) hold as a prerequisite a master structural fire protection personnel certification, a master aircraft rescue fire fighting personnel certification, master marine fire protection personnel certification, master inspector certification, master fire investigator certification, or master arson investigator certification; or
- (4) hold a bachelors degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the Texas State Board of Education.

§425.11. International Fire Service Accreditation Congress Seal.

- (a) Individuals who held an equivalent Instructor I certification prior to March 1, 2006 or individuals completing a Commission-approved Fire Service Instructor I training program and passing the applicable state examination after the effective date of this chapter, may be granted an IFSAC seal for Instructor I by making application to the Commission and paying the applicable fee.
- (b) Individuals who held an equivalent Instructor II certification prior to March 1, 2006 or individuals holding an IFSAC Instructor I certification, completing a Commission-approved Fire Service Instructor II training program, and passing the applicable state examination after the effective date of this chapter, may be granted an IFSAC seal for Instructor II by making application to the Commission and paying the applicable fee.
- (c) Individuals who held an equivalent Instructor III certification prior to March 1, 2006 or individuals holding an IFSAC Instructor II certification, completing a Commission-approved Fire Service Instructor III training program, and passing the applicable state examination after the effective date of this chapter, may be granted an IFSAC seal for Instructor III by making application to the Commission and paying the applicable fee.

11. **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 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 (IFSAAC) 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.

§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].

(a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:

(1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector 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 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.

~~[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].

(a) 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); 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.

[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**~~[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 **of fire protection** experience~~[appointed as a fire inspector]~~, and 60 college semester hours or an **associate’s**~~[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.

11. 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:**
 - 3. Proposed amendments to 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, 431.3, Minimum Standards for Basic Arson Investigator Certification.**

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, successfully pass the commission examination pertaining to that curriculum, and possess a current peace officer license from the Texas Commission on Law Enforcement Officer Standards and Education or document that the individual is a federal law enforcement officer..
- (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 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 license as a peace officer and notify the Commission on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; 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 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: **Fire and Arson Investigation I or II** [Arson Investigator], 3 semester hours; **Hazardous Materials I, II, or III**, 3 semester hours; **Building Construction in the Fire Service or Building Codes and 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 received prior to March 10, 2003 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.

11. 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:

- 4. Proposed amendments to 37 TAC, Chapter 451, Fire Officer, Subchapter A, Minimum Standard for Fire Officer I, including, but not limited to §451.3, Minimum Standards for Fire Officer I Certification, and Subchapter B, Minimum Standards for Fire Officer II, including, but not limited to, §451.203, Minimum Standards for Fire Officer II Certification.**

Chapter 451

FIRE OFFICER

Subchapter A

MINIMUM STANDARDS FOR FIRE OFFICER I

§451.1. Fire Officer I Certification.

A Fire Officer I is defined as an individual who may supervise fire personnel during emergency and non-emergency work periods; serve in a public relations capacity with members of the community; implement departmental policies and procedures at the unit level; secure fire scenes and perform fire investigations to determine preliminary cause; conduct pre-incident planning; supervise emergency operations; or ensure a safe working environment for all personnel.

§451.3. Minimum Standards for Fire Officer I Certification.

- (a) In order to be certified as a Fire Officer I an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
 - (2) hold Fire Service Instructor I certification through the Commission; and
 - (A) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Fighter II and Fire Officer I; or
 - (B) complete a Commission-approved Fire Officer I program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer I program must consist of one of the following:
 - (i) completion of a Commission-approved Fire Officer I Curriculum as specified in Chapter 9 of the Commission's Certification Curriculum Manual;
 - (ii) completion of an out-of-state and/or military training program that has been submitted to the Commission for evaluation and found to be equivalent to or exceed the Commission approved Fire Officer I Curriculum; or
 - (iii) successful completion of 12 ~~[15]~~ college semester hours consisting of the following courses or their equivalent:
 - (I) Fire Prevention Codes and Inspections, 3 semester hours;
 - (II) Fire and Arson Investigation I or II, 3 semester hours;
 - (III) Fire Administration I, 3 semester hours; **and**
 - (IV) Firefighting Strategies and Tactics I or II, 3 semester hours; ~~[and]~~
 - ~~[(V) Company Fire Officer, 3 semester hours].~~
- (b) Out-of-state or military training programs which are submitted to the Commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer I) of the Commission's Certification Curriculum Manual are met.
- (c) College courses will be considered equivalent if the course description is substantially similar to the course description contained in the Workforce Education Course Manual (WECM) from the Texas Higher Education Coordinating Board.

§451.5. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer I certification.
- (b) Individuals will be permitted to take the Commission examination for Fire Officer I certification by documenting the following: Structure Fire Protection Personnel certification and Fire Service Instructor certification through the Commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer I curriculum.

§451.7. International Fire Service Accreditation Congress (IFSAC) Seal.

- (a) Individuals holding a current commission Fire Officer I certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer I by making application to the commission for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a commission-approved Fire Officer I program, documenting an IFSAC seal for Fire Fighter II and Instructor I, and passing the applicable state examination may be granted an IFSAC seal as a Fire Officer I by making application to the commission for the IFSAC seal and paying applicable fees.

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE OFFICER II

§451.201. Fire Officer II Certification.

A Fire Officer II is defined as an individual who may evaluate the performance of personnel; deliver public education programs; prepare budget requests, news releases, and policy changes; conduct inspections and investigations; supervise multi-unit emergency operations; and identify unsafe work environments and take preventive action; or review injury, accident, and health exposure reports. Individuals who perform inspections must comply with Chapter 429 of this title (relating to Minimum Standards for Fire Inspectors). Individuals who perform investigations must comply with Chapter 431 of this title (relating to Fire Investigation).

§451.203. Minimum Standards for Fire Officer II Certification.

- (a) In order to be certified as a Fire Officer II an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; **and** ~~and~~;
 - (2) hold Fire Officer I certification through the Commission; and
 - (3) hold, as a minimum, Fire Service Instructor I certification through the Commission; and
 - (A) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Officer II; or
 - (B) complete a Commission-approved Fire Officer II program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer II program must consist of one of the following:
 - (i) completion of a Commission-approved Fire Officer II Curriculum as specified in Chapter 9 of the Commission's Certification Curriculum Manual;
 - (ii) completion of an out-of-state and/or military training program that has been submitted to the Commission for evaluation and found to be equivalent to or exceed the Commission-approved Fire Officer II Curriculum; or
 - (iii) successful completion of **15** ~~18~~ college semester hours consisting of the following courses or their equivalent:
 - (I) Fire Prevention Codes and Inspections, 3 semester hours;
 - (II) Fire and Arson Investigation I or II, 3 semester hours;
 - (III) Fire Administration I, 3 semester hours;
 - (IV) Fire Administration II **or Company Fire Officer**, 3 semester hours; **and**
 - (V) Firefighting Strategies and Tactics I or II, 3 semester hour~~s~~; ~~and~~
 - ~~[(VI) Company Fire Officer, 3 semester hours.]~~
- (b) Out-of-state or military training programs which are submitted to the Commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the Commission's Certification Curriculum Manual are met.
- (c) College courses will be considered equivalent if the course description is substantially similar to the course description contained in the Workforce Education Course Manual (WECM) from the Texas Higher Education Coordinating Board.

§451.205. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer II certification.
- (b) Individuals will be permitted to take the Commission examination for Fire Officer II certification by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor certification and Fire Officer I certification through the Commission or the equivalent IFSAC seals, and completing a Commission-approved Fire Officer II curriculum.

§451.207. International Fire Service Accreditation Congress (IFSAC) Seal.

- (a) Individuals holding a current Commission Fire Officer II certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer II by making application to the Commission for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a Commission-approved Fire Officer II program; documenting IFSAC seals for Fire Fighter II, Instructor I and Fire Officer I; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer II by making application to the Commission for the IFSAC seal and paying applicable fees.

11. 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 421, Standards for Certification including, but not limited to, 421.9, Designation of Fire Protection Duties.**

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.1. Procedures for Meetings.

(a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.

(b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.

(c) Quorum. A majority of members shall constitute a quorum.

(d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.

(e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.

(f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.

(g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.

(h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

§421.3. Minimum Standards Set by the Commission.

- (a) General statement. It shall be clearly understood that the specified minimum standards herein described are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.
- (b) Functional position descriptions.
- (1) Structural fire protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and

address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.

(B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the Commission's Certification Curriculum Manual.

(2) Aircraft rescue fire fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.

(B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the Commission's Certification Curriculum Manual.

(3) Marine fire protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the Commission's Certification Curriculum Manual.

(4) Fire inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the Commission's Certification Curriculum Manual.

- (5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. Successfully complete a Commission-approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and moisture; and the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.
- (B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the Commission's Certification Curriculum Manual.
- (6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a Commission-approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.
- (B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the Commission's Certification Curriculum Manual.
- (7) Driver/Operator--Pumper personnel. The following general position description for driver/operator--pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator--pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.
- (B) Competency. A driver/operator--pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the Commission's Certification Curriculum Manual.
- (8) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.
- (A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an

incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.

(9) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the Commission's Certification Curriculum Manual.

(10) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

(11) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

(12) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a Commission-approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the Commission's Certification Curriculum Manual.

§421.5. Definitions.

The following words and terms, when used in this standards manual, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.
- (2) Appointment--The designation or assignment of a person to a discipline regulated by the Commission. The types of appointments are:
 - (A) permanent appointment--The designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, §419.032); and
 - (B) probationary or temporary appointment--The designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the Commission's certification and has met the medical requirement of §423.1(b) of this title, if applicable, but has not yet been certified. (See Texas Government Code, §419.032.)
- (3) Approved training--Any training used for a higher level of certification must be approved by the Commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the Commission and contain all information requested by the Commission. The Commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.
- (4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the Texas Commission on Fire Protection certification and has been permanently appointed, as defined in this section, to the particular discipline.
- (5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.
- (6) Auxiliary fire fighter--A volunteer fire fighter.
- (7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).
- (8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.
- (9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.
- (10) Code--The official legislation creating the Commission.
- (11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification.
- (12) Commission--Texas Commission on Fire Protection.

- (13) Commission-recognized training--A curriculum or training program which carries written approval from the Commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.
- (14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).
- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in the Texas Government Code, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.
- (20) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.
- (21) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.
- (22) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.
- (23) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.
- (24) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.
- (25) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.
- (26) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155)
- (27) Lead instructor--An individual qualified as an instructor to deliver fire protection training.
- (28) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as herein defined.
- (29) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).
- (30) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.
- (31) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the Commission under the Government Code, Chapter 419, Subchapter D.
- (32) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the Commission under the Government Code, Chapter 419, Subchapter D.

- (33) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.
- (34) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982, and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.
- (35) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:
- (A) city;
 - (B) county;
 - (C) school district;
 - (D) junior college district;
 - (E) levee improvement district;
 - (F) drainage district;
 - (G) irrigation district;
 - (H) water improvement district;
 - (I) water control and improvement district;
 - (J) water control and preservation district;
 - (K) freshwater supply district;
 - (L) navigation district;
 - (M) conservation and reclamation district;
 - (N) soil conservation district;
 - (O) communication district;
 - (P) public health district;
 - (Q) river authority;
 - (R) municipal utility district;
 - (S) transit authority;
 - (T) hospital district;
 - (U) emergency services district;
 - (V) rural fire prevention district; and
 - (W) any other governmental entity that:
 - embraces a geographical area with a defined boundary;
 - exists for the purpose of discharging functions of the government; and
 - possesses authority for subordinate self-government through officers selected by it.

- (36) Reciprocity for IFSAC seals--Valid documentation of accreditation from the International Fire Service Accreditation Congress used for TCFP certification may only be used for obtaining an initial certification.
- (37) Recognition of training--A document issued by the Commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.
- (38) School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.
- (39) Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.
- (40) Trainee--An individual who is participating in a Commission approved training program.
- (41) Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.
- (42) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the Texas Commission on Fire Protection.
- (43) Years of experience--For purposes of higher levels of certification or fire service instructor certification:
- (A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:
- (i) a Texas Commission on Fire Protection certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or
 - (ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
 - (iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an Emergency Care Attendant (ECA) as specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or
 - (iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the Texas Department of State Health Services (DSHS) or the Texas Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.
- (B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

§421.9. Designation of Fire Protection Duties.

- (a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:
- (1) fire protection personnel;
 - (2) a part-time fire protection employee; or

- (3) a volunteer fire fighter or other auxiliary fire fighter.
- (b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.
- (c) A fire department regulated by the Commission shall **report the appointment of** ~~[submit on the proper form a request to the appoint]~~ fire protection personnel ~~[r part-time fire protection employees]~~ to a regulated discipline **via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission.** No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission **via the Commission's online management program, or the appropriate form if available** ~~[on the Removal from Appointment form]~~ within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.
- (d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.
- (e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

§421.11. Requirement To Be Certified Within One Year.

- (a) Fire protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the Commission in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable Commission examination, whichever is less. The Commission shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.
- (b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the Commission in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

11. 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, §435.1, Protective Clothing.**

Chapter 435

FIRE FIGHTER SAFETY

§435.1. Protective Clothing.

~~[(a)]~~ A regulated fire department shall:

- (1) purchase, provide, and maintain a complete set of protective clothing for all fire protection personnel who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of protective clothing shall consist of garments including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;
- (2) ensure that all protective clothing which are used by fire protection personnel assigned to fire suppression duties comply with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, rebuilt, or used protective clothing; and
- (3) maintain and provide upon request by the Commission, a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles.

~~[(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.]~~

§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 So Everyone Goes Home Program.

- (a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program be completed as part

of the continuing education required for certified fire protection personnel by December 1, 2015. Individuals will be credited with four hours of continuing education credit for completing this program.

- (b) All regulated fire protection personnel must complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program prior to December 1, 2015.
- (c) All fire protection personnel appointed after December 1, 2015 will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year of appointment to a fire department.
- (d) Departments will report the completion of training through the Commission web based reporting system.
- (e) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadlines will be considered a violation of continuing education rules found in Chapter 441 of the Commission's Standards Manual.

§435.27. Live Fire Training Structure Evolutions.

The most current edition of NFPA 1403; Standard on Live Fire Training Structure 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 Structure Evolutions conducted.

- (1) The officer in charge or instructor will insure that the water supply rate and duration for each individual Live Fire Training Structure 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.
 - (a) The instructor in-charge shall assign the following personnel:
 - (1) One instructor to each functional crew, which shall not exceed five students.
 - (2) One instructor to each backup line.
 - (3) Additional personnel to backup lines to provide mobility.
 - (4) One additional instructor for each additional functional assignment.
- (2) The officer in charge or 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.
- (3) A safety officer shall be appointed for all Live Fire Training Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend or 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.
- (4) No person(s) shall play the role of a victim inside the building.
- (5) 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.
- (6) 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.
- (7) 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 participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices);

- (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
- (F) pre-burn, burn and post-burn.

11. 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:

- 3. Proposed amendments to 37 TAC, Chapter 441, Continuing Education, including, but not limited to, §441.5, Requirements, and §441.13, Continuing Education for Fire Inspection Personnel.**

CHAPTER 441

CONTINUING EDUCATION

§441.1. Objective.

Continuing education is intended to maintain or increase the knowledge and skills pertinent to the fire service.

§441.3. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Certification period--That period from the time a certificate is obtained or renewed until it is time for the certificate to be renewed again. See §437.5 of this title (relating to renewal fees) for the definition of certification period.
- (2) Track A--Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.
- (3) Track B—Fire service training or education intended to develop new skills that are not contained in the commission's certification curriculum manual for certifications held.

§441.5. Requirements.

- (a) Continuing education shall be required in order to renew certification which has a continuing education requirement stated in this chapter.
- (b) The continuing education requirement for renewal of certification shall consist of a minimum of 20 hours of training to be conducted during the certification period. Only 20 total hours of continuing education shall be required to renew all Texas Commission on Fire Protection certificates if any individual holds more than one certificate, except as provided in **§441.13 of this title (relating to Continuing Education for Fire Inspection Personnel)** and §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician). All documentation of training used to satisfy the continuing education requirements must be maintained for a period of three years from the date of the training. Continuing education records shall be maintained by the department in accordance with the Texas State Library and Archives Commission, State and Local Records Management Division, Records Schedule, Local Schedule (GR 1050-28), whichever is greater.
- (c) Track A training must be conducted by a certified instructor. Interactive computer-based continuing education training that is supervised and verified by a certified instructor is acceptable.
- (d) The continuing education program of a regulated entity must be administered and maintained in accordance with commission rule by a certified instructor.
- (e) No more than four hours per year in any one subject of the appropriate chapter of the commission's Certification Curriculum Manual may be counted toward the 20-hour continuing education requirement for Track A.
- (f) There shall be no "hour per subject limit" placed on Track B courses, except that emergency medical courses shall be limited to four hours per year.
- (g) The head of a fire department may select subject matter for continuing education appropriate for a particular discipline.
- (h) The head of a fire department must certify whether or not the individuals whose certificates are being renewed have complied with the continuing education requirements of this chapter on the certification renewal application. Unless exempted from the continuing education requirements, an individual who fails to comply with the continuing education requirements in this chapter shall be notified by the commission of the failure to comply.

- (i) After notification from the commission of a failure to comply with continuing education requirements, an individual who holds a certificate is prohibited from performing any duties authorized by a required certificate until such time as the deficiency has been resolved and written documentation is furnished by the department head for approval by the commission, through its Fire Service Standards and Certification Division director. Continuing education hours obtained to resolve a deficiency may not be applied to the continuing education requirements for the current certification period.
- (j) Any person who is a member of a paid or volunteer fire department who is on extended leave for a cumulative period of six months or longer due to a documented illness, injury, or activation to military service may be exempted from the continuing education requirement for the applicable renewal period(s). Such exemptions shall be reported by the head of the department to the commission at renewal time, and a copy kept with the department continuing education records for three years.
- (k) Any individual who is not a member of a paid or volunteer fire department who is unable to perform work, substantially similar in nature as would be performed by fire protection personnel appointed to that discipline, may be exempted from the continuing education requirement for the applicable renewal period(s). Commission staff shall determine the exemption using documentation of the illness or injury that cumulatively lasts six months or longer, which is provided by the individual and the individual's treating physician or by documentation of activation to military service.
- (l) In order to renew certification for any discipline which has a continuing education requirement stated in this chapter, an individual holder of a certificate not employed by a regulated entity must comply with the continuing education requirements for that discipline. Only 20 total hours of continuing education for each certification period shall be required to renew all certificates the individual holds, except as provided in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).
- (m) An individual certificate holder, not employed by a regulated entity, shall submit documentation of continuing education training at the time of renewal. An example of documentation of continuing education training may include, but not be limited to a Certificate of Completion, a college or training facility transcript, a fire department training roster, etc. Commission staff will review and may approve or disapprove such documentation of training in accordance with applicable commission rules and/or procedures. The training for a resident of Texas at the time the continuing education training is conducted shall be administered by a commission instructor, commission certified training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The training for a nonresident of Texas, shall be delivered by a state fire academy, a fire department training facility, an accredited institution of higher education, or a military or nationally recognized provider of training. The individual must submit training documentation to the commission for evaluation of the equivalency of the training required by this chapter. The individual certificate holder is responsible for maintaining all of his/her training records for a period of three years from the date of the training.
- (n) If an individual has completed a commission approved academy in the 12 months prior to his or her certification expiration date, a copy of that certificate of completion will be acceptable documentation of continuing education for that certification renewal period.

§441.7. Continuing Education for Structure Fire Protection Personnel.

- (a) Continuing education will be required for personnel certified as structure fire protection personnel.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A, Track B, or a combination of the two.

§441.9. Continuing Education for Aircraft Rescue Fire Fighting Personnel.

- (a) Continuing education will be required for personnel assigned as aircraft rescue fire fighting personnel.
- (b) Continuing education must, at a minimum, meet the specific training requirements of FAR 139.319(i)(2) and (3)

(pertaining to Aircraft Rescue and Fire Fighting Operational Requirements). Continuing education required by this subsection may exceed 20 hours, if necessary, to complete all required subjects.

§441.11. Continuing Education for Marine Fire Protection Personnel.

- (a) Continuing education will be required for personnel certified as marine fire protection personnel for any certification period beginning after October 31, 1993.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A, Track B, or a combination of the two.

§441.13. Continuing Education for Fire Inspection Personnel.

- (a) Continuing education will be required for personnel certified as fire inspection personnel.

(b) Individuals holding certification as fire inspection personnel in addition to other certifications will be required to complete an additional 8 hours of continuing education related to fire inspection and or plan examiner.

- ~~(c)~~ (c) Subjects selected to satisfy the continuing education requirement may be selected from either Track A, Track B, or a combination of the two.

§441.15. Continuing Education for Arson Investigator or Fire Investigator.

- (a) Continuing education will be required for personnel certified as arson investigation or fire investigation personnel.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A, Track B, or a combination of the two.

§441.17. Continuing Education for Hazardous Materials Technician.

- (a) Ten hours of continuing education in hazardous materials (technician level) will be required for individuals certified as a hazardous materials technician. This will be in addition to continuing education required by other sections of this chapter.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A or Track B, or a combination of the two.

§441.19. Continuing Education for Head of a Fire Department.

- (a) Continuing education will be required for personnel certified as head of a fire department.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A , Track B, or a combination of the two.

§441.21. Continuing Education for Fire Service Instructor.

- (a) Continuing education will be required for individuals certified as a fire service instructor.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Track A or Track B, or a combination of the two.

12. Discussion and possible approval of the addition of classes or courses to the A List and B List for higher levels of certification.

Proposed Additions to A and B Lists
January 12, 2012

A List Courses:

	<u>Provider</u>	<u>Length</u>
• Electrical Aspects of Fire Investigations	NFA	6 days
• Fire-Arson Investigative and Courtroom Techniques	NFA	10 days

B List Courses:

	<u>Provider</u>	<u>Length</u>
• Decision Making for Initial Company Operations	NFA	16 hours
• Advanced Radiological Survey Techniques	DHS	16 hours
• Public Safety WMD Response –Sampling Techniques and Guidelines	DHS	24 hours
• ICS Simulation Series: Wildland Fire	NFA	Online

- 13. Discussion and possible action regarding the proposed rule review plan for fiscal year 2012, pursuant to Section 2001.039, Texas Government Code with respect to the review and re-adoption of each of the rules contained in the plan.**

Texas Commission on Fire Protection

Rule Review Plan

The Texas Commission on Fire Protection (the Commission) submits this rule review plan in accordance with Government Code, §2001.039, added by Acts 1999, 76th Legislature, Chapter 1499, Article I, Section 1.11(a). This plan is for fiscal year 2012.

Notices of intention to review will be submitted for publication in the *Texas Register*. The public may comment at any point in the process until the review is adopted. Reviews will be adopted no earlier than 30 days after the notice of intent to review is published.

For administrative continuity and public convenience, the Commission shall, when practicable, review all rules within a chapter during the chapter's assigned review period regardless of varying effective dates within the chapter. Actions to amend, repeal, or adopt rules may begin independently of this schedule if required by legislative action, court decision, or other causes.

The Commission reserves the right to review a chapter as part of its routine rulemaking before or after its scheduled review date when deemed appropriate.

The following chapters will be reviewed by the Commission before June 2012. All comments should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, 1701 N. Congress Avenue, Austin, Texas 78701-1494.

Chapter 401. Practice and Procedure

Chapter 403. Criminal Convictions and Eligibility for Certification

Chapter 405. Charges for Public Records

Chapter 407. Administration

Chapter 431. Fire Investigation

Chapter 433. Minimum Standards For Driver/Operator-Pumper

Chapter 435. Fire Fighter Safety

Chapter 437. Fees

Chapter 443. Certification Curriculum Manual

Chapter 445. Administrative Inspections and Penalties

Chapter 447. Part-Time Fire Protection Employee

Chapter 449. Head of a Fire Department

The following chapters will be reviewed by the Commission before August 2012. All comments should be directed to Don Wilson, Executive Director, Texas Commission on Fire Protection, 1701 N. Congress Avenue, Austin, Texas 78701-1494.

Chapter 421. Standards for Certification

Chapter 423. Fire Suppression

Chapter 425. Fire Service Instructors

Chapter 427. Training Facility Certification

Chapter 429. Minimum Standards for Fire Inspectors

Chapter 439. Examinations for Certification

Chapter 441. Continuing Education

Chapter 451. Fire Officer

Chapter 453. Minimum Standards for Hazardous Materials Technician

Chapter 491. Voluntary Regulation of State Agencies and State Agency Employees

Chapter 493. Voluntary Regulation of Federal Agencies and Federal Fire Fighters

Chapter 495. Regulation of Nongovernmental Departments

14. 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.**

Texas Commission on Fire Protection
Results of Informal Conferences – Good Faith Clerical Error Letters
2011

RESULTS	NAME	DATE	ADMINISTRATIVE VIOLATION	SUMMARY
GFCE letter was mailed 1/13/2011	Lloyd Hatley	1/12/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the Pasadena Fire Marshal's Office. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter was mailed 3/25/2011	Wynn C. Myers	3/24/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the City of Hurst Fire Department. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter was mailed 3/25/2011	Brandon Clark	3/24/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the Lewisville Fire Department. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter was mailed 3/25/2011	Bradley Nelson	3/30/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the Lewisville Fire Department. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter was mailed 5/10/2011	Dillon Ischy	5/10/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the North Hays County Fire/Rescue. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter was sent 9/2/2011	Christopher B. Nelson	9/1/2011	Failed to certify prior to test expiration. Test expire in two years from date administered as per §439.1 (c) TAC	Determined a good faith clerical error on behalf of the Fort Worth Fire Department. Allowed to certify without retesting as per §419.034(e)(1) of the Government Code
GFCE letter sent 12/20/2011	Roy L. Kirk	12/19/2011	Failure to submit Notice of Appointment and renew certification as required in §421.9 (c) & §421.17 TAC	Determined a good faith clerical error on behalf of the Parker County Emergency Service District #1. Allowed to recertify without retesting as per §419.034(e)(1) of the Government Code.

15. **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.**

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

17. Adjourn meeting.