

6. **Discussion and possible action regarding proposed rule changes to title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, including but not limited to, §429.209, Minimum Standards for Master Fire Inspector Certification.**

# Chapter 429

## MINIMUM STANDARDS FOR FIRE INSPECTORS

### SUBCHAPTER B

#### MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

##### **§429.201. Minimum Standards for Fire Inspector Personnel.**

- (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) 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.**

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 Codes and Inspections, three semester hours;
    - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
    - (iv) Hazardous Materials I, II, or III, three semester hours. (Total semester hours, 12).

##### **§429.205. Minimum Standards for Intermediate Fire Inspector Certification.**

- (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.

#### **§429.207. Minimum Standards for Advanced Fire Inspector Certification.**

(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.

**§429.209. Minimum Standards for Master Fire Inspector Certification.**

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

- (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
- (2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate's 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.**

(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 section of the state examination on or after January 1, 2005, may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:

- (1) To receive the IFSAC Inspector I seal, the individual must:
  - (A) complete the Inspector I section of a commission-approved course; and
  - (B) pass the Inspector I section of a commission examination.
- (2) To receive the IFSAC Inspector II seal, the individual must:
  - (A) complete the Inspector II section of a commission-approved course;
  - (B) document possession of an IFSAC Inspector I seal; and
  - (C) pass the Inspector II section of a commission examination.
- (3) To receive the IFSAC Plan Examiner I seal, the individual must:
  - (A) complete the Plan Examiner I section of a commission-approved course; and
  - (B) pass the Plan Examiner I section of a commission examination.



Johnny Isbell  
Mayor

# City of Pasadena Fire Marshal's Office



David M. Brannon  
Fire Marshal

January 12, 2012

Don Wilson, Executive Director  
Texas Commission on Fire Protection  
PO Box 2286  
Austin, TX 78768-2286

Dear Sir,

I am writing to you to request that that my previous request for a rules change be placed on the agenda for the Fire Fighter Advisory Committee meeting for March 8, 2012. This request involves the amendment of the commission rules for the Master Certification requirements for Fire Inspector, Fire Investigator and Arson Investigator to allow the substitution of "at least 18 hours of college in criminal justice" in place of the "at least 18 college semester hours in fire science" requirements.

Additionally, I would like to be placed on the agenda to speak in support of this agenda item. Please feel free to contact me, if you have any questions.

Yours in service

David Brannon  
Fire Marshal





Johnny Isbell  
Mayor

# City of Pasadena Fire Marshal's Office



David M. Brannon  
Fire Marshal

February 3, 2012

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

Dear Sir,

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

#### **Current Texas Commission on Fire Protection Rules:**

##### *RULE §429.209 Minimum Standards for Master Fire Inspector Certification*

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

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

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

##### *RULE §431.209 Minimum Standards for Master Fire Investigator Certification*

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

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

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





Johnny Isbell  
Mayor

# City of Pasadena Fire Marshal's Office



David M. Brannon  
Fire Marshal

## *RULE §431.9 Minimum Standards for Master Arson Investigator Certification*

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

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

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

### **Proposed Rule Change:**

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

### **Rationale and Justification:**

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

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

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

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





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# ***City of Pasadena Fire Marshal's Office***



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

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

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

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

Thank you for considering this matter.

David Brannon  
Fire Marshal





*Greater Houston Fire Area Marshal's Council  
1001 Shaw Suite 200B  
Pasadena Texas 77506*

February 3, 2012

Don Wilson, Executive Director  
Texas Commission on Fire Protection  
PO Box 2286  
Austin, TX 78768-2286

Dear Sir,

The Greater Houston Area Fire Marshal's Council Board of Directors unanimously supports the proposal by the Pasadena Fire Marshal's Office to allow the inclusion of criminal justice college credits as a substitution for fire science hour requirement for Fire inspectors and Investigators to obtain their Texas Commission on Fire Protection Master Level certification. In addition The Greater Houston Area Fire Marshals Council would like to speak to at the March Advisory meeting in support of this proposal

The Greater Houston Area Fire Marshals Council represents more than 100 Fire Inspectors and Investigators from more than 30 Fire Marshal's Offices from Harris County, Montgomery County, Fort Bend County, Brazoria County and Galveston County.

Respectfully Submitted

David Brannon  
GHAFMC Director