

3. **Discussion and possible action regarding proposed new title 37 TAC, Chapter 411, Injury Prevention Initiatives, including but not limited to, §411.1, Fire Service Joint Labor Management Wellness-Fitness Initiative, §411.3, Fire Protection Personnel Injuries, §411.5, Courage To Be Safe So Everyone Goes Home Program, and §411.7, Fire Protection Staffing Studies.**

## Chapter 411

### INJURY PREVENTION INITIATIVES

#### §411.1. Fire Service Joint Labor Management Wellness-Fitness Initiative.

- (a) The commission recommends that all fire protection entities use as a guide the following publications:
- (1) National Fire Protection Association (NFPA) 1500, Fire Department Occupational Safety and Health Program.
  - (2) International Association of Fire Fighters/International Association of Fire Chiefs (IAFF/IAFC) publication, Fire Service Joint Labor Management Wellness-Fitness Initiative.
- (b) A fire protection entity must assess the wellness and fitness needs of its personnel.
- (c) A fire protection entity must develop and maintain a standard operating procedure to address its wellness-fitness needs.
- (d) A fire protection entity should address its personnel's wellness-fitness needs based on the local assessment and local resources.
- (e) A fire protection entity will make its wellness-fitness standard operating procedure available to the commission for inspection.

#### §411.3. Fire Protection Personnel Injuries.

- (a) All fire protection entities must report all injuries that occur to on-duty fire protection personnel to the Texas Commission on Fire Protection.
- (1) The purpose of the injury reporting program is to gather and evaluate injury data, and to develop recommendations to enhance fire protection personnel safety.
  - (2) Minor injuries are injuries that result in the fire protection personnel missing less than one duty period. A fire protection entity must report a minor injury within 30 business days of the injury event.
  - (3) Major injuries are injuries that require the fire protection personnel to miss more than one duty period. A fire protection entity must report a major injury within five business days of the injury event.
  - (4) A fire protection entity must report line-of-duty deaths (LODDs) to the commission. The commission will coordinate any follow-up inquiries or investigations with the State Fire Marshal's Office's LODD Task Force.
- (b) The commission may request information for clarification, or for more data on a specific incident, depending on the type and severity of a reported injury.
- (1) Upon the request of the head of department, the commission may assist fire protection entities with post-incident analyses and in-house injury investigations. The commission's invited participation in an entity's post-injury activities is intended to be neutral, non-biased and for the benefit of the fire protection entity. The commission may provide guidance regarding implementation of NFPA standards and other standard operating procedures (SOPs)
  - (2) The commission may seek additional information about an injury when the injury results from a fire protection entity's failure to comply with a commission-mandated standard operating procedure (SOP). The commission's inquiry will seek to determine whether the entity has the required SOP in place, and whether the entity is taking corrective action internally.
  - (3) The commission may initiate a risk-based investigation when an injury results from an equipment malfunction or failure, or from an entity's failure to comply with commission standards.

- (4) The commission may work with a fire protection entity to implement a corrective action plan to mitigate the cause of an injury. Non-compliance with corrective action plans, or investigations that reveal egregious, willful or frequent violations, may result in punitive measures in accordance with Chapter 435 (relating to Fire Fighter Safety).**
- (c) The commission is required to submit its annual injury report to the SFMO for inclusion in the SFMO's annual report. The commission may provide additional information or reports to the fire service regarding injury issues and trends.**

**§411.5. Courage To Be Safe So Everyone Goes Home Program.**

- (a) In an effort to improve Texas fire protection personnel safety, 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) Fire protection entities will report the completion of training to the commission.**
- (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.**

**§411.7. Fire Protection Staffing Studies.**

- (a) Section 419.022(a)(4) Texas Government Code states that the commission may "on request, assist in performing staffing studies..." Staffing studies must take into consideration all the objectives and missions of the fire protection entity.**
- (b) A fire protection entity should ultimately decide on the level of fire protection it is able to provide to its citizens. The fire protection entity should, as a minimum, address the needs of prevention, investigation and suppression as outlined in the appropriate NFPA Standards. Such decisions should be based on facts, the safety of citizens, and the safety of fire protection personnel.**
- (c) The commission will assist by maintaining information pertinent to fire protection staffing. The commission will maintain the information in the Ernest A. Emerson Fire Protection Resource Library and will make copies available, free of charge, to anyone requesting such information, to the extent permitted by copyright laws.**