

- 10. 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 Title 37 TAC, Chapter 427, Training Facility Certification, including but not limited to, §427.307, On-Site and Distance Training Provider Staff Requirements.**

Chapter 427

Training Facility Certification

§427.307. On-Site and Distance Training Provider Staff Requirements.

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline.
- (d) Guest instructors are not required to be certified as instructors. A guest instructor is defined as an individual with special knowledge, skill, and expertise in a specific subject area who has the ability to enhance the effectiveness of the training. Guest instructors shall teach under the endorsement of the lead instructor.
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
 - (1) Hold a Fire Service Instructor II or higher; or
 - (2) A Bachelor's degree with the following:
 - (A) As a minimum, a minor in education; and
 - (B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
 - (3) An Associate's degree with the following:
 - (A) twelve semester hours of education instructional courses, and
 - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.
- (g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:
 - (1) Hold a Fire Service Instructor III; or
 - (2) A Bachelor's degree with the following:
 - (A) As a minimum, a minor in education; and
 - (B) Three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
 - (3) An Associate's degree with the following:
 - (A) twelve semester hours of education instructional courses, and

- (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(h) In order to teach a certification course for Basic Wildland Fire Protection:

- (1) The unit instructor must hold Basic Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (2) The lead instructor must hold Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (3) The lead instructor must be present in any class being taught.**

(i) In order to teach a certification course for Intermediate Wildland Fire Protection:

- (1) The unit instructor must hold an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (2) The lead instructor must hold an Intermediate Wildland Fire Protection certification and a Texas Commission on Fire Protection Instructor I certification.**
- (3) The lead instructor must be present in any class being taught.**

- 10. 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 Title 37 TAC, Chapter 441, Continuing Education, including but not limited to, new §441.23, Continuing Education for Wildland Fire Fighter.**

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) Level 1 --Training intended to maintain previously learned skills as stated in the commission certification curriculum manual for the certifications held.
- (3) Level 2 -- 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.
- (b) The continuing education requirement for renewal shall consist of a minimum of 18 hours of training to be conducted during the certification period. 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) Level 1 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 Level 1 training may be counted toward the continuing education requirement for a particular certification.
- (f) There shall be no "hour per subject limit" placed on Level 2 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 document. 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 in Level 1 or Level 2 subjects relating to the certification being renewed 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 upon notification by the commission. 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) A minimum of two hours of continuing education in structure fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements) will be required for personnel certified as structure fire protection personnel and who are appointed to structure fire protection duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, 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) A minimum of two hours of continuing education in marine fire protection subjects in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements) will be required for personnel certified as marine fire protection personnel and who are appointed to marine fire protection duties for any certification period beginning after October 31, 1993.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

§441.13. Continuing Education for Fire Inspection Personnel.

- (a) A minimum of two hours of continuing education in fire inspection subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as fire inspection personnel and who are appointed to fire inspection duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

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

- (a) A minimum of two hours of continuing education in arson or fire investigation subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for personnel certified as arson investigation or fire investigation personnel and who are appointed to arson or fire investigation duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

§441.17. Continuing Education for Hazardous Materials Technician.

- (a) Eight 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 Level 1, Level 2, or a combination of the two.

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

- (a) A minimum of two hours of continuing education in fire administration subjects in addition to the continuing education requirements in §441.5(b) of this title relating to (Requirements) will be required for personnel certified as head of a fire department and who are appointed as head of a department.

- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

§441.21. Continuing Education for Fire Service Instructor.

- (a) A minimum of two hours of continuing education in fire service instruction subjects in addition to the continuing education requirements in §441.5(b) of this title (relating to Requirements) will be required for individuals certified as a fire service instructor and who are appointed to fire service instructor duties.
- (b) Subjects selected to satisfy the continuing education requirement may be selected from either Level 1, Level 2, or a combination of the two.

§441.23. Continuing Education for Wildland Fire Fighter.

A minimum of four hours of continuing education in Wildland Fire Fighting subjects will be required for individuals certified as a Wildland Fire Fighter. The four hours may be included in the eighteen hours required during the certification renewal period.

10. **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 Title 37 TAC, Chapter 449, Head of a Fire Department, including but not limited to, §449.1, Minimum Standard for the Head of a Fire Department, §449.3, Minimum Standards for Certification as Head of a Suppression Fire Department, and §449.5, Minimum Standards for Certification as Head of a Prevention Only Department.**

Chapter 449

HEAD OF A FIRE DEPARTMENT

§449.1. Minimum Standards for the Head of a Fire Department.

- (a) An individual who becomes employed and is assigned as the head of a fire department must be certified by the commission as head of a fire department, within one year of appointment.
- (b) An individual appointed head of a department must be eligible to be certified at the time of the appointment or will become eligible to be certified within one year of the appointment and must submit an affidavit verifying eligibility status at the time of the appointment if not holding a Commission certification.
- (c) Holding the head of a fire department certification does not qualify an individual for any other certification. An individual who seeks certification in another discipline must meet the requirements for that discipline.
- (d) Nothing contained in this chapter shall be construed to supercede Chapter 143, Local Government Code, in regard to appointment of a head of a fire department.

§449.3. Minimum Standards for Certification as Head of a Suppression Fire Department.

- (a) **Applicants for Head of a Fire Department certification must complete the following requirements:**~~[In order to be certified as a head of a fire department providing fire suppression, an individual must be appointed as head of a fire department; and]~~

(1) must be appointed as head of a fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in Chapter 11 of the Curriculum Manual; and

(3) arrange a meeting with a Texas Commission on Fire Protection Compliance Officer for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

(5)~~(4)~~ hold a certification as a fire protection personnel in any discipline that has a **commission**~~Commission~~ approved curriculum that requires structural fire protection personnel certification and five years experience in a full-time fire suppression position; or

(6)~~(2)~~ an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the **commission's**~~Commission's~~ approved basic fire suppression curriculum and provide documentation in the form of a sworn nonself serving affidavit of five years experience in a full-time fire suppression position; or

(7)~~(3)~~ provide documentation in the form of a nonself serving sworn affidavit of ten years experience as an employee of a local governmental entity in a full-time structural fire protection personnel position in a jurisdiction other than Texas; ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title;]or~~

~~(8)~~~~(4)~~ provide documentation in the form of a sworn nonserving affidavit of ten years of experience as a certified structural part-time fire protection employee; or

~~(9)~~~~(5)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as an active volunteer fire fighter in one or more volunteer fire departments that meet the requirements of subsection (b) of this section. ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title.]~~

- (b) The ten years of volunteer service must include documentation of attendance at 40% of the drills for each year and attendance of at least 25% of a department's emergencies in a calendar year while a member of a volunteer fire department or departments with 10 or more active members that conducts a minimum of 48 hours of drills in a calendar year.
- (c) Individuals certified as the head of a fire department must meet the continuing education requirement as provided for in Chapter 441 of this title **(relating to Continuing Education)**.
- (d) An individual certified as head of a fire department under this section may engage in fire fighting activities only as the head of a fire department. These activities include incident command, direction of fire fighting activities or other emergency activities typically associated with fire fighting duties, i.e. rescue, confined space and hazardous materials response.

449.5. Minimum Standards for Certification as Head of a Prevention Only Department.

- (a) **Applicants for Head of a Fire Department certification must complete the following requirements:** ~~[In order to be certified as the head of a fire department providing fire prevention activities only, an individual must be appointed as head of a Fire Prevention Department; and]~~

(1) must be appointed as head of a fire department; and

(2) complete the Standards Review Assignment for Head of a Fire Department identified in Chapter 11 of the Curriculum Manual; and

(3) arrange a meeting with a Texas Commission on Fire Protection Compliance Officer for review and approval of the Standards Review Assignment; and

(4) attend at least one Texas Commission on Fire Protection regularly scheduled commission meeting or one regularly scheduled fire fighter advisory committee meeting in the first year of appointment; and

~~(5)~~~~(1)~~ hold a certification as a fire inspector, fire investigator, or arson investigator and have five years of full-time experience in fire prevention activities; or

~~(6)~~~~(2)~~ an individual from another jurisdiction who possesses valid documentation of accreditation from the International Fire Service Accreditation Congress that is deemed equivalent to the **commission's** ~~[Commission's]~~ approved basic arson investigator, fire investigator or fire inspector curriculum and provide documentation in the form of a sworn nonserving affidavit of five years experience in a full-time fire prevention position; or

~~(7)~~~~(3)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as an employee of a local governmental entity in a full-time fire inspector, fire investigator, or arson investigator position in a jurisdiction other than Texas ~~[and successfully pass a Commission, Head of Department examination as specified in Chapter 439 of this title];~~ or

~~(8)~~~~(4)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as a certified fire investigator, fire inspector or arson investigator as a part-time fire prevention employee; or

~~(9)(5)~~ provide documentation in the form of a sworn nonserving affidavit of ten years experience as an active volunteer fire inspector, fire investigator, or arson investigator with ten years experience in fire prevention. ~~and successfully pass a Commission Head of Department examination as specified in Chapter 439 of this title.]~~

- (b) Individuals certified as the head of a fire department under this section must meet the continuing education requirement as provided for in Chapter 441 of this title **(relating to Continuing Education)**.

10. **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 Title 37 TAC, Chapter 451, Fire Officer, including but not limited to, New Subchapter C, Minimum Standards For Fire Officer III, §451.301, Fire Officer III Certification, §451.303, Minimum Standards For Fire Officer III Certification, §451.305, Examination Requirements, new Subchapter D, Minimum Standards For Fire Officer IV, §451.401, Fire Officer IV Certification, §451.403, Minimum Standards For Fire Officer IV Certification, and §451.405, Examination Requirements.**

Chapter 451

Fire Officer

SUBCHAPTER C

MINIMUM STANDARDS FOR FIRE OFFICER III

§451.301. Fire Officer III Certification.

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

§451.303. Minimum Standards for Fire Officer III Certification.

(a) In order to be certified as a Fire Officer III 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 Officer II certification through the commission; and
- (3) hold, as a minimum, Fire Service Instructor II certification through the commission; and
- (4) document completion of ICS-300: Intermediate Incident Command System; and
- (5) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Officer III; or
- (6) complete a commission approved Fire Officer III program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer III program must consist of one of the following:
 - (A) completion of a commission approved Fire Officer III Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
 - (B) 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 III Curriculum; or
 - (C) successful completion of 15 college semester hours of upper level coursework from a four-year regionally accredited institution in any of the following subject areas:
 - (i) Administration/Management
 - (ii) Budget/Finance
 - (iii) Planning/Organization
 - (iv) Leadership/Ethics

(v) Risk Management

(vi) Safety and Health

(vii) Community Risk Reduction

(7) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Fire Officer III upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 6. The documentation of completed training must be a certificate of completion from a nationally recognized training provider. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.305(b) of this subchapter (relating to Examination Requirements) must still be met. This paragraph expires one year from the effective date of this rule.

(8) The application processing fee for the initial examination is waived for individuals in paragraphs (6) and (7) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this rule. After this date, the application processing fee for examinations will be required.

(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.

§451.305. 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 III certification.

(b) Individuals will be permitted to take the commission examination for Fire Officer III certification by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor II certification and Fire Officer II certification through the commission or the equivalent IFSAC seals, and completing a commission approved Fire Officer III program.

SUBCHAPTER D

MINIMUM STANDARDS FOR FIRE OFFICER IV

§451.401. Fire Officer IV Certification.

A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in NFPA 1021, Standard for Fire Officer Professional Qualifications. Typical duties of an individual at the Fire Officer IV level include: Administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

§451.403. Minimum Standards for Fire Officer IV Certification.

(a) In order to be certified as a Fire Officer IV 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 Officer III certification through the commission; and
- (3) document completion of ICS-400: Advanced Incident Command System; and
- (4) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Fire Officer IV; or
- (5) complete a commission approved Fire Officer IV program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer IV program must consist of one of the following:
 - (A) completion of a commission approved Fire Officer IV Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
 - (B) 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 IV Curriculum; or
 - (C) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:
 - (i) Fire Science/Administration/Management
 - (ii) Emergency Management
 - (iii) Public Administration
 - (iv) Emergency Medicine
 - (v) Business Management/Administration
 - (vi) Political Science
 - (vii) Human Resources Management

(viii) Public Health

(ix) Risk Management

(x) Criminal Justice; or

(xi) a related management/administration/leadership degree

(6) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Fire Officer IV upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 1021, Chapter 7. The documentation of completed training must be a certificate of completion from a nationally recognized training provider. During the one year period, the commission examination shall consist of a written exam. The examination requirements in §451.405(b) of this subchapter (relating to Examination Requirements) must still be met. This paragraph expires one year from the effective date of this rule.

(7) The application processing fee for the initial examination is waived for individuals in paragraphs (5) and (6) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this rule. After this date, the application processing fee for examinations will be required.

(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.

§451.405. 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 IV certification.

(b) Individuals will be permitted to take the commission examination for Fire Officer IV certification by documenting the following: Structure Fire Protection Personnel certification and Fire Officer III certification through the commission or the equivalent IFSAAC seals, and completing a commission approved Fire Officer IV program.

10. **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:**
 5. **Proposed amendments to Title 37 TAC, Chapter 453, Minimum Standards For Hazardous Materials Technician, including but not limited to, new Subchapter A, Hazardous Materials Technician, §453.1, Hazardous Materials Technician Certification, §453.3, Minimum Standards For Hazardous Materials Technician Certification, §453.5, Examination Requirements, and §453.7, International Fire Service Accreditation Congress (IFSAC) Seal, and new Subchapter B, Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander, §453.203, Minimum Standards For Hazardous Materials Incident Commanders, and §453.205, Examination Requirements.**

Chapter 453

HAZARDOUS MATERIALS

~~[Minimum Standards For Hazardous Materials Technician]~~

Subchapter A

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

§453.1. Hazardous Materials Technician Certification.

- (a) A Hazardous Materials Technician is defined as an individual who performs emergency response to an occurrence which results in, or is likely to result in, an uncontrolled release of a hazardous substance where there is a potential safety or health hazard (i.e., fire, explosion, or chemical exposure). A Hazardous Materials Technician responds to such occurrences and is expected to perform work to handle and control (stop, confine, or extinguish) actual or potential leaks or spills. The Hazardous Materials Technician assumes a more aggressive role than a first responder at the operations level, in that the Hazardous Materials Technician will approach the point of release. The Hazardous Materials Technician is expected to use specialized Chemical Protective Clothing (CPC) and specialized control equipment.
- (b) All individuals holding a Hazardous Materials Technician Certification shall be required to comply with the continuing education requirements in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

§453.3. Minimum Standards for Hazardous Materials Technician Certification.

- (a) In order to be certified as a Hazardous Materials Technician an individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and[;]
 - (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Hazardous Materials Technician; or
 - (3) complete a **commission** [Commission-]approved Hazardous Materials Technician program and successfully pass the **commission** [Commission] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Technician program must consist of one of the following:
 - (A) completion of a **commission** [Commission-]approved Hazardous Materials Technician Curriculum as specified in Chapter 6 of the **commission's** [Commission's] Certification Curriculum Manual.
 - (B) completion of an out-of-state and/or military training program that has been submitted to the **commission** [Commission] for evaluation and found to be equivalent to, or exceeds the **commission** [Commission-]approved Hazardous Materials Technician Curriculum.
- (b) Out-of-state or military training programs which are submitted to the **commission** [Commission] for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 6 (pertaining to Hazardous Materials Technician) of the **commission's** [Commission's] Certification Curriculum Manual are met.

§453.5. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- (b) Individuals will be permitted to take the **commission** [Commission] examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a **commission**

[Commission-]approved Hazardous Materials Technician curriculum.

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

- (a) Individuals holding a current **commission**[Commission] Hazardous Materials Technician certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Hazardous Materials Technician by making application to the **commission**[Commission] for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a **commission**[Commission-]approved Hazardous Materials Technician program, documenting an IFSAC seal for Hazardous Materials Awareness Level Personnel;[;] and
- (1) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
 - (2) NFPA 472 Hazardous Materials Operations prior to the 2008 edition;[;] and
 - (3) upon passing the applicable state examination, may be granted an IFSAC seal as a Hazardous Materials Technician by making application to the **commission**[Commission] for the IFSAC seal and paying applicable fees.

Subchapter B

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

§453.201. Hazardous Materials Incident Commander Certification

The Hazardous Materials Incident Commander is defined as that person responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

§453.203. Minimum Standards for Hazardous Materials Incident Commander

(a) In order to be certified as Hazardous Materials Incident Commander an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Hazardous Materials Incident Commander; or
- (3) complete a commission approved Hazardous Materials Incident Commander program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:

(A) completion of a commission approved Hazardous Materials Incident Commander curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual.

(B) 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 exceeds the commission approved Hazardous Materials Incident Commander curriculum.

(4) Special temporary provision: Within one year following the effective date of this subchapter, an individual is eligible to take the commission examination for Hazardous Materials Incident Commander upon documentation to the commission that the individual has completed training that covers the requirements of NFPA 472, Chapter 8. The documentation must be a certificate of completion from a nationally recognized training provider. During the one-year period, the commission examination shall consist of a written exam. The examination requirements in §453.205(b) of this subchapter (relating to Examination Requirements) must still be met. This paragraph expires one year from the effective date of this rule.

(5) The application processing fee for the initial examination is waived for individuals in subsection (a) paragraph (3) and (4) of this subsection who have completed the training requirement and submit the application for the commission examination for one year from the effective date of this subchapter. After this date, the application processing fee for examinations will be required.

(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 6 (pertaining to Hazardous Materials Incident Commander) of the commission's Certification Curriculum Manual are met.

§453.205 Examination Requirements

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Incident Commander certification.

(b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Incident Commander program.