

**11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

- D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**
- 1. Proposed amendments to Title 37, Chapter 423, Fire Suppression, Subchapter A, Minimum Standards for Structure Fire Protection Personnel Certification, §423.1, Minimum Standards for Structure Fire Protection Personnel, §423.3, Minimum Standards for Basic Structure Fire Protection Personnel Certification, §423.5, Minimum Standards for Intermediate Structure Fire Protection Personnel Certification, §423.7, Minimum Standards for Advanced Structure Fire Protection Personnel Certification, §423.9, Minimum Standards for Master Structure Fire Protection Personnel Certification, §423.11, Higher Levels of Certification, and §423.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.201, Minimum Standards for Aircraft Rescue Fire Fighting Personnel, §423.203, Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification, §423.205, Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification, §423.207, Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification, §423.209, Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certifications, and §423.211, International Fire Service Accreditation Congress (IFSAC) Seal.**

## CHAPTER 423

### FIRE SUPPRESSION

#### SUBCHAPTER A

#### MINIMUM STANDARDS FOR STRUCTURE FIRE PROTECTION PERSONNEL CERTIFICATION

##### §423.1 Minimum Standards for Structure Fire Protection Personnel.

- (a) Fire protection personnel of any local government entity, who receive probationary or temporary appointment to structure fire protection duties, must be certified by the Commission within one year from the date of their appointment in a structural fire protection personnel position.
- (b) Prior to being appointed to fire suppression duties or certified as fire protection personnel, the Commission must review and approve the applicants fingerprint based criminal history record information obtained from the Department of Public Safety and the Federal Bureau of Investigation. The individual or fire department must follow the procedure established by the Department of Public Safety to initiate and complete the electronic fingerprint process. The results will be available to the Commission through the Department of Public Safety's data base. The Commission will follow the criteria established in Title 37 Chapter 403 of the Texas Administrative Code (TAC) for denying a person certification based on the results of the fingerprint based criminal history record check.
- (c) Prior to being appointed to fire suppression duties, personnel must complete a Commission-approved basic structure fire suppression program and successfully complete a Commission recognized emergency medical course. The individual must successfully pass the Commission examination pertaining to that curriculum as required by §423.3 of this title. The Commission recognizes the following emergency medical training:
  - (1) Department of State Health Services Emergency Medical Service Personnel certification training;
  - (2) an American Red Cross Emergency Response course, including the optional lessons and enrichment sections;
  - (3) an American Safety and Health Institute First Responder course;
  - (4) National Registry of Emergency Medical Technicians certification; or
  - (5) medical training deemed equivalent by the Commission.
- (d) Personnel holding any level of structure fire protection personnel certification must comply with the continuing education requirements specified in §441.7 of this title (relating to Continuing Education for Structure Fire Protection Personnel).

##### §423.3 Minimum Standards for Basic Structure Fire Protection Personnel Certification.

- (a) In order to become certified as basic structure fire protection personnel, an individual must:
  - (1) possess valid documentation [~~of accreditation~~] from **either:**
    - (A) the International Fire Service Accreditation Congress or;**
    - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of**

**this title (relating to Requirements—General)** as: [~~a Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and~~]

**(C) Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and**

**(D)**[(A)] Hazardous Materials Operations Level Responders including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or

**(E)**[(B)] NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and

**(F)**[(C)] must meet the medical requirements outlined in **§423.1(c)** [~~§423.1(b)~~] of this title; or

(2) complete a **commission** [~~Commission~~] approved basic structure fire suppression program, meet the medical requirements outlined in **§423.1(c)** [~~§423.1(b)~~], and successfully pass the **commission** [~~Commission~~] examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic structure fire suppression program shall consist of one or any combination of the following:

(A) completion of a **commission** [~~Commission~~] approved Basic Fire Suppression Curriculum, as specified in Chapter 1 of the **commission's** [~~Commission's~~] Certification Curriculum Manual; or

(B) completion of an out-of-state, and/or military training program deemed equivalent to the **commission** [~~Commission~~] approved Basic Fire Suppression Curriculum; or

(C) documentation of the receipt of an advanced certificate or training records from the State Firemen's and Fire Marshals' Association of Texas, that is deemed equivalent to a **commission** [~~Commission~~] approved Basic Fire Suppression Curriculum.

(b) A basic fire suppression program may be submitted to the **commission** [~~Commission~~] for approval by another jurisdiction as required in Texas Government Code, **Chapter 419**, §419.032(d), Appointment of Fire Protection Personnel. These programs include out-of-state and military programs, and shall be deemed equivalent by the **commission** [~~Commission~~] if the subjects taught, subject content, and total hours of training meet or exceed those contained in Chapter 1 of the **commission's** [~~Commission's~~] Certification Curriculum Manual.

**§423.5 Minimum Standards for Intermediate Structure Fire Protection Personnel Certification.**

(a) Applicants for Intermediate Structure Fire Protection Personnel Certification must complete the following requirements:

(1) hold, as a prerequisite, a Basic Structure Fire Protection Personnel Certification as defined in §423.3 of this title (relating to Minimum Standards for Basic Structure Fire Protection Personnel 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 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 Structure Fire Protection Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

#### **§423.7 Minimum Standards for Advanced Structure Fire Protection Personnel Certification.**

- (a) Applicants for Advanced Structure Fire Protection Personnel certification must complete the following requirements:
  - (1) hold as a prerequisite an Intermediate Structure Fire Protection Personnel Certification as defined in §423.5 of this title (relating to Minimum Standards for Intermediate Structure Fire Protection Personnel 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 Structure Fire Protection Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

#### **§423.9 Minimum Standards for Master Structure Fire Protection Personnel Certification.**

- (a) Applicants for Master Structure Fire Protection Personnel Certification must complete the following requirements:
  - (1) hold as a prerequisite an Advanced Structure Fire Protection Personnel Certification as defined in § 423.7 of this title (relating to Minimum Standards for Advanced Structure Fire Protection Personnel 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 Structure Fire Protection Personnel Certification.

### **§423.11 Higher Levels of Certification.**

- (a) An individual may receive higher levels of certification in structural fire protection while being assigned to another discipline, provided that all requirements for the higher level or levels of certification are met.
- (b) Repetitive training cannot be used toward higher levels of certification.

### **§423.13 International Fire Service Accreditation Congress (IFSAC) Seal.**

- (a) Individuals holding a current Commission Structure Fire Protection Personnel certification received prior to March 10, 2003, may be granted International Fire Service Accreditation Congress (IFSAC) seals for Hazardous Materials Awareness Level Personnel, Hazardous Materials Operations Level Responders, Fire Fighter I, and Fire Fighter II by making application to the Commission for the IFSAC seals and paying applicable fees.
- (b) Individuals completing a Commission-approved basic fire suppression program, meeting any other NFPA requirement, and passing the applicable examination(s) based on the basic fire suppression curriculum, may be granted IFSAC seal(s) for Hazardous Materials Awareness Level Personnel, Hazardous Materials Operations Level Responders (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control), Fire Fighter I, and/or Fire Fighter II by making application to the Commission for the IFSAC seal(s) and paying applicable fees, provided they meet the following provisions;
  - (1) To receive the IFSAC Hazardous Materials Awareness Level Personnel seal, the individual must:
    - (A) complete the Hazardous Materials Awareness section of a Commission-approved course; and
    - (B) pass the Hazardous Materials Awareness section of a Commission examination.
  - (2) To receive the IFSAC Hazardous Materials Operations Level Responders seal (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control) the individual must:
    - (A) complete the Hazardous Materials Operation section of a Commission-approved course;
    - (B) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and
    - (C) pass the Hazardous Materials Operations section of a Commission examination.
  - (3) To receive the IFSAC Fire Fighter I seal, the individual must:
    - (A) complete a Commission-approved Fire Fighter I course;
    - (B) provide medical documentation as outlined in subsection (c) of this section;
    - (C) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and
    - (D) document possession of an IFSAC Hazardous Materials Operations Level Responders seal; and
    - (E) pass the Fire Fighter I section of a Commission examination.
  - (4) To receive the IFSAC Fire Fighter II seal, the individual must:
    - (A) complete a Commission-approved Fire Fighter II course;
    - (B) document possession of an IFSAC Fire Fighter I seal; and

(C) pass the Fire Fighter II section of a Commission examination.

(c) In order to meet the medical requirements of NFPA 1001, the individual must document successful completion of an emergency medical training course or program. The Commission recognizes the following emergency medical training:

- (1) The Texas Department of State Health Services Emergency Medical Service Personnel certification training;
- (2) American Red Cross Response course (including optional lessons and enrichment sections);
- (3) American Safety and Health Institute First Responder course;
- (4) National Registry of Emergency Medical Technicians certification; or
- (5) medical training deemed equivalent by the Commission.

## CHAPTER 423

### FIRE SUPPRESSION

#### SUBCHAPTER B

#### MINIMUM STANDARDS FOR AIRCRAFT RESCUE FIRE FIGHTING PERSONNEL

##### §423.201 Minimum Standards for Aircraft Rescue Fire Fighting Personnel.

- (a) Aircraft rescue fire fighting personnel are employees of a local governmental entity who are appointed to aircraft rescue firefighting duties. These duties may include fighting aircraft fires at airports, standing by for potential crash landings, and performing aircraft rescue and fire fighting duties.
- (b) Personnel appointed as Aircraft Rescue Fire Fighting Personnel must be certified to at least the basic level by the Commission within one year from their employment in an Aircraft Rescue Fire Fighting Personnel position.
- (c) Prior to being appointed to aircraft rescue fire suppression duties, all personnel must:
  - (1) successfully complete a Commission-approved basic fire suppression course and pass the Commission's examination pertaining to that curriculum; and
  - (2) successfully complete a Commission-approved basic aircraft rescue fire protection course and pass the Commission's examination pertaining to that curriculum.
- (d) "Stand by" means the act of responding to a designated position in the movement area on the airfield at which initial response fire and rescue units will await the arrival of an aircraft experiencing an announced emergency.
- (e) "Movement area" is comprised of all runways, taxiways, and other areas of the airport which are used for taxiing or hover taxiing, take-off, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.
- (f) Personnel holding any level of aircraft rescue fire fighting personnel certification shall be required to comply with the continuing education specified in §441.9 of this title (relating to Continuing Education for Aircraft Rescue Fire Fighting Personnel).
- (g) Aircraft rescue fire fighting personnel that perform structure fire fighting duties must be certified, as a minimum, as basic structural fire protection personnel.

##### §423.203 Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification.

In order to obtain a Basic Aircraft Rescue Fire Fighting Personnel Certification the individual must:

- (1) hold a Basic Structure Fire Protection Personnel Certification; and
- (2) possess valid documentation as an Airport Fire Fighter~~[of accreditation]~~ from either:

(A) the International Fire Service Accreditation Congress or;

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2010 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) ~~[as an Airport Fire Fighter];~~ or

- (3) complete a **commission** [~~Commission~~] approved aircraft rescue fire suppression training program and successfully pass the **commission** [~~Commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved aircraft rescue fire suppression training program shall consist of one of the following:
- (A) a **commission** [~~Commission~~] approved Basic Aircraft Rescue Fire Suppression Curriculum as specified in Chapter 2 of the **commission's** [~~Commission's~~] Certification Curriculum Manual.
- (B) 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 Basic Aircraft Rescue Fire Suppression Curriculum.

**§423.205 Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification.**

- (a) Applicants for Intermediate Aircraft Rescue Fire Fighting Personnel Certification must complete the following requirements:
- (1) hold as a prerequisite a Basic Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.203 of this title (relating to Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel 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 Aircraft Rescue Fire Fighting Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

**§423.207 Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification.**

- (a) Applicants for Advanced Aircraft Rescue Fire Fighting Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.205 of this title (relating to Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel 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 Aircraft Rescue Fire Fighting Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

**§423.209 Minimum Standards for Master Aircraft Rescue Fire Fighting Personnel Certification.**

- (a) Applicants for Master Aircraft Rescue Fire Fighting Personnel Certification must complete the following requirements:
  - (1) hold, as a prerequisite, an Advanced Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.207 of this title (relating to Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification); and
  - (2) acquire a minimum of twelve 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 Aircraft Rescue Fire Fighting Personnel Certification.

**§423.211 International Fire Service Accreditation Congress (IFSAC) Seal.**

- (a) Individuals holding a current commission Aircraft Rescue Fire Fighting Personnel certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as an Airport Fire Fighter by making application to the commission for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a commission-approved basic aircraft rescue fire suppression program, documenting an IFSAC seal for Fire Fighter II, and passing the applicable state examination may be granted an IFSAC seal as an Airport Fire Fighter 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:**

- D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**
- 2. Proposed amendments to Title 37 TAC, Chapter 425, Fire Service Instructors, including but not limited to, §425.1, Minimum Standards for Fire Service Instructor Certification, §425.3, Minimum Standards for Fire Service Instructor I Certification, §425.5, Minimum Standards for Fire Service Instructor II Certification, §425.7, Minimum Standards for Fire Service Instructor III Certification, §425.9, Minimum Standards for Master Fire Service Instructor III Certification, and §425.11, International Fire Service Accreditation Congress (IFSAC) Seal.**

## 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 degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the State Board for Educator Certification 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 (relating to Continuing Education for Fire Service Instructor).

#### §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)~~ **§421.5(45)** of this title (relating to Definitions)) 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 **as a Fire Instructor I, II or III** ~~[of accreditation]~~ from **either:**
  - (A)** the International Fire Service Accreditation Congress (IFSAC) **or;**
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** ~~[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 (relating to Minimum Standards for Fire Service Instructor Certification); and

- (4) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

#### **§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 (relating to Minimum Standards for Fire Service Instructor I Certification); and
- (2) have a minimum of three years of experience (as defined in **§421.5(45)** [~~§421.5(43)~~] of this title (relating to Definitions)) 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 **as a Fire Instructor I, II or III** [~~of accreditation~~] from **either:**
- (A) the International Fire Service Accreditation Congress (IFSAC) or;**
- (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~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 (relating to Minimum Standards for Fire Service Instructor Certification); and
- (5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

#### **§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 (relating to Minimum Standards for Fire Service Instructor II Certification); and
- (2) have a minimum of three years of experience (as defined in **§421.5(45)** [~~§421.5(43)~~] of this title (relating to Definitions)) 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 (relating to Minimum Standards for Fire Service Instructor Certification); and

(5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification); 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 (IFSAC) 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:**

- D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**
- 3. Proposed amendments to Title 37 TAC, Chapter 429, Minimum Standards for Fire Inspectors, Subchapter B, Minimum Standards for Fire Inspector Certification, §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, and §429.211, International Fire Service Accreditation Congress (IFSAC) Seal.**

**CHAPTER 429**

**MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION ~~[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 as an Inspector I, Inspector II, and Plan Examiner I ~~[of accreditation]~~ from either:
  - (A) the International Fire Service Accreditation Congress or;
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) ~~[as an Inspector I, Inspector II, and Plans Examiner I]~~; or
- (2) complete a commission ~~[Commission]~~-approved Basic Fire Inspector program and successfully pass the commission ~~[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 ~~[Commission]~~-approved Basic Fire Inspector Curriculum, as specified in Chapter 4 of the commission's ~~[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 ~~[Commission]~~ for evaluation and found to meet the minimum requirements as listed in the commission ~~[Commission]~~-approved Basic Fire Inspector Curriculum as specified in Chapter 4 of the commission's ~~[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.

**11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**

- 4. Proposed amendments to Title 37 TAC, Chapter 433, Minimum Standards for Driver/Operator-Pumper, §433.1, Driver/Operator-Pumper Certification, §433.3, Minimum Standards for Driver/Operator-Pumper Certification, §433.5, Examination Requirements, and §433.7, International Fire Service Accreditation Congress (IFSAC) Seal.**

## CHAPTER 433

### MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER

#### §433.1 Driver/Operator-Pumper Certification.

A driver/operator - pumper is defined as an individual who safely operates a fire pumper in accordance with all state and local laws; operates a fire pump in a safe manner; and determines effective fire stream calculations and pump discharge pressures. Responsibilities include routine apparatus tests, maintenance, inspections, and servicing functions.

#### §433.3 Minimum Standards for Driver/Operator-Pumper Certification.

(a) In order to obtain Driver/Operator-Pumper certification, the 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 as a Driver/Operator-Pumper [~~of accreditation~~] from either:

(A) the International Fire Service Accreditation Congress or;

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as Driver/Operator-Pumper~~]; or

(3) complete a commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum and successfully pass the commission [~~Commission~~] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-pumper program must consist of one of the following:

(A) complete a commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum as specified in Chapter 7 of the commission's [~~Commission's~~] Certification Curriculum Manual.

(B) complete an out-of-state training program that has been submitted to the commission [~~Commission~~] for evaluation and found to be equivalent to or exceeds the commission [~~Commission~~] approved Driver/Operator-Pumper Curriculum.

(C) complete a 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 Driver/Operator-Pumper 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 7 (pertaining to Driver/Operator-Pumper) of the commission's [~~Commission's~~] Certification Curriculum Manual are met.

#### §433.5 Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive driver/operator-pumper certification.

(b) Individuals will be permitted to take the Commission examination for driver/operator-pumper by documenting, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a Commission-approved driver/operator-pumper curriculum.

**§433.7 International Fire Service Accreditation Congress (IFSAC) Seal.**

- (a) Individuals holding a current commission Driver/Operator-Pumper certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Driver/Operator-Pumper by making application to the commission for the IFSAC seal and paying the applicable fees.
- (b) Individuals completing a commission-approved driver/operator-pumper program; documenting, as a minimum, an IFSAC seal for Fire Fighter I; and passing the applicable state examination may be granted an IFSAC seal as a Driver/Operator-Pumper 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:
  - D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:
    5. Proposed amendments to Title 37 TAC, Chapter 439, Examinations For Certification, Subchapter A, Examinations For On-Site Delivery Training, §439.1, Requirements—General, §439.3 Definitions, §439.5, Procedures, §439.7, Eligibility, §439.9, Grading, §439.11, Commission-Designated Performance Skill Evaluations, §439.13, Special Accommodations for Testing, and §439.19, Number of Test Questions, Subchapter B, Examinations For Distance Training, §439.201 Requirements—General, §439.203, Procedures, and §439.205 Performance Skill Evaluation.

CHAPTER 439  
EXAMINATIONS FOR CERTIFICATION  
SUBCHAPTER A  
EXAMINATIONS FOR ON-SITE DELIVERY TRAINING

**§439.1 Requirements—General.**

- (a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with ~~[the] commission~~ **rules** and, **as applicable, with:** ~~[International Fire Service Accreditation Congress (IFSAC) regulations. It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of any state examination (or portion thereof) for which they are responsible.]~~
- (1) International Fire Service Accreditation Congress (IFSAC) regulations; or**
- (2) National Board on Fire Service Professional Qualifications (Pro Board) regulations for examinations administered by the Texas A&M Engineering Extension Service. Only Pro Board examinations administered by the Texas A&M Engineering Extension Service will be accepted by the commission for certification. In order for a Pro Board document to be accepted for certification, it must:**
- (A) List the commission issued course approval number for which the examination was conducted; and**
- (B) Indicate that the examination was conducted in English; and**
- (C) List any special accommodations provided to the examinee. The commission may not issue a certificate for an examination conducted under special accommodations other than those specified in §439.13 of this title (relating to Special Accommodations for Testing).**
- (b) It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of the state certification examination process (or portion thereof) for which they are responsible.**
- (c) The commission shall reserve the authority to conduct an annual review of Pro Board examinations, procedures, test banks, and facilities utilized by the Texas A&M Engineering Extension Service. The commission may also conduct a review at any time for cause and as deemed necessary to ensure the integrity of the certification examination process.**
- (d) ~~[(b)]~~ Exams will be based on the job performance requirements and knowledge and skill components of the applicable NFPA standard for that discipline, if a standard exists and has been adopted by the commission. If a standard does not exist or has not been adopted by the commission, the exam will be based on curricula as currently adopted in the commission's Certification Curriculum Manual.** ~~[curricula as currently adopted in the commission's Certification Curriculum Manual]~~
- (e) ~~[(c)]~~ Commission examinations that receive a passing grade shall expire two years from the date of the examination.**
- ~~[(d) The commission shall prescribe the content of any certification examination that tests the knowledge and/or skill of the examinee concerning the discipline addressed by the examination.]~~
- (f) (1) An examination for Basic Structure Fire Protection shall** ~~[based on Chapter 1, "Basic Fire Suppression Curriculum" as identified in the Certification Curriculum Manual may]~~ consist of four sections: Fire Fighter I, Fire Fighter II, **Hazardous Materials Awareness Level, Hazardous**

**Materials Operations Level including the Mission-Specific Competencies for Personal Protective Equipment and Product Control.** [~~First Responder Awareness, and First Responder Operations~~].

- (g)**(2) An examination **for Basic Fire Inspector shall** [~~based on Chapter 4, "Basic Fire Inspector Curriculum" as identified in the Certification Curriculum Manual may~~] consist of three sections: Inspector I, Inspector II, and Plan Examiner I.
- (h)**(3) An examination **for Basic Structure Fire Protection and Intermediate Wildland Fire Protection** [~~based on the applicable chapters for "Basic Fire Suppression Curriculum" and "Wildland Fire Protection Curriculum" in the Certification Curriculum Manual~~] shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection.
- (i)**(4) All other state examinations consist of only one section.
- (j)**(~~e~~) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or section thereof. This opportunity must be exercised within 180 days after the date of the first failure. An individual who passes the applicable state certification examination but fails to pass a section thereof for an IFSAC seal(s) will be given one additional opportunity to pass the section thereof. This opportunity must be exercised within two years after the date of the first attempt. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.
- (k)**(~~f~~) An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.
- (l)**(~~g~~) If an individual who has never held certification in a discipline defined in §421.5 of this title (relating to Definitions), seeks certification in that discipline, the individual shall complete all certification requirements.
- (m)**(~~h~~) If an individual completes an approved training program that has been evaluated and deemed equivalent to a certification curriculum approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual must pass a commission examination for certification status and meet any other certification requirements in order to become eligible for certification by the commission as fire protection personnel.
- (n)**(~~i~~) An individual or entity may petition the commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
  - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

**§439.3 Definitions.**

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

- (1) Certificate of Completion--A signed statement certifying that an individual has successfully completed a Commission-approved certification curriculum or phase program for a particular discipline, including having been evaluated by field examiners on performance skills identified by the Commission. The certificate of completion will be on a form provided by the Commission and is to be completed and signed by the provider of training and issued to the individual upon successful completion of the training. The certificate of completion must, as a minimum, identify the provider of training, the course I.D. number, the course approval number, date issued, curriculum name, training officer, and the name of the person completing the course. The certificate of completion qualifies an individual to take an original certification examination.
- (2) Curriculum--The competencies established by the Commission as a minimum requirement for certification in a particular discipline.
- (3) Designee--An entity or individual approved by the standards division director to administer Commission certification examinations and/or performance skills in accordance with this chapter.
- (4) Eligibility--A determination of whether or not an individual has met the requirements set by the Commission and would therefore be allowed to take a Commission examination.
- (5) Endorsement of eligibility--A signed statement testifying to the fact that an individual has met all requirements specified by the Commission and is qualified to take a Commission examination. An endorsement of eligibility will be issued by a member of the Commission staff.
- (6) Examination--A state test which an examinee must pass as one of the requirements for certification.
- (7) Examinee--An individual who has met the Commission requirements and therefore qualifies to take the Commission examination.
- (8) Field examiner--An individual authorized to evaluate performance skills in Commission-approved curricula. The field examiner must possess a Fire Instructor Certification, complete the on-line Commission field examiner course, and sign an agreement to comply with the Commission's testing procedures. The field examiner must be approved by the Commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.
- (9) Lead Examiner--A member of the Commission staff or a designee who has been assigned by the Commission to administer a Commission examination.
- (10) Letter of Intent--A statement, signed by an individual applying to the Commission for field examiner status, that he or she is familiar with the Commission's examination procedures, and agrees to abide by the policies and guidelines as set out in Chapter 439 of this title.

#### **§439.5 Procedures.**

- (a) Procedures for conducting examinations are determined by the commission.
- (b) All application processing fees due to the commission must be paid in a timely manner. Late payments shall be assessed a late fee in accordance with §437.13 of this title (relating to Processing Fees for Test Application).
- (c) Each examination must be administered by a lead examiner.
- (d) The lead examiner must:
  - (1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;
  - (2) monitor the examination while in progress;

- (3) control entrance to and exit from the test site;
  - (4) assign or re-assign seating; and
  - (5) bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.
- (e) All official grading and notification must come from the commission or its designee. The preliminary test results shall be made available within seven (7) business days after completion of the examination.

**§439.7 Eligibility.**

- (a) An examination may not be taken by an individual who currently holds an active certificate from the Commission in the discipline to which the examination pertains, unless required by the Commission in a disciplinary matter, or test scores have expired and the individual is testing for IFSAC seals.
- (b) An individual who passes an examination and is not certified in that discipline, will not be allowed to test again until 30 days before the expiration date of the previous examination unless required by the Commission in a disciplinary matter.
- (c) In order to qualify for a Commission examination, the examinee must:
  - (1) meet or exceed the minimum requirements set by the Commission as a prerequisite for the specified examination;
  - (2) submit a test application with documentation showing completion of a Commission-approved curriculum and any other prerequisite requirements, along with the appropriate application processing fee(s).
  - (3) receive from the Commission an "Endorsement of Eligibility" letter and provide this letter to the lead examiner.
  - (4) bring to the test site, and display upon request, state issued identification which contains the name and photograph of the examinee;
  - (5) report on time to the proper location; and
  - (6) comply with all the written and verbal instructions of the lead examiner.
- (d) No examinee shall be permitted to:
  - (1) violate any of the fraud provisions of this section;
  - (2) disrupt the examination;
  - (3) bring into the examination site any books, notes, or other written materials related to the content of the examination;
  - (4) refer to, use, or possess any such written material at the examination site;
  - (5) give or receive answers or communicate in any manner with another examinee during the examination;
  - (6) communicate at any time or in any way, the contents of an examination to another person for the purpose of assisting or preparing a person to take the examination;
  - (7) steal, copy, or reproduce any part of the examination;

- (8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;
  - (9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section; or
  - (10) bring into the examination site any electronic devices.
- (e) No person shall be permitted to sit for any Commission examination who has an outstanding debt owed to the Commission.

**§439.9 Grading.**

- (a) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the Commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:
  - (1) all mandatory tasks; or
  - (2) an accumulation of points to obtain a passing score of at least 70%; or
  - (3) a combination of both paragraphs (1) and (2) of this subsection.
- (b) The minimum passing score on each examination or section thereof as outlined in §439.1(d) of this title (relating to Requirements--General) shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The Commission may, at its discretion, invalidate any question.
- (c) If the Commission invalidates an examination score for any reason, it may also, at the discretion of the Commission, require a retest to obtain a substitute valid test score.

**§439.11 Commission-Designated Performance Skill Evaluations.**

- (a) The Commission-designated performance evaluations are randomly selected from each subject area within the applicable curriculum containing actual skill evaluations. This applies only for curricula in which performance standards have been developed. The provider of training will receive from the Commission, with the course approval notice, one envelope for each subject area as identified in the applicable curriculum.
- (b) During the course of instruction, the training provider shall test for competency, the Commission-designated performance skills. The skill evaluations may be scheduled at any time during the course, but must take place after all training on the identified subject area has been completed. The date(s), time(s) and location(s) for the Commission-designated skill evaluations must be submitted on the Commission-designated skill schedule contained within the Training Prior Approval form. The Commission must be notified immediately of any deviation from the submitted Commission-designated skill schedule. All skills must be evaluated by a Commission-approved field examiner.
- (c) In order to qualify for the Commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.
- (d) The training facility must maintain records (electronic or paper) of skills testing on each examinee. The records must reflect the results of the evaluation of skills, the dates the evaluation of skills took place, and the names of the field examiners who conducted the evaluations.

- (e) For certification disciplines in which an IDLH environment may exist, all skill testing participants shall have available for use NFPA compliant PPE and SCBA as defined in §435.1 of this title (relating to Protective Clothing) and §435.3 of this title (relating to Self-Contained Breathing Apparatus).

**§439.13 Special Accommodations for Testing.**

- (a) Special accommodation testing is for those individuals that have a documented disability which may hamper their success on a Texas Commission on Fire Protection written examination. Some accommodations that can be allowed are:
- (1) A testing room to oneself (examinee is allowed to read the questions out loud to him or herself). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.
  - (2) The test to be split in two with up to an hour break in between (no access to the first half of the examination will be allowed during or after the break). To accommodate the request the examinee will have to test in the commission's Austin headquarters location or any location deemed appropriate by the Commission.
  - (3) The questions to be printed in a larger font (approximately 7% larger).
  - (4) The test to be copied on off-white paper (i.e., cream colored).
  - (5) The use of highlighters or a highlighter sheet.
  - (6) Any requests that changes the condition of the examination or the examination process.
- (b) If the applicant is seeking a special accommodation test, the applicant must submit written documentation of the disability and a written statement as to which of the allowable accommodations is being requested. The applicant may ask for accommodations not listed above. The request will be reviewed and the applicant will receive a written response regarding the Commission's position on the request.

**§439.19 Number of Test Questions.**

- (a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly.
- (b) The number of questions on the state examination will be based upon the number of recommended hours in the particular curriculum or section being tested. The standard is outlined below:

Recommended Hours	No. Questions	Maximum No. Pilot Questions	Time Allowed
30 or less	25	5	30 minutes
31-100	50	5	1 hour
101-200	75	10	1.5 hours
201-300	100	15	2 hours
301-400	125	20	2.5 hours
401 or more	150	25	3 hours

**11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**

- 6. Proposed Amendments to Title 37 TAC, Chapter 451, Fire Officer, Subchapter A, Minimum Standards for Fire Officer I, §451.1 Fire Officer I Certification, §451.3, Minimum Standards for Fire Officer I Certification, §451.5, Examination Requirements, and §451.7, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, Minimum Standards For Fire Officer II, §451.201, Fire Officer II Certification, §451.203, Minimum Standards for Fire Officer II Certification, §451.205, Examination Requirements, and §451.207 International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter C, Minimum Standards For Fire Officer III, §451.302, Fire Officer III Certification, §451.303, Minimum Standards for Fire Officer III Certification, and §451.305, Examination Requirements, 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 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** [~~Commission~~]; and

(A) possess valid documentation **as a Fire Fighter II and Fire Officer I** [~~of accreditation~~] from **either:**

**(1)** the International Fire Service Accreditation Congress **or;**

**(2) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~as Fire Fighter II and Fire Officer I~~]; or

(B) complete a **commission** [~~Commission~~] approved Fire Officer I program and successfully pass the **commission** [~~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** [~~Commission~~] approved Fire Officer I Curriculum as specified in Chapter 9 of the **commission's** [~~Commission's~~] Certification Curriculum Manual;

(ii) 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 exceed the **commission** [~~Commission~~] approved Fire Officer I Curriculum; or

(iii) successful completion of 12 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.

- (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 9 (pertaining to Fire Officer I) of the **commission's** [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.

**CHAPTER 451**

**FIRE OFFICER**

**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
- (2) hold Fire Officer I certification through the commission [~~Commission~~]; and
- (3) hold, as a minimum, Fire Service Instructor I certification through the commission [~~Commission~~]; and

(A) possess valid documentation as a Fire Officer II [~~of accreditation~~] from either:

(1) the International Fire Service Accreditation Congress or;

(2) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as Fire Officer II~~]; or

(B) complete a commission [~~Commission~~]-approved Fire Officer II program and successfully pass the commission [~~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 [~~Commission~~]-approved Fire Officer II Curriculum as specified in Chapter 9 of the commission's [~~Commission's~~] Certification Curriculum Manual;

(ii) 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 exceed the commission [~~Commission~~]-approved Fire Officer II Curriculum; or

(iii) successful completion of 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;

(IV) Fire Administration II or Company Fire Officer, 3 semester hours; and

(V) Firefighting Strategies and Tactics I or II, 3 semester hours.

- (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 9 (pertaining to Fire Officer) of the **commission's** [~~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.

**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 **as a Fire Officer III** ~~[of accreditation]~~ from **either:**
  - (A) the International Fire Service Accreditation Congress or;**
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [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: **Through February 2014,** ~~Within one year following the effective date of this rule,~~ 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) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer III certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline.**

**(9)**~~(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.

**CHAPTER 451**

**FIRE OFFICER**

**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 **as a Fire Officer IV** [~~of accreditation~~] from **either**:

**(A)** the International Fire Service Accreditation Congress **or**;

**(B)** **the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** [~~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: **Through February 2014,** ~~[Within one year following the effective date of this rule,]~~ 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) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer IV certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline through February 2015.**

~~(7)~~ (8) 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 IFSAC seals, and completing a commission approved Fire Officer IV program.

**11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**

**D. Discussion and possible action on proposed amendments for acceptance of Texas Engineering Extension Service ProBoard certification as follows:**

- 7. Proposed amendments to Title 37 TAC, Chapter 453, Subchapter A, Minimum Standards for 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. Subchapter B, Minimum Standards for Hazardous Materials Incident Commander, §453.201, Hazardous Materials Incident Commander Certification, §453.203, Minimum Standards for Hazardous Materials Incident Commander, and §453.205, Examination Requirements.**

## CHAPTER 453

### HAZARDOUS MATERIALS

#### 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 as a Hazardous Materials Technician [~~of accreditation~~] from either:
    - (A) the International Fire Service Accreditation Congress or;
    - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) [~~as a Hazardous Materials Technician~~]; or
  - (3) complete a commission approved Hazardous Materials Technician program and successfully pass the 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 approved Hazardous Materials Technician 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 Technician Curriculum.
- (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 Technician) of the 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 examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Technician curriculum.

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

- (a) Individuals holding a current 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 for the IFSAC seal and paying applicable fees.
- (b) Individuals completing a 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 for the IFSAC seal and paying applicable fees.

**CHAPTER 453**

**HAZARDOUS MATERIALS**

**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 **as a Hazardous Materials Incident Commander** ~~[of accreditation]~~ from **either:**

**(A)** the International Fire Service Accreditation Congress **or;**

**(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General)** ~~[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: **Through February 2014,** ~~[Within one year following the effective date of this rule,]~~ 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) **Special temporary provision: Through February 2015, an individual is eligible for Hazardous Materials Incident Commander certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M**

**Engineering Extension Service using the 2008 edition of the NFPA standard applicable to this discipline.**

- (6)** [(5)] The application processing fee for the initial examination is waived for individuals in paragraphs (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 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 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.