

# TEXAS COMMISSION ON FIRE PROTECTION

January 16, 2014, 10:00 a.m.

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

1. Roll call – 10:00 a.m. (including consideration of whether to excuse absences).
2. Adoption of the September 26, 2013 and October 3, 2013 commission meeting minutes.
3. The Budget and Strategic Plan subcommittees will meet on January 16, 2014 during the commission meeting and may develop recommendations to be presented to the full commission including but not limited to, modifications to the agency budget and strategic plan. The subcommittees may meet separately or together.
4. Reports from the Budget and Strategic Plan subcommittees with discussion and possible action relating to any recommendations developed by these subcommittees.
5. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, and the State Fire Marshal's Office.
6. Discussion and possible action concerning reports by the Commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
7. Discussion and possible action concerning report from the Commission representative to the Homeland Security Council.
8. New matters from the commission, staff, or public which may be discussed in future commission meetings.
9. Discussion and possible action on future meeting dates.
10. Discussion and possible action on presentation from the Texas Fire Chief's Association regarding the Fire Chief's Academy program, and Fire Officer III and IV commission certification.
11. Discussion and possible action on the National Fire Protection Association (NFPA) 1851 Standard.
12. Discussion and possible action on request from Danny Kistner regarding Life Safety Initiative number nine with regards to a statewide tracking program.
13. Discussion and possible action on request from Danny Kistner regarding Title 37, 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.
14. Discussion and possible action on the report from the executive director regarding findings and scope of work related to a commission study on the administrative attachment of the commission to another state agency.

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

**A. Discussion and possible final adoption on proposed amendments, new sections, repeals and rule reviews as follows:**

- 1. Proposed amendments to title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement To Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.**
- 2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, Subchapter C, Training Programs for On-Site and Distance Training Providers, including but not limited to, §427.301, General Provisions for Training Programs--On-Site and Distance Training Providers, §427.303, Training Approval process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, and §427.307, On-Site and Distance Training Provider Staff Requirements.**
- 3. Proposed amendments to title 37 TAC, Chapter 431, Fire Investigation, Subchapter A, Minimum Standards for Arson Investigator Certification, including but not limited to, §431.1, Minimum Standards for Arson Investigation Personnel, §431.3, Minimum Standards for Basic Arson Investigator Certification, §431.5, Minimum Standards for Intermediate Arson Investigator Certification, §431.7, Minimum Standards for Advanced Arson Investigator Certification, §431.9, Minimum Standards for Master Arson Investigator Certification, §431.11, Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel, and §431.13, International Fire Service Accreditation Congress (IFSAC) Seal, Subchapter B, §431.201, Minimum Standards for Fire Investigation Personnel, §431.203, Minimum Standards for Fire Investigator Certification, §431.205, Minimum Standards for Intermediate Fire Investigator Certification, §431.207, Minimum Standards for Advanced Fire Investigator Certification, §431.209, Minimum Standards for Master Fire Investigator Certification, and §431.211, International Fire Service Accreditation Congress (IFSAC Seal— Fire Investigator.**
- 4. Proposed amendments to title 37 TAC, Chapter 437, Fees, including but not limited to, §437.1, Purpose and Scope, §437.3, Certification Fees, §437.5, Renewal Fees, §437.7, Standards Manual and Certification Curriculum Manual Fees, §437.11, Copying Fees, and §437.13, Processing Fees for Test Application, §437.15, International Fire Service Accreditation Congress (IFSAC) Seal Fees, and §437.17, Records Review Fees.**
- 5. Proposed amendments to title 37 TAC, Chapter 457, Incident Safety Officer, including but not limited to, §457.1, Incident Safety Officer Certification, §457.3, Minimum Standards for Incident Safety Officer Certification, and §457.5, Examination Requirements.**
- 6. 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.**
- 7. 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.

8. 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.
  9. 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.
  10. 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.
  11. 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.
  12. 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.
- B. Discussion and possible action on proposed amendments, new sections, repeals, and rule reviews as follows:**
1. Proposed amendments to title 37 TAC, Chapter 421, Standards For Certification, including but not limited to, §421.1, Procedures for Meetings, §421.3, Minimum Standards Set by the Commission, §421.5, Definitions, §421.9, Designation of Fire Protection Duties, §421.11, Requirement To Be Certified Within One Year, §421.13, Individual Certificate Holders, §421.15, Extension of Training Period, and §421.17, Requirement to Maintain Certification.
  2. Proposed amendments to title 37 TAC, Chapter 427, Training Facilities, including but not limited to, Subchapter A, On-Site Certified Training Provider, §427.1, Minimum Standards for Certified Training Facilities for Fire Protection Personnel, §427.3, Facilities, §427.5, Apparatus, §427.7, Protective Clothing, §427.9, Equipment, §427.11, Reference Materials, §427.13, Records, §427.18, Live Fire Training Evolutions, §427.19, General Information, Subchapter B, Distance Training Provider, §427.201, Minimum Standards for Distance Training Provider, §427.203, Records, §427.209, General Information, Subchapter C, Training Programs For On-Site and Distance Training Providers, §427.301, General Provisions for

Training Programs—On-Site and Distance Training Providers, §427.303, Training Approval Process for On-Site and Distance Training Providers, §427.305, Procedures for Testing Conducted by On-Site and Distance Training Providers, §427.307, On-Site and Distance Training Provider Staff Requirements, Subchapter D, Certified Training Facilities, §427.401, General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas, §427.403, Financial Standards, §427.405, Policy Regarding Complaints, §427.407, School Responsibilities Regarding Instructors, §427.409, Advertising, §427.411 Cancellations or Suspensions and §427.41, Liabilities.

3. Proposed amendments to title 37 TAC, Chapter 439, Examinations For Certification, including but not limited to, 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.
  4. Proposed amendments to title 37 TAC, Chapter 441, Continuing Education, including but not limited to, §441.1, Objective, §441.3, Definitions, §441.5, Requirements, §441.7, Continuing Education for Structure Fire Protection Personnel, §441.9, Continuing Education for Aircraft Rescue Fire Fighting Personnel, §441.11, Continuing Education for Marine Fire Protection Personnel, §441.13, Continuing Education for Fire Inspection Personnel, §441.15, Continuing Education for Arson Investigator or Fire Investigator, §441.17, Continuing Education for Hazardous Materials Technician, §441.19, Continuing Education for Head of a Fire Department, §441.21, Continuing Education for Fire Service Instructor, and §441.23, Continuing Education for Wildland Fire Fighter.
16. Discussion and possible action on matters from the Executive Director.
    - A. Report on decisions of the Executive Director in contested cases and consent orders.
    - B. Status of division functions.
  17. Executive session pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position.
  18. Open session for further discussion and possible action regarding preceding agenda item.
  19. Adjourn meeting.

The Texas Commission on Fire Protection may go into executive session on any agenda item if authorized by the Open Meetings Act, Texas Government Code Chapter 551.