

**12. Discussion and possible action on matters from the Executive Director.**

- A. Report on decisions of the Executive Director in contested cases and consent orders.**

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**B. Status of division functions.**

## Overview and Recent Activities

Work remained steady at the agency, with all core functional areas experiencing typical workload volumes. Recent agency activities of note include:

- ❖ TCFP completed and submitted its Strategic Plan for 2015-19.
- ❖ TCFP also completed and submitted its Legislative Appropriations Request for 2016-17.
- ❖ The agency also submitted its IT Detail Report. This report describes the agency's current IT operations, inventory of equipment, etc., and is submitted at the same time as the LAR.
- ❖ IFSAC performed its periodic site visit July 8<sup>th</sup> – 12<sup>th</sup>. TCFP was given the green light to continue in all approved disciplines for the next 5 years. Only minor changes were needed to some test questions and skill sheets, and were revised while the team was here. The team did, however, identify an issue that it recommends the agency address. Although TCFP meets the requirements for "grandfathering" personnel who hold an active certification issued prior to the start date of a particular IFSAC seal, the IFSAC team recommended the agency consider a limit of some kind for the grandfathering benefit.
- ❖ Online Testing: Programming continues to allow the online testing software (LXR) to interface with the agency's database. Work is beginning on developing test questions for certain disciplines; these will become the question banks once online testing begins.
- ❖ Discussions continue with Drexel University about participating in a multi-organizational project that could allow for coordination and sharing of firefighter injury data in Texas. The goal of the project will be to provide a more comprehensive picture of firefighter injuries and their impact on the fire service and public. The discussions involve personnel from the state workers' comp office.
- ❖ The agency was represented at a hurricane exercise hosted by the Texas Division of Emergency Management on June 26-27. The exercise was conducted at the state emergency operations center.

### Executive Office/Director

- Representing the agency in the development of the statewide Homeland Security Strategic Plan. The goal is to have the plan completed by the end of the year.
- Attended the State Firemen's and Fire Marshals' conference in Lubbock June 8 – 11. Participated in a panel discussion with officers of the association.
- Conducted presentations to both 1<sup>st</sup> and 2<sup>nd</sup> year groups at the Fire Chief's Academy on June 25<sup>th</sup>, Austin
- Attended consortium meeting on August 6<sup>th</sup>.
- Participated in meeting on August 18<sup>th</sup> to discuss ramifications of possible proposed legislation that would require regulated entities to perform and submit an after-action report for any serious injury.

## **Certification, Renewal and Curriculum 4th Quarter Report, FY 2014**

### **Certification/Renewal**

- 2,420 certificates issued
- 1370 IFSAC seals issued
- 249 training facilities holding 1,441 active certifications
- 67 individual certificate holders renewed
- 7 training facilities renewed
- 41 training facility certificates issued to 23 different entities

### Other Activities:

- The continuing education audit program progressed as intended. The goal of auditing 50% of the individual certificate holders is currently on target. There were 592 individuals audited in the 4<sup>th</sup> qtr with a total of 1,390 audits completed so far this year.
- Prepared to notify individual certificate holders and departments of upcoming renewal expiration date and the requirements.
- Created HOD rules for higher levels and presented to Commission at August Meeting.
- One informal conference for denial of a certification based on background information.
- The final decision on this informal is still pending.
- Demonstrated TCFP process for issuing IFSAC seals for the IFSAC team site visit during July.

### **Curriculum Development**

#### **Committees**

- Hazardous Material ad hoc committee met on June 9 & 10, 2014. During this meeting we reviewed Committee directive, IFSAC Requirements, Awareness & Operations, Technician & Incident Commander Curricula (References, Recommended Hours, Skills, Test questions etc.)
- The Curriculum and Testing committee met on June 11-13, 2014. During this meeting we discussed new IFSAC levels for Fire Officer 3, 4 & HMIC, ISO and Wildland (basic and intermediate), new certificates (Rescue Tech, Health & Safety Officer, Driver Operator/Aerial and possibly RIT).
- The Investigator ad hoc committee met on July 31 & August 1, 2014. During this meeting we drafted rules for A&B courses, etc., identified which skills could & could not be simulated and reviewed Jones & Bartlett test questions for new test bank

#### **Test Development and Test Bank Maintenance**

- Created 146 monthly certification exams
- Continued regular review of test questions as required

## **Compliance Report Fourth Quarter FY 2013-14**

### **Compliance Officer Position Vacancy**

Staff recruited and interviewed five qualified applicants for the vacant West Texas Plains Compliance Officer position. One finalist was scheduled for a follow-up personal interview and assessment.

### **State Fire Marshal Office Assist, Line of Duty Death Investigation**

Two Compliance Officers provided assistance with investigative services for one Houston Fire Department Line of Duty Death investigation. The fire incident occurred on July 9, 2014. The TCFP Investigator provided assistance on July 14, 2014. The team reviewed and reported findings for all records associated with the deceased personal protective equipment (PPE), self-contained breathing apparatus (SCBA) and continuing education requirements. The team conducted observation and assessment of the deceased fire fighter's PPE and SCBA. The TCFP investigation assist report was issued to the State Fire Marshal's Office on July 22, 2014.

### **Training**

- The compliance officers met in Austin at TCFP Headquarters the week of August 11-15 for annual refresher training and education. Topics included the following:
  - Driving Safety by the State Office of Risk Management,
  - SCBA inspection, service and maintenance clinic by representatives of Scott Safety Division,
  - Training on changes and updates to the NFPA standards adopted and used by compliance officers,
  - Training on changes and updates to the Compliance Program standard operating guidelines.
  - Training and education from Texas Attorney General's Office legal support services (Mr. Lutostanski) on compliance enforcement procedures, penalties and assessments.
  - Updates from the Executive Directors office regarding the interim agency study to receive support services from another state agency, on-line testing, phase II of migration to FARM, HO ad hoc committee updates, stakeholder updates, personnel changes, legislative updates, etc.
  - Updates from each program area manager on their program activities: Certifications, Testing, Injury Reporting, Library Services, Human Resources, Finance and Budget & Information Technology.
- The agency purchased *Go to Meeting* software which has audio, video and conferencing capabilities. The Compliance Team is successfully using the program to conduct meetings on-line. (The *Go to Meeting* tool was utilized by the Compliance Manager to conduct 5 interviews with compliance officer job applicants.)

### **The Compliance Manager Submitted a Formal Interpretation Request to NFPA**

Regarding NFPA 1852 - (Selection, Care, and Maintenance of SCBA) 2013. Chapter 4.4.1 SCBA Compliance - Upgrades and Retirement, requires currently in service SCBAs to be certified as compliant with the 1997, 2002, 2007, or 2013 edition of 1981. Given this requirement, is it true that where an in service SCBA is not certified as compliant with one of the above 1981 editions, the SCBA shall and must be retired? NFPA representatives, Dave Trebisacci and Kenneth Willette advised that the Secretary of the Standards council will not submit my request to the applicable committee because it does not qualify for the action requested. However NFPA staff member Mr. Willette did respond in the affirmative on a phone conference call. He said the answer is yes, it is clear and evident that where in-service SCBAs are not compliant with the 1981 edition listed above the until shall be retired as specified in Chapter 4.4.5 He committed to putting his answer in writing from him on NFPA letterhead.

### **Miscellaneous**

In preparation for discussions with stakeholders, regulated entities, the Fire Fighter Advisory Committee, the Commissioners, the Compliance Manager received and reviewed samples of Structural and Proximity PPE Risk Assessments from the US Air Force & Clark County (Nevada) Fire Department. The assessments were completed as per NFPA 1851 requirements for the selection of Proximity PPE.



## National Fire Protection Association

1 Batterymarch Park, Quincy, MA 02169-7471  
Phone: 617-770-3000 • Fax: 617-770-0700 • www.nfpa.org

October 3, 2014

Mr. Paul Maldonado  
Texas Commission on Fire Protection  
P.O. Box 2286  
Austin, TX 78767

Dear Mr. Maldonado:

Regarding your request for a Formal Interpretation on NFPA 1852, and as a result of our phone conversation of September 12, 2014, I am pleased to provide this advisory service response.

Our understanding of the issue faced by the Texas Commission on Fire Protection is that field inspections are revealing that departments with SCBA compliant to pre-1997 editions of NFPA 1981 are being informed that those devices can remain in service provided that they undergo certain upgrades.

The 2013 edition NFPA 1852, Section 4.4.1 states that SCBA currently in service shall be certified as compliant with the 1997 or later editions of NFPA 1981.

Section 4.4.2 states that currently in service SCBA that do not meet the requirements of Section 4.4.1 shall be upgraded to the meet the requirements of the 2013 edition of NFPA 1981 (Section 4.4.3) or they shall be retired (Section 4.4.4).

In summary and specific to the question posed in your request for Formal Interpretation, where an in-service SCBA is not certified as compliant with either the 1997, 2002, 2007 or 2013 editions of NFPA 1981, the SCBA shall and must be retired.

Please let me know if you have any additional questions or if you require further assistance.

Sincerely,

*David G. Trebisacci*

David G. Trebisacci  
Staff Liaison, NFPA Public Fire Protection Division

CC: Ken Willette, NFPA Public Fire Protection Division  
Dawn Bellis, NFPA Standards Administration  
Mary Maynard, NFPA Standards Administration

## **Commission Quarterly Report**

### **Training Approval and Testing Section**

- **Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 4th Quarter, FY 2014**
  - Test Administration – 1589 exams were administrated during this quarter with an average grade of 82.46% and a pass rate of 91.06%.
  - Training Approvals – Total of 2973 training approvals have been submitted since January 2013 in the commission’s Training Facility Management System.
  - Record Reviews – Seventeen (17) paid record reviews for equivalency were conducted and 366 test packets were distributed in the 4<sup>rd</sup> quarter. Since January 2013, 918 Qual #s have been issued in the Training Facility Management System.
  - Training and Skill Testing Audits –
    - Thirty (30) onsite training, record, and skill audits were conducted during this quarter in which nine (9) was skill testing audits. Six (6) deficiencies were found. The deficiencies identified dealt with incomplete records and failure to conduct skills as submitted. All deficiencies have been addressed.
    - One (1) online training audit was conducted in which no deficiencies were identified.
- **Activities for the Next Quarter**
  - Continue to work with IT staff on the online test scheduling procedures, payment processes, and web-based testing project.
  - Working in conjunction with the Compliance Officers to focus on conducting more on-site training, record, and skill audits within their respective regions. Focus on increasing the number of online training audits.
  - Working with the Certification Division to transition the issuance of new training facilities certifications to the Training Approval and Testing Section.

### FY 2014 Injury Reporting Program

	1Q	2Q	3Q	4Q	Totals
Reported Injuries	939	984	879	1026	3828
Burns	45	29	19	24	117
SOP-related*	0	10	3	3	16
Environmental-related	14	8	14	14	50

\*Injuries involving SOP violations

<i>Publications/postings</i>					
AvoidInjury! blog posts	6	2	1	0	9

### FY 2014 Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	67	65	62	47	241
Print items	11	12	3	19	45
<i>Research and reference requests</i>					
Internal	1	1	1	4	7
External	30	36	5	27	98
New library borrowers (new users)	7	5	4	14	30
Responses to borrower follow-up surveys	14	13	7	6	40
<i>Items cataloged</i>					
AV items	0	0	0	0	0
Print items	0	0	0	0	0
Desk copy items ordered and processed	22	0	0	2	24
<i>Publications/postings</i>					
Library newsletter	2	3	1	1	7

### FY 2014 Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Totals
Fire department job postings	80	100	92	112	384
Number of departments requesting postings	74	86	82	97	339
Website home page articles	3	2	1	3	9
Facebook posts	30	32	25	21	108
Twitter "tweets"	16	44	14	29	103
Open records requests	7	9	5	4	25

**12. Discussion and possible action on matters from the Executive Director.**

- C. Pursuit of an Attorney General's Opinion regarding the transfer of fire protection personnel injury information between the Texas Commission on Fire Protection and the Texas Department of Insurance**

**§ 419.048 Fire Protection Personnel Injury Data; Recommendations to Reduce Injuries**

(a) Pursuant to Section 417.004, the commission and the commissioner of insurance as necessary to allow the agencies to perform their statutory duties, shall transfer information between the two agencies, including injury information from the Texas Fire Incident Reporting System and workers' compensation data showing claims filed by fire protection personnel.

(b) Personally identifiable information received by the commission under this section relating to injured fire protection personnel is confidential. The commission may not release, and a person may not gain access to, any information that could reasonably be expected to reveal the identity of injured fire protection personnel.

(c) The commission shall evaluate information and data on fire protection personnel injuries and develop recommendations for reducing fire protection personnel injuries. The commission shall forward the recommendations to the state fire marshal not later than September 1 of each year for inclusion in the annual report required by Section 417.0075.

(d) The commission shall establish criteria for evaluating fire protection personnel injury information to determine the nature of injuries that the commission should investigate. Based on these investigations, the commission shall identify fire departments in need of assistance in reducing injuries and may provide assistance to those fire departments.