

TEXAS COMMISSION ON FIRE PROTECTION
April 28, 2016, 9:00 a.m.
1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

- 1. Roll call – 9:00 a.m. (including consideration of whether to excuse absences).**
- 2. Adoption of the commission meeting minutes of January 13, 2016 and January 14, 2016.**
- 3. The Budget and Strategic Plan subcommittees may meet separately or together on April 28, 2016 during the commission meeting and provide reports for discussion and possible action relating to any recommendations developed by the subcommittees, including but not limited to, modifications to the agency operating budget and strategic plan.**
- 4. 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 Fire Marshal’s Association, 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.**
- 5. 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).**
- 6. Discussion and possible action regarding report from commission representative to the Homeland Security Council.**
- 7. Discussion and possible action regarding recommendations from the U.S. Chemical Safety and Hazard Investigation Board report and agency response.**
- 8. Discussion and possible action on the appointment of two new members to the fire fighter advisory committee.**
- 9. New matters from the commission, staff, or public which may be discussed in future commission meetings.**
- 10. Discussion and possible action on future meeting dates.**
- 11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:**
 - A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:**
 - 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 431, Fire Investigation.**
 - 2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, Fees.**
 - B. Discussion and possible action on proposed amendments, new sections, and repeals as follows:**
 - 1. Discussion and possible regarding proposed rule changes to title 37 TAC, Chapter 437, Fees.**

1. **Roll call – 9:00 a.m. (including consideration of whether to excuse absences).**

2. **Adoption of the commission meeting minutes of January 13, 2016 and January 14, 2016.**

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Robert Moore, at 2:00 p.m. called the January 13, 2016 commission workshop meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Commissioners	Tommy Anderson	Elroy Carson	Carlos Cortez	Kelly Doster	Pat Ekiss
Attending	John Gillette	Joseph Gonzalez	Mike Jones	John McMakin	Robert Moore
	Leonardo Perez	Steve Tull	Tivy Whitlock*		

*absent entire meeting
**absent part of meeting

Staff Present Tim Rutland Deborah Cowan

1. **Roll call.** Robert Moore, Presiding Officer called roll and a quorum was present.

2. **Discussion regarding the Fire Executive Management Institute of Texas (FEMIT) program for the Head of Department continuing education requirements.**

Discussion only. No action necessary.

3. **Discussion regarding the appointment of a new commission representative to serve on the Texas Fire School Advisory Board.**

Discussion only. No action necessary.

4. **Discussion concerning current fire fighter advisory committee membership and review of applications received to fill vacancies on the committee.**

Discussion only. No action necessary.

5. **Discussion regarding fees charged by the agency.**

Discussion only. No action necessary.

6. **Discussion regarding the requirement to pass all sections of a state examination.**

Discussion only. No action necessary.

7. **Adjourn meeting.**

The meeting was adjourned at 4:10 p.m.

Robert Moore, Presiding Officer

Presiding Officer, Robert Moore, at 9:00 a.m. called the January 14, 2016 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Tommy Anderson John Gillette Leonardo Perez	Elroy Carson Joseph Gonzalez* Steve Tull	Carlos Cortez Mike Jones Tivy Whitlock	Kelley Doster John McMakin	Pat Ekiss Robert Moore
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*absent entire meeting
**absent part of meeting

Staff	Tim Rutland Joyce Guinn	Deborah Cowan Mark Roughton	Paul Maldonado Andrew Lutostanski, Assistant Attorney General	Lisa Gonzalez	Sylvia Miller
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Guests	Thomas McMonigle George Malone Jason Collier Jacob Smith	Gordon Lohmeyer David Brannon Jim Reidy Kory Klabunde	Randal Rhodes Aaron Bell Glenn Deshields	Daniel Kistner Jeff Allen Betty Wilkes	Antonio Lopez Leonard Chan Ronnie Sexton
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1. Roll call Commissioner, Pat Ekiss called roll and a quorum was present.

2. Adoption of Minutes A motion to approve the minutes of the October 29, 2015 meeting was made by Tommy Anderson and seconded by Kelly Doster. The motion carried.

3. Budget and Strategic Plan Subcommittee Meeting/Reports The subcommittees met together to review the agency's budget and performance measures. No action necessary.

4. Reports from Service Interest Groups A brief report was given by the Texas Fire Chief's Association and Texas State Association of Fire Fighters.

5. Report from Fire School Advisory Board & TEEX Commissioner Robert Moore gave a brief update on activities to date.

6. Appointment of New Fire School Advisory Board Representative A motion was made by Leonardo Perez and seconded by Kelly Doster to appoint Juan Gloria as the commission representative to the Texas Fire School Advisory Board. The motion carried.

7. Report from Homeland Security Council Representative Commission Representative, Joseph Gonzalez, was unable to attend the commission meeting. Tim Rutland, Executive Director reported the agency's part of the Governors' Homeland Strategic Security Plan was in final draft and would be ready by the deadline of January 31, 2016.

8. Appointment of new member to fire fighter advisory committee A motion was made by Steve Tull and seconded by Mike Jones to accept the sub-committee recommended ten individuals and direct staff to send letters to the ten finalist who will be invited to interview with the commissioners prior to the April 28, 2016 commission meeting. The motion carried.
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9. New matters Requirement to pass all sections of a TCFP examination
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10. Future meeting dates The commission scheduled a meeting for April 27, 2016 beginning at 1:00 p.m. to interview the ten finalist for the fire fighter advisory committee appointments and the regularly scheduled commission meeting that was set for April 28, 2016 start time was changed to 9:00 a.m. The commission rescheduled its July meetings to July 13(workshop) beginning at 2:00 p.m. and July 14 (commission meeting) beginning at 9:00 a.m.
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11. Matters from Fire Fighter Advisory Committee
- A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 421, §421.5 and §421.17 as discussed was made by Elroy Carson and seconded by Steve Tull. The motion carried.
 - 2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 437, §§437.3, 437.5 and 437.13 as discussed was made by Leonardo Perez and seconded by Steve Tull. The motion carried.
 - 3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 441, §441.5 as discussed was made by Steve Tull and seconded by John Gillette. The motion carried.
 - B. 1. A motion to approve for publication the proposed amendments to Chapter 431, §431.9 and §431.209 as discussed was made by Pat Ekiss and seconded by John Gillette. The motion carried.
 - C. A motion to approve for publication the proposed amendments to Chapter 437, §437.5 as discussed was made by Elroy Carson and seconded by Tommy Anderson. The motion carried.
 - D. A motion to approve the recommended changes to the Inspector I, Inspector II, Plans Examiner I Curricula and the Basic Fire Inspector Curriculum outline and reference list with an effective date of June 1, 2016 was made by John Gillette and seconded by Mike Jones. The motion carried.
 - E. After discussion, the commission advised the Curriculum and Testing Committee to move forward on its recommendation to continue to publish curricula in the TCFP Curriculum Manual for all mandatory certifications and to discontinue publishing a curricula in the Curriculum Manual for voluntary certifications. The committee also provided guidelines it will follow when new voluntary certifications are requested.
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12. NFPA 1851 After discussion, no action necessary.
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13. Matters from Executive
- a. Tim Rutland, Executive Director reported no informal conferences had occurred since the last commission meeting.

Director

- b. Mr. Rutland informed commissioners he had completed the Governor's Executive Development Program. Commissioners were also informed that the agency is instituting a cross training program within agency divisions. Mr. Rutland informed commissioners the agency had received informal notification from the International Fire Service Accreditation Congress (IFSAC) that Fire Officer III and Fire Officer IV had been approved for issuing IFSAC seals.

14. Executive Session

Presiding Officer, Robert Moore did not call for the Executive Session.

15. Open Session

No action necessary.

16. Adjournment

A motion to adjourn was made by John McMakin and seconded by Steve Tull. The motion carried.

Robert Moore, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees may meet separately or together on April 28, 2016 during the commission meeting and provide reports for discussion and possible action relating to any recommendations developed by the subcommittees, including but not limited to, modifications to the agency operating budget and strategic plan.**

TCFP FY16 Measures

Key	Strategy	FY16 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY16 YTD Sum	FY16 Target	% Target ytd/tar	Measures/Explanation
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Output A quantifiable indicator of the number of goods or services an agency produces

Yes	Standards Enforcement	203	308			511	1,100	46%	Number of inspections of regulated entities.
						Cumulative			Includes bi-annual inspections, audits, and investigations.
Yes	Standards Enforcement	1,799	2,318			4,117	9,400	44%	Number of examinations administered.
						Cumulative			
	Indirect Administration					\$0	\$13,000	0%	Dollar value of professional & other services from HUBs. From semi-annual Comptroller report
						Cumulative			

Explanatory (Annual) An indicator of factors, agency resources, or requests received that affect a state entity's performance.

Yes	Standards Enforcement	91.16%	90.44%			90.80%	90%	101%	Pass Rate (Percent)
						Non-Cumulative			
Yes	Standards Enforcement	30,813	31,416			31,115	31,400	99%	Number of individuals certified by the Commission.
						Non-Cumulative			
Yes	Standards Enforcement	269	249			259	255	102%	Number of training providers certified by the Commission.
						Non-Cumulative			

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance.

Non-Cumulative Measure: A measure which is calculated from the entire reporting period (year), not on the basis of adding together the performance from separate quarters.

Efficiency A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units

Yes	Standards Enforcement	\$433	\$300			\$367	\$425	86%	Average cost per inspection of regulated facilities.
						Non-Cumulative			Costs = Inspector salaries + 25% of manager salary, other personnel costs, applicable travel expenses Total inspections per quarter = Inspections + audits + investigations

TCFP FY16 Measures

Key	Strategy	FY16 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY16 YTD Sum	FY16 Target	% Target ytd/tar	Measures/Explanation
Outcome		(Annual)		<i>A quantifiable indicator of the public and customer benefits from an agency's actions</i>					
Indirect Administration						#DIV/0!	10%	#DIV/0!	Percent of total dollar value of commodity purchasing from HUBs. Taken from semi-annual Comptroller report
Non-Cumulative									

Note: Explanations are provided for measures that are 5% or more off target.

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Summary

Goals:	FY16 Budget	FY16 Expended	Balance	%
Education, Information and Assistance	92,474.71	38,703.32	53,771.39	
Fire Department Standards	862,717.23	424,899.28	437,817.95	
Indirect Administration	755,646.62	371,832.96	383,813.66	
1001 - Salaries & Wages:	1,710,838.56	835,435.56	875,403.00	51%
Education, Information and Assistance	4,702.59	313.54	4,389.05	
Fire Department Standards	28,256.28	15,564.46	12,691.82	
Indirect Administration	45,178.72	7,477.16	37,701.56	
1002 - Other Personnel Costs	78,137.59	23,355.16	54,782.43	70%
Education, Information and Assistance	100.00	69.64	30.36	
Fire Department Standards	-	591.90	(591.90)	
Indirect Administration	3,400.00	2,940.80	459.20	
2001 - Professional Fees and Services:	3,500.00	3,602.34	(102.34)	-3%
Education, Information and Assistance	3,300.00	945.83	2,354.17	
Fire Department Standards	8,480.00	3,964.41	4,515.59	
Indirect Administration	2,600.00	951.93	1,648.07	
2003 - Consumable Supplies:	14,380.00	5,862.17	8,517.83	59%
Fire Department Standards	8,000.00	4,148.75	3,851.25	
2004 - Utilities:	8,000.00	5,693.15	2,306.85	29%
Education, Information and Assistance	2,200.00	-	2,200.00	
Fire Department Standards	70,800.00	34,693.38	36,106.62	
Indirect Administration	26,300.00	10,670.41	15,629.59	
2005 - Travel:	99,300.00	45,363.79	53,936.21	54%
Education, Information and Assistance	180.00	3.15	176.85	
Fire Department Standards	200.00	26.59	173.41	
Indirect Administration	530.00	198.78	331.22	
2006 - Rent - Building (storage):	910.00	228.52	681.48	75%
Education, Information and Assistance	1,500.00	401.30	1,098.70	
Fire Department Standards	6,500.00	3,411.10	3,088.90	
Indirect Administration	5,000.00	2,407.82	2,592.18	
2007 - Rent - Machine and Other:	13,000.00	6,220.22	6,779.78	52%
Education, Information and Assistance	14,689.77	1,657.80	13,031.97	
Fire Department Standards	50,013.12	22,190.98	27,822.14	
Indirect Administration	27,569.14	11,441.14	16,128.00	
2009 - Other Operating Expense:	92,272.03	35,289.92	56,982.11	62%
Fire Department Standards	17,500.00	13,315.71	4,184.29	
4000 - Grants:	17,500.00	13,315.71	4,184.29	24%
5000 - Capital Expenditures:	-	-	-	0%
TOTAL - ALL EXPENDITURES	2,037,838.18	974,366.54	1,063,471.64	52%

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
Budget:	92,474.71	0.00	0.00	92,474.71	0
Expended:	38,703.32	0.00	0.00	38,703.32	
1001 - Balance Salaries & Wages:	53,771.39	0.00	0.00	53,771.39	58%
Other Personnel Costs:					
7017- One-Time Merit	0.00	0.00		0.00	
7022- Longevity Pay	120.00	0.00		120.00	
7023- Lump Sum Termination	0.00	0.00		0.00	
7040- ERS-Retirement Contribution	193.54	0.00		193.54	
7984- Unemployment/TWC	0.00	0.00		0.00	
Budget:	4,702.59	0.00	0.00	4,702.59	0
Expended:	313.54	0.00	0.00	313.54	
1002 - Balance Other Personnel Costs	4,389.05	0.00	0.00	4,389.05	93%
Professional Fees and Services:					
Budget:	100.00	0.00	0.00	100.00	0
Expended:	69.64	0.00	0.00	69.64	
2001 - Balance Professional Fees and Services:	30.36	0.00	0.00	30.36	30%
Budget:	2,500.00	800.00		3,300.00	0
Expended:	945.83	0.00		945.83	
2003 - (7300) Balance Consumable Supplies:	1,554.17	800.00	0.00	2,354.17	71%
Utilities:					
Budget:	0.00	0.00	0.00	0.00	0
Expended:	0.00	0.00	0.00	0.00	
2004 - Balance Utilities:	0.00	0.00	0.00	0.00	0%
Travel:					
Budget:	2,200.00	0.00	0.00	2,200.00	0
Expended:	0.00	0.00	0.00	0.00	
2005 - Balance Travel:	2,200.00	0.00	0.00	2,200.00	100%
7462- Rent office space - building	0.00	0.00		0.00	
7470- Rent Space - storage	3.15	0.00		3.15	
Budget:	180.00	0.00	0.00	180.00	0
Expended:	3.15	0.00	0.00	3.15	
2006 - (7470) Balance Rent - Building (storage):	176.85	0.00	0.00	176.85	98%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	358.60	0.00		358.60	
7411- Rental - Computer Equipment	42.70	0.00		42.70	
Budget:	1,500.00	0.00	0.00	1,500.00	0
Expended:	401.30	0.00	0.00	401.30	
2007 - Balance Rent - Machine and Other:	1,098.70	0.00	0.00	1,098.70	73%
Other Operating Expense:					
7042- ERS Insurance Payment	317.74	0.00		317.74	
7201- Membership Dues	4.84	0.00		4.84	
7203- Registration Fees-Employee Training	10.50	0.00		10.50	
7211- Awards	28.00	0.00		28.00	
7291- Postage & Postal Services	288.44	0.00		288.44	

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
7299- Purchased Contracted Services	19.43	0.00		19.43	
7334- Furnishings & Equipment -Expensed	79.55	0.00		79.55	
7377- Computer Equipment - Expensed	54.64	0.00		54.64	
7947- Workers Compensation Transfer (SORM)	100.06	0.00		100.06	
7961- STS Transfers-Telecommunications (TexAn)	139.23	0.00		139.23	
7962- Capitol Complex (CCTS)	235.30	0.00		235.30	
Budget:	14,689.77	0.00	0.00	14,689.77	0
Expended:	1,657.80	0.00	0.00	1,657.80	
2009 - Balance Other Operating Expense:	13,031.97	0.00	0.00	13,031.97	89%
Grants:					
7623 Grants	0.00	0.00		0.00	
Budget:	0.00	0.00	0.00	0.00	0
Expended:	0.00	0.00	0.00	0.00	
4000 - Balance Grants:	0.00	0.00	0.00	0.00	0%
Capital Expenditures:					
				0.00	
				0.00	
Budget:	0.00	0.00	0.00	0.00	0
Expended:	0.00	0.00	0.00	0.00	
5000 - Balance Capital Expenditures:	0.00	0.00	0.00	0.00	0%
Budget:	118,347.07	800.00	0.00	119,147.07	0
Expended:	42,094.58	0.00	0.00	42,094.58	
TOTAL BALANCE	76,252.49	800.00	0.00	77,052.49	65%

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Budget:	0.00	370,209.12	203,499.36	215,159.64	53,308.20	842,176.32	20,540.91
Expended:	0.00	185,104.56	102,749.50	110,391.12	26,654.10	424,899.28	
1001 - Balance Salaries & Wages:	0.00	185,104.56	100,749.86	104,768.52	26,654.10	417,277.04	50%
Other Personnel Costs:							
7017- One-Time Merit	0.00	0.00	4,000.00	0.00	0.00	4,000.00	
7022- Longevity Pay	0.00	3,280.00	3,300.00	2,400.00	460.00	9,440.00	
7023- Lump Sum Termination	0.00	0.00	0.00	0.00	0.00	0.00	
7033- Employee Retirement - Other expenses	0.00	0.00	0.00	0.00	0.00	0.00	
7040- ERS Retirement Contribution	0.00	925.44	513.80	551.96	133.26	2,124.46	
7984- Unemployment/TWC	0.00	0.00	0.00	0.00	0.00	0.00	
Budget:	0.00	8,600.00	12,356.28	6,000.00	1,300.00	28,256.28	0.00
Expended:	0.00	4,205.44	7,813.80	2,951.96	593.26	15,564.46	
1002 - Balance Other Personnel Costs	0.00	4,394.56	4,542.48	3,048.04	706.74	12,691.82	45%
Professional Fees and Services:							
Budget:	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Expended:	591.90	0.00	0.00	0.00	0.00	591.90	
2001 - Balance Professional Fees and Serv	591.90	0.00	0.00	0.00	0.00	591.90	#DIV/0!
Budget:	2,020.00	2,020.00	2,020.00	2,020.00	400.00	8,480.00	0.00
Expended:	844.22	485.64	169.75	2,464.80	0.00	3,964.41	
2003 - (7300) Balance Consumable Supplies	1,175.78	1,534.36	1,850.25	444.80	400.00	4,515.59	53%
Utilities:							
7516- Telecom-Other (reg voice/internet)	0.00	4,123.75	0.00	0.00	0.00	4,123.75	
7517- Telecommunications Equipment	0.00	0.00	0.00	0.00	0.00	0.00	
Budget:	0.00	8,000.00	0.00	0.00	0.00	8,000.00	0.00
Expended:	0.00	4,123.75	0.00	0.00	25.00	4,148.75	
2004 - Balance Utilities:	0.00	3,876.25	0.00	0.00	25.00	3,851.25	48%
Travel:							
7101- Travel I/S - Public Transportation Fares	0.00	7,617.49	161.56	786.79	977.20	9,543.04	
7102- Mileage	0.00	5,820.34	12.16	158.39	0.00	5,990.89	
7104- Travel I/S - Actual Expense Overnight	0.00	0.00	0.00	0.00	0.00	0.00	
7105- Travel I/S - Incidental Expenses	0.00	2,784.72	97.04	419.45	11.79	3,313.00	
7106- Travel I/S - Meals & Lodging	0.00	12,346.41	593.48	1,102.12	0.00	14,042.01	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	705.41	0.00	0.00	0.00	705.41	
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	0.00	0.00	0.00	0.00	
7111- Travel OOS - Public Transportation Fares	0.00	0.00	0.00	0.00	558.02	558.02	
7112- Travel OOS - Mileage	0.00	0.00	0.00	0.00	8.86	8.86	
7114- Travel OOS -	0.00	0.00	0.00	0.00	0.00	0.00	
7115- Travel OOS - Incidental Expenses	0.00	0.00	0.00	0.00	0.00	0.00	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	0.00	187.89	187.89	
7135- Travel I/S - State Occupancy Tax	0.00	313.11	21.18	9.97	0.00	344.26	
7136- Travel I/S - State Occupancy Tax Galveston	0.00	0.00	0.00	0.00	0.00	0.00	
Budget:	0.00	60,000.00	1,700.00	7,100.00	2,000.00	70,800.00	0.00
Expended:	0.00	29,587.48	885.42	2,476.72	1,743.76	34,693.38	
2005 - Balance Travel:	0.00	30,412.52	814.58	4,623.28	256.24	36,106.62	51%

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal B: Fire Department Standards

		Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
	Expended:	0.00	0.00	0.00	0.00	0.00	0.00	
5000 - Balance Capital Expenditures:		0.00	0.00	0.00	0.00	0.00	0.00	0%
	Budget:	28,620.00	456,229.12	241,175.64	245,279.64	60,621.32	1,031,925.72	20,540.91
	Expended:	13,832.11	227,827.47	126,481.77	123,623.48	31,041.73	522,806.56	
TOTAL BALANCE		14,787.89	228,401.65	114,693.87	121,656.16	29,579.59	509,119.16	49%

Current Costs for Performance Measures: salaries, other personnel costs, consumables, travel:

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	After FY	Total
4006 - Certification	57,066.26	54,552.21	0.00	0.00		111,618.47
4005 - Compliance	110,282.09	109,101.03	0.00	0.00		219,383.12
4007 - Testing	57,508.23	60,776.37	0.00	0.00		118,284.60

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%
Budget:	540,982.68	199,351.32	0.00	740,334.00	15312.62
Expended:	271,655.64	100,177.32	0.00	371,832.96	
1001 - Balance Salaries & Wages:	269,327.04	99,174.00	0.00	368,501.04	50%
Other Personnel Costs:					
7004- Non-Permanent Full-Time Employee	0.00	0.00	0.00	0.00	
7017- One-Time Merit	0.00	0.00	0.00	0.00	
7022- Longevity Pay	3,260.00	720.00	0.00	3,980.00	
7023- Lump Sum Termination	0.00	0.00	0.00	0.00	
7033- Employee Retirement - Other expenses	0.00	1,805.22	0.00	1,805.22	
7040- ERS Retirement Contribution	1,191.00	500.94	0.00	1,691.94	
7984- Unemployment/TWC	0.00	0.00	0.00	0.00	
Budget:	30,000.00	15,178.72	0.00	45,178.72	0.00
Expended:	4,451.00	3,026.16	0.00	7,477.16	
1002 - Balance Other Personnel Costs	25,549.00	12,152.56	0.00	37,701.56	83%
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0.00	0.00	0.00	0.00	
7245- Financial & Accounting Services	0.00	2,523.00	0.00	2,523.00	
7253- Other Professional Fees (EAP)	0.00	417.80	0.00	417.80	
7275- Computer Programming Services	0.00	0.00	0.00	0.00	
Expended:	0.00	2,940.80	0.00	2,940.80	
2001 - Balance Professional Fees and Services:	0.00	459.20	0.00	459.20	14%
Budget:	500.00	2,100.00	0.00	2,600.00	0.00
Expended:	161.72	790.21	0.00	951.93	
2003 - (7300) Balance Consumable Supplies:	338.28	1,309.79	0.00	1,648.07	63%
Utilities:					
7501- Electricity	0.00	0.00	0.00	0.00	0.00
Budget:	0.00	0.00	0.00	0.00	0.00
Expended:	1544.40	0.00	0.00	1544.40	
2004 - Balance Utilities:	-1544.40	0.00	0.00	-1544.40	#DIV/0!
Travel:					
7101- Travel I/S - Public Transportation Fares	564.25	708.67	995.91	2,268.83	
7102- Mileage	171.00	546.88	1,122.64	1,840.52	
7105- Travel I/S - Incidental Expenses	143.14	55.18	690.88	889.20	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	0.00	0.00	0.00	
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	3,449.96	3,449.96	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	0.00	
7135- Travel I/S - State Occupancy Tax	0.00	9.96	28.62	38.58	
7136- Travel I/S - State Occupancy Tax Galveston	0.00	0.00	0.00	0.00	
Budget:	8,800.00	4,000.00	13,500.00	26,300.00	0.00
Expended:	2,217.71	2,164.69	6,288.01	10,670.41	
2005 - Balance Travel:	6,582.29	1,835.31	7,211.99	15,629.59	59%
Rent:					
7462- Rent office space - building	0.00	0.00	0.00	0.00	
7470- Rent Space - storage	180.00	18.78	0.00	198.78	
Budget:	480.00	50.00	0.00	530.00	0
Expended:	180.00	18.78	0.00	198.78	

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: February 29, 2016

Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%
2006 - (7470) Balance Rent - Building (storage):	300.00	31.22	0.00	331.22	62%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	0.00	2,151.60	0.00	2,151.60	
7411- Rental - Computer Equipment	0.00	256.22	0.00	256.22	
Budget:	0.00	5,000.00	0.00	5,000.00	0.00
Expended:	0.00	2,407.82	0.00	2,407.82	
2007 - Balance Rent - Machine and Other:	0.00	2,592.18	0.00	2,592.18	52%
Other Operating Expense:					
7042- ERS Insurance Payment	2,716.62	1,001.74	0.00	3,718.36	
7201- Membership Dues	270.00	29.03	0.00	299.03	
7203- Registration Fees-Employee Training	0.00	63.05	0.00	63.05	
7211- Awards	0.00	167.97	0.00	167.97	
7291- Postage & Postal Services	0.00	1,730.61	0.00	1,730.61	
7299- Purchased Contracted Services	0.00	116.52	0.00	116.52	
7334- Furnishings & Equipment -Expensed	676.82	169.33	0.00	846.15	
7377- Computer Equipment - Expensed	158.00	327.82	0.00	485.82	
7947- Workers Compensation Transfer (SORM)	0.00	600.36	0.00	600.36	
7961- STS Transfers-Telecommunications (TexAn)	0.00	835.34	0.00	835.34	
7962- STS transfer to GR (CCTS)	0.00	1,411.82	0.00	1,411.82	
Budget:	7,350.00	20,219.14	0.00	27,569.14	0.00
Expended:	3,821.44	7,557.20	62.50	11,441.14	
2009 - Balance Other Operating Expense:	3,528.56	12,661.94	-62.50	16,128.00	59%
Capital Expenditures:					
Budget:	588,112.68	249,299.18	13,500.00	850,911.86	15312.62
Expended:	284,031.91	119,082.98	6,350.51	409,465.40	
TOTAL - BALANCE	304,080.77	130,216.20	7,149.49	441,446.46	52%

- 4. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Fire Marshal's Association, 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.**

- 5. 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).**

6. Discussion and possible action regarding report from commission representative to the Homeland Security Council.

7. Discussion and possible action regarding recommendations from the U.S. Chemical Safety and Hazard Investigation Board report and agency response.

U.S. Chemical Safety and Hazard Investigation Board
Recommendations to TCFP Following Investigation of
Explosion/Fire at West Fertilizer Company

CSB Recommendation No. 2013-02-I-TX-R11

Develop minimum standards for course curricula to include hazard awareness of fertilizer grade ammonium nitrate (FGAN) for those fire department that either have FGAN facilities in their jurisdictions or respond as mutual aid to other jurisdictions with FGAN facilities. In addition, develop a training program specific to FGAN.

Objectives of the training course should address the following:

- a) Previous FGAN fire and explosion incidents, incorporating lessons learned.*
- b) Hazards posed by other materials and chemicals stored near FGAN, including FGAN incompatibility with those materials and chemicals.*
- c) Pre-incident planning for fires involving FGAN.*
- d) On-scene emergency response and decision-making requirements for FGAN fires, including risk assessment, scene size-up, and situational awareness.*
- e) National Incident Management System and Incident Command System.*

CSB Recommendation No. 2013-02-I-TX-R12

Implement outreach to regional, state, and local fire departments that either have FGAN facilities in their jurisdictions or respond as mutual aid to jurisdictions with FGAN facilities, informing them about the new FGAN training certification requirements and opportunities to receive training. Include the following in the outreach:

- a) Guidance for fire departments on how to identify FGAN hazards within their communities by engaging State Emergency Response Commissions and Local Emergency Planning Committees.*
- b) Encouragement for fire departments in jurisdictions with FGAN facilities to become certified in FGAN training.*



TEXAS COMMISSION ON FIRE PROTECTION

Post Office Box 2286, Austin, Texas 78768-2286 • 512-936-3838 • Fax: 512-936-3808
 Website: www.tcfp.texas.org • Email: info@tcfp.texas.gov

March 21, 2016

U.S. Chemical Safety and Hazard Investigation Board
 1750 Pennsylvania Avenue NW, Suite 910
 Washington, DC 20006
 Attention: Ms. Veronica Tinney

Dear Ms. Tinney,

This letter is in response to your request for the Texas Commission on Fire Protection's implementation strategy regarding **CSB recommendation numbers 2013-02-I-TX-R11 and R12**.

We are coordinating implementation efforts with other Texas fire service organizations such as the State Firefighters' and Fire Marshals' Association (SFFMA) and the Texas A&M Engineering Extension Service (TEEX), both of which also received CSB recommendations. Our joint goal is to ensure that the state's fire protection personnel have the training and education necessary to prepare them for possible FGAN incidents.

Although I will not be able to present your recommendations to our commission board until its workshop in July, my preliminary plans to implement the recommendations are as follows:

Recommendation No. 2013-02-I-TX-R11:

- TEEX, which is a major training provider in the state, is currently developing an FGAN course specifically addressing the objectives in your recommendation. Rather than develop a separate course and curriculum requirements, we will defer to their expertise in this area, and review the course upon its completion to ensure that it meets the intent of the recommendation and applicable NFPA guidelines. Once the course is ready for delivery, we will also assist in providing information to fire departments about the program.
- I have spoken with the chair of our Curriculum and Testing Committee about the possibility of adding some information regarding FGAN to the hazardous materials awareness/operations component of our Structural Firefighter curriculum. We will bring the idea before the full committee at their June meeting.

Recommendation No. 2013-02-I-TX-R12:

- Our agency maintains a fire protection library with both print and audio/visual resources available to any organization or individual in the state. I have directed our librarian to identify training resources currently available in the library pertaining to FGAN characteristics, hazards, and response. Once identified, we will implement outreach efforts via our website, social media, and other venues to inform organizations of the availability.
- I have also directed the librarian to locate additional training resources and reference material on the market, and we will work to procure those as we are able, making them available as well. She will also be researching to identify any other training providers currently offering FGAN training.

Please feel free to contact me at 512-936-3812 or tim.rutland@tcfp.texas.gov if you have any questions.

Sincerely,

Tim Rutland
 Executive Director
 Texas Commission on Fire Protection

**U.S. Chemical Safety and
Hazard Investigation Board**

1750 Pennsylvania Avenue NW, Suite 910 | Washington, DC 20006
Phone: (202) 261-7600 | Fax: (202) 261-7650
www.csb.gov

Vanessa Allen Sutherland
Chairperson and Member

Manny Ehrlich, Jr.
Board Member

Rick Engler
Board Member

Kristen M. Kulinowski, Ph.D.
Board Member



FEB 08 2016

Mark Roughton
Public Information Coordinator
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

**In reply, please refer to:
2013-02-I-TX-R11 and R12**

Dear Mr. Roughton:

The U.S. Chemical Safety and Hazard Investigation Board (CSB) recently issued its final investigation report on the April 17, 2013, explosion and fire at the West Fertilizer Company (WFC), a fertilizer blending, retail, and distribution facility in West, Texas. The violent detonation of fertilizer grade ammonium nitrate (FGAN) fatally injured 12 emergency responders and three members of the public. Local hospitals treated more than 260 injured victims, many of whom required hospital admission. The blast completely destroyed the WFC facility and caused widespread damage to more than 150 offsite buildings.

The explosion happened approximately 20 minutes after the first signs of a fire were reported to the local 911 emergency response dispatch center. Although the CSB was unable to determine the exact cause of the fire, the radiant heat from the fire, fueled by the structure of the facility, flammable building contents, and the asphalt roof shingles, likely heated the surface of the FGAN pile. Contamination from soot, molten asphalt, molten polyvinyl chloride (PVC) from an overhead conveyer produced a detonable mixture of combustibles and FGAN oxidizers, while increased ventilation heated the FGAN-fuel mixture on the surface of the pile. The CSB concluded that the presence of combustible materials used for construction of the facility and FGAN storage bins, in addition to the WFC practice of storing combustibles near the FGAN pile, contributed to the progression and intensity of the fire and likely resulted in the detonation. The full final report can be found at www.csb.gov.

As part of its investigation, the CSB found that both federal and state of Texas curriculum manuals used for hazardous materials (HAZMAT) training and certification of firefighters place little emphasis on emergency response to storage sites containing FGAN. In addition, lessons learned from previous FGAN-related fires were not shared with other fire departments, including the West Volunteer Fire Department. If previous lessons learned had been applied at West, the firefighters and emergency personnel who responded to the incident might have better understood the risks associated with FGAN-related fire. As a result, the CSB made the following recommendation to the Texas Commission on Fire Protection (TCFP):

CSB Recommendation No. 2013-02-I-TX-R11:

Develop minimum standards for course curricula to include hazard awareness of fertilizer grade ammonium nitrate (FGAN) for those fire departments that either have FGAN facilities in their

**U.S. Chemical Safety and
Hazard Investigation Board**

jurisdictions or respond as mutual aid to other jurisdictions with FGAN facilities. In addition, develop a training program specific to FGAN.

Objectives of the program's training course should address the following:

- a. Previous FGAN fire and explosion incidents, incorporating lessons learned*
- b. Hazards posed by other materials and chemicals stored near FGAN, including FGAN incompatibility with those materials and chemicals*
- c. Pre-incident planning for fires involving FGAN*
- d. On-scene emergency response and decision-making requirements for FGAN fires, including risk assessment, scene size-up, and situational awareness*
- e. National Incident Management System and Incident Command System.*

CSB Recommendation No. 2013-02-I-TX-R12:

Implement outreach to regional, state, and local fire departments that either have FGAN facilities in their jurisdictions or respond as mutual aid to jurisdictions with FGAN facilities, informing them about the new FGAN training certification requirements and opportunities to receive training. Include the following in the outreach:

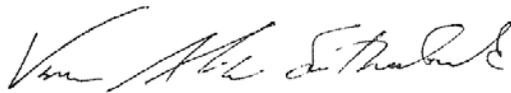
- a. Guidance for fire departments on how to identify FGAN hazards within their communities by engaging State Emergency Response Commissions and Local Emergency Planning Committees*
- b. Encouragement for fire departments in jurisdictions with FGAN facilities to become certified in FGAN training.*

The CSB's Office of Recommendations tracks the implementation of the agency's recommendations, and the Board votes to assign a status to its recommendations depending on the action(s) proposed and taken by recipients. The status of all recommendations is posted on the CSB website (www.csb.gov), where more information about our processes/procedures relative to issued recommendations is also available (see "Frequently Asked Questions" under the Recommendations tab on the web page).

Per our policies and procedures, our Recommendations staff will need to obtain from TCFP via its authorized representatives, documentation of the relevant actions planned and eventually taken to implement these recommendations. We would appreciate a response within **60 days** from the date of this letter detailing the agency's plans for implementing these recommendations, and indicating the person(s) authorized to correspond with the CSB on this matter.

If you have any questions, or need further information on the recommendations process, please contact Ms. Veronica Tinney, Recommendations Specialist at: (202) 261-7642 or via email at: veronica.tinney@csb.gov. In all future correspondence pertaining to these recommendations please refer to the CSB recommendation numbers: 2013-02-I-TX-R11 and R12, and copy Ms. Tinney.

Sincerely,



Vanessa Allen Sutherland
Board Chairperson

cc: Manny Ehrlich, Board Member, CSB
Rick Engler, Board Member, CSB
Kristen Kulinowski, Board Member, CSB
Johnnie Banks, Team Lead, DC Office of Investigations, CSB



U.S. CHEMICAL SAFETY AND HAZARD INVESTIGATION BOARD

INVESTIGATION REPORT

FINAL

WEST FERTILIZER COMPANY FIRE AND EXPLOSION (15 Fatalities, More Than 260 Injured)



WEST FERTILIZER COMPANY

WEST, TX

APRIL 17, 2013

KEY ISSUES:

- REGULATORY OVERSIGHT
- HAZARD AWARENESS
- EMERGENCY PLANNING AND RESPONSE
- FERTILIZER GRADE AMMONIUM NITRATE STORAGE PRACTICES
- LAND USE PLANNING AND ZONING

REPORT 2013-02-I-TX

1.0 Executive Summary

1.1 Overview

On April 17, 2013, a fire and explosion occurred at the West Fertilizer Company (WFC), a fertilizer blending, retail, and distribution facility in West, Texas. The violent detonation fatally injured 12 emergency responders and three members of the public. Local hospitals treated more than 260 injured victims, many of whom required hospital admission. The blast completely destroyed the WFC facility and caused widespread damage to more than 150 offsite buildings. The WFC explosion is one of the most destructive incidents ever investigated by the U.S. Chemical Safety and Hazard Investigation Board (CSB) as measured by the loss of life among emergency responders and civilians; the many injuries sustained by people both inside and outside the facility fence line; and the extensive damage to residences, schools, and other structures. Following the explosion, WFC filed for bankruptcy.

The explosion happened at about 7:51 pm central daylight time (CDT), approximately 20 minutes after the first signs of a fire were reported to the local 911 emergency response dispatch center. Several local volunteer fire departments responded to the facility, which had a stockpile of between 40 and 60 tons (80,000 to 120,000 pounds) fertilizer grade ammonium nitrate (FGAN), not counting additional FGAN not yet offloaded from a railcar.

More than half of the structures damaged during the explosion were demolished to make way for reconstruction. The demolished buildings include an intermediate school (552 feet southwest of the facility), a high school (1,263 feet southeast), a two-story apartment complex with 22 units (450 feet west) where two members of the public were fatally injured, and a 145-bed nursing home (500 feet west) where many of the seriously injured civilians resided. A middle school (2,000 feet southwest) also sustained serious but repairable damage. Section 3 describes the incident and its consequences in detail.

The CSB investigated the factors that contributed to the detonation of FGAN. Section 4 describes the properties of FGAN and posits three scenarios that could lead to its detonation under the conditions present during the WFC fire. CSB concluded that the construction of the bins and other building materials as well as the lack of an automatic sprinkler system plausibly contributed to the detonation. Section 6 describes inherently safer approaches to FGAN use and storage that reduce the risk of an FGAN detonation.

The total insurance-related losses from the explosion are estimated to be around \$230 million and federal disaster assistance is estimated to exceed \$16 million. WFC was only insured for \$1 million, which fell far short of the incident's damage. Section 5 presents CSB's analysis of the policies and regulations that led to this as well as to the failure of the insurer to identify the risks posed by FGAN. A few years prior to the incident, WFC was dropped by one insurer for failing to address safety concerns identified in loss control surveys. The company that insured WFC at the time of the incident did not appear to have conducted its own safety inspections of the facility.

CSB's analysis of the emergency response, found in Section 7, concludes that the West Volunteer Fire Department did not conduct pre-incident planning or response training at WFC, was likely unaware of the potential for FGAN detonation, did not take recommended incident response actions at the fire scene, and did not have appropriate training in hazardous materials response.

CSB found several shortcomings in federal and state regulations and standards that could reduce the risk of another incident of this type. These include the Occupational Safety and Health Administration's Explosives and Blasting Agents and Process Safety Management standards, the Environmental Protection Agency's Risk Management Program and Emergency Planning and Community Right-to-Know Act, and training provided or certified by the Texas Commission on Fire Protection and the State Firefighters' and Fire Marshals' Association of Texas. CSB's complete analysis is presented in Section 8.

The location of the WFC relative to the surrounding community exacerbated the offsite consequences, leading CSB to assess whether other FGAN storage facilities could pose significant offsite risks. CSB's analysis shows that the risk to the public from a catastrophic incident exists at least within the state of Texas, if not more broadly. For example, 19 other Texas facilities storing more than 10,000 pounds of FGAN are located within 0.5 miles of a school, hospital, or nursing home, raising concerns that an incident with offsite consequences of this magnitude could happen again. Section 9 explores the connection between land use planning and offsite consequences.

1.2 Federal and State Response

In response to this incident, President Barack Obama issued Executive Order (EO) 13650, "Improving Chemical Facility Safety and Security" to coordinate federal actions to reduce the risks of another incident of this type.¹ Details and updates on the status of the EO are included in Section 8.1.

Early investigation activities focused on law enforcement efforts to determine if there was a criminal element to the incident. Responding governmental agencies included the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) National Response Team, Texas State Fire Marshal's Office (SFMO), U.S. Occupational Safety and Health Administration (OSHA), Texas Commission on Environmental Equality, U.S. Federal Emergency Management Agency (FEMA), and U.S. Environmental Protection Agency (EPA). In addition, multiple state and local law enforcement and emergency response organizations responded to the scene.

1.2.1 Joint SFMO/ATF Investigation

Immediately following the incident, ATF deployed to West at the invitation of SFMO and assumed control of the WFC site to conduct a joint investigation of the immediate cause and origin of the fire and explosion and determine whether the initiating fire was intentionally set. The two agencies retained

¹ Executive Order 13650. "Improving Chemical Facility Safety and Security," August 1, 2013. *See*: <https://www.whitehouse.gov/the-press-office/2013/08/01/executive-order-improving-chemical-facility-safety-and-security> (accessed on December 8, 2015).

control of the scene for about four weeks, interviewing witnesses, excavating the WFC site, and reconstructing the electrical system. To date, law enforcement has not made a final determination of the cause of the fire and ensuing explosion. Three possible scenarios remain under consideration: (1) faulty electrical wiring, (2) short circuit in an electrical golf cart, and (3) intentional act of arson.²

1.2.2 CSB Response

CSB investigators from both the Washington, DC, and Denver, Colorado, offices deployed on April 18, 2013, supported by a contingent of contractors that included blast modeling, structural, urban search and rescue, and fire and explosion experts. The joint ATF-SFMO control of the site as a crime scene limited CSB site access and delayed CSB investigator execution of evidence-gathering protocols, chemical testing, and witness interviews. Despite the limited access in the initial stages, driven by the criminal investigation, CSB continued with its investigation.

The investigation of the WFC incident analyzed several root causes and considered multiple contributing causes. Investigative teams partnered with urban search and rescue experts and fire and explosion consultants to survey damage to residences, schools, the nursing home, and other structures. The teams also conducted interviews with eyewitnesses, WFC managers, and hourly workers and gathered physical evidence for further laboratory testing and analysis.

Key Findings

The CSB's analysis includes findings on the technical causes of the fire and explosion; regulatory changes that could have resulted in safety enhancements to the facility; the failure of the insurer to conduct safety inspections or provide an adequate level of coverage; shortcomings in emergency response, including pre-incident planning or response training of the volunteer fire fighters; and deficiencies in land use planning that permitted the City of West to encroach upon the WFC over the years. Section 10 presents the CSB's key findings on the WFC incident.

Recommendations

As a result of the investigation of the WFC fire and explosion, CSB developed recommendations and directed them to the following recipients:

- Environmental Protection Agency (EPA).
- Occupational Safety and Health Administration (OSHA), U.S. Department of Labor.
- Federal Emergency Management Agency (FEMA), U.S. Department of Homeland Security.
- International Codes Council.
- Texas Department of Insurance.
- Texas Commission on Fire Protection.
- State Firefighters' and Fire Marshals' Association of Texas.
- Texas A&M Engineering Extension Services (TEEX).

² See: <http://www.tdi.texas.gov/news/2013/news201320.html> (accessed on December 22, 2015).

- El Dorado Chemical Company (EDC).
- West Volunteer Fire Department (WVFD).

Section 11 contains the complete set of recommendations.

- 8. Discussion and possible action on the appointment of two new members to the fire fighter advisory committee.**

Rank	Candidate Name	Rank	Fire Department Affiliation	Active or Retired	Texas Commission on Fire Protection Fire Fighter Advisory Committee Previous TCFP Committee Service	Certification Level	Discipline	Years of Experience	IFSAC Seals	TEEX/Pro Board	Certifying Entity	Instructor of Fire Protection Personnel	Verified for TCFP Certification
	John Sandrea	Engineer/Operator Vol. FF/VFC	Houston Fire Dept.	active		Intermediate	Firefighter	7			TCFP		yes
							Fire Inspector		yes		TCFP		yes
							Fire Investigator		yes		TCFP		yes
							Instructor III	2	yes		TCFP	yes	yes
							Fire Officer IV	1			TCFP		yes
							Incident Safety Officer	1			TCFP		yes
	Mikal Orr	Captain	Amarillo Fire Dept.	active			Driver/Operator-Pumper	7			TCFP		yes
							Firefighter	12			TCFP		yes
							Instructor	7			TCFP	yes	yes
							Fire Officer II	1			TCFP		yes
							ARFF	12			TCFP		yes
						Basic	Wildland	2			TCFP		yes
							Haz Mat Tech	12			TCFP		yes
	Israel Gines	FST/Paramedic	El Paso Fire Dept.	active		Basic	Firefighter	4	yes		TCFP		yes
							Instructor 1	6 mos.	yes		TCFP	yes	yes
							Fire Officer 1	3 mos.	yes		TCFP		yes
	Jeremiah Barnard		Nacogdoches F.D.	active		Basic	Firefighter	4			TCFP		yes
						Basic	Wildland Firefighter	2			TCFP		yes
							Fire Service Instructor I	1			TCFP		yes
							Fire Officer I	1			TCFP		yes
	Jacob Smith	Captain	Eules Fire Dept.	active		Master	Firefighter	14			TCFP		yes
						Master	Fire Inspector	4			TCFP		yes
							Fire Service Instructor III	11			TCFP	yes	yes
							Fire Officer II	5			TCFP		yes
							Driver/Operator-Pumper	6			TCFP		yes
							Haz Mat Tech	12			TCFP		yes
							Incident Safety Officer	2			TCFP		yes
						Intermediate	Wildland Firefighter	3			TCFP		yes
							Haz Mat Incident Commander	1			TCFP		yes
	Keith Alan Schmidt	Vol. Fire Chief	Gonzales Fire Dept.	active		Intermediate	Firefighter	2	yes		TCFP		yes
						Intermediate	Inspector	4	yes		TCFP		yes
							Fire Instructor II	1	yes		TCFP	yes	yes
							Driver-Operator/Pumper	1	yes		TCFP		yes
							Fire Officer II	1	yes		TCFP		yes
						Basic	Wildland Firefighter	2			TCFP		yes
							Incident Safety Officer	< 1 yr.			TCFP		yes
						Intermediate	Fire Investigator	<1 yr	yes		TCFP		yes
							HOD-Suppression/Prevention	<1 yr			TCFP		yes

Rank	Candidate Name	Rank	Fire Department Affiliation	Active or Retired	Texas Commission on Fire Protection Fire Fighter Advisory Committee		Discipline	Years of Experience	IFSAC Seals	TEEX/Pro Board	Certifying Entity	Instructor of Fire Protection Personnel	Verified for TCFP Certification
					Previous TCFP Committee Service	Certification Level							
	Daniel Buford	Firefighter	Bryan Fire Dept.	active		Intermediate	Firefighter	6	yes		TCFP		yes
							Driver-Operator/Pumper	4	yes		TCFP		yes
						Basic	Inspector I	3	yes		TCFP		yes
							Instructor I	3	yes		TCFP	yes	yes
							Fire Officer I	3	yes		TCFP		yes
							Fire Officer II	2	yes		TCFP		yes
							HazMat Technician	1	yes		TCFP		yes
	Robert M. Barron II	Training Manager	TEEX	active	yes	Advanced	Firefighter	10	yes		TCFP		yes
		Captain	Prairie View VFD	active		Advanced	Fire Inspector	12	yes		TCFP		yes
						Advanced	Fire Investigator	2	yes		TCFP		yes
							Fire Instructor III	10	yes		TCFP	yes	yes
	Matt Whisenant	Engineer	Taylor Fire Dept.	active		Advanced	Firefighter	15	yes		TCFP		yes
							Driver-Operator/Pumper	8	yes		TCFP		yes
							Instructor III	11	yes		TCFP	yes	yes
							Fire Officer I	2			TCFP		yes
						Basic	Wildland Firefighter	3			TCFP		yes
							HazMat Technician	10	yes		TCFP		yes

FIRE FIGHTER ADVISORY COMMITTEE VACANCIES VOTING BALLOT

Candidates:

- Mikal Orr
- Israel Gines
- John Sandrea
- Jeremiah Barnard
- Jacob Smith
- Daniel Buford
- Matt Whisenant

Volunteer Candidates:

- Keith Alan Schmidt
- Robert Barron, II

Instructions: Please place a check mark in the boxes for your top 3 candidates and your top candidate for the volunteer position.

Please sign below for verification of your choices.

Commissioner Signature: _____

9. New matters from the commission, staff, or public for discussion at future commission meetings.

10. Discussion and possible action on future meeting dates.

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

A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:

- 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 431, Fire Investigation.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 04/28/2016

Agenda Item #: 11 A: #1

Agenda Title: Criminal Justice Courses for Fire/Arson Investigator

Action to be taken: Discussion and possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed rule revision is to allow all criminal justice courses to be used to satisfy the 18-semester hour requirement toward the Master levels of Fire or Arson Investigator certifications.

2. DESCRIPTION/ JUSTIFICATION

Current rules only allow criminal justice courses related to fire and arson investigation to be used to satisfy the requirement, substantially restricting the opportunity to use other valuable, and often closely-related, criminal justice courses.

3. BUDGET IMPACT

No significant budget impact is anticipated, except that there may be a slight increase in the number of certifications applied for and issued.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible final adoption.

5. RECOMMENDATION

Reviewed and forwarded as approved by FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapters 431, Texas Administrative Code.

FIRE INVESTIGATION

SUBCHAPTER A

MINIMUM STANDARDS FOR ARSON INVESTIGATOR CERTIFICATION

§431.1. Minimum Standards for Arson Investigation Personnel.

(a) Fire protection personnel who are appointed arson investigation duties must be certified, as a minimum, as a basic arson investigator as specified in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification) within one year from the date of initial appointment to such position.

(b) Prior to being appointed to arson investigation duties, fire protection personnel must complete a commission approved basic fire investigator training program, successfully pass the commission examination pertaining to that curriculum, and possess a current peace officer license from the Texas Commission on Law Enforcement or document that the individual is a federal law enforcement officer.

(c) Personnel holding any level of arson investigation certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

§431.3. Minimum Standards for Basic Arson Investigator Certification.

In order to be certified by the commission as a Basic Arson Investigator an individual must:

(1) possess a current basic peace officer's license from the Texas Commission on Law Enforcement or documentation that the individual is a federal law enforcement officer;

(2) hold a current license as a peace officer and notify the commission on the prescribed form regarding the law enforcement agency currently holding the individual's peace officer license; and

(3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire Investigator; or

(4) complete a commission approved basic fire investigation training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved fire investigation training program shall consist of one of the following:

(A) completion of the commission approved Fire Investigator Curriculum, as specified in Chapter 5 of the commission's Certification Curriculum Manual;

(B) successful completion of an out-of-state, NFA, or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements as listed in the commission approved Fire Investigator Curriculum as specified in Chapter 5 of the commission's Certification Curriculum Manual; or

(C) successful completion of the following college courses: Fire and Arson Investigation I or II, 3 semester hours; Hazardous Materials I, II, or III, 3 semester hours; Building Construction in the Fire Service or Building Codes and Construction, 3 semester hours; Fire Protection Systems, 3 semester hours. Total semester hours, 12.

§431.5. Minimum Standards for Intermediate Arson Investigator Certification.

(a) Applicants for Intermediate Arson Investigator Certification must complete the following requirements:

(1) hold as a prerequisite a Basic Arson Investigator Certification as defined in §431.3 of this title (relating to Minimum Standards for Basic Arson Investigator Certification); and

(2) acquire a minimum of four years of fire protection experience and complete the requirements 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); or

(D) Option 4--Hold current Intermediate Peace Officer certification from the Texas Commission on Law Enforcement with four additional law enforcement courses applicable for fire investigations (See 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 Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.7. Minimum Standards for Advanced Arson Investigator Certification.

(a) Applicants for Advanced Arson Investigator certification must complete the following requirements:

(1) hold as a prerequisite an Intermediate Arson Investigator Certification as defined in §431.5 of this title (relating to Minimum Standards for Intermediate Arson Investigator Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the requirements 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); or

(D) Option 4--Advanced Arson for Profit or Complex Arson Investigative Techniques (Bureau of Alcohol, Tobacco, Firearms, and Explosives resident or field course, 80 hours); or

(E) Option 5--Hold current Advanced Peace Officer certification from the Texas Commission on Law Enforcement with four additional law enforcement courses applicable for fire investigations (See 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 Arson Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.9. Minimum Standards for Master Arson Investigator Certification.

(a) Applicants for Master Arson Investigator Certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Arson Investigator Certification as defined in §431.7 of this title (relating to Minimum Standards for Advanced Arson Investigator Certification); and

(2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate's degree, either of which includes at least 18 college semester hours in fire science [~~subjects~~] or criminal justice subjects [~~related to fire and or arson investigation~~].

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Arson Investigator Certification.

§431.11. Minimum Standards for Arson Investigator Certification for Law Enforcement Personnel.

(a) A law enforcement officer employed or commissioned by a law enforcement agency as a peace officer who is designated as an arson investigator by an appropriate local authority is eligible for certification on a voluntary basis by complying with this chapter.

(b) An individual holding commission certification as a fire investigator who becomes a law enforcement officer employed or commissioned by a law enforcement agency as a peace officer, and who is designated as an arson investigator by an appropriate local authority will qualify for a similar level arson investigator certificate. To obtain a printed certificate the individual must make application to the commission to include confirmation of commission.

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

(a) Individuals holding a current commission Arson Investigator certification received prior to March 10, 2003 may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 1, 2016.

(b) Individuals completing a commission approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees.

CHAPTER 431**FIRE INVESTIGATION****SUBCHAPTER B****MINIMUM STANDARDS FOR FIRE INVESTIGATOR CERTIFICATION****§431.201. Minimum Standards for Fire Investigation Personnel.**

(a) Fire protection personnel who receive temporary or probationary appointment to fire investigation duties must be certified as a fire investigator by the Commission within one year of appointment to such duties.

(b) Prior to being appointed to fire investigation duties, personnel must:

(1) complete a commission approved basic fire investigator training program and successfully pass the commission examination pertaining to that curriculum; or

(2) hold current certification as structure fire protection personnel.

(c) Individuals holding a Fire Investigator certification shall be required to comply with the continuing education requirements in §441.15 of this title (relating to Continuing Education for Arson Investigator or Fire Investigator).

(d) Individuals certified under this subchapter shall limit their investigation to determining fire cause and origin. If evidence of a crime is discovered, custody and control of the investigation shall be immediately transferred to a certified arson investigator or licensed peace officer.

(e) Individuals who previously held arson investigator certification, who no longer hold a current commission as a peace officer, will qualify for certification as a fire investigator of similar level upon notice to the commission. To obtain a printed certificate the individual will be required to make application to the commission.

§431.203. Minimum Standards for Fire Investigator Certification.

(a) In order to be certified by the Commission as a Fire Investigator an individual must complete the requirements specified in §431.3(a)(3) or (4) of this title (relating to Minimum Standards for Basic Arson Investigator Certification).

(b) A person who holds or is eligible to hold a certificate as a Fire Investigator may be certified as an Arson Investigator by meeting the requirements of Chapter 431, Subchapter A, but shall not be required to repeat the applicable examination requirements.

§431.205. Minimum Standards for Intermediate Fire Investigator Certification.

(a) Applicants for Intermediate Fire Investigator must complete the following requirements:

(1) hold as a prerequisite a Basic Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator 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 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 Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.207. Minimum Standards for Advanced Fire Investigator Certification.

(a) Applicants for Advanced Fire Investigator must complete the following requirements

(1) hold as a prerequisite an Intermediate fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator 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 the either 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 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 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 Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.209. Minimum Standards for Master Fire Investigator Certification.

(a) Applicants for Master Fire Investigator Certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Fire Investigator Certification as defined in §431.207 of this title (relating to Minimum Standards for Advanced Fire Investigator Certification); and

(2) acquire a minimum of twelve years of fire protection experience; and

(3) sixty college semester hours or an associate degree, that must include at least eighteen college semester hours in fire science [subjects] or criminal justice subjects [related to fire and/or arson investigation].

(b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Fire Investigator Certification.

§431.211. International Fire Service Accreditation Congress (IFSAC) Seal--Fire Investigator.

(a) Individuals holding a current commission Fire Investigator certification received prior to March 10, 2003 may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Investigator by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 1, 2016.

(b) Individuals completing a commission approved basic fire investigator program and passing the applicable state examination may be granted an IFSAC seal as a Fire Investigator 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:

A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:

2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, Fees.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 04/28/2016

Agenda Item #: 11 A: #2

Agenda Title: Renewal Fee reduction

Action to be taken: Discussion and possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed rule revision is to reduce the renewal fees for certification of fire protection personnel pursuant to a reduction in agency costs.

2. DESCRIPTION/ JUSTIFICATION

Agency costs were reduced by the 84th Texas Legislature, thus allowing the agency to consider reducing part of its fees for fire protection personnel.

3. BUDGET IMPACT

It is anticipated that there will be a slight decrease in revenue from fees the agency will collect.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible final adoption.

5. RECOMMENDATION

Reviewed and forwarded as approved by FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapters 437, Texas Administrative Code.

CHAPTER 437**FEEES****§437.5 Renewal Fees.**

- (a) A non-refundable annual renewal fee of ~~\$75~~ ~~[\$85]~~ shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the commission may collect only one renewal fee of ~~\$75~~ ~~[\$85]~~, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.
- (h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of ~~\$37.50~~ ~~[\$42.50]~~ in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of ~~\$75~~ ~~[\$85]~~ in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated 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.

- (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 restoring the applicant to employment.
- (n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, the individual will have any normally associated late fees waived and will be required to pay a renewal fee of ~~\$75~~ ~~[\$85]~~.

- 11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - B. Discussion and possible action on proposed amendments, new sections, and repeals as follows:**
 - 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, Fees**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 4/28/2016

Agenda Item #: 11B: #1

Agenda Title: Fee adjustment

Action to be taken: Discussion and possible publication

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed rule revision is to consider adjusting the fee charged by the agency for sectional exams, which are typically administered as retests following an initial exam failure. The proposed revision also addresses an increase in the fee charged by the agency for records reviews.

2. DESCRIPTION/ JUSTIFICATION

The proposal for a fee reduction for sectional exams is in conjunction with the proposal in Chapter 439 (agenda item 11B#2) that would require persons to pass all sections of a multiple-section exam in order to qualify for certification. The proposed fee increase for records reviews reflects a more realistic amount for staff time committed to reviews.

3. BUDGET IMPACT

Any budget impact is dependent upon the fee amounts adopted. It is anticipated that there will be at least a temporary increase in the number of retests administered by the agency.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible publication.

5. RECOMMENDATION

Reviewed and forwarded as approved by the FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapter 437, Fees, Texas Administrative Code.

CHAPTER 437

FEES

§437.1 Purpose and Scope.

- (a) The purpose of this chapter is to set forth requirements governing the fees charged by the commission as prescribed by Texas Government Code, Chapter 419, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.
- (d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service providers.

§437.3 Certification Application Processing Fees.

- (a) A non-refundable application processing fee of \$85 is required for each certificate issued by the commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.
- (e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.
- (f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for

commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

§437.5 Renewal Fees.

- (a) A non-refundable annual renewal fee of \$85 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the commission may collect only one renewal fee of \$85, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.
- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.
- (h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$42.50 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$85 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.

- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated 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.
- (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 restoring the applicant to employment.
- (n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, the individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$85.

§437.7 Standards Manual and Certification Curriculum Manual Fees.

- (a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.
- (b) The commission does not provide printed copies of the manuals. A printed copy of the commission's standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.west.thomson.com.

§437.11 Copying Fees.

- (a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee.
- (b) A fee will be charged for address and telephone number lists of fire service agencies.
- (c) A fee will be charged for mailing peel-off labels of fire service agencies.

§437.13 Processing Fees for Test Application.

- (a) A non-refundable application processing fee of \$85 shall be charged for each examination.

(b) A non-refundable application processing fee of \$35 shall be charged for each sectional examination.

- ~~(c)~~ Fees will be paid in advance with the application or the certified training provider may be invoiced or billed if previous arrangements have been approved by the commission in writing via mail, e-mail or fax.

(1) Any payment postmarked from 61 to 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee of one half the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.

(2) Any payment postmarked more than 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee in an amount equal to the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.

(d)~~(e)~~ The test application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.

(e)~~(d)~~ The test application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.

§437.15 International Fire Service Accreditation Congress (IFSAC) Seal Fees.

A non-refundable \$15 fee shall be charged for each IFSAC seal issued by the commission.

§437.17 Records Review Fees.

(a) A non-refundable fee of ~~\$35~~ **\$75** shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.

(b) The fee provided for in this section shall not apply to an individual who holds an advanced or Fire Fighter II certificate from the State Firemen's and Fire Marshals' Association of Texas.

**Proposed Rule Change Impacts:
Requirement to Pass All Sections of Structure and Inspector Exams
and
Reduction in Sectional Exam Fee**

Statistics from Calendar Year 2015

Number of Sectional Exams Requiring a Retest:

(Reference proposed rule changes in 439.1)

	Current Rules: Failed Main Exam Retest Sections < 70	Proposed Rules: Retest Any Section < 70	Difference (increase) In Testing Volume
Hazmat Awareness	144	515	371
Hazmat Operations	159	746	587
Firefighter I	76	125	49
Firefighter II	151	348	197
Inspector I	56	57	1
Inspector II	65	118	53
Plan Examiner	64	146	82
TOTAL SECTIONAL EXAMS REQUIRED	715 (+189 non-U.S. = 904)	2055 (+189 non-U.S. = 2244)	1340

- Totals in bold reflect required retests for examinees likely to pursue Texas certification; numbers in parentheses include all examinees.

Revenue Estimates:

(Reference proposed rule change in 437.13)

If Sectional Exam Fee Maintained at \$85	Revenue
904 (715+189) Exams – Current Rules	\$76,840
2244 (2055+189) Exams – Proposed Rules	\$190,740
Difference (increase)	\$113,900

If Sectional Exam Fee Reduced to \$35	Revenue
904 (715+189) Exams – Current Rules at \$85/exam	\$76,840
2244 (2055+189) Exams – Proposed Rules at \$35/exam	\$78,540
Difference (increase)	\$1,700

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

B. Discussion and possible action on proposed amendments, new sections, and repeals as follows:

- 2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 439, Examinations for Certification.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 4/28/2016

Agenda Item #: 11B: #2

Agenda Title: Pass all sections of multiple-section exams

Action to be taken: Discussion and possible publication

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

Several significant revisions are proposed: requirement for persons to pass all sections of multiple-section exams; place an expiration on certificates of completion; place a limit on time required for a person to complete skills evaluations; adjust the number of questions on certain state exams.

2. DESCRIPTION/ JUSTIFICATION

The proposed revisions address certain perceived shortcomings in the agency's testing process.

3. BUDGET IMPACT

Some budget impact may be anticipated as a result of a possible increase in the number of retests administered by the agency.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible publication.

5. RECOMMENDATION

Reviewed and forwarded as approved by the FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapter 439, Fees, Texas Administrative Code.

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 commission rules and; as applicable, with:
- (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;
 - (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) 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.
- (e) Commission examinations that receive a passing grade shall expire two years from the date of the examination.
- (f) An examination for Basic Structure Fire Protection shall consist of four sections: Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level, and Hazardous Materials Operations Level including the Mission-Specific Competencies for Personal Protective Equipment and Product Control. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**
- (g) An examination for Basic Fire Inspector shall consist of three sections: Inspector I, Inspector II, and Plan Examiner I. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**
- (h) An examination for Basic Structure Fire Protection and Intermediate Wildland Fire Protection shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder

Operations, and Intermediate Wildland Fire Protection. **The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.**

- (i) All other state examinations consist of only one section.
- (j) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or **section(s)** ~~[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) An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.
- (l) 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) If an individual completes **a commission** ~~[an]~~ approved training program, **or a 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 **may use only one of the following examination processes for certification:**
- (1) pass a commission examination; or**
 - (2) submit documentation of the *successful* completion of the Pro Board examination process administered by the Texas A&M Engineering Extension Service; and**
 - (3) meet any other certification requirements in order to become eligible for certification as fire protection personnel.**
 - (4) An individual cannot use a combination of the two examination processes in this subsection for certification. An individual who chooses to submit to the commission examination process may not utilize the other process toward certification.** ~~[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) 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 statement by the provider of training 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 qualifies an individual to take an original certification examination. **The certificate expires two years from the date of completion. If an individual does not take the certification examination prior to the expiration of the certificate of completion, he or she must again complete the curriculum in order to obtain a new certificate of completion.**
- (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 commission staff 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 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 or other instructor qualification as allowed by §427.307(h) and (i) of this title (relating to On-Site and Distance Training Provider Staff Requirements) for Wildland courses only, 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 (relating to Examinations for Certification).
- (11) Sectional examination -- A test that covers one section of a multiple-section examination. usually conducted as a retest for a failed section.**

§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 **if the original examination grade is still active**, ~~[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, government 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.
- (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 system. 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) If performance skill evaluations are not conducted for a student during the course of instruction, they must be conducted within ninety (90) days following the end date of the course. If performance skill evaluations are not conducted within the ninety (90) day period, the student must repeat the course. *The ninety (90) day period may be extended for students who were unable to complete their performance skill evaluations due to injury, illness, military commitment, or other situation beyond their control.*

(e) ~~(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.

(f) ~~(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 ~~an [the state]~~ examination, **sectional examination, or retest** will be based upon the **specific examination, or** number of recommended hours **for a [in the]** particular curriculum or section **as shown in the table below.** ~~[being tested. The standard is outlined below]~~ **Any pilot questions added to an examination, sectional examination, or retest will be in addition to the number of exam questions.**

[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]

<u>Examination</u>	<u>Section</u>	<u>Number of Exam Questions</u>	<u>Maximum Possible Number of Pilot Questions</u>	<u>Time Allowed</u>
Basic Structure FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	TOTAL	225	25	4.5 Hours
Basic Fire Inspector				
Basic Fire Inspector	Inspector I	50		
	Inspector II	50		
	Plan Examiner I	50		
	TOTAL	150	25	3.0 Hours
Basic Structure FP/ Intermediate Wildland FP				
Basic Structure FP/ Intermediate Wildland FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	Intermediate Wildland FP	25		
	TOTAL	250	25	5.0 Hours
FOR ALL OTHER EXAMINATIONS, SECTIONAL EXAMINATIONS, AND RETESTS				
	<u>Recommended Hours</u>	<u>Number of Exam Questions</u>	<u>Maximum Possible Number of Pilot Questions</u>	<u>Time Allowed</u>
<u>IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:</u>	<u>Less than 30</u>	<u>25</u>	<u>5</u>	<u>30 Minutes</u>
	<u>31 to 100</u>	<u>50</u>	<u>5</u>	<u>1.0 Hour</u>
	<u>101 to 200</u>	<u>75</u>	<u>10</u>	<u>1.5 Hours</u>
	<u>201 to 300</u>	<u>100</u>	<u>15</u>	<u>2.0 Hours</u>
	<u>301 to 400</u>	<u>125</u>	<u>20</u>	<u>2.5 Hours</u>
	<u>401 or More</u>	<u>150</u>	<u>25</u>	<u>3.0 Hours</u>

CHAPTER 439**EXAMINATIONS FOR CERTIFICATION****SUBCHAPTER B****EXAMINATIONS FOR DISTANCE TRAINING****§439.201 Requirements—General.**

The examination requirements for those completing distance training shall be the same as those in Subchapter A of this chapter, except as noted in this subchapter.

§439.205 Performance Skill Evaluation.

If the performance skill portion of a state exam is to be evaluated by an approved field examiner who will not observe the completion of the skill while in the immediate physical presence of the examinee, a letter of assurance from the candidate's training officer or fire chief is required stating that the fire department assures the integrity of the evaluation procedure. If the candidate is not a member of a fire department, then a certified fire instructor, fire chief, or training officer may provide a letter of assurance that meets the requirements of this section. The provider of distance training is required to keep a record of this assurance and provide it to the commission upon request.

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

B. Discussion and possible action on proposed amendments, new sections, and repeals as follows:

- 3. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 451, Fire Officer.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 4/28/2016

Agenda Item #: 11B: #3

Agenda Title: Issuance of IFSAC Seals

Action to be taken: Discussion and possible publication

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The purpose of the proposed rule revision is to add language for the issuance of IFSAC seals for Fire Officer III and Fire Officer IV.

2. DESCRIPTION/ JUSTIFICATION

The agency was approved by IFSAC to issue seals for these two disciplines.

3. BUDGET IMPACT

It is anticipated that there would be a slight increase in the total number of IFSAC seals issued by the agency as a result of approval.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible publication.

5. RECOMMENDATION

Reviewed and forwarded as approved by the FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, Chapter 451, Fees, Texas Administrative Code.

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; 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); 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; or

(vii) Community Risk Reduction.

(7) 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.

(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.

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

(a) Individuals holding a current commission Fire Officer III certification received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.

(b) Individuals completing a commission approved Fire Officer III program; documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer II; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees.

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; 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); 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 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.
- (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.

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

(a) Individuals holding a current commission Fire Officer IV certification received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer IV by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.

(b) Individuals completing a commission approved Fire Officer IV program: documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer III:

and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer IV 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:

- C. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Certification Curriculum Manual, including but not limited to the Incident Safety Officer Curriculum reference list.**

**REFERENCE LIST FOR THE
FIRE DEPARTMENT SAFETY OFFICER
INCIDENT SAFETY OFFICER CURRICULUM**

Certified Training Facilities approved to teach this curriculum must have the following reference materials:

~~*Fire Department Incident Safety Officer (2nd ed.) (2007). Dodson, David D., Clifton Park, NY: Thomson Delmar Learning.*~~

Fire Department Incident Safety Officer (3rd ed.) (2016). Dodson, David W. Burlington, MA: Jones and Bartlett Learning.

NFPA 1500: Standard on Fire Department Occupational Safety and Health Program (2007 ed.). Quincy, MA: National Fire Protection Association NFPA Publications

NFPA 1521: Standard for Fire Department Safety Officer (2008 ed.). Quincy, MA: National Fire Protection Association NFPA Publications

Certification Curriculum Manual for Fire Protection Personnel, Austin, TX: Texas Commission on Fire Protection

Standards Manual for Fire Protection Personnel, Austin, TX: Texas Commission on Fire Protection

12. Discussion and possible action regarding the addition of classes or courses to the A List and B List for higher levels of certification.

13. Discussion and possible action on fire fighter injury data collected for 2015 for inclusion in the annual report to be sent to the State Fire Marshal's Office.

Texas Commission on Fire Protection

Injury Report

January 1, 2015 to December 31, 2015



TEXAS COMMISSION ON FIRE PROTECTION

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Executive Summary

This report includes the abstract, mission, reports, information and data collected by the Texas Commission on Fire Protection's injury reporting program. The report includes fire fighter injuries reported to the Texas Commission on Fire Protection in 2015, with charts and graphs depicting the collected information. The report also compares Texas fire fighter injury statistics with statistics gathered by the National Fire Protection Association (NFPA) in 2014.

Under Texas Government Code §419.048, the Texas Commission on Fire Protection is charged with developing and establishing criteria to receive and analyze injury information pertaining to Texas fire fighters. The commission reviews this information to develop recommendations to help reduce fire protection personnel injuries. The commission provides this information to the State Fire Marshal's Office (SFMO) by September 1 of each year for inclusion in the SFMO's annual Firefighter Fatality Investigations Report. The commission has enacted rules about reporting injuries in the Texas Administrative Code (TAC) Title 37, Chapter 435, and has established the criteria and policies for reporting and analyzing the information.

The commission built the data systems necessary to gather this information in 2010. Development is ongoing as we receive feedback from stakeholders on the efficiency of the system. The reporting process is accomplished online. Fire departments regulated by the commission have been notified of the requirement to report. Several volunteer departments, which are not regulated by the commission, are also participating voluntarily.

This report concludes with recommendations from the commission to help reduce the number of fire fighter injuries in Texas and to improve the injury reporting program.

Abstract

Texas fire departments reported 3,721 injuries to the Texas Commission on Fire Protection in calendar year 2015. Of these, 783 occurred during fire suppression activities, representing 21 percent of the total reported injuries. This represents a 3.5 percent decrease in the ratio of fire suppression injuries to the total, which in 2014 accounted for 24.5 percent of injuries.

As in previous years, the largest number of reported injuries occurred during the performance of emergency medical services (EMS) activities: 979 of the 3,721 total reported injuries, or 26.3 percent. This represents the same ratio of EMS injuries to total injuries in 2014, in which 1,065 of 4,055 total injuries, or 26.2 percent, occurred during EMS activities. 160 of the 783 fire suppression injuries were serious (20 percent), and 185 of the 979 EMS injuries were serious (19 percent). (Note: The commission defines a serious injury as one that results in missed work.)

After EMS and fire suppression, the next highest number of injuries reported in 2015 occurred in the performance of station duties, with 573, or 15.4 percent, of the total injuries. This is nearly the same as in 2014, when 631, or 15.5 percent, of the total reported injuries occurred in the station.

Wellness/fitness activities and skills training again rounded out the top five activities resulting in injuries, with 417 (11.2 percent) and 405 (10.9 percent), respectively.

The total number of injuries reported in station duties, skills training, and wellness/fitness activities (which are all non-emergency activities) represented over a third (39 percent) of the total injuries. This represents a slight increase in the ratio of non-emergency to emergency activities; in 2014, 36 percent of injuries occurred during non-emergency activities.

Mission

The commission shall gather and evaluate data on fire protection personnel injuries and develop recommendations for reducing injuries.

The commission's educational and outreach programs provide information on the various educational resources available through TCFP's Ernest A. Emerson Fire Protection Resource Library, associated references linked to this subject, TCFP outreach programs and the adoption of the "Courage to be Safe" and Federal Highway Administration Traffic Incident Management Program programs.

Building a Community of Safety

The goal of the Texas Commission on Fire Protection's injury reporting program is to help the fire service community identify common injuries and learn how to avoid risk and prevent injuries.

Why we are collecting injury data

Under Texas Government Code §419.048, the Texas Legislature charged the commission with gathering and evaluating data on injuries. The rules requiring regulated entities to report injuries to the commission are in Texas Administrative Code §435.23. The commission encourages volunteer entities to report injuries so that it can gain as accurate a picture as possible concerning injury trends in the Texas fire service. The injury reporting program began in March 2010.

Information the commission collects

- Minor, serious, critical and fatal injuries
- Activities where fire personnel are injured
- Types of injuries (burns, strain-sprains, wounds, etc.)
- Body parts being injured
- Tasks performed at the time of injury
- Missed time
- Work assignment after injury
- Malfunctions/failures of personal protective equipment (PPE), self-contained breathing apparatus (SCBA), personal alert safety systems (PASS devices) and standard operating procedures (SOPs)

How this will help the fire service

- Identify common injuries
- Identify trends in injuries
- Identify needed training
- Evaluate and find improvements in procedures
- Track lost time injuries (requested by user community)

Reports, Information and Data Collection

This report contains data submitted by regulated and non-regulated entities. The data collected in 2015 was the fifth full year of reporting.

Of the approximately 567 commission-regulated fire departments included in this report, 523, or 92 percent, either submitted an injury report or a “no injury” report for months in which their personnel did not have any injuries. (An additional 103 regulated entities that are not fire departments, however, did not report. The agency will continue to reach out to all regulated entities to communicate the need to report and the types of information needed.) The commission stresses the need for participation and provides reminders to regulated entities of the statutory requirement to report.

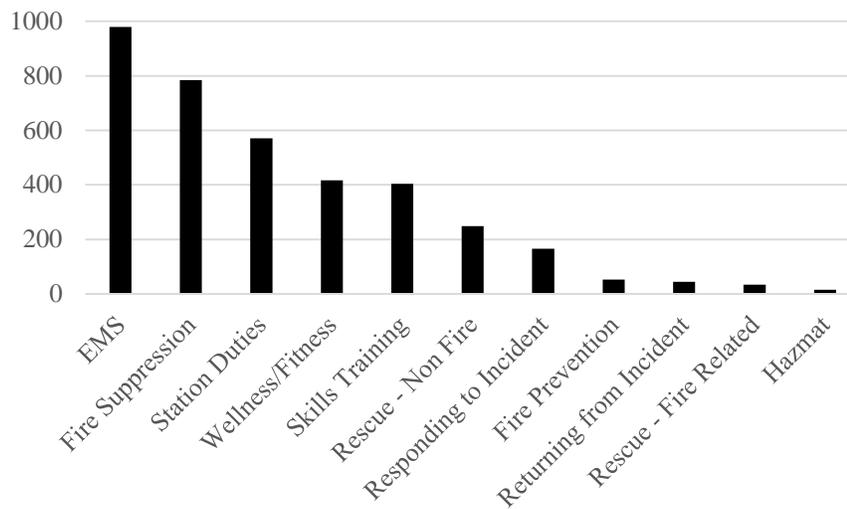
As in previous years, the commission continues to receive feedback from stakeholders on challenges they have experienced and changes they would like to see in the injury reporting program.

Fire Protection Personnel Injuries

Table 1: Injuries by Activity and Severity, 2015

Activity	Minor	Serious	Critical	Fatal	Total
EMS	792	185	1	1	979
Fire Suppression	618	160	4	1	783
Station Duties	396	174	2	1	573
Wellness/Fitness	288	125	4		417
Skills Training	278	126	1		405
Rescue - Non Fire	204	46			250
Responding to Incident	122	44			166
Fire Prevention	41	12			53
Returning from Incident	33	13			46
Rescue - Fire Related	22	12			34
Hazmat	11	4			15
Total	2804	898	12	3	3721

Figure 1: Total Injuries by Activity, 2015



Minor and Serious Injuries by Activity

EMS activities resulted in the highest number of both minor and serious injuries this year. In 2014, fire suppression activities resulted in the highest number of serious injuries, but in 2015 there were more serious injuries in EMS and station duties than in fire suppression. We note that there has been a steady decline in serious fire suppression injuries in the past four years. (See Table 3. The commission defines a serious injury as one which results in the employee missing one or more full duty shifts.)

Table 2: Minor Injury Activities, 2012 - 2015

Activity	2012		2013		2014		2015	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
EMS	1042	32.41%	934	30.28%	900	28.03%	792	28.25%
Fire Suppression	654	20.43%	619	20.06%	808	25.16%	618	22.04%
Station Duties	508	15.80%	452	14.65%	465	14.48%	396	14.12%
Skills Training	367	11.42%	317	10.28%	365	11.37%	288	10.27%
Wellness/Fitness	294	9.14%	285	9.24%	254	7.91%	278	9.88%
Rescue - Non Fire	147	4.57%	243	7.88%	206	6.42%	204	7.28%
Responding to Incident	90	2.80%	70	2.27%	105	3.27%	122	4.35%
Fire Prevention	45	1.40%	66	2.14%	43	1.34%	41	1.46%
Returning from Incident	30	0.93%	37	1.20%	42	1.31%	33	1.18%
Rescue - Fire Related	14	0.44%	18	0.58%	11	0.34%	22	0.78%
Hazmat	24	0.75%	44	1.43%	12	0.37%	11	0.39%
Total	3215	100.00%	3085	100.00%	3211	100.00%	2805	100.00%

Table 3: Serious Injury Activities, 2012 - 2015

Activity	2012		2013		2014		2015	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
EMS	196	18.97%	179	19.02%	164	19.90%	185	20.60%
Station Duties	233	22.56%	201	21.36%	160	19.42%	174	19.27%
Fire Suppression	231	22.36%	206	21.89%	177	21.48%	160	17.82%
Skills Training	113	10.94%	99	10.52%	104	12.62%	126	13.92%
Wellness/Fitness	134	12.97%	122	12.96%	127	15.41%	125	14.03%
Rescue - Non Fire	34	3.29%	46	4.89%	38	4.61%	46	5.01%
Responding to Incident	43	4.16%	42	4.46%	16	1.94%	44	4.90%
Returning from Incident	24	2.32%	18	1.91%	19	2.31%	13	1.34%
Fire Prevention	18	1.74%	17	1.81%	11	1.33%	12	1.34%
Rescue - Fire Related	7	0.68%	11	1.17%	3	0.36%	12	1.34%
Hazmat	0	0	0	0	5	0.61%	4	0.45%
Total	1033	100.00%	941	100.00%	824	100.00%	901	100.00%

Emergency vs. Non-Emergency Injuries

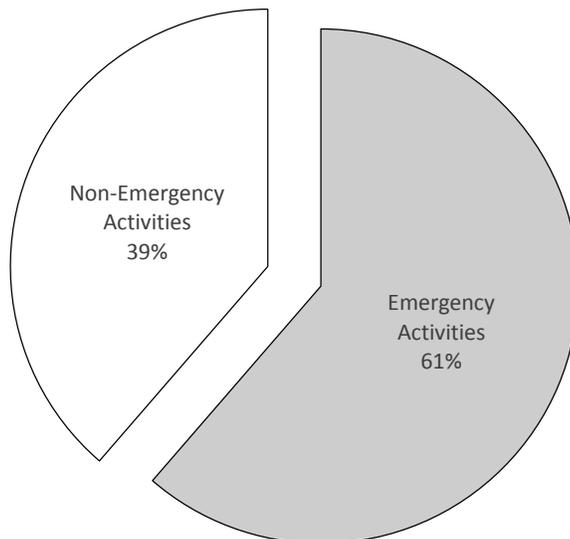
Table 4: Injuries by Emergency Activity and Severity, 2015

Activity	Minor	Serious	Critical	Fatal	Total
EMS	792	185	1	1	979
Fire Suppression	618	160	4	1	783
Rescue - Non Fire	204	46			250
Responding to Incident	122	44			166
Returning from Incident	33	13			46
Rescue - Fire Related	22	12			34
Hazmat	11	4			15
Total	1802	462	5	2	2273

Table 5: Injuries by Non-Emergency Activity and Severity, 2015

Activity	Minor	Serious	Critical	Fatal	Total
Station Duties	396	174	2	1	573
Wellness/Fitness	288	125	4		417
Skills Training	278	126	1		405
Fire Prevention	41	12			53
Total	1003	437	7	1	1448

Figure 2: Percent of Total Injuries in Emergency and Non-Emergency Activities, 2015

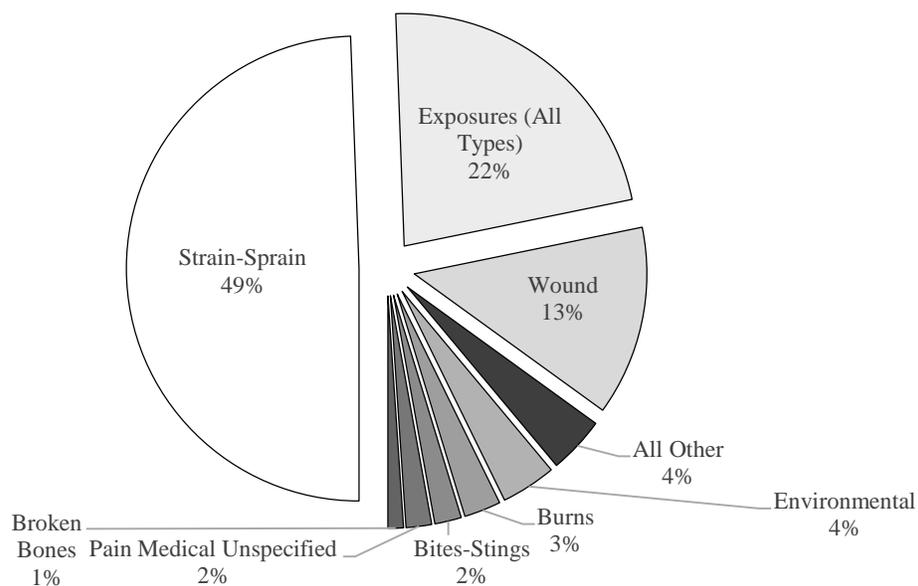


Injuries by Type

Table 6: Types of Injury, 2012-2015 (Note: ordered by 2015, descending)

Type of Injury	2012		2013		2014		2015	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Strain-Sprain	2140	50.19%	2118	52.30%	1917	47.27%	1839	49.42%
Wound	631	14.80%	548	13.53%	483	11.91%	491	13.20%
Exposure-Undetermined	23	0.54%	77	1.90%	120	2.96%	287	7.71%
Exposure Blood Pathogens	160	3.75%	164	4.05%	183	4.51%	181	4.86%
Exposure - Body Fluids	124	2.91%	138	3.41%	109	2.69%	167	4.49%
Environmental	133	3.12%	106	2.62%	101	2.49%	142	3.82%
Exposure Airborne Pathogens	404	9.47%	281	6.94%	369	9.10%	141	3.79%
Burns	176	4.13%	166	4.07%	113	2.79%	95	2.55%
Bites-Stings	93	2.18%	87	2.15%	79	1.95%	69	1.85%
Pain Medical Unspecified	49	1.15%	62	1.53%	79	1.95%	66	1.77%
Exposure-Chemical	128	3.00%	90	2.22%	313	7.72%	53	1.42%
Broken Bones	46	1.08%	59	1.46%	39	0.96%	40	1.07%
Chest Pains-Cardiac	40	0.94%	50	1.23%	46	1.13%	37	0.99%
Smoke-Gas Inhalation	22	0.52%	30	0.74%	20	0.49%	35	0.94%
Debris/Penetrating	51	1.20%	38	0.94%	38	0.94%	34	0.91%
Hearing Loss - Acute	18	0.42%	14	0.35%	21	0.52%	19	0.51%
Electrocution	11	0.26%	12	0.30%	12	0.30%	9	0.24%
Hearing Loss - Chronic	7	0.16%	2	0.05%	4	0.10%	7	0.19%
Exposure-Chemical-CO	1	0.02%	6	0.15%	3	0.07%	3	0.08%
Heart Attack	2	0.05%	2	0.05%	1	0.02%	3	0.08%
Broken Spine-Neck	4	0.09%	1	0.02%	4	0.10%	2	0.05%
Smoke Inhalation	0	0.00%	0	0.00%	0	0.00%	1	0.03%
Stroke	1	0.02%	0	0.00%	1	0.02%	0	0.00%
Total	4264	100.00%	4051	100.00%	4055	100.00%	3721	100.00%

Figure 3: Types of Injury, 2015



Task at Time of Injury

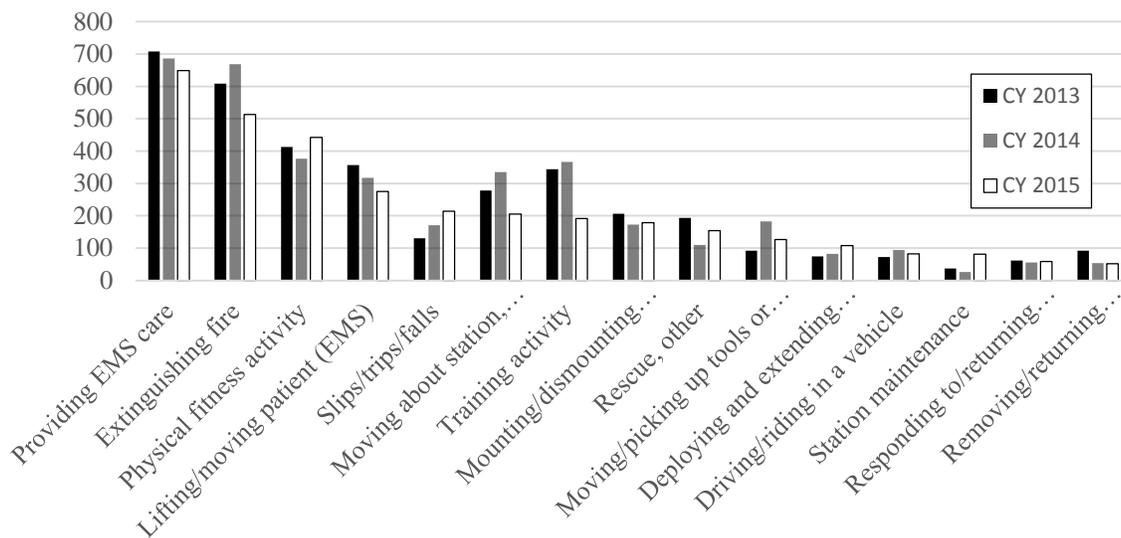
(The commission began gathering task information in mid-2012.)

Table 7: Top 15 Tasks at Time of Injury, 2013-2015 (ordered by 2015, descending)

Task	2013	2014	2015
Providing EMS care	708	686	649
Extinguishing fire or neutralizing incident	609	669	513
Physical fitness activity	413	376	442
Lifting/moving patient (EMS)	357	317	275
Slips/trips/falls	131	171	215
Moving about station, normal activity	278	335	206
Training activity	344	367	193
Mounting/dismounting apparatus	206	173	180
Rescue, other	193	110	155
Moving/picking up tools or equipment	92	183	128
Deploying and extending hoseline	74	82	108
Driving/riding in a vehicle	72	94	82
Station maintenance	37	26	81
Responding to/returning from incident	62	56	59
Removing equipment from/returning equipment to apparatus	92	54	52
All other*	383	356	383*
Total	4051	4055	3721

* All other, 2015, in descending order: Overhaul (47), Vehicle maintenance (38), Operating manual tool (33), Ascending/descending stairs (31), Equipment maintenance (29), Extrication (28), Ascending/descending ladder (24), Forcible entry (23), Moving about station, alarm sounding (20), Other: description (17), Non-fire incidents (13), Operating power tool (13), Raising/lowering ladder (13), Inspection activity (10), Crawling in a confined or otherwise hazardous area (8), Manually moving item to gain access (6), Operating in low/no visibility (6), Unidentified (5), Carrying/dragging a person (rescue) (5), Incident Investigation (5), Administrative Work (4), Operating Fire Department Apparatus (2), Salvage (2), Operating nozzle (1)

Figure 4: Top 15 Tasks at Time of Injury, 2013-2015



Injuries by Body Part

Table 8: Injuries by Body Part, 2012 - 2015

Body Part	2012	2013	2014	2015
Multiple body parts, whole body	760	595	901	659
Knee	419	407	367	369
Hand and fingers	453	403	345	328
Hip, lower back, or buttocks	35	91	244	316
Shoulder	272	293	230	241
Back, except spine	686	588	372	207
Ankle	213	207	177	202
Multiple Parts	5	62	160	180
Face	95	128	118	140
Leg, lower	105	108	86	117
Arm, lower, not including elbow or wrist	89	84	94	84
Eye	106	100	98	75
Foot and toes	132	105	79	71
Head	96	94	73	69
Ear	72	54	52	60
Multiple body parts, upper body	22	57	27	52
Elbow	98	68	66	51
Other body parts injured	357	381	265	500*
Total	4264	4051	4055	3721

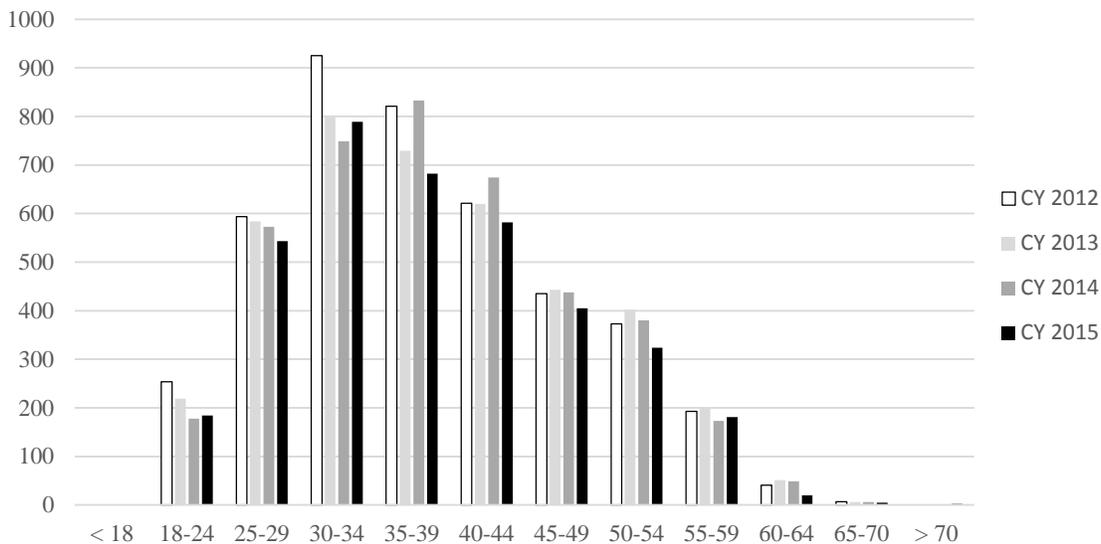
* **Other body parts injured, 2015, in descending order:** Wrist (48), Upper extremities (46), Neck (45), Pelvis or groin (42), Chest (40), Abdomen (38), Lower Extremities (36), Trachea and lungs (33), Arm, upper, not including elbow or shoulder (31), Leg, upper (29), Mouth, included are lips, teeth, and interior (26), Neck and Shoulders (22), Heart (19), Multiple body parts, lower body (10), Abdominal area (7), Unidentified (5), Nose (5), Throat (5), Internal, other (3), Spine (3), Part of body, other (2), Undetermined (2), Head, other (1), Internal (1), Thorax (1)

Injuries by Age Group

Table 9: Injuries by Age Group, 2012 - 2015

Age group	2012		2013		2014		2015	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
< 18	0	0.00%	0	0.00%	1	0.02%	0	0.00%
18-24	254	5.96%	219	5.41%	178	4.39%	187	5.03%
25-29	594	13.93%	584	14.42%	573	14.13%	543	14.59%
30-34	925	21.69%	799	19.73%	749	18.47%	791	21.26%
35-39	821	19.25%	729	18.00%	833	20.54%	682	18.33%
40-44	621	14.56%	620	15.31%	674	16.62%	582	15.64%
45-49	435	10.20%	443	10.94%	438	10.80%	405	10.88%
50-54	373	8.75%	402	9.90%	380	9.37%	323	8.68%
55-59	193	4.53%	198	4.89%	173	4.27%	181	4.86%
60-64	41	0.96%	51	1.26%	49	1.21%	20	0.54%
65-70	7	0.16%	6	0.15%	6	0.15%	5	0.13%
> 70	0	0.00%	0	0.00%	1	0.02%	2	0.05%
Totals	4264	100.00%	4051	100.00%	4055	100.00%	3721	100.00%

Figure 5: Injury Count by Age Group, 2012 - 2015



Injury Activities Resulting in Lost Time

Table 10: Injury Activities Resulting in Lost Time, 2015

Activity	Count	Days Missed	
		Average	Total
EMS	144	41	5973
Station Duties	136	34	4644
Fire Suppression	132	35	4592
Wellness/Fitness	105	37	3850
Skills Training	93	40	3694
Rescue - Non Fire	33	26	871
Responding to Incident	33	22	714
Returning from Incident	10	29	285
Fire Prevention	9	33	298
Rescue - Fire Related	7	9	65
Hazmat	3	22	67
Total	705	36	25053

Table 11: Activities Resulting in Lost Time, 2015, between 1 and 30 Days

Activity	Count	Days Missed	
		Average	Total
Fire Suppression	101	10	1002
Station Duties	93	13	1169
EMS	86	12	1031
Wellness/Fitness	70	11	790
Skills Training	62	10	636
Responding to Incident	27	12	314
Rescue - Non Fire	26	14	356
Rescue - Fire Related	7	9	65
Returning from Incident	7	10	68
Fire Prevention	6	11	63
Hazmat	2	16	31
Total, Between 1 and 30 Days	487	11	5525

Injury Activities Resulting in Lost Time (continued)

Table 12: Activities Resulting in Lost Time, 2015, between 31 and 90 Days

Activity	Count	Days Missed	
		Average	Total
EMS	43	52	2248
Station Duties	29	53	1523
Wellness/Fitness	25	58	1442
Skills Training	18	56	999
Fire Suppression	15	57	857
Rescue - Non Fire	6	51	308
Responding to Incident	6	67	400
Fire Prevention	2	55	110
Returning from Incident	2	52	103
Hazmat	1	36	36
Total, Between 31 and 90 Days	147	55	8026

Table 13: Activities Resulting in Lost Time, 2015, 91+ Days

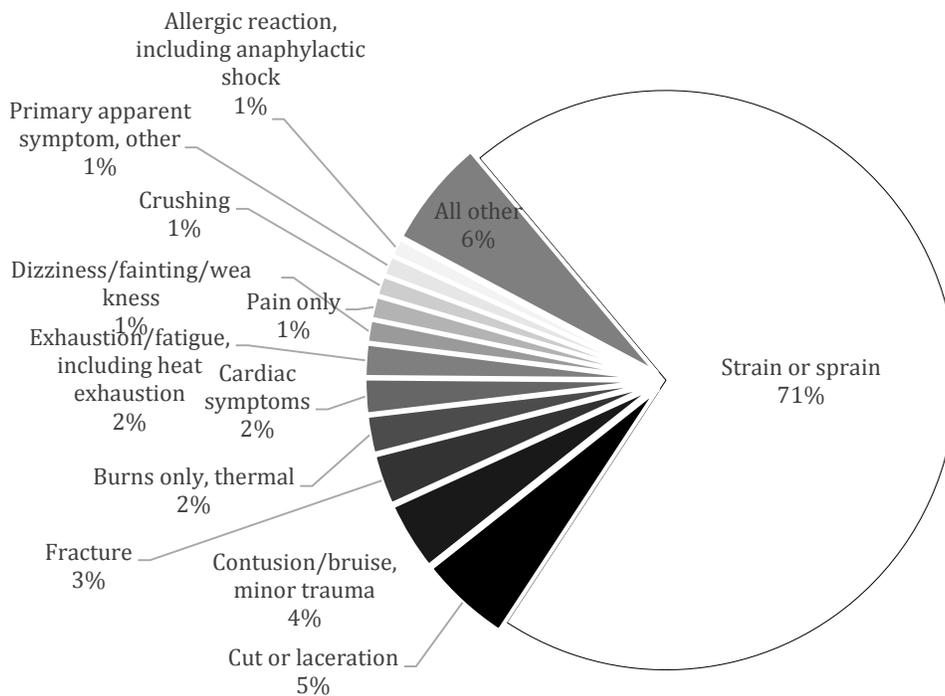
Activity	Count	Days Missed	
		Average	Total
Fire Suppression	16	171	2733
EMS	15	180	2694
Station Duties	14	139	1952
Skills Training	13	158	2059
Wellness/Fitness	10	162	1618
Fire Prevention	1	125	125
Rescue - Non Fire	1	207	207
Returning from Incident	1	114	114
Total, 91+ Days Missed	71	162	11502

Types of Injuries with Lost Time

Table 14: Types of Injuries Resulting in Lost Time, 2015

Type of Injury	Count	Average Days Out
Strain or sprain	496	41
Cut or laceration	36	9
Contusion/bruise, minor trauma	27	21
Fracture	20	70
Burns only, thermal	15	15
Cardiac symptoms	14	17
Exhaustion/fatigue, including heat exhaustion	13	6
Dizziness/fainting/weakness	9	9
Pain only	9	16
Crushing	8	22
Primary apparent symptom, other	8	57
Allergic reaction, including anaphylactic shock	7	9
All other	43	17
Total	705	36

Figure 6: Types of Injuries Resulting in Lost Time, 2015



Burn Injuries

Table 15: All Burns, 2013 - 2015

All Burns - Types	2013	2014	2015
Thermal	92	76	85
Scald or steam	71	33	10
Chemical	0	2	0
Electric	2	2	0
Total	165	113	95

Table 16: Burns with Lost Time by Burn Type, 2015

Burns with Lost Time	Count	Average Days Missed	Total Days Missed
Thermal	15	15	226
Scald or steam	3	10	30
Total	18	14	256

Table 17: Burns by Body Part, 2013 - 2015

Body Part	2013	2014	2015
Ear	29	13	22
Hand and fingers	35	18	14
Face	14	13	12
Multiple parts	16	16	8
Neck	9	9	6
Leg, lower	4	1	6
Shoulder	13	5	5
Multiple body parts, upper body	3	4	5
Wrist	10	5	4
Head	5	3	4
Arm, lower, not including elbow or wrist	12	9	3
Upper extremities	0	6	2
Arm, upper, not including elbow or shoulder	1	2	2
Foot and toes	5	2	1
Lower extremities	5	2	1
Back, except spine	0	2	0
Hip, lower back or buttocks	0	1	0
Eye	0	1	0
Neck and shoulders	1	1	0
Chest	1	0	0
Elbow	1	0	0
Knee	1	0	0
Throat	1	0	0
Total	166	113	95

Burn Injuries (continued)

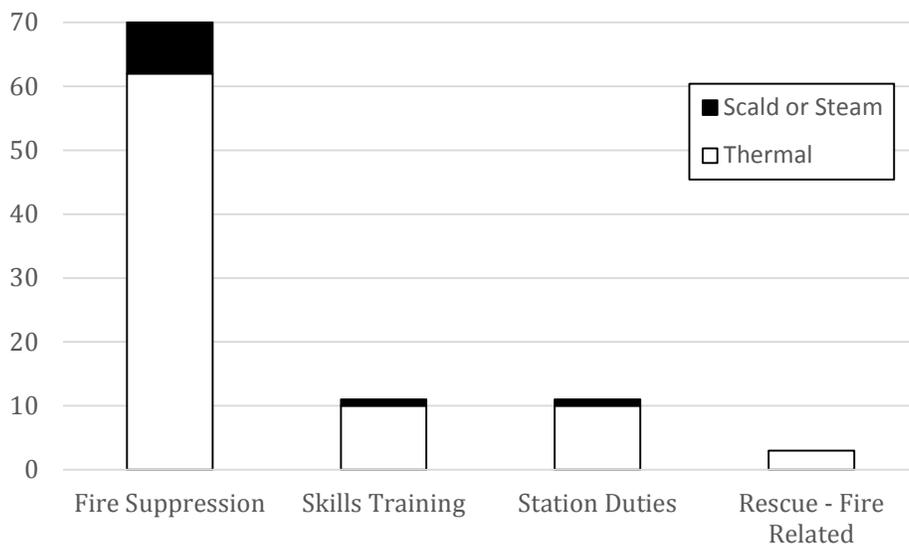
Table 18: Burns by Emergency Activity, 2015

Type	Emergency Activities	
	Fire Suppression	Rescue-Fire Related
Thermal	62	3
Scald or Steam	8	
Total	70	3

Table 19: Burns by Non-Emergency Activity, 2015

Type	Non-Emergency Activities	
	Skills Training	Station Duties
Thermal	10	10
Scald or Steam	1	1
Total	11	11

Figure 7: Burns by Activity, 2015



Exposures

Agency staff has proposed modifying the commission's injury report form to include separate, specific categories of exposure/illness reporting:

- Exposure with injury
- Exposure with no injury
- Illness

The staff has been working to incorporate these categories into a redesigned injury report form; we hope to begin using the new data entry form at the beginning of the 2017 reporting year.

Fire protection personnel are routinely exposed to a variety of harmful agents. We currently categorize exposures primarily by "types" that illustrate the routes of exposure, including airborne pathogens, blood pathogens, body fluids, chemicals, plant toxins and undetermined. We have found, however, that these types often overlap or are not easily distinguishable. An example would be when a group of first responders provide care to a vehicle accident victim who is later discovered to have meningitis: meningitis can be bacterial, fungal, viral, parasitic, or systemic, and the department may not be able to determine immediately whether the greatest risk in providing care resulted from exposure to airborne droplets (from sneezing or coughing, for example), or from direct/dermal contact with the patient's body fluids or blood. Another common example would be a team of fire fighters exposed at a fire incident to potentially toxic smoke; it can be difficult for departments to determine whether to report the exposures as airborne pathogens, chemicals, etc., especially if the toxic agent is unknown.

In reviewing exposure reports, however, the staff has found that exposure agents can be grouped in a manner that may better characterize the hazards to which fire fighters are exposed. This "re-grouping" was based primarily on the types of agents, rather than on the routes of exposure. In the following pages these "groups" are broken down into biological agents, chemical/mineral agents, animals/wildlife, poison plants and undetermined. We have also included several additional "types" in this analysis to better capture potential exposures; as an example, we reviewed all the injuries entered as "wounds" and found 21 injuries which could have been categorized either as wounds or as exposures. (These were primarily puncture wounds from nails, lancets and needles.)

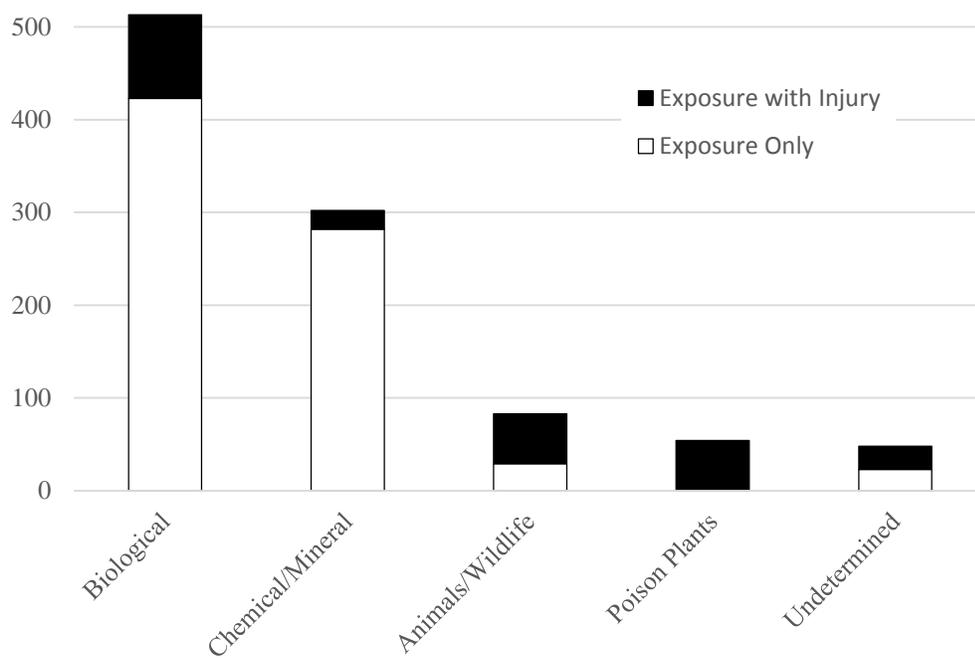
In 2015, the agency received 837 reports from fire departments in the report form's current exposure categories (see Table 6, Types of Injuries). In our review, we found 163 other injuries that could also have been reported as exposures, from the categories of wounds, smoke/gas inhalation, bites/stings, and environmental injuries, bringing the total to 1,000 exposures. Staff has further evaluated these reports to determine whether an injury resulted from or in conjunction with the exposure.

Exposures (continued)

Table 20: Exposures by "Group," With and Without Injury, 2015

Group	Exposure Only	Exposure with Injury	Total
Biological	423	90	513
Chemical/Mineral	282	20	302
Animals/Wildlife	29	54	83
Poison Plants	0	54	54
Undetermined	23	25	48
Grand Total	757	243	1000

Figure 8: Exposures by "Group," With and Without Injury, 2015



Exposures (continued)

Table 21: Exposures by “Group” and Agent, 2015

Group/Agent	Count	Group/Agent	Count
Chemical/Mineral		Biological	
Smoke	161	Blood	186
Asbestos	50	Body Fluids	105
Water	41	Meningitis	87
Marijuana Smoke	12	TB	73
Carbon monoxide	8	Hepatitis C	9
Insecticide	7	Tetanus	9
Diesel fuel	6	Undetermined	8
Chlorine gas	4	HIV and Hepatitis	5
Calcium carbide/acetylene	2	C-Diff	4
Undetermined	1	Hepatitis C and C-Diff	4
Abrasive compound	1	Mold	4
Battery acide	1	Staph	4
Gasoline	1	Adenovirus	3
Hydraulic fluid	1	Herpes	2
Hydrogen sulfide	1	HIV	2
Lacquer thinner	1	HIV and TB	2
Micro-Blaze	1	Meningitis or encephalitis	2
Natural gas	1	TB and meningitis	2
Novec 1230	1	Meningitis and pneumonia	1
Total, Chemical/Mineral	302	Pneumonia	1
		Total, Biological	513
Group/Agent	Count	Group/Agent	Count
Animals/Wildlife		Undetermined	
Bed Bugs	186	Undetermined	40
Dog	105	Unidentified carcinogen	8
Spider	87	Total, Undetermined	48
Scabies	73		
Wasp	9		
Cat	9		
Bee	8		
Insect, unidentified	5		
Ants	4		
Bees	4		
Total, Animals/Wildlife	833	Grand Total	1000
Group/Agent	Count		
Poison Plants			
Poison ivy	49		
Poison ivy/poison oak	3		
Poison oak	1		
Undetermined	1		
Total, Poison Plants	53		

Cancer reports

The commission received 14 reports of cancer diagnoses from fire departments in 2015. The commission encourage departments to report these illnesses to help the Texas fire service gain a better understanding of long-term illnesses from which fire protection personnel are suffering:

Male, 58

Long-term exposure to carcinogens

Male, 48

Occupational illness due to unknown exposure. It is known that he is a cancer patient.

Male, 32

Employee developed a cancer growth. The squamous cell carcinoma is on the back of his head where the ratchet is to tighten his helmet.

Male, 59

Report of injury for informational purposes only of a recent diagnosis of prostate cancer.

Male, 59

Firefighter was ill and was diagnosed with colon cancer. He has been a firefighter for 29 years.

Male, 51

Firefighter was treated for basal cell carcinoma skin cancers.

Male, 57

Firefighter was recently diagnosed with B-cell Non-Hodgkin's Lymphoma.

Male, 51

Diagnosed with squamous cell carcinoma on left cheek where mask and hood contact face.

Male 34

Firefighter has been diagnosed and treated periodically with melanoma, basal cell carcinoma, and cytologic atypia.

Male, 50

This individual has been diagnosed with cancer.

Male, 56

Individual has been diagnosed with cancer.

Male, 46

Employee is suffering from T-cell lymphoma due to prolonged exposure to carcinogens. Cancer spread to the spleen, skeletal system, liver and lungs.

Male, 42

Invasive ductal carcinoma diagnosed in left breast.

Male, 35

The firefighter reported to his Captain on this date that he had testicular cancer.

SOP Issues

In 2015 there were 33 injuries attributed to failures of fire protection personnel to follow their departments' standard operating procedures (SOPs). All but a few were instances where the individuals were not wearing their provided PPE/SCBA gear in an environment or situation in which they should have been.

In its compliance inspections, the Texas Commission on Fire Protection verifies that fire departments have written SOPs that cover the appropriate subject matter.

Table 22: Injuries Attributed to SOP Issues, 2015

Activity	Minor	Serious	Total
EMS	10	2	12
Fire Suppression	3	3	6
Rescue - Non Fire	5	1	6
Station Duties	0	4	4
Wellness/Fitness	1	2	3
Responding to Incident	1	0	1
Skills Training	0	1	1
Total	21	12	33

Fatalities

The commission's 2015 injury report includes three fatalities. The fatalities listed in this report include only those reported to the Texas Commission on Fire Protection (TCFP) by the entities it regulates. (The commission has no statutory authority to require reporting by departments it does not regulate.)

More comprehensive information regarding Texas fire service Line of Duty Deaths is included in the State Fire Marshal's Annual Report.

Example Injury Narratives

Burn injuries

The body part most frequently burned on the fireground in 2015 were ears; five of these injuries resulted in lost time. These narratives illustrate scenarios in which fire fighters suffered burns to the ears:

Fire suppression – minor - ear

During a response to a house fire, while fighting fire inside the house, the firefighter suffered a second degree burn to his right ear. After interviewing the firefighter, it was discovered that his protective hood was accidentally pushed back while donning his helmet and SCBA mask, thereby exposing the right ear.

Fire suppression – minor- ear

Firefighter made entry. Approximately 10 feet into the structure firefighter began retreating due to intense heat. Firefighter's ears were blistered.

Fire suppression – serious - ear

While working a structure fire, the individual was on the initial entry team with his Captain. He made his way to the rear of the mobile home with 1.5-inch charged hose line while wearing full PPE. He was told by his Captain that it was getting hot so he began cooling off the area. It appears that the firefighter was steamed burned while doing so.

The second-highest number of fireground burn injuries were to the face:

Fire suppression – minor - face

Firefighter reports while operating at a structure fire he suffered thermal burns to the right side of his forehead and temple area. The member was wearing PPE.

Fire suppression – minor – face

Firefighter was riding up as acting officer on Engine. Firefighter and his crew were assigned to make an offensive fire attack. There was heavy smoke coming from a single story with no active flames. The firefighter made entry into the structure; firefighter gave a reading of 600 degrees from his thermal imaging camera. Firefighter stated he felt a lot of heat on around his neck and ears and exited the structure immediately. The division chief checked conditions and determined the mode of operation should be switched to defensive. The injured firefighter began firefighting the fire from outside the structure as the Incident Commander changed modes to defensive. The injured firefighter continued to work until he got low on air. The injured firefighter then went to rehab and it was discovered he had two blisters on his face. One blister was on his forehead and the other on his left cheek. The firefighter melted the rubber exterior brim lining on his helmet and melted the rubber on his radio lapel mic. No other injuries were reported on the firefighter. He was immediately assessed by EMS and was transported as precautionary to a clinic for evaluation. The injured firefighter was given a tetanus shot and burns were cleaned. Firefighter was released and returned to full duty and finished out the remaining shift.

Example Injury Narratives (continued)

Although several fire fighters suffered burns to their hands on the fireground, the commission in 2015 received an equal number of reports of burns to the hands suffered during station duties:

Fire suppression – minor – hand

The individual was on a handline at a two-alarm structure fire performing exposure protection. He and his officer were between a house and fence when he felt a burning sensation to his right hand. He was on air and in full PPE. When he went to rehab, he removed his glove and noted redness and two blisters near his index and middle knuckles on his right hand. He continued on at the scene and finished his shift.

Fire suppression – serious – hand

While deploying hose to the front door and before he donned his gloves, the firefighter received a burn to the back of his right hand. He was sent to hospital for treatment, and will be off for approximately seven days.

Station duties – minor – hand

Firefighter was carrying a hot burning pot of grease out of oven and into backyard. Grease spilled out over sides burning a small spot on fifth digit of left hand and second digit of right hand. No medical attention sought.

Fire fighters were also burned on their necks and shoulders during fireground operations, most often as the result of pulling ceiling, advancing hoselines, or during rescues:

Fire suppression – serious – neck

Firefighter was pulling ceiling in a structure fire. Firefighter grabbed a piece of sheetrock that was hanging in the doorway of his escape route and pulled down on it with his hands. This dislodged a section of hot debris. It landed on him between his shoulders and helmet while he was in a bent over position. When he stood up the embers got trapped between his collar and hood. This is where he received his burns.

A small number of fire fighters suffered burn injuries to multiple parts, most often due to extremely hot or otherwise catastrophic conditions:

Fire suppression – serious – multiple parts, upper body

The firefighter was on the initial attack hoseline at a house fire and was attempting to make a push inside near where heavy fire involvement was. He sustained second degree burns on his hands and forearms, and first degree burns (sunburn-looking) to his shoulders. He also received minor second degree burns to his cheek. His turnout coat was removed from service due to thermal damage through the shell and into his liner. His gloves were removed from service as well. His SCBA mask was sent to be tested at our SCBA station and was removed from service by personnel who noticed some distortion of the mask from heat. All items have been isolated for further evaluation. The employee was treated at the [city clinic] and sent home. He remains off with restrictions for duty.

Fire suppression – serious – multiple parts, upper body

During primary search of second floor [at a residential structure fire], the fireplace collapsed. Firefighter fell from second to first floor, trapped in rubble. Burns to torso and bilateral extremities.

Comparison between the State of Texas (2015) and National Fire Protection Association (NFPA), U.S. Firefighter Injuries – 2014

For the purposes of comparison, the commission has mapped its categories to the NFPA categories as follows:

- “Fireground” includes the commission’s Fire Suppression and Rescue – Fire Related.
- “Non-Fire” includes Rescue Non-Fire, EMS and Hazmat.
- “Other On-Duty” includes Fire Prevention, Station Duties and Wellness/Fitness.

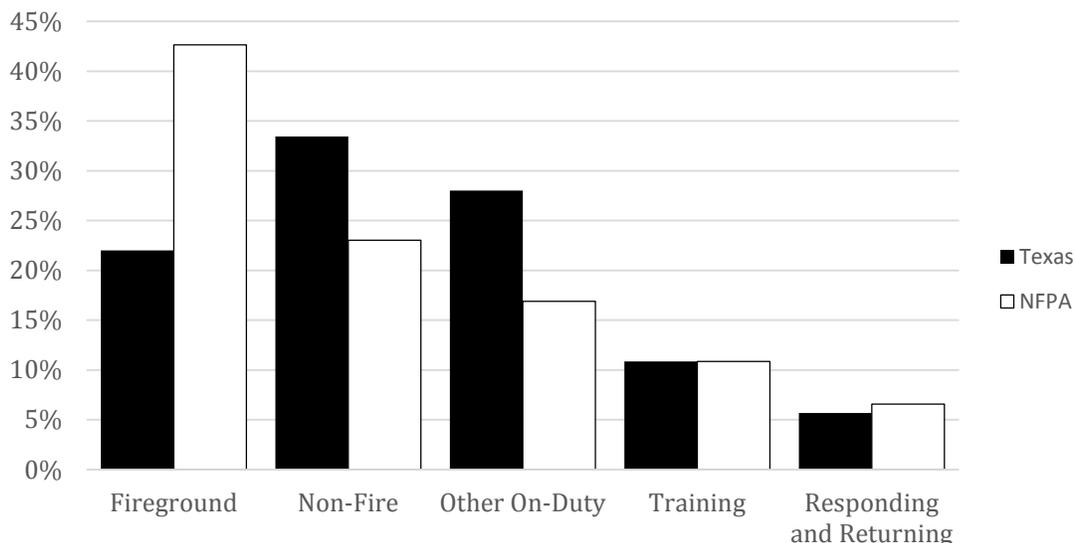
The NFPA’s “Responding and Returning” and “Training” categories appear to correspond closely to the commission’s categories. (The NFPA numbers include Texas statistics, although the reporting populations may not be the same.)

Table 23: Comparison of Texas 2015 and NFPA 2014

Category	Texas 2015		NFPA 2014*	
	Count	Percent	Count	Percent
Fireground	817	22%	27015	43%
Non-Fire	1244	33%	14595	23%
Other On-Duty	1043	28%	10695	17%
Training	405	11%	6880	11%
Responding and Returning	212	6%	4165	7%
Total	3721	100%	63350	100%

* NFPA data is from [U.S. Firefighter Injuries – 2014](#), copyright© 2015, National Fire Protection Association, Quincy, MA.

Figure 9: Injuries by Activity Percentages – Comparing Texas 2015 and NFPA 2014



2015 Findings/Recommendations

The agency staff has been challenged by the fire fighter advisory committee to increase the percent of reporting departments. Staff will continue to reach out to all regulated entities that did not file any injury reports or “non-injury” reports in an effort to increase this percentage.

The advisory committee also charged staff with analyzing the relationship of call volume to the number of injuries reported. Staff will review existing state and federal resources to determine whether any conclusions can be drawn related to call volume. (It may prove difficult to compare the number of incidents statewide to injuries reported by commission-regulated entities, which comprise only a portion of the state’s fire service.) The agency, however, encourages departments to compare local call volumes with their own reported injury statistics, and stands ready to provide any assistance required. (The agency can, for example, prepare charts, graphs or statistical tables similar to those found in this report, filtered for individual departments.)

The commission further encourages departments to report cancer diagnoses and exposures. There is a great deal of awareness growing throughout the fire service community about the long-term health consequences of the profession; the commission’s injury reporting is uniquely positioned to gather this information in order to help state leaders gain a better understanding of these challenges statewide.

Commission-adopted standards

The commission has adopted several NFPA and other nationally recognized standards to help keep Texas fire protection personnel safe. This list summarizes the relationships between some of the Texas laws and national standards and is not intended to be all-inclusive:

Texas Government Code

[§419.040, Protective Clothing](#)

[§419.041, Self-Contained Breathing Apparatus](#)

[§419.042, Personal Alert Safety Systems](#)

[§419.043, Applicable National Fire Protection Association Standard](#)

[§419.044, Incident Management System](#)

[§419.045, Personnel Accountability System](#)

[§419.046, Fire Protection Personnel Operating at Emergency Incidents](#)

[§419.047, Commission Enforcement](#)

Texas Administrative Code

[CHAPTER 425 FIRE SERVICE INSTRUCTORS](#)

[§443.9 National Fire Protection Association Standard](#)

[CHAPTER 435 FIRE FIGHTER SAFETY](#)

[§435.21 Fire Service Joint Labor Management Wellness-Fitness Initiative](#)

[§435.23 Fire Fighter Injuries](#)

[§435.25 Courage to be Safe So Everyone Goes Home Program](#)

[§435.27 Live Fire Training Structure Evolutions](#)

[CHAPTER 451 FIRE OFFICER](#)

[CHAPTER 457 INCIDENT SAFETY OFFICER CERTIFICATION](#)

Other resources

See also the commission's web page: [NFPA Standards adopted by the commission.](#)

14. Discussion and possible action on matters from the Executive Director.

A. Decisions of the Executive Director in contested cases and consent orders.

14. Discussion and possible action on matters from the Executive Director.

B. Status of division functions.

Commission Report, 2nd Quarter FY2016

Overview and Executive Office

Governor's Executive Development Program

TCFP's executive director completed the three week Governor's Executive Development Program the week of November 30 – December 4. Graduation ceremonies were held the evening of December 3rd at the Hilton Garden Inn, with over 50 individuals from many different agencies completing the program. The 34th Executive Development Program, hosted by the LBJ School of Public Affairs of the University of Texas, was conducted over three separate weeks beginning in October. The program exposes agency executives to some of the best and most current thinking in executive management, and provides exceptional opportunities for networking with other agency leaders.

Meeting with TCLE

The Executive Directors of this agency and the Texas Commission on Law Enforcement met on December 14th for an informal meet-and-greet and discussion about items of interest to both agencies. The discussion involved issues such as cooperative efforts in the upcoming legislative session and the sharing of data that is of value to both agencies. This meeting followed a similar type of meeting between the presiding officers of both Commission boards several weeks prior.

Security Assessment of Agency Offices and Presentation of Emergency Procedures Policy

An inspection of the agency's physical facilities was conducted in December by security experts, with the intention of assessing staff vulnerabilities in the event of an attack on state facilities. Recommendations were provided, and several changes were instituted as a result. Agency staff then participated in a presentation on January 15th regarding emergency procedures in the event of an attack, and the adoption of new policies and procedures addressing these issues.

Small Agency Risk Assessment

The agency submitted its 2016 Small Agency Risk Assessment for 2016 to the State Auditor's Office. A document required of all agencies meeting certain size criteria, the assessment calls for agencies to identify various vulnerabilities that may exist, and how the agencies can mitigate the risks.

Orientation for CAPPs

On February 18th, key staff members attended an orientation conducted by the State Comptroller's Office regarding the agency's transition to the Centralized Accounting and Payroll/Personnel System, or CAPPs. The new system promises to substantially modernize these types of activities, and has already been implemented in a number of large agencies. All agencies are slated to move to the new system by 2019.

Commission Quarterly Report Training Approval and Testing Section

Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 2nd Quarter, FY 2016

Test Administration – 2318 exams were administrated during this quarter with an average grade of 80.83% and a pass rate of 90.03%.

Training Approvals – Total of 488 training approvals were submitted during this quarter in the commission’s Training Facility Management System.

Record Reviews – One hundred eight (108) record reviews for equivalency were conducted (33 Out of State/College Route; 31 SFFMA; 25 Wildland (25 Basic/0 Intermediate); 6 Texas Teachers Certificates); and 567 test packets were distributed in the 2nd quarter. Two hundred two (202) Qual #s were issued in the Training Facility Management System.

Training and Skill Testing Audits –

Twenty-seven (27) onsite training, record, and skill audits were conducted during this quarter. Significant deficiencies were found with one training provider. These deficiencies resulted in the initiation of a Compliance investigation.

Eight (8) online training audits were conducted with no deficiencies identified. Training providers appear to be following commission rules and requirements.

Activities for the Next Quarter

Continue to work with IT staff on the online test scheduling procedures, payment processes, and web-based testing project. The online application and payment process is moving forward and beta testing will begin soon.

Continue working in conjunction with the Compliance Officers to focus on conducting more on-site training, record, and skill audits within their respective regions.

Certification, Renewal and Curriculum 2nd Quarter Report, FY 2016

Certification/Renewal

- 2,778 certificates issued
- 1185 IFSAC seals issued
- 255 Training facilities holding 1495 active certifications
- 235 individual certificate holders renewed
- 31,416 active certificate holders
- 241 certified training facilities renewed
- 29 training facility certificates issued to 15 different entities

Other Activities:

- Completed the certified training facility renewal process.
- Continued with the individual CE audit process

Quarterly Report – Curriculum Development
December 2015 – February 2016

Meetings

12/4 FFAC

12/9 & 12/10 Inspector ad hoc committee

1/14 Commission meeting (approved new Inspector curriculum documents)

1/26 & 1/27 ARFF ad hoc committee

2/1 & 2/2 Hazmat ad hoc committee

2/3 – 2/5 Curriculum & Testing committee

Meetings Detail

- **Inspector ad hoc committee** – Continued working on creating new test banks and updating the old skills to the new NFPA standard edition.
- **ARFF ad hoc committee** – Continued to work on updating curriculum documents before submitting to the FFAC for approval. Began working on creating new test banks. Held several on-line meetings to make additional progress on reviewing new test questions.
- **Hazmat ad hoc committee** – Continued working on creating new test banks for on-line testing. Also held several online meetings to make additional progress on reviewing new test questions.
- **Curriculum & Testing committee** –
 - Election of officers.
 - Discussed creating a new Marine Firefighter ad hoc committee which would update the Marine chapter in the curriculum manual.
 - Discussed whether or not a new ad hoc committee needs to be created to update the Basic Wildland curriculum to the 2016 edition of NFPA 1051. Tabled until next meeting, at which Chuck French can report on how much the standard has changed in this new edition.
 - Approved adding the new edition of the ISO book to the current reference list. Reviewed and discussed Missouri's ISO skills as a possible example of how to create skills for the new edition of NFPA 1521.
 - Reviewed new Instructor I test questions.
 - Also held several on-line meetings to review new Instructor I and II test questions.

IFSAC Administrative Reviews

Fire Officer III and IV were approved by IFSAC and are now IFSAC accredited. New rules are currently being created and sent through approval channels to address grandfathering issues.

Test Development and Test Bank Maintenance

- Created 142 monthly certification exams.
- Continued regular review of test questions as required.

- Continued to work on creating (with the help of committees) the following new test banks for on-line testing:
 - Instructor I & II
 - Inspector I & II
 - Plans Examiner
 - All Hazmat disciplines (Aw, Ops, Mission-Specific, Tech, IC)
 - ARFF

Compliance Report Second Quarter FY 2016

- An investigation was completed following a complaint received alleging a regulated training provider was conducting fire training programs for high school students in order to receive TCFP certification without the training approvals required by TCFP. It was determined the training program conducted by the training provider did not meet required TCFP training approval and recognition for student certification. A training provider must submit to the commission training prior approval information at least 10 days prior to the proposed start date of the training. The previous training coordinator in this case acknowledged responsibility for failure to gain TCFP prior approval. No action was taken by TCFP staff to suspend, revoke or withdraw the previous training coordinators certifications. The new training coordinator worked with TCFP staff to gain the necessary approvals for student certifications from TCFP.
- The Executive Director initiated a cross training requirement for all program areas. Cross training of compliance officer duties within the compliance section were reviewed. It is determined that compliance officers are cross trained and capable of performing the normal work activities conducted by all other officers. The primary difference being the duties performed occur within the compliance officer's separate and respective geographical area of responsibility. Therefore the focus of the compliance section cross training plan is to train field compliance officers in priority work activities performed by the compliance manager. The managers priority activities are those critical to support and sustaining the field compliance officer's duties. Training in the administrative, technical, managerial and leadership activities are completed in the regularly scheduled GoToMeetings, via email, and in person as needed. This cross training plan was submitted to and approved by the agency Human Resource manager.
- A compliance officer conducted a routine audit of training classes conducted by an on-line training provider. The audit resulted in identification of possible rules violations. A formal investigation was initiated to determine if rule violations occurred. The 3 month investigation involved interviewing students and instructors. The training classes conducted by the on-line training provider utilized the El Paso Fire Department (EPFD) facilities and locations without approval from the department. Therefore, the investigation included interviews and statements from EPFD personnel. Following the conclusion of this investigation an informal conference occurred in February 2016 in which the principal of this investigation voluntarily relinquished the training facility certifications. ***(Emphasis added: the EPFD was not the subject of this investigation and at no time throughout this investigation was the EPFD considered to be at fault of TCFP rule violations. With gratitude the TCFP staff appreciates the EPFD support and assistance to successfully complete this investigation.)***
- An investigation was conducted following a complaint received alleging the training records discrepancies at a regulated fire department. The investigation was conducted to determine if possible rule violations occurred with regard to continuing education training records from November 1, 2014 through October 13, 2015. There was no evidence discovered to substantiate rule violations. This investigation was closed and the complainant was notified of the conclusion.
- The Compliance officers attended annual training at Austin TCFP office the week of January 11 – 15. Some of the training topics were: Executive Directors office updates including agency wide emergency procedures from TEEX Security Specialist Elizabeth Morris, Information Technology and Data Base Management, Project Olympus, Training and Testing, Certifications, Budget and Travel, Human Relations, Compliance Issues and Concerns, attended the Commission meeting and more.

- An investigation was conducted following a complaint received alleging TCFP rules violations by a fire department that was not regulated by TCFP. The complaint alleged a paid fire department was using fire fighters who are not certified to perform regulated fire fighter duties. Following the conclusion of this investigation the subject fire department has made application to become a regulated fire department under the authority of TCFP rules and regulations.
- The Compliance Manager attended a meeting called by the State Fire Marshal Office (SFMO), Fire Fighter Fatality Coordinator. The participants received updates from the SFMO pertaining to pending Line of Duty Death investigation reports and reviewed LODD investigation procedures.
- The Compliance team participated in a GoToMeeting in February to conduct training on compliance program updates and issues as well as to initiate the Compliance Section cross training initiative.
- Following a request by a regulated department to consider whether or not compliance officers may email a notice to a regulated department prior to initiating the on sight inspection. The compliance section reviewed the procedure utilized to conduct unannounced compliance inspections in accordance with TAC §435.19 Enforcement of Commission Rules (b) the commission shall not provide prior notification of an inspection to a fire department, and §445.3 Right of Access (b) No person shall refuse to permit, or interfere with an inspection authorized by the Code or commission rules. The inspection procedure defers to and does not interfere with the regulated departments important priority emergency response responsibilities. The inspection procedure recognizes that some inspected items and requirements may not be immediately available at the time of the on sight inspection and in this case the department is allowed reasonable time after the on sight inspection to demonstrate compliance. In this scenario the inspection documentation may record a violation that is then later recorded as a corrected violation when the requested documentation is provided to the inspector for review and approval. After review this procedural feature remains as is.

Information Technology Section Report 2nd Quarter, FY 2016

- TCFP Websites and Web Applications Uptime 99.999
- Resolved 75 Service Request (Tickets)
 - Internal users: 43 (may have indirectly addressed external issues.)
 - External users: 32
- Created Content Configuration System for ease of rule and policy implementation within apps
- Implemented Password hashing and salting for new apps
- Redesigned UI designs and created use cases for apps
- Ready for new FIDO and FARM (Project FIONA) for user test
- Conducted/partook in IT cross training
- Migrated applications to new MS 360 configuration
- Readied existing apps for DIR security/penetration breach testing
- Created new development branches while consolidating codebase for project FIONA remotely on VSO
- Reengineered database file systems for new apps.

FY 2016 Injury Reporting Program

	1Q	2Q	3Q	4Q	Totals
Reported Injuries	854	1047			1901
Burns	19	23			42
SOP-related*	10	6			16
Environmental	24	47			71

*Injuries involving SOP violations

FY 2016 Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	49	23			72
Print items	12	9			21
<i>Research and reference requests</i>					
Internal	5	7			12
External	34	26			60
New library borrowers (new users)	8	3			11
Responses to borrower follow-up surveys	2	1			3
<i>Items cataloged</i>					
AV items	8	5			13
Print items	24	11			35
Desk copy items ordered and processed	5	3			8
<i>Publications/postings</i>					
Library newsletter	1	0			1

FY 2016 Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Totals
Fire department job postings	146	147			293
Number of departments requesting postings	140	133			273
Website home page articles	4	1			5
Facebook posts	17	20			37
Twitter "tweets"	37	33			70
Open records requests	5	3			8

15. **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.**

16. Open session for further discussion and possible action regarding preceding agenda item.

17. Adjourn meeting.