

10. 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 423, Fire Suppression.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 07/14/2016

Agenda Item #: 10B: #1-7

Agenda Title: “Grandfather” clause, test requirement for IFSAC seals

Action to be taken: Discussion and possible action

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

Agenda items 1 through 7 delete “grandfather” language in the indicated chapters that allowed persons holding an active certification to automatically qualify for the applicable IFSAC seal(s). Language was also added to clarify the requirement that an individual may only apply for an IFSAC seal from an active (non-expired) exam.

2. DESCRIPTION/ JUSTIFICATION

The deletion of “grandfather” language meets the recommendation from IFSAC. The active exam language establishes in rule a long standing agency practice.

3. BUDGET IMPACT

No significant budget impact is expected.

4. TIMELINE CONSIDERATIONS

Proposed language is for possible publication.

5. RECOMMENDATION

Reviewed and forwarded as recommended by the FF Advisory Committee.

6. REFERENCES

Title 37, Part 13, TAC, chapters 423, 425, 429, 431, 433, 451, 453.

CHAPTER 423**FIRE SUPPRESSION****SUBCHAPTER A****MINIMUM STANDARDS FOR STRUCTURE FIRE PROTECTION PERSONNEL
CERTIFICATION****§423.1 Minimum Standards for Structure Fire Protection Personnel.**

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

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

- (a) In order to become certified as basic structure fire protection personnel, an individual must:
- (1) possess valid documentation from the International Fire Service Accreditation Congress or the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General) as:
 - (A) Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and
 - (B) Hazardous Materials Operations Level Responders including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
 - (C) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and
 - (D) must meet the medical requirements outlined in §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel); or
 - (2) complete a commission-approved basic structure fire suppression program, meet the medical requirements outlined in §423.1(c) of this title, and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic structure fire suppression program shall consist of one or any combination of the following:
 - (A) completion of a commission-approved Basic Fire Suppression Curriculum, as specified in Chapter 1 of the commission's Certification Curriculum Manual; or
 - (B) completion of an out-of-state, and/or military training program deemed equivalent to the commission-approved Basic Fire Suppression Curriculum; or
 - (C) documentation of the receipt of an advanced certificate or training records from the State Firemen's and Fire Marshals' Association of Texas, that is deemed equivalent to a commission-approved Basic Fire Suppression Curriculum.
- (b) A basic fire suppression program may be submitted to the commission for approval by another jurisdiction as required in Texas Government Code, Chapter 419, §419.032(d), Appointment of Fire Protection Personnel. These programs include out-of-state and military programs, and shall be deemed equivalent by the commission if the subjects taught, subject content, and total hours of training meet or exceed those contained in Chapter 1 of the commission's Certification Curriculum Manual.

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

- (a) Applicants for Intermediate Structure Fire Protection Personnel Certification must complete the following requirements:
- (1) hold, as a prerequisite, a Basic Structure Fire Protection Personnel Certification as defined in §423.3 of this title (relating to Minimum Standards for Basic Structure Fire Protection Personnel Certification); and

- (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
- (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
- (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
- (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1, with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Advanced Structure Fire Protection Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Structure Fire Protection Personnel Certification as defined in §423.5 of this title (relating to Minimum Standards for Intermediate Structure Fire Protection Personnel Certification); and
- (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
- (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
- (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
- (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of

Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).

- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Master Structure Fire Protection Personnel Certification must complete the following requirements:
 - (1) hold as a prerequisite an Advanced Structure Fire Protection Personnel Certification as defined in § 423.7 of this title (relating to Minimum Standards for Advanced Structure Fire Protection Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Structure Fire Protection Personnel Certification.

§423.11 Higher Levels of Certification.

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

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

- ~~[(a) Individuals holding a current commission Structure Fire Protection Personnel certification [received prior to March 10, 2003,] may be granted International Fire Service Accreditation Congress (IFSAC) seals for Hazardous Materials Awareness Level Personnel, Hazardous Materials Operations Level Responders, Fire Fighter I, and Fire Fighter II by making application to the commission for the IFSAC seals and paying applicable fees. This subsection will expire on August 1, 2016.]~~
- (a)**~~(b)~~ Individuals completing a commission approved basic fire suppression program, meeting any other NFPA requirement, and passing the applicable examination(s) based on the basic fire suppression curriculum, may be granted IFSAC seal(s) for Hazardous Materials Awareness Level Personnel, Hazardous Materials Operations Level Responders (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control), Fire Fighter I, and/or Fire Fighter II by making application to the commission for the IFSAC seal(s) and paying applicable fees, provided they meet the following provisions:

- (1) To receive the IFSAC Hazardous Materials Awareness Level Personnel seal, the individual must:
- (A) complete the Hazardous Materials Awareness section of a commission approved course; and
 - (B) pass the Hazardous Materials Awareness section of a commission examination.
- (2) To receive the IFSAC Hazardous Materials Operations Level Responders seal (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control) the individual must:
- (A) complete the Hazardous Materials Operation section of a commission approved course;
 - (B) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and
 - (C) pass the Hazardous Materials Operations section of a commission examination.
- (3) To receive the IFSAC Fire Fighter I seal, the individual must:
- (A) complete a commission approved Fire Fighter I course;
 - (B) provide medical documentation as outlined in subsection (c) of this section;
 - (C) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and
 - (D) document possession of an IFSAC Hazardous Materials Operations Level Responders seal; and
 - (E) pass the Fire Fighter I section of a commission examination.
- (4) To receive the IFSAC Fire Fighter II seal, the individual must:
- (A) complete a commission approved Fire Fighter II course;
 - (B) document possession of an IFSAC Fire Fighter I seal; and
 - (C) pass the Fire Fighter II section of a commission examination.
- (b)** ~~(e)~~ In order to meet the medical requirements of NFPA 1001, the individual must document successful completion of an emergency medical training course or program. The commission recognizes the following emergency medical training:
- (1) The Texas Department of State Health Services Emergency Medical Service Personnel certification training;
 - (2) American Red Cross Response course (including optional lessons and enrichment sections);
 - (3) American Safety and Health Institute First Responder course;
 - (4) National Registry of Emergency Medical Technicians certification; or

(5) medical training deemed equivalent by the commission.

(c) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 423

FIRE SUPPRESSION

SUBCHAPTER B

MINIMUM STANDARDS FOR AIRCRAFT RESCUE FIRE FIGHTING PERSONNEL

§423.201 Minimum Standards for Aircraft Rescue Fire Fighting Personnel.

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

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

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

- (1) hold a Basic Structure Fire Protection Personnel Certification; and
- (2) possess valid documentation as an Airport Fire Fighter from either:
 - (A) the International Fire Service Accreditation Congress; or

- (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2010 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (3) complete a commission approved aircraft rescue fire suppression training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved aircraft rescue fire suppression training program shall consist of one of the following:
 - (A) a commission approved Basic Aircraft Rescue Fire Suppression Curriculum as specified in Chapter 2 of the commission's Certification Curriculum Manual.
 - (B) an out-of-state, and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Basic Aircraft Rescue Fire Suppression Curriculum.

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

- (a) Applicants for Intermediate Aircraft Rescue Fire Fighting Personnel Certification must complete the following requirements:
 - (1) hold as a prerequisite a Basic Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.203 of this title (relating to Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Advanced Aircraft Rescue Fire Fighting Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.205 of this title (relating to Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting Personnel Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Master Aircraft Rescue Fire Fighting Personnel Certification must complete the following requirements:
- (1) hold, as a prerequisite, an Advanced Aircraft Rescue Fire Fighting Personnel Certification as defined in §423.207 of this title (relating to Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Aircraft Rescue Fire Fighting Personnel Certification.

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

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

~~[(b)]~~ Individuals completing a commission approved basic aircraft rescue fire suppression program, documenting an IFSAC seal for Fire Fighter II, and passing the applicable state examination may be granted an IFSAC seal as an Airport Fire Fighter by making application to the commission for the IFSAC seal and paying applicable fees. **In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.**