

**FIRE FIGHTER ADVISORY COMMITTEE
AGENDA**

September 22, 2016 10:00 A.M.

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

The Fire Fighter Advisory Committee will convene in open session to deliberate and possibly take formal action on any of the following agenda items:

1. Roll call - 10:00 a.m.
2. Adoption of June 2, 2016 Fire Fighter Advisory Committee meeting minutes.
3. 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:
 - a. Incident Safety Officer overview, course instructor information, outline and reference list.
 - b. Driver/Operator - Aerial overview, course instructor information, outline and reference list.
4. Discussion and possible action regarding, Chapter 403, Criminal Convictions and Eligibility for Certification, regarding §403.5, Access to Criminal History Record Information.
5. Discussion and possible action regarding, Chapter 433, Minimum Standards for Driver/Operator - Pumper, including but not limited to, new Subchapter A, Minimum Standards for Driver/Operator-Pumper, §433.1, Driver/Operator-Pumper Certification, §433.3, Minimum Standards for Driver/Operator-Pumper Certification, §433.5, Examination Requirements, and §433.7, International Fire Service Accreditation Congress (IFSAC) Seal; and new Subchapter B, Minimum Standards for Driver/Operator Aerial Apparatus, §433.201, Driver/Operator-Aerial Apparatus Certification, §433.203, Minimum Standards for Driver/Operator-Aerial Apparatus Certification, and §433.205, Examination Requirements.
6. Discussion and possible action regarding, Chapter 437, Fees, including but not limited to, new section §437.19, Early Review Fees.
7. Discussion and possible action regarding, Chapter 457, Minimum Standards for Incident Safety Officer Certification, including but not limited to, §457.1, Incident Safety Officer Certification, §457.3, Minimum Standards for Incident Safety Officer Certification, and §457.5, Examination Requirements.
8. Discussion and possible action on setting future meeting dates, locations and agenda items.
9. Adjourn meeting.

1. **Roll call---10:00 a.m.**

- 2. Adoption of the June 2, 2016 Fire Fighter Advisory Committee meeting minutes.**

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer Jim Reidy called the June 2, 2016 meeting of the Fire Fighter Advisory Committee to order at 9:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Attending	Jim Reidy	Michael Wisko*	Amado Cano, Jr.	Ken Swindle	Keith Schmidt
	Jason Collier*	Daniel DeYear	J. P. Steelman	Daniel Buford	
					*absent entire meeting
					**absent part of meeting

Staff	Tim Rutland	Deborah Cowan	Mark Roughton	Sylvia Miller	Paul Maldonado
	Andrew Lutostanski, Assistant Attorney General				

1. Roll call Secretary J. P. Steelman called roll and a quorum was present. Chairman Jim Reidy welcomed the two new committee members (Daniel Buford and Keith Schmidt)

2. Adoption of Minutes A motion was made by J. P. Steelman and seconded by Amado Cano, Jr. to approve the minutes of the March 24, 2016, fire fighter advisory committee meeting as discussed. The motion carried.

3. Report from Curriculum & Testing Pat McAuliff, Chair of the committee went over the recommended curriculum changes.

A motion was made by Daniel DeYear and seconded by Amado Cano, Jr. to table the Committee issue for further discussion. The motion carried.

After further discussion, a motion was made by Daniel DeYear and seconded by Keith Schmidt to recommend to the commission approval of the Aircraft Rescue Fire Suppression Curriculum, outline and reference list amendments as discussed. The motion carried.

4. 37 TAC, Chapter 423 §423.211 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 423, §423.13 and as discussed. The motion carried.

5. 37 TAC, Chapter 425 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 425, §425.11 as discussed. The motion carried.

6. 37 TAC, Chapter 429 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 429, §429.211 as discussed. The motion carried.

7. 37 TAC, Chapter 431 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 431, §431.13 and §431.211 as discussed. The motion carried.

8. 37 TAC, Chapter 433 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 433, §433.7 as discussed. The motion carried.

9. 37 TAC, Chapter 451 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 451, §451.7 and §451.207 as discussed. The motion carried.

10. 37 TAC,
Chapter 453 A motion was made by Daniel DeYear and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 453, §453.7 as discussed. The motion carried.
-
11. 37 TAC,
Chapter 451 A motion was made by J. P. Steelman and seconded by Amado Cano, Jr. to approve for recommendation to the commission amendments to 37 TAC, Chapter 451, §451.307 and §451.407 as discussed. The motion carried.
-
12. 37 TAC,
Chapter 439 A motion was made by Amado Cano, Jr. and seconded by Keith Schmidt to approve for recommendation to the commission amendments to 37 TAC, Chapter 439, §439.1 as discussed. The motion carried.
-
13. 37 TAC,
Chapter 435 A motion was made by J. P. Steelman and seconded by Daniel DeYear to approve for recommendation to the commission amendments to 37 TAC, Chapter 435, §435.25 as discussed. The motion carried.
-
14. Fire Inspector
Certification
Components After discussion, a motion was made by J. P. Steelman and seconded by Daniel DeYear to recommend to the commission that current credentials for Fire Inspector Certification should remain as is with all components. The motion carried.
-
15. Future meeting
dates, locations
agenda items The next meeting was scheduled for September 22, 2016 beginning at 9:00 a.m.
-
16. Adjournment A motion to adjourn was made by J. P. Steelman and seconded by Daniel DeYear. The motion carried.

Jim Reidy
Presiding Officer

- 3. 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:**
 - a. Incident Safety Officer overview, course instructor information, outline and reference list.**
 - b. Driver/Operator – Aerial overview, course instructor information, outline and reference list.**

OVERVIEW

INCIDENT SAFETY OFFICER

The Incident Safety Officer is required to meet the Job Performance Requirements (JPRs) of National Fire Protection Association (NFPA) 1521, *Standard for Fire Department Safety Officer Professional Qualifications*, 2015 edition.

The following items are included in Chapter 10 of this curriculum manual:

- Course Instructor Information
- Reference List (textbooks and other recommended course materials)
- Course Outline (establishes the recommended hours for teaching this course)

This is a voluntary (non-mandatory) certification, therefore a formal “curriculum” is not provided. Please use chapter 5 of NFPA 1521 as a guide when creating your own course curriculum.

Performance skills are available in Chapter 10 of the Skills Manual.

All documents in this curriculum manual, and in the skills manual, are available free of charge to download, copy and distribute as necessary. The TCFP does not provide printed copies.

Definition of an Incident Safety Officer

An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, *Standard for Fire Officer Professional Qualifications* and Chapter 5 of NFPA 1521, *Standard for Fire Department Safety Officer* and has the knowledge, skill, and abilities to manage incident scene safety by having and maintaining a knowledge of:

- Fire suppression operations,
- Technical rescue operations,
- Hazardous materials operations,
- Building construction,
- Fire science and behavior relative to predicting hostile fire events,
- The Incident Command System,
- The fire department’s personnel accountability system,
- Incident scene rehabilitation strategies,
- The accident investigation and review process,
- Post-Incident analysis procedures.

Additional Incident Safety Officer duties include:

- Risk evaluation
- Resource evaluation
- Hazard identification and communication
- Action plan review

- Safety briefings
- Collapse zoning
- Safety committee participation

COURSE INSTRUCTOR INFORMATION

Instructor Qualifications

Incident Safety Officer courses must be taught by a person meeting the requirements described in Chapter 427.307 of the TCFP Standards Manual.

Supplemental Information

Instructors are expected to provide supplemental information if the main reference text does not cover all of the knowledge requirements set forth in the NFPA standard.

Certification Testing

Testing for certification in the state of Texas will be based on the knowledge and skills requirements in all sections of Chapter 5 of National Fire Protection Association (NFPA) 1521, *Standard for Fire Department Safety Officer Professional Qualifications*, 2015 edition. Any training program must strictly adhere to this NFPA standard.

All test questions and performance skills evaluations will be based on the NFPA Job Performance Requirements (JPRs), requisite knowledge objectives, and requisite skills objectives found in the NFPA standard. Additionally, questions and performance skill evaluations may include information found in, or derived from, the NFPA standard annex, particularly Annex A, which includes explanatory material that may further clarify JPRs. The following is an example from NFPA 1521, section 5.3.1:

NFPA Standard/Curriculum	Explanation
5.3.1 Determine incident environmental and operational factors and confirm the establishment of rapid intervention crew (RIC) and evaluate the need to increase RIC capability, given an incident or planned event that includes one or more immediately dangerous to life and health (IDLH) elements, responders engaged in tactical operations, a pre-assigned RIC, and an IAP, so that a recommendation is offered to the IC.	NFPA JPR number 5.3.1
(A) Requisite Knowledge: RIC criteria for NFPA 1500, <i>Standard on Fire Department Occupational Safety and Health Program</i> ; NFPA1561, <i>Standard on Emergency Services Incident Management System</i> ; NFPA 1710, <i>Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments</i> ; NFPA 1720, <i>Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Volunteer Fire</i>	Requisite knowledge objectives for 5.3.1 Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.

<i>Departments; AHJ SOP/Gs; and directives for RIC establishment and use.</i>	
(B) Requisite Skills: Interpret applicable regulations, guidelines, procedures, and consensus standards for implementation at incidents; audit conditions to ensure policies are being followed; and formulate recommendations for incident command action.	Requisite skills objectives for 5.3.1 Only performance skills will be used to test these objectives on the state certification exam.
A.5.3.1: The intention of this requirement is that the ISO check to see that the IC has established a rapid intervention team. In cases where this has not happened, the ISO should inform the IC of the need.	Appendix A: Explanatory Material for 5.3.1

TCFP Standards Manual

It is critical that the Course Instructor review the chapters in the TCFP Standards Manual that apply to this curriculum. Of primary importance are the following chapters:

Chapter 421, *Standards for Certification*
 Chapter 427, *Training Facility Certification*
 Chapter 435, *Fire Fighter Safety*
 Chapter 437, *Fees*
 Chapter 457, *Incident Safety Officer Certification*

These chapters do not address every issue that could impact this curriculum; therefore, the Course Instructor is encouraged to become familiar with the TCFP Standards Manual.

Descriptions of Certification Levels

For additional information, see Chapter 421 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

**CHAPTER TEN
FIRE DEPARTMENT SAFETY OFFICER
INCIDENT SAFETY OFFICER
CURRICULUM OUTLINE**

SECTION	SUBJECT	RECOMMENDED HOURS
1002-5.1	General	2
1002-5.2	General Requirements	10
1002-5.3	Fire Suppression Operations	8
1002-5.4	Technical Rescue Operations	4
1002-5.5	Hazardous Materials Operations	4
1002-5.6	Accident Investigations and Review	4
1002-5.7	Post-Incident Analysis	4
1002	Performance Skills*	12
TOTAL RECOMMENDED HOURS		48

*The recommended hours for skills evaluation is based on 12 students. Actual hours needed will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

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:

Required References

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 **2013** ed.). Quincy, MA: National Fire Protection Association NFPA Publications.

*NFPA 1521: Standard for Fire Department Safety Officer **Professional Qualifications*** (2008 **2015** 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

Recommended References

Code of Federal Regulations, Title 29 Part 1910.120. United States. U.S. Department of Labor, Occupational Safety and Health Administration.

Code of Federal Regulations, Title 29 Part 1910.146. United States. U.S. Department of Labor, Occupational Safety and Health Administration.

NFPA 472: Standard for Competence of Responders to Hazardous Materials/Weapons of Mass Destruction Incidents. (2013 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications.

NFPA 1006 Standard for Technical Rescuer Professional Qualifications. (2013 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications.

NFPA 1584 Standard on the Rehabilitation Process for Members During Emergency Operations and Training Exercises. (2015 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications.

NFPA 1710 Standard for the Organization and Deployment of Fire Suppression Operations, Emergency Medical Operations, and Special Operations to the Public by Career Fire Departments. (2016 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications.

NFPA 1951 Standard on Protective Ensembles for Technical Rescue Incidents. (2013 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications.

OVERVIEW

DRIVER/OPERATOR – AERIAL

The Driver/Operator – Aerial is required to meet the Job Performance Requirements (JPRs) of chapters 4 and 6 of National Fire Protection Association (NFPA) 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*, 2014 edition.

The following items are included in the Driver/Operator – Aerial section of Chapter 7 of the curriculum manual:

- Course Instructor Information
- Reference List (textbooks and other recommended course materials)
- Course Outline (establishes the recommended hours for teaching this course)

This is a voluntary (non-mandatory) certification, therefore a formal “curriculum” is not provided. Please use chapters 4 and 6 of NFPA 1002 as a guide when creating your own course curriculum.

Performance skills are available in Chapter 7 of the Skills Manual.

All documents in this curriculum manual, and in the skills manual, are available free of charge to download, copy and distribute as necessary. The TCFP does not provide printed copies.

Definition of a Driver/Operator

A Driver/Operator is an individual who has met the requirements of NFPA 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications* and has the knowledge, skills, and abilities to drive and operate an apparatus by having and maintaining a knowledge of:

- Apparatus inspections and basic maintenance
- Best practices for ensuring the safety of all personnel riding in the apparatus while it's in motion
- Techniques for safe driving of an apparatus to and from an incident scene
- Appropriate positioning of the apparatus to maximize effectiveness
- Techniques for safe operation of apparatus equipment and components

COURSE INSTRUCTOR INFORMATION

Instructor Qualifications

Driver/Operator courses must be taught by a person meeting the requirements described in Chapter 427.307 of the TCFP Standards Manual.

Supplemental Information

Instructors are expected to provide supplemental information if the main reference text does not cover all of the knowledge requirements set forth in the NFPA standard.

Certification Testing

Testing for certification in the state of Texas will be based on the knowledge and skills requirements of National Fire Protection Association (NFPA) 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*, 2014 edition. Chapters 4 and 5 will be used for Driver/Operator – Pumper. Chapters 4 and 6 will be used for Driver/Operator – Aerial. All training programs must strictly adhere to the NFPA standard.

All test questions and performance skills evaluations will be based on the NFPA Job Performance Requirements (JPRs), requisite knowledge objectives, and requisite skills objectives found in the NFPA standard. Additionally, questions and performance skill evaluations may include information found in, or derived from, the NFPA standard annex, particularly Annex A, which includes explanatory material that may further clarify JPRs. The following is an example from NFPA 1002, section 5.2.1:

NFPA Standard/Curriculum	Explanation
5.2.1 Produce effective hand or master streams, given the sources specified in the following list, so that the pump is engaged, all pressure control and vehicle safety devices are set, the rated flow of the nozzle is achieved and maintained, and the apparatus is continuously monitored for potential problems: <ol style="list-style-type: none"> (1) Internal tank (2)* Pressurized source (3) Static source (4) Transfer from internal tank to external source 	NFPA JPR number 5.2.1
(A) Requisite Knowledge: Hydraulic calculations for friction loss and flow using both written formulas and estimation methods, safe operation of the pump, problems related to small-diameter or dead-end mains, low-pressure and private water supply systems, hydrant coding systems, and reliability of static sources.	Requisite knowledge objectives for 5.2.1 Written test questions and/or performance skills will be used to test these knowledge

	components on the state certification exam.
(B) Requisite Skills: The ability to position a fire department pumper to operate at a fire hydrant and at a static water source, power transfer from vehicle engine to pump, draft, operate pumper pressure control systems, operate the volume/pressure transfer valve (multistage pumps only), operate auxiliary cooling systems, make the transition between internal and external water sources, and assemble hose lines, nozzles, valves, and appliances.	Requisite skills objectives for 5.2.1 Only performance skills will be used to test these objectives on the state certification exam.
A.5.2.1(2): Pressurized sources include the following: (1) Connection to a hydrant (2) Supply line from another pumping source	Appendix A: Explanatory Material for 5.2.1(2)

TCFP Standards Manual

It is critical that the Course Instructor review the chapters in the TCFP Standards Manual that apply to this curriculum. Of primary importance are the following chapters:

Chapter 421, *Standards for Certification*

Chapter 427, *Training Facility Certification*

Chapter 435, *Fire Fighter Safety*

Chapter 437, *Fees*

Chapter 433, *Standards for Driver/Operator*

These chapters do not address every issue that could impact this curriculum; therefore, the Course Instructor is encouraged to become familiar with the TCFP Standards Manual.

Descriptions of Certification Levels

For additional information, see Chapter 421 of the Texas Commission on Fire Protection Standards Manual for Fire Protection Personnel.

CHAPTER SEVEN
DRIVER/OPERATOR-AERIAL
CURRICULUM OUTLINE

SECTION	SUBJECT	RECOMMENDED HOURS
701-4.1	General	2
701-4.2	Preventive Maintenance	8
701-4.3	Driving/Operating	16
701-6.1	General	8
701-6.2	Operations	16
	TOTAL RECOMMENDED HOURS*	50

*Actual hours required will depend on the number of students, the number of examiners, availability of equipment, and the student skill level.

REFERENCE LIST FOR THE DRIVER/OPERATOR-AERIAL CURRICULUM

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

Fire Apparatus Driver/Operator: Pump, Aerial, Tiller, and Mobile Water Supply (2nd ed.) (2016). Burlington, MA: Jones & Bartlett Learning.

NFPA 1002: Standard on Fire Apparatus Driver/Operator Professional Qualifications (2014 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications.

NFPA 1901, Standard for Automotive Fire Apparatus, (2016 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications.

Pumping and Aerial Apparatus Driver/Operator Handbook (3rd ed.) (2015). Stillwater, OK: Fire Protection Publications. International Fire Service Training Association.

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

4. **Discussion and possible action regarding, Chapter 403, Criminal Convictions and Eligibility for Certification, regarding §403.5, Access to Criminal History Record Information.**

Chapter 403

Criminal Convictions and Eligibility for Certification

§403.5 Access to Criminal History Record Information.

- (a) Criminal history record. The commission is entitled to obtain criminal history record information maintained by the Department of Public Safety, or another law enforcement agency to investigate the eligibility of a person applying to the commission for or holding a certificate.
- (b) Confidentiality of information. All information received under this section is confidential and may not be released to any person outside the agency except in the following instances:
- (1) a court order;
 - (2) with written consent of the person being investigated;
 - (3) in a criminal proceeding; or
 - (4) in a hearing conducted under the authority of the commission.
- (c) Early review. A fire department that employs a person regulated by the commission, a person seeking to apply for a beginning position with a regulated entity, a volunteer fire department, or an individual participating in the commission certification program may seek the early review under this chapter of the person's present fitness to be certified. Prior to completing the requirements for certification, the individual may request such a review in writing by **following the required procedure.** [~~submitting the required forms and fee(s).~~] A decision **by the commission** based on an early review does not bind the commission if there is a change in circumstances. **The following pertains to early reviews:**
- (1) The commission will complete its review and notify the requestor in writing concerning potential eligibility or ineligibility within 90 days following receipt of all required and necessary information for the review.**
 - (2) A notification by the commission regarding the results of an early review is not a guarantee of certification, admission to any training program, or employment with a local government.**
 - (3) A fee assessed by the commission for conducting an early review will be in an amount sufficient to cover the cost to conduct the review process, as provided in §437.19 of this title (relating to Early Review Fees).**
 - (4) An early review request will be considered incomplete until the requestor submits all required and necessary information. Early review requests that remain incomplete for 90 days following receipt of the initial request will expire. If the request expires and an early review is still desired, a new request and fee must be submitted.**

5. **Discussion and possible action regarding, Chapter 433, Minimum Standards for Driver/Operator – Pumper, including but not limited to, new Subchapter A, Minimum Standards for Driver/Operator-Pumper, §433.1, Driver/Operator-Pumper Certification, §433.3, Minimum Standards for Driver/Operator-Pumper Certification, §433.5, Examination Requirements, and §433.7, International Fire Service Accreditation Congress (IFSAC) Seal; and new Subchapter B, Minimum Standards for Driver/Operator Aerial Apparatus, §433.201, Driver/Operator-Aerial Apparatus Certification, §433.203, Minimum Standards for Driver/Operator-Aerial Apparatus Certification, and §433.205, Examination Requirements.**

CHAPTER 433

~~[MINIMUM STANDARDS FOR] DRIVER/OPERATOR [PUMPER]~~

SUBCHAPTER A

MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER

§433.1 Driver/Operator-Pumper Certification.

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

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

(a) In order to obtain Driver/Operator-Pumper certification, the individual must:

(1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(2) possess valid documentation as a Driver/Operator-Pumper 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

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

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

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

(C) complete a military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Driver/Operator-Pumper Curriculum.

(b) Out-of-state or military training programs, which are submitted to the commission for the purpose of determining equivalency, will be considered equivalent if all

competencies set forth in Chapter 7 (pertaining to Driver/Operator-Pumper) of the commission's Certification Curriculum Manual are met.

§433.5 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive driver/operator-pumper certification.
- (b) Individuals will be permitted to take the Commission examination for driver/operator-pumper by documenting, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a Commission-approved driver/operator-pumper curriculum.

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

- (a) Individuals holding a current commission Driver/Operator-Pumper certification received prior to March 10, 2003, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Driver/Operator-Pumper by making application to the commission for the IFSAC seal and paying the applicable fees. This subsection will expire on August 1, 2016.
- (b) Individuals completing a commission approved driver/operator-pumper program; documenting, as a minimum, an IFSAC seal for Fire Fighter I; and passing the applicable state examination may be granted an IFSAC seal as a Driver/Operator-Pumper by making application to the commission for the IFSAC seal and paying applicable fees.

SUBCHAPTER B

MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS

§433.201 Driver/Operator-Aerial Apparatus Certification.

A Driver/Operator – Aerial Apparatus is defined as an individual who operates an aerial apparatus safely and in accordance with all state and local laws; safely and correctly maneuvers, positions, stabilizes, and operates an aerial apparatus and device; and effectively deploys and operates an elevated master stream from a water source. Other responsibilities include routine apparatus testing, maintenance, inspections, and servicing functions.

§433.203 Minimum Standards for Driver/Operator-Aerial Apparatus Certification.

(a) In order to obtain Driver/Operator-Aerial Apparatus certification, the individual must:

(1) Hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(2) possess valid documentation as a Driver/Operator-Aerial Apparatus 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 2014 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 Driver/Operator-Aerial Apparatus training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-aerial apparatus training program must consist of one of the following:

(A) completion of an in-state Driver/Operator-Aerial Apparatus program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or

(B) completion of an out-of-state training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; or

(C) completion of a military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

(b) Out-of-state or military training programs submitted to the commission for the purpose of determining equivalency will be considered equivalent if the training addresses all job performance requirements of the applicable NFPA standard.

§433.205 Examination Requirements.

(a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Driver/Operator-Aerial Apparatus certification.

(b) Individuals will be permitted to take the commission examination for Driver/Operator-Aerial Apparatus by documenting, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a commission-approved Driver/Operator-Aerial Apparatus training program.

6. Discussion and possible action regarding, Chapter 437, Fees, including but not limited to, new section §437.19, Early Review Fees.

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 \$75 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, 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 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 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.

§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) 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.
- (c) 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.
- (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 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.

§437.19 Early Review Fees.

A non-refundable fee of \$75 will be charged for each early review conducted by the commission for the purpose of determining the eligibility of a person to be certified by the commission based upon a review of their criminal history.

- 7. Discussion and possible action regarding, Chapter 457, Minimum Standards for Incident Safety Officer Certification, including but not limited to, §457.1, Incident Safety Officer Certification, §457.3, Minimum Standards for Incident Safety Officer Certification, and §457.5, Examination Requirements.**

CHAPTER 457

MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION

§457.1 Incident Safety Officer Certification.

- (a) An Incident Safety Officer is defined as a member of the command staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring personnel safety at an incident.
- (b) All individuals holding an Incident Safety Officer certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) All Safety Officer certifications issued by the commission and referenced in this chapter are voluntary.

§457.3 Minimum Standards for Incident Safety Officer Certification.

In order to be certified as an Incident Safety Officer an individual must:

- (1) hold commission certification as Fire Officer I and;
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Safety Officer; or
- (3) complete a commission approved Incident Safety Officer program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Incident Safety Officer program must consist of one of the following:
 - (A) completion of **an in-state**~~[a commission approved]~~ Incident Safety Officer **program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system;** ~~or [curriculum as specified in the applicable chapter of the commission's Certification Curriculum Manual or]~~
 - (B) completion of an out-of-state, educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to **meet the requirements of the applicable NFPA standard.**~~[be equivalent to, or exceeds the commission approved Incident Safety Officer curriculum.]~~

§457.5 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive an Incident Safety Officer certification, unless otherwise specified in this chapter.

(b) Individuals will be permitted to take the commission examination for Incident Safety Officer certification by documenting Fire Officer I certification through the commission or the equivalent IFSAC seal, and completing a commission approved Incident Safety Officer **training program.**[~~curriculum.~~]

8. Discussion and possible action on setting future meeting dates, locations and agenda items.

9. Adjourn meeting.