

TEXAS COMMISSION ON FIRE PROTECTION**July 13, 2017, 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 April 27, 2017.**
- 3. The Budget and Strategic Plan subcommittees may meet separately or together on July 13, 2017 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, the Center for Public Safety Excellence, 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. New matters from the commission, staff, or public which may be discussed in future commission meetings.**
- 8. Discussion and possible action on future meeting dates.**
- 9. Discussion and possible action on request from Danny McLerran, College of the Mainland regarding title 37 TAC, Chapter 439, Examinations for Certification.**
- 10. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, Fees.**
- 11. Discussion and possible final adoption of proposed amendments to title 37 TAC, Chapter 429, Fire Inspector.**
- 12. 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 425, Fire Service Instructors.**
 - 2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 431, Fire Investigation.**
 - 3. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 443, Curriculum Manual.**

4. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 453, Hazardous Materials.
 5. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification.
- 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.
 2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 433, Driver/Operator.
- C. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Reference List for the Incident Safety Officer Curriculum and the appointment of Sam Baucom, Amarillo Fire Department to the committee.
13. Discussion and possible action on the 2016 data collected regarding fire fighter injuries, and the development of recommendations to be submitted to the State Fire Marshal's Office for inclusion in its annual report.
14. Discussion and possible action on matters from the Executive Director.
- A. Decisions of the Executive Director in contested cases and consent orders.
 - B. Status of division functions.
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.

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

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

2. Adoption of the commission meeting minutes of April 27, 2017.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Robert Moore, at 10:00 a.m. called the April 27, 2017 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

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

*absent entire meeting

**absent part of meeting

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

Guests	James Woolard	Leonard Chan	Danny Kistner	Marty Wade	James Mallinger
	Scott Kerwood	Jeremy Powell	Alan Garner	Juan Gloria, Jr.	Raul Guzman
	Brandon Day	Glenn DeShields	Kevin Hosier	William Dicker	Rick Patterson
	Gregory Lee	Nate Zaleski	Ken Goodnow	Jason Collier	Brian Canady
	Curtis Poovey	Laurie Christensen	Robert Hogan	Scott Collard	Betty Wilkes
	Daniel DeYear				

1. Roll call Assistant Presiding Officer, Joseph Gonzalez, called roll and a quorum was present.

2. Adoption of Minutes A motion to approve the minutes of January 4, 2017 and January 5, 2017 meetings was made by SteveTull and seconded by Kelly Doster. The motion carried.

3. Budget and Strategic Plan Subcommittee Meeting/Reports No action necessary.

4. Reports from Fire Fighters, Interest Groups A brief report was given by the Texas Fire Chief's Association, Texas State Association of Fire Marshals Association, and the Center for Public Safety Excellence.

5. Report from Fire School Advisory Board & TEEX Commission Representative Juan Gloria gave a brief report on activities since the January meeting.

6. Report from Homeland Security Representative Tim Rutland, Executive Director gave a brief report on activities of the April 6, 2017 meeting. Representatives from the Attorney General's Office (AGO), Department of State Health Services (DSHS), Department of Public Safety (DPS) and Austin Police Department (APD) spoke on various topics. Mr. Rutland also reported the Texas Homeland Security Strategic Plan was completed and feedback was provided to all agencies.

7. New matters None identified

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| 8. Future meeting Dates | Next scheduled meeting July 12, 2017 (workshop) and July 13, 2017 commission meeting. |
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| 9. Policy on Separation of Duties. | A motion to approve the policy as recommended was made by Leonardo Perez and seconded by Kelly Doster. The motion carried. |
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| 10. New Fire Inspector Certification | A motion to approve for publication the proposed amendments to 37 TAC, Chapter 429, Fire Inspector, Subchapter A, Minimum Standards For Fire Inspector I Certification, §§429.1, 429.3 and 429.5 and Subchapter B, Minimum Standards For Fire Inspector II/Plan Examiner I Certification, §429.201, 429.203, 429.205, 429.207, 429.209 and 429.211 as discussed was made by Steve Tull and seconded by Mike Jones. The motion carried. |
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| 11. Matters from Fire Fighter Advisory Committee | <p>A. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 433, §§433.1, 433.3, 433.5, 433.7, 433.201, 433.203, 433.205 as discussed was made by Joseph Gonzalez and seconded by John McMakin. The motion carried.</p> <p>B.</p> <ol style="list-style-type: none"> 1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 425, §§425.3, 425.5, 425.7, and 425.9 as discussed was made by Leonardo Perez and seconded by Pat Ekiss. The motion carried. 2. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 431, §§431.3, 431.11, 431.201, 431.203, and 431.207 as discussed was made by John Gillette and seconded by Leonardo Perez. The motion carried. 3. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 443, §§443.1, 443.3, 443.5, 443.7 and 443.9 as discussed was made by Pat Ekiss and seconded by John Gillette. The motion carried. 4. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 453, §§453.3, 453.5, 453.7, 453.203, and 453.205 as discussed was made by Steve Tull and seconded by Tivy Whitlock. The motion carried. 5. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 455, §455.3 as discussed was made by Steve Tull and seconded by Leonardo Perez. The motion carried. <p>C. A motion to approve recommended changes to the Basic Wildland overview, course instructor information, outline and reference list effective January 1, 2018 and the Basic Fire Inspector Curriculum and Hazmat Incident Commander reference lists effective June 1, 2017 was made by Tivy Whitlock and seconded by Pat Ekiss. The motion carried.</p> |
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| 12. Injury Report Recommendation | After discussion, no action taken. Item will be discussed at the July commission workshop and commission meeting. |
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13. Matters from Executive Director
- a. Tim Rutland, Executive Director reported no informal conferences had occurred since the last commission meeting.
 - b. Mr. Rutland provided commissioners information on agency functions since last commission meeting.
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14. Executive Session
- Presiding Officer, Robert Moore did not call for the Executive Session.
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15. Open Session
- No action necessary.
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16. Adjournment
- A motion to adjourn was made by John McMakin and seconded by Tivy Whitlock. The motion carried.

Robert Moore, Presiding Officer

- 3. The Budget and Strategic Plan subcommittees may meet separately or together on July 13, 2017 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.**

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Summary

Goals:	FY17 Budget	FY17 Expended	Balance	%
Education, Information and Assistance	84,334.64	68,446.98	15,887.66	
Fire Department Standards	839,420.80	602,851.10	236,569.70	
Indirect Administration	746,838.88	561,917.72	184,921.16	
1001 - Salaries & Wages:	1,670,594.32	1,233,215.80	437,378.52	26%
Education, Information and Assistance	3,261.72	682.27	2,579.45	
Fire Department Standards	35,887.40	20,538.43	15,348.97	
Indirect Administration	23,297.06	15,015.44	8,281.62	
1002 - Other Personnel Costs	62,446.18	36,236.14	26,210.04	42%
Education, Information and Assistance	114.28	42.71	71.57	
Fire Department Standards	1,307.93	-	1,307.93	
Indirect Administration	4,185.63	3,056.24	1,129.39	
2001 - Professional Fees and Services:	5,607.84	3,098.95	2,508.89	45%
Education, Information and Assistance	1,466.47	259.37	1,207.10	
Fire Department Standards	10,084.09	8,579.58	1,504.51	
Indirect Administration	8,000.00	2,319.55	5,680.45	
2003 - Consumable Supplies:	19,550.56	11,158.50	8,392.06	43%
Education, Information and Assistance	382.83	6.14	376.69	
Fire Department Standards	8,780.96	7,012.21	1,768.75	
Indirect Administration	1,786.52	36.85	1,749.67	
2004 - Utilities:	10,950.31	7,055.20	3,895.11	36%
Education, Information and Assistance	221.23	449.91	(228.68)	
Fire Department Standards	76,900.00	52,289.80	24,610.20	
Indirect Administration	28,985.00	10,491.44	18,493.56	
2005 - Travel:	106,106.23	63,231.15	42,875.08	40%
Education, Information and Assistance	20.00	15.20	4.80	
Fire Department Standards	80.00	129.48	(49.48)	
Indirect Administration	300.00	331.36	(31.36)	
2006 - Rent - Building (storage):	400.00	476.04	(76.04)	-19%
Education, Information and Assistance	359.35	338.92	20.43	
Fire Department Standards	3,054.53	2,880.78	173.75	
Indirect Administration	2,156.13	2,033.52	122.61	
2007 - Rent - Machine and Other:	5,570.01	5,253.22	316.79	6%
Education, Information and Assistance	28,986.55	7,114.85	21,871.70	
Fire Department Standards	64,288.31	39,808.31	24,480.00	
Indirect Administration	50,674.66	23,092.35	27,582.31	
2009 - Other Operating Expense:	143,949.52	70,015.51	73,934.01	51%
Fire Department Standards	23,456.04	20,750.08	2,705.96	
4000 - Grants:	23,456.04	20,750.08	2,705.96	12%
5000 - Capital Expenditures:	-	-	-	0%
TOTAL - ALL EXPENDITURES	2,048,631.01	1,450,490.59	598,140.42	29%

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: May 31, 2017

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
Budget:	84,334.64	0.00	0.00	84,334.64	0
Expended:	68,446.98	0.00	0.00	68,446.98	
1001 - Balance Salaries & Wages:	15,887.66	0.00	0.00	15,887.66	19%
Other Personnel Costs:					
7022- Longevity Pay	340.00	0.00	0.00	340.00	
7040- ERS-Retirement Contribution	342.27	0.00	0.00	342.27	
Budget:	3,261.72	0.00	0.00	3,261.72	0
Expended:	682.27	0.00	0.00	682.27	
1002 - Balance Other Personnel Costs	2,579.45	0.00	0.00	2,579.45	79%
Professional Fees and Services:					
7253- Other Professional Fees (EAP)	42.71	0.00	0.00	42.71	
Budget:	114.28	0.00	0.00	114.28	0
Expended:	42.71	0.00	0.00	42.71	
2001 - Balance Professional Fees and Services:	71.57	0.00	0.00	71.57	63%
Budget:	1,466.47	0.00	0.00	1,466.47	0
Expended:	259.37	0.00	0.00	259.37	
2003 - (7300) Balance Consumable Supplies:	1,207.10	0.00	0.00	1,207.10	82%
Utilities:					
7517- Telecommunications Equipment	0.00	0.00	0.00	0.00	
Budget:	382.83	0.00	0.00	382.83	0
Expended:	6.14	0.00	0.00	6.14	
2004 - Balance Utilities:	376.69	0.00	0.00	376.69	98%
Travel:					
7101- Travel I/S - Public Transportation Fares	38.99	0.00	0.00	38.99	
7102- Mileage	19.28	0.00	0.00	19.28	
7105- Travel I/S - Incidental Expenses	19.14	0.00	0.00	19.14	
7107- Travel I/S - Non-Overnight Travel (Meals)	68.78	0.00	0.00	68.78	
Budget:	221.23	0.00	0.00	221.23	0
Expended:	449.91	0.00	0.00	449.91	
2005 - Balance Travel:	-228.68	0.00	0.00	-228.68	-103%
Rent:					
7470- Rent Space - storage	15.20	0.00	0.00	15.20	
Budget:	20.00	0.00	0.00	20.00	0
Expended:	15.20	0.00	0.00	15.20	
2006 - (7470) Balance Rent - Building (storage):	4.80	0.00	0.00	4.80	24%
Rent - Machine and Other:					
7406- Rental - Furnishings & Equipment (copier)	338.92	0.00	0.00	338.92	
Budget:	359.35	0.00	0.00	359.35	0
Expended:	338.92	0.00	0.00	338.92	
2007 - Balance Rent - Machine and Other:	20.43	0.00	0.00	20.43	6%
Other Operating Expense:					
7042- ERS Insurance Payment	684.45	0.00	0.00	684.45	
7201- Membership Dues	4.84	0.00	0.00	4.84	
7211- Awards	13.16	0.00	0.00	13.16	
7262- -Maint & Repair - Computer Software	11.07	0.00	0.00	11.07	

Texas Commission on Fire Protection

Fiscal Year 2016 - Operating Budget

Thru: May 31, 2017

Goal A: Education, Info and Assistance

	Library	IT	Grants	Total	%
7276- Communication Services (T-1 Line)	286.45	0.00	0.00	286.45	
7291- Postage & Postal Services	1,291.80	0.00	0.00	1,291.80	
7299- Purchased Contracted Services	20.34	0.00	0.00	20.34	
7312- Medical Supplies	17.42	0.00	0.00	17.42	
7334- Furnishings & Equipment -Expensed	33.75	28.00	0.00	61.75	
7380- Computer Software - Expensed	-290.79	616.50	0.00	325.71	
7382- Books - Expensed	2,672.77	0.00	0.00	2,672.77	
7947- Workers Compensation Transfer (SORM)	132.58	0.00	0.00	132.58	
7961- STS Transfers-Telecommunications (TexAn)	228.82	0.00	0.00	228.82	
7962- Capitol Complex (CCTS)	334.08	0.00	0.00	334.08	
Budget:	28,986.55	0.00	0.00	28,986.55	0
Expended:	5,930.96	1,183.89	0.00	7,114.85	
2009 - Balance Other Operating Expense:	23,055.59	-1,183.89	0.00	21,871.70	75%
Grants:					
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%
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:	119,147.07	0.00	0.00	119,147.07	0
Expended:	76,172.46	1,183.89	0.00	77,356.35	
TOTAL BALANCE	42,974.61	(1,183.89)	0.00	41,790.72	35%

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
Budget:	0.00	370,209.12	207,498.64	208,404.84	53,308.20	839,420.80	0.00
Expended:	0.00	277,656.84	117,292.53	167,920.58	39,981.15	602,851.10	
1001 - Balance Salaries & Wages:	0.00	92,552.28	90,206.11	40,484.26	13,327.05	236,569.70	28%
Other Personnel Costs:							
7022- Longevity Pay	0.00	5,400.00	4,400.00	3,260.00	720.00	13,780.00	
7040- ERS Retirement Contribution	0.00	1,388.16	586.51	839.62	199.89	3,014.18	
Budget:	0.00	10,570.88	13,547.96	8,562.04	3,206.52	35,887.40	0.00
Expended:	1,420.09	6,788.16	4,986.51	6,423.78	919.89	20,538.43	
1002 - Balance Other Personnel Costs	1,420.09	3,782.72	8,561.45	2,138.26	2,286.63	15,348.97	43%
Professional Fees and Services:							
Budget:	1,307.93	0.00	0.00	0.00	0.00	1,307.93	0.00
Expended:	0.00	0.00	0.00	0.00	0.00	0.00	
2001 - Balance Professional Fees and Service	1,307.93	0.00	0.00	0.00	0.00	1,307.93	100%
Budget:	2,985.43	727.60	478.20	5,765.36	127.50	10,084.09	0.00
Expended:	1,939.20	1,206.60	57.50	5,258.08	118.20	8,579.58	
2003 - (7300) Balance Consumable Supplies:	1,046.23	-479.00	420.70	507.28	9.30	1,504.51	15%
Utilities:							
7516- Telecom-Other (reg voice/internet)	0.00	6,960.00	0.00	0.00	0.00	6,960.00	
Budget:	537.72	8,218.24	0.00	0.00	25.00	8,780.96	0.00
Expended:	52.21	6,960.00	0.00	0.00	0.00	7,012.21	
2004 - Balance Utilities:	485.51	1,258.24	0.00	0.00	25.00	1,768.75	20%
Travel:							
7101- Travel I/S - Public Transportation Fares	0.00	8,811.63	37.00	1,101.00	186.19	10,135.82	
7102- Mileage	0.00	14,210.99	26.48	117.17	10.59	14,365.23	
7105- Travel I/S - Incidental Expenses	0.00	3,267.50	10.00	307.81	0.00	3,585.31	
7106- Travel I/S - Meals & Lodging	0.00	21,743.11	0.00	427.92	0.00	22,171.03	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	543.25	0.00	75.90	0.00	619.15	
7112- Travel OOS - Mileage	0.00	0.00	0.00	0.00	241.24	241.24	
7115- Travel OOS - Incidental Expenses	0.00	0.00	0.00	0.00	147.80	147.80	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	0.00	520.10	520.10	
7135- Travel I/S - State Occupancy Tax	0.00	250.62	0.00	6.06	0.00	256.68	
Budget:	0.00	66,458.36	2,555.97	4,383.18	3,502.49	76,900.00	0.00
Expended:	0.00	48,839.82	73.48	2,048.58	1,327.92	52,289.80	
2005 - Balance Travel:	0.00	17,618.54	2,482.49	2,334.60	2,174.57	24,610.20	32%
Rent:							
7470- Rent Space - storage	129.48	0.00	0.00	0.00	0.00	129.48	
Budget:	80.00	0.00	0.00	0.00	0.00	80.00	0.00
Expended:	129.48	0.00	0.00	0.00	0.00	129.48	
2006 - Balance Rent - Building :	49.48	0.00	0.00	0.00	0.00	49.48	-62%
Rent - Machine and Other:							
7406- Rental - Furnishings & Equipment (copier)	2,880.78	0.00	0.00	0.00	0.00	2,880.78	
Budget:	3,054.53	0.00	0.00	0.00	0.00	3,054.53	0.00
Expended:	2,880.78	0.00	0.00	0.00	0.00	2,880.78	
2007 - Balance Rent - Machine and Other:	173.75	0.00	0.00	0.00	0.00	173.75	6%
Other Operating Expense:							
7042- ERS Insurance Payment	0.00	2,776.59	1,054.20	1,593.24	399.78	5,823.81	
7201- Membership Dues	41.13	25.00	0.00	0.00	0.00	66.13	

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	%
7203- Registration Fees-Employee Training	0.00	285.00	0.00	99.00	300.00	684.00	
7204- Insurance Premiums and Deductibles	159.89	220.00	0.00	0.00	0.00	379.89	
7211- Awards	111.87	0.00	0.00	0.00	0.00	111.87	
7262- Maint & Repair - Computer Equipment	94.10	0.00	0.00	0.00	0.00	94.10	
7267- Maint & Repair - Computer Equipment	0.00	0.00	0.00	592.37	0.00	592.37	
7276- Communication Services (T-1 Line)	2,434.84	1,373.14	0.00	0.00	0.00	3,807.98	
7286- Freight & Delivery Services	0.00	0.00	0.00	6,087.11	0.00	6,087.11	
7291- Postage & Postal Services	10,980.35	0.00	0.00	0.00	0.00	10,980.35	
7295- Fees & Other Charges (DPS)	0.00	0.00	267.53	25.53	0.00	293.06	
7299- Purchased Contracted Services	172.71	0.00	0.00	0.00	0.00	172.71	
7312- Medical Supplies	148.08	0.00	0.00	0.00	0.00	148.08	
7334- Furnishings & Equipment -Expensed	287.12	35.72	18.20	930.00	8.99	1,280.03	
7377- Computer Equipment - Expensed	0.00	40.00	0.00	0.00	0.00	40.00	
7380- Computer Software - Expensed	(2,471.69)	(99.09)	0.00	1,599.00	0.00	(971.78)	
7947- Workers Compensation Trnasfer (SORM)	1,126.99	0.00	0.00	0.00	0.00	1,126.99	
7961- STS Transfers-Telecommunications (TexAn)	1,944.91	0.00	0.00	0.00	0.00	1,944.91	
7962- STS transfer to GR (CCTS)	2,839.63	0.00	0.00	0.00	0.00	2,839.63	
Budget:	39,672.17	8,141.62	3,311.13	10,637.32	2,526.07	64,288.31	0.00
Expended:	21,877.00	4,656.36	1,339.93	11,226.25	708.77	39,808.31	
2009 - Balance Other Operating Expense:	17,795.17	3,485.26	1,971.20	588.93	1,817.30	24,480.00	38%
Grants:							
7623 Grants	0.00	0.00	20,750.08	0.00	0.00	20,750.08	
Budget:	0.00	0.00	17,500.00	0.00	0.00	17,500.00	5,956.04
Expended:	0.00	0.00	20,750.08	0.00	0.00	20,750.08	
4000 - Balance Grants:	0.00	0.00	3,250.08	0.00	0.00	3,250.08	-19%
Budget:	47,637.78	464,325.82	244,891.91	237,752.74	62,695.78	1,057,304.03	5,956.04
Expended:	28,298.76	346,107.78	144,500.03	192,877.27	43,055.93	754,839.77	
TOTAL BALANCE	19,339.02	118,218.04	100,391.87	44,875.47	19,639.85	302,464.25	29%

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%
Budget:	545,639.88	201,199.00	0.00	746,838.88	0.00
Expended:	411,504.72	150,413.00	0.00	561,917.72	
1001 - Balance Salaries & Wages:	134,135.16	50,786.00	0.00	184,921.16	25%
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	5,260.00	1,200.00	0.00	6,460.00	
7023- Lump Sum Termination	3,305.22	0.00	0.00	3,305.22	
7033- Employee Retirement - Other expenses	0.00	2,691.47	0.00	2,691.47	
7040- ERS Retirement Contribution	1,806.60	752.15	0.00	2,558.75	
7050- Benefit Replacement	0.00	0.00	0.00	0.00	
7984- Unemployment/TWC	0.00	0.00	0.00	0.00	
Budget:	16,000.00	7,297.06	0.00	23,297.06	0.00
Expended:	10,371.82	4,643.62	0.00	15,015.44	
1002 - Balance Other Personnel Costs	5,628.18	2,653.44	0.00	8,281.62	36%
Professional Fees and Services:					
7242- Consulting Services - IT Computer	0.00	0.00	0.00	0.00	
7245- Financial & Accounting Services	0.00	2,800.00	0.00	2,800.00	
7253- Other Professional Fees (EAP)	0.00	256.24	0.00	256.24	
7274- Temporary Employment Agencies	0.00	0.00	0.00	0.00	
7275- Computer Programming Services	0.00	0.00	0.00	0.00	
Budget:	0.00	4,185.63	0.00	4,185.63	0.00
Expended:	0.00	3,056.24	0.00	3,056.24	
2001 - Balance Professional Fees and Services:	0.00	1,129.39	0.00	1,129.39	27%
Budget:	2,246.03	5,753.97	0.00	8,000.00	0.00
Expended:	180.64	2,138.91	0.00	2,319.55	
2003 - (7300) Balance Consumable Supplies:	2,065.39	3,615.06	0.00	5,680.45	71%
Utilities:					
7501- Electricity	0.00	15.48	0.00	15.48	0.00
7503- Telecommunications-Long Distance	0.00	0.00	0.00	0.00	
7504- Telecommunications-Monthly Charge	0.00	0.00	0.00	0.00	
7510- Telecommunications Parts & Supplies	0.00	0.00	0.00	0.00	
7514- Telecommunications-Maint & Repair	0.00	21.37	0.00	21.37	
7516- Telecommunications-Other Charges (reg voice/internet)	0.00	0.00	0.00	0.00	
7517- Telecommunications Equipment	0.00	0.00	0.00	0.00	
Budget:	1544.40	242.12	0.00	1786.52	0.00
Expended:	0.00	36.85	0.00	36.85	
2004 - Balance Utilities:	1544.40	205.27	0.00	1749.67	98%
Travel:					
7101- Travel I/S - Public Transportation Fares	607.96	0.00	2,411.25	3,019.21	
7102- Mileage	0.00	403.53	1,330.30	1,733.83	
7104- Travel I/S - Actual Expense Overnight	152.31	0.00	0.00	152.31	
7105- Travel I/S - Incidental Expenses	218.36	11.62	625.40	855.38	
7106- Travel I/S - Meals & Lodging	406.00	319.00	0.00	725.00	
7107- Travel I/S - Non-Overnight Travel (Meals)	0.00	0.00	14.07	14.07	
7110- Travel I/S - Board Member Meals & Lodging	238.00	0.00	3,716.02	3,954.02	
7111- Travel OOS - Public Transportation Fares	0.00	0.00	0.00	0.00	
7112- Travel OOS - Mileage	0.00	0.00	0.00	0.00	
7114- Travel OOS -	0.00	0.00	0.00	0.00	
7115- Travel OOS - Incidental Expenses	0.00	0.00	0.00	0.00	
7116- Travel OOS - Meals, Lodging Allowable	0.00	0.00	0.00	0.00	
7135- Travel I/S - State Occupancy Tax	13.20	0.00	24.42	37.62	

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Goal C: Indirect Administration

		Exec Office	Fin Svcs	Commis	Total	%
7136-	Travel I/S - State Occupancy Tax Galveston	0.00	0.00	0.00	0.00	
7139-	Travel I/S - State Occupancy Tax Corpus Christi	0.00	0.00	0.00	0.00	
	Budget:	7,485.00	5,500.00	16,000.00	28,985.00	0.00
	Expended:	1,635.83	734.15	8,121.46	10,491.44	
2005 - Balance Travel:		5,849.17	4,765.85	7,878.54	18,493.56	64%
Rent:						
7462-	Rent office space - building	0.00	0.00	0.00	0.00	
7470-	Rent Space - storage	240.00	91.36	0.00	331.36	
	Budget:	240.00	60.00	0.00	300.00	0
	Expended:	240.00	91.36	0.00	331.36	
2006 - (7470) Balance Rent - Building (storage):		0.00	(31.36)	0.00	(31.36)	-10%
Rent - Machine and Other:						
7406-	Rental - Furnishings & Equipment (copier)	0.00	2,033.52	0.00	2,033.52	
7411-	Rental - Computer Equipment	0.00	0.00	0.00	0.00	
	Budget:	0.00	2,156.13	0.00	2,156.13	0.00
	Expended:	0.00	2,033.52	0.00	2,033.52	
2007 - Balance Rent - Machine and Other:		0.00	122.61	0.00	122.61	6%
Other Operating Expense:						
7042-	ERS Insurance Payment	4,035.13	1,504.09	0.00	5,539.22	
7201-	Membership Dues	365.00	29.03	0.00	394.03	
7202-	registration fees - trng	0.00	0.00	0.00	0.00	
7203-	Registration Fees-Employee Training	690.00	150.00	0.00	840.00	
7204-	Insurance Premiums and Deductibles	0.00	112.87	0.00	112.87	
7210-	Fees and Other Charges	0.00	48.39	0.00	48.39	
7211-	Awards	0.00	78.97	0.00	78.97	
7216-	Insurance Premiums - appvd by oag	0.00	0.00	0.00	0.00	
7219-	Fees for Receiving Electronic Payments	0.00	0.00	0.00	0.00	
7262-	Maint & Repair - Computer Software	0.00	66.43	0.00	66.43	
7266-	Maint & Repair - Building	0.00	0.00	0.00	0.00	
7267-	Maint & Repair - Computer Equipment	0.00	0.00	0.00	0.00	
7273-	Reproduction & Printing	0.00	0.00	0.00	0.00	
7276-	Communication Services (T-1 Line)	0.00	1,718.71	0.00	1,718.71	
7281-	Advertising Services	0.00	0.00	0.00	0.00	
7286-	Freight & Delivery Services	0.00	0.00	0.00	0.00	
7291-	Postage & Postal Services	0.00	7,750.82	0.00	7,750.82	
7295-	Investigation Expenses	0.00	0.00	0.00	0.00	
7299-	Purchased Contracted Services	0.00	121.95	0.00	121.95	
7303-	Subscriptions, Periodicals and Info Services	0.00	0.00	0.00	0.00	
7312-	Medical Supplies	0.00	104.50	0.00	104.50	
7328-	supp. /mater. -constr/hardware	0.00	0.00	0.00	0.00	
7330-	Parts -equip, furn	0.00	0.00	0.00	0.00	
7334-	Furnishings & Equipment -Expensed	563.24	493.99	0.00	1,057.23	
7335-	Parts -Computer Equipment - Expensed	-18.21	0.00	0.00	-18.21	
7340-	Real Property and Improvements - Expensed	0.00	0.00	0.00	0.00	
7354-	Bldg Remodel - State Leased -Expensed	0.00	0.00	0.00	0.00	
7367-	Personal Property - Maint & Repair	0.00	0.00	0.00	0.00	
7368-	pers prop maint & repairs/mtr vehicle	0.00	0.00	0.00	0.00	
7374-	Personal Property-Furn & Equip - Controlled	0.00	0.00	0.00	0.00	
7377-	Computer Equipment - Expensed	0.00	0.00	0.00	0.00	
7378-	Computer Equipment - Controlled	0.00	0.00	0.00	0.00	
7379-	Computer Equipment - Cap (>1,000)	0.00	0.00	0.00	0.00	
7380-	Computer Software - Expensed	0.00	1,035.41	0.00	1,035.41	
7382-	Books - Expensed	69.16	0.00	0.00	69.16	
7806-	Interest on Delayed Payment	0.00	0.00	0.00	0.00	
7947-	Workers Compensation Transfer (SORM)	0.00	795.53	0.00	795.53	
7961-	STS Transfers-Telecommunications (TexAn)	0.00	1,372.90	0.00	1,372.90	
7962-	STS transfer to GR (CCTS)	0.00	2,004.44	0.00	2,004.44	

Texas Commission on Fire Protection

Fiscal Year 2017 - Operating Budget

Thru: May 31, 2017

Goal C: Indirect Administration

	Exec Office	Fin Svcs	Commis	Total	%
Budget:	16,174.66	34,300.00	200.00	50,674.66	0.00
Expended:	5,704.32	17,388.03	0.00	23,092.35	
2009 - Balance Other Operating Expense:	10,470.34	16,911.97	200.00	27,582.31	54%

Grants:

7623 Grants

Budget:	0.00	0.00	0.00	0.00	
Expended:	0.00	0.00	0.00	0.00	
4000 - Balance Grants:	0.00	0.00	0.00	0.00	

Capital Expenditures:

7341 Real Property - Capitalized				0.00	
7361 Personal Property-Capitalized				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:	589,329.97	260,693.91	16,200.00	866,223.88	0.00
Expended:	429,637.33	180,535.68	8,121.46	618,294.47	
TOTAL - BALANCE	159,692.64	80,158.23	8,078.54	247,929.41	29%

Key	Strategy	FY17 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY17 YTD Sum	FY17 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	253	244	279		776	1,120	69%	Number of inspections of regulated entities.
						Cumulative			Includes bi-annual inspections, audits, and investigations.
Yes	Standards Enforcement	2,145	2,499	3,035		7,679	9,500	81%	Number of examinations administered.
						Cumulative			
	Indirect Administration		\$3,244			\$3,244	\$13,000	25%	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	87.32%	86.42%	77.83%		83.86%	90%	93%	Pass Rate (Percent)
						Non-Cumulative			
Yes	Standards Enforcement	31,216	32,004	32,541		31,920	31,600	101%	Number of individuals certified by the Commission.
						Non-Cumulative			
Yes	Standards Enforcement	268	257	268		264	260	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	\$358	\$346	\$320		\$341	\$425	80%	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

Key	Strategy	FY17 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY17 YTD Sum	FY17 Target	% Target ytd/tar	Measures/Explanation
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Outcome (Annual) *A quantifiable indicator of the public and customer benefits from an agency's actions*

Indirect Administration		57.32%				57.3%	10%	573%	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.

- 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, the Center for Public Safety Excellence, 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. New matters from the commission, staff, or public which may be discussed in future commission meetings.**

8. Discussion and possible action on future meeting dates.

9. **Discussion and possible action on request from Danny McLerran, College of the Mainland regarding title 37 TAC, Chapter 439, Examinations for Certification.**



May 16, 2017

Tim Rutland, Executive Director
Texas Commission on Fire Protection
PO Box 2286
Austin, TX 78768-2286

Danny McLerran, Director, Fire Technology
College of the Mainland
1200 Amburn Rd.
Texas City, TX 77591

RE: RULE §439.3(1) Certificate of Completion

Dear Mr. Rutland,

RULE §439.3(1) "Certificate of Completion states; "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."

I recommend the following amendment to this section of the rule: "The certificate expires five 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." I further recommend this amendment be effective immediately.



The impact of this rule became apparent in the spring 2017 semester. I had a December 2016 graduate of the fire academy decide to continue his education while applying for firefighter positions. He chose to take our spring offerings of Fire Officer and Incident Safety Officer, which are credit courses in our AAS degree in Fire Technology.

I counseled him that he would not be eligible for the certification exams because he was not certified as Instructor I or Fire Officer I. It was then I realized that in addition he will not have three year experience, which is required for most certifications. As a result of this rule, his course completions will expire before he is eligible for the exams, thus requiring him to retake both courses. The time and effort he put into these courses was wasted from a certification standpoint.

Previously an individual's course completion never expired and only had to retake a skills test in order to be eligible for a certification exam. This would allow students to continue their education after the fire academy until they were hired by a department.

I can understand the problem with an individual's certificate of completion never expiring. However, the length of time before expiration should at least be extended long enough to cover the situation I've described. As noted above, I would recommend a period up to five years.

Thank you for your consideration.

A handwritten signature in black ink that reads "Danny McLerran".

Danny McLerran
409-933-8378
dmcclerran@com.edu

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 (IFSAAC) 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) thereof. This opportunity must be exercised within 180 days after the date of the first failure. 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 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 from a single commission approved class for certification. An individual who chooses to submit to the commission examination process may not utilize the other process toward certification.
- (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.

§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, 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 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) The the training provider shall test the commission designated performance skills for competency. The skill evaluations may only 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 days (90) following the end date of the course. If performance skill evaluations are not conducted within the ninety day (90) 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) 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) 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.

Figure: 37 TAC §439.19(b)

Examination	Section	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
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	Inspector I	50		
	Inspector II	50		
	Plan Examiner I	50		
	TOTAL	150	25	3.0 Hours
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				
	Recommended Hours	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:	Less than 30	25	5	30 Minutes
	31 to 100	50	5	1.0 Hour
	101 to 200	75	10	1.5 Hours
	201 to 300	100	15	2.0 Hours
	301 to 400	125	20	2.5 Hours
	401 or More	150	25	3.0 Hours

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.

10. **Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 437, 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.

11. **Discussion and possible final adoption of proposed amendments to title 37 TAC, Chapter 429, Fire Inspector.**

**CURRENT PROPOSED RULE CHANGES
FILED WITH THE TEXAS REGISTER PER
THE APRIL 27, 2017 COMMISSION
MEETING**

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE INSPECTOR I CERTIFICATION

§429.1 Minimum Standards for Fire Inspector I Personnel.

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties at the Fire Inspector I level must be certified, as a minimum, as a Fire Inspector I as specified in §429.3 of this title (relating to Minimum Standards for Fire Inspector I Certification) within one year of initial appointment to such duties.
- (b) Prior to being appointed to fire code enforcement duties at the Fire Inspector I level, all personnel must complete the applicable commission approved fire inspection training program and successfully pass the commission examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification will be required to comply with all applicable continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (d) Fire code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.
- (e) Personnel certified as Fire Inspector I may only engage in fire code enforcement duties that are commensurate with the job performance requirements listed for Fire Inspector I in the current edition of NFPA 1031: Standard for Professional Qualifications for Fire Inspector and Plan Examiner, or its successor.

§429.3 Minimum Standards for Fire Inspector I Certification.

In order to be certified as a Fire Inspector I, an individual must:

- (1) possess valid documentation as an Inspector I 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 of this title (relating to Requirements—General); or
- (2) complete a commission approved Fire Inspector I training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Inspector I training program shall consist of one of the following:
 - (A) completion of the commission approved Fire Inspector I Curriculum, as specified in the commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the commission for evaluation and found to meet the minimum

requirements in the commission approved Fire Inspector I Curriculum as specified in the commission's Certification Curriculum Manual; or

(C) documentation of the receipt of a Fire Inspector I certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a commission approved Fire Inspector I curriculum.

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

Individuals who pass the state examination for Fire Inspector I may be granted an IFSAC seal for Inspector I by making application to the commission for the IFSAC seal and paying the applicable fee. In order to qualify for the IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE INSPECTOR II/PLAN EXAMINER I CERTIFICATION

§429.201 Minimum Standards for Fire Inspector II/Plan Examiner I Personnel.

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties **at the Fire Inspector II/Plan Examiner I level** must be certified, as a minimum, as a **Basic Fire Inspector II/Plan Examiner I** [basic fire inspector] as specified in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector II/Plan Examiner I Certification) within one year of initial appointment to such position.
- (b) Prior to being appointed to fire code enforcement duties **at the Fire Inspector II/Plan Examiner I level**, all personnel must complete **the applicable commission approved** ~~fa Commission-approved basic~~ fire inspection training program and successfully pass the **commission** ~~[Commission]~~ examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification shall be required to comply with **all applicable** ~~[the]~~ continuing education requirements in **Chapter 441** ~~[\$441.13]~~ of this title (**relating to Continuing Education**) ~~.(relating to Continuing Education for Fire Inspection Personnel).~~
- (d) **Fire code** ~~[Code]~~ enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.
- (e) Individuals who supervise others in the area of fire code enforcement, or manage fire code enforcement programs must be certified as Fire Inspector II/Plan Examiner I, or hold a Fire Inspector certification issued prior to [date].**
- (f) Individuals wishing to satisfy the requirements for Head of a Prevention-Only Fire Department by holding a Fire Inspector certification must hold Fire Inspector II/Plan Examiner I certification, or hold a Fire Inspector certification issued prior to [date].**

§429.203 Minimum Standards for Basic Fire Inspector II/Plan Examiner I Certification.

In order to be certified as a **Basic Fire Inspector II/Plan Examiner I**, ~~[basic fire inspector,]~~ an individual must:

- (1) possess valid documentation as an Inspector I, Inspector II, and Plan Examiner I 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** ~~[\$439.1(a)(2)]~~ of this title (relating to Requirements—General); or
- (2) complete a commission approved ~~[Basic]~~ Fire Inspector **II/Plan Examiner I** program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved ~~[basic]~~ fire inspection training program shall consist of one or any combination of the following:

- (A) completion of the commission approved [~~Basic~~] Fire Inspector **II/Plan Examiner I** Curriculum, as specified in [~~Chapter 4 of~~] the commission's Certification Curriculum Manual; or
- (B) successful completion of an out-of-state, NFA, and/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 [~~Basic~~] Fire Inspector **II/Plan Examiner I** Curriculum as specified in [~~Chapter 4 of~~] the commission's Certification Curriculum Manual; or
- (C) successful completion of the following college courses:
 - (i) Fire Protection Systems, three semester hours;
 - (ii) Fire Prevention Codes and Inspections, three semester hours;
 - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
 - (iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12).
- (D) documentation of the receipt of Fire Inspector I, Fire Inspector II, and Plan Examiner I certificates issued by the State Firemen's and Fire Marshals' Association of Texas that are deemed equivalent to a commission approved [~~Basic~~] Fire Inspector **II/Plan Examiner I** curriculum.

§429.205 Minimum Standards for Intermediate Fire Inspector II/Plan Examiner I Certification.

- (a) Applicants for Intermediate Fire Inspector **II/Plan Examiner I** Certification must meet the following requirements:
 - (1) hold as a prerequisite Basic Fire Inspector **II/Plan Examiner I** Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector **II/Plan Examiner I** 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** [~~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 Inspector **II/Plan Examiner I** Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.207 Minimum Standards for Advanced Fire Inspector II/Plan Examiner I Certification.

- (a) Applicants for Advanced Fire Inspector **II/Plan Examiner I** Certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Fire Inspector **II/Plan Examiner I** Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector **II/Plan Examiner I** 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** [~~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 Inspector **II/Plan Examiner I** Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.209 Minimum Standards for Master Fire Inspector II/Plan Examiner I Certification.

- (a) Applicants for Master Fire Inspector **II/Plan Examiner I** Certification must complete the following requirements:
- (1) hold as a prerequisite an Advanced Fire Inspector **II/Plan Examiner I** Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector **II/Plan Examiner I** Certification); and
 - (2) acquire a minimum of 12 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 Fire Inspector Certification.

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

- (a) Individuals who hold commission Fire Inspector certification issued prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination, an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.
- (b) Individuals who pass the applicable section of the state examination may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:
 - (1) To receive the IFSAC Inspector I seal, the individual must:
 - (A) complete the Inspector I section of a commission approved course; and
 - (B) pass the Inspector I section of a commission examination.
 - (2) To receive the IFSAC Inspector II seal, the individual must:
 - (A) complete the Inspector II section of a commission approved course;
 - (B) document possession of an IFSAC Inspector I seal; and
 - (C) pass the Inspector II section of a commission examination.
 - (3) To receive the IFSAC Plan Examiner I seal, the individual must:
 - (A) complete the Plan Examiner I section of a commission approved course; and
 - (B) pass the Plan Examiner I section of a commission examination.
- (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.

RECOMMENDATIONS FROM THE JUNE 29, 2017 FIRE FIGHTER ADVISORY COMMITTEE

Highlighted items represent the recommended changes from the current proposed rule language.

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER A

MINIMUM STANDARDS FOR COMPANY LEVEL INSPECTOR CERTIFICATION

§429.1 Minimum Standards for Company Level Inspector Personnel.

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties as a Company Level Inspector must be certified, as a minimum, as a Company Level Inspector as specified in §429.3 of this title (relating to Minimum Standards for Company Level Inspector Certification) within one year of initial appointment to such duties.
- (b) Prior to being appointed to fire code enforcement duties as a Company Level Inspector, all personnel must complete the applicable commission approved fire inspection training program and successfully pass the commission examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification will be required to comply with all applicable continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (d) Fire code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.
- (e) Personnel certified as Company Level Inspector may only engage in fire code enforcement duties commensurate with the job performance requirements listed for Fire Inspector I in the current edition of NFPA 1031: Standard for Professional Qualifications for Fire Inspector and Plan Examiner, or its successor. Regulated entities that appoint personnel to Company Level Inspector duties must develop and maintain a written policy specifying the types of inspections that can be done by these individuals, pursuant to the above limitations in the NFPA standard.
- (f) An individual certified as Company Level Inspector must be employed by a regulated entity in order to maintain an active certification in this discipline. A Company Level Inspector certification will become inactive if the individual holding the certification is no longer employed by a regulated entity. Employment within two years following the date of inactivation will restore the certification to an active status. If employment does not occur within two years following inactivation, the certification will be deemed expired, and the individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification) and obtain a new certification.
- (g) Personnel appointed to fire code enforcement duties as a Company Level Inspector may only perform those duties under the supervision of a certified Fire Inspector within that organization.

§429.3 Minimum Standards for Company Level Inspector Certification.

In order to be certified as a Company Level Inspector, an individual must:

- (2) hold any level of Fire Officer certification; and
- (3) possess valid documentation as an Inspector I from either:

(C) the International Fire Service Accreditation Congress; or

(D) 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 of this title (relating to Requirements—General); or

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

(A) completion of the commission approved Fire Inspector I Curriculum, as specified in the commission's Certification Curriculum Manual; or

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

(C) documentation of the receipt of a Fire Inspector I certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a commission approved Fire Inspector I curriculum.

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

Individuals who pass the state examination for Fire Inspector I may be granted an IFSAC seal for Inspector I by making application to the commission for the IFSAC seal and paying the applicable fee. In order to qualify for the IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

§429.201 Minimum Standards for Fire Inspector Personnel.

- (a) Fire protection personnel of a governmental entity who are appointed to fire code enforcement duties **at the Fire Inspector level** must be certified, as a minimum, as a **Basic Fire Inspector** [basic fire inspector] as specified in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector **II/Plan Examiner I** Certification) within one year of initial appointment to such position.
- (b) Prior to being appointed to fire code enforcement duties **at the Fire Inspector level**, all personnel must complete **the applicable commission approved** [a Commission-approved basic] fire inspection training program and successfully pass the **commission** [Commission] examination pertaining to that curriculum.
- (c) Individuals holding any level of fire inspector certification shall be required to comply with **all applicable** [the] continuing education requirements in **Chapter 441** [§441.13] of this title (**relating to Continuing Education**). [relating to Continuing Education for Fire Inspection Personnel].
- (d) **Fire code** [Code] enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.
- (e) Individuals who supervise others in the area of fire code enforcement, or manage fire code enforcement programs must be certified as a Fire Inspector.**

(f) Individuals wishing to satisfy the requirements for appointment to Head of a Prevention Only Fire Department must hold a minimum of Basic Fire Inspector and meet all other requirements in Chapter 449, Subchapter B (relating to Minimum Standards for Head of a Prevention Only Fire Department).

§429.203 Minimum Standards for Basic Fire Inspector Certification.

In order to be certified as a **Basic Fire Inspector** [basic fire inspector], an individual must:

- (1) possess valid documentation as an Inspector I, Inspector II, and Plan Examiner I 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** [§439.1(a)(2)] of this title (relating to Requirements—General); or
- (2) complete a commission approved [Basic] **Fire Inspector** program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved [basic] fire inspection training program shall consist of one or any combination of the following:
 - (A) completion of the commission approved [Basic] **Fire Inspector** Curriculum, as specified in [Chapter 4 of] the commission's Certification Curriculum Manual; or

- (B) successful completion of an out-of-state, NFA, and/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 [Basic] Fire Inspector Curriculum as specified in [Chapter 4 of] the commission's Certification Curriculum Manual; or
- (C) successful completion of the following college courses:
- (i) Fire Protection Systems, three semester hours;
 - (ii) Fire Prevention Codes and Inspections, three semester hours;
 - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
 - (iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12).
- (D) documentation of the receipt of Fire Inspector I, Fire Inspector II, and Plan Examiner I certificates issued by the State Firemen's and Fire Marshals' Association of Texas that are deemed equivalent to a commission approved [Basic] Fire Inspector curriculum.

§429.205 Minimum Standards for Intermediate Fire Inspector Certification.

- (a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:
- (1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector 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** [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 Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.207 Minimum Standards for Advanced Fire Inspector Certification.

- (a) Applicants for Advanced Fire Inspector Certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector 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~~ ~~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 Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.209 Minimum Standards for Master Fire Inspector Certification.

- (a) Applicants for Master Fire Inspector Certification must complete the following requirements:
- (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
 - (2) acquire a minimum of 12 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 Fire Inspector Certification.

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

- (a) Individuals who hold commission Fire Inspector certification issued prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination, an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.
- (b) Individuals who pass the applicable section of the state examination may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:

- (1) To receive the IFSAC Inspector I seal, the individual must:
 - (A) complete the Inspector I section of a commission approved course; and
 - (B) pass the Inspector I section of a commission examination.
 - (2) To receive the IFSAC Inspector II seal, the individual must:
 - (A) complete the Inspector II section of a commission approved course;
 - (B) document possession of an IFSAC Inspector I seal; and
 - (C) pass the Inspector II section of a commission examination.
 - (3) To receive the IFSAC Plan Examiner I seal, the individual must:
 - (A) complete the Plan Examiner I section of a commission approved course; and
 - (B) pass the Plan Examiner I section of a commission examination.
- (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.



TEXAS STATE ASSOCIATION OF FIRE FIGHTERS

Tim Rutland
 Executive Director
 Texas Commission on Fire Protection
 William B. Travis Building
 1701 Congress Ave, Suite 1-105
 Austin, TX 78701

Dear Mr. Rutland:

Please find the following as the Texas State Association of Fire Fighter's (TSAFF) official comments for amendments to Title 13, Chapter 429, Subchapter A, Texas Administrative Code proposed on 5/26/2017 by the Texas Commission on Fire Protection.

The TSAFF is opposed to the proposed amendments to Rule 429.3 as written. We believe that the Commission should work to develop ways to utilize the over 4700 licensed inspectors that already exist. We have great concern when it comes to lessening the standards for inspectors and believe that if this is done in the wrong way it could result in not only the death of fire fighters, but the citizens the Commission is also supposed to protect. Additionally, we have concerns that the Commission may be inadvertently setting up a bifurcated system when it come to the qualifications of inspectors. This would result in urban areas enjoying a higher level of inspection than rural areas. In our opinion, a bad inspection provides a false sense of security that is incredibly dangerous and people in rural areas deserve similar access to high quality inspections.

We do believe that there are ways to repair some of the issues with the proposed rules. The changes we believe should happen are as follows:

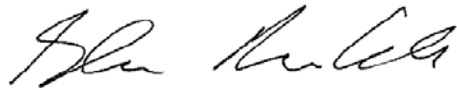
- Change the requirements from Inspector I of the NFPA requirements to Inspector II requirements. This would give the inspectors the knowledge to interpret codes and not just to check boxes.
- Place limits on the types of single use occupancy structures that an Inspector I is allowed to inspect to ensure that a complex structure that only has one use is not left to someone that does not have the ability to make complex interpretations of the code.
- All Inspector I level inspectors must work under the supervision of an inspector that has Inspector I, II and Plans Examiner certifications. This would ensure that the

inspector is being monitored by a person that has inspection qualifications and not a city employee with little understanding of the consequences of poor inspections.

- An Inspector I should also be an individual that holds the following: Structure Fire Protection Certificate; Instructor I Certificate; Fire Officer I Certificate. This would prevent people with little to no experience from becoming an Inspector I.

We appreciate your attention to our comments and I can answer any questions that you or the commissioners may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Glenn Deshields". The signature is fluid and cursive, with the first name "Glenn" being more prominent than the last name "Deshields".

Glenn Deshields
Legislative Director
Texas State Association of Fire Fighters

12. 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 425, Fire Service Instructors.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 07/13/2017

Agenda Item #: 12A - #1

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes correct obsolete language and make other minor language changes for clarification and consistency.

2. DESCRIPTION/ JUSTIFICATION

The obsolete language was incorrectly referencing another section of commission rules.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 425, Fire Service Instructors

CHAPTER 425

FIRE SERVICE INSTRUCTORS

§425.1 Minimum Standards for Fire Service Instructor Certification.

- (a) Training programs that are intended to satisfy the requirements for fire service instructor certification must meet the curriculum and competencies based upon NFPA 1041. All applicants for certification must meet the examination requirements of this section.
- (b) Prior to being appointed to fire service instructor duties, all personnel must complete a commission approved fire service instructor program and successfully pass the commission examination pertaining to that curriculum.
- (c) Personnel who receive probationary or temporary appointment to fire service instructor duties must be certified by the commission within one year from the date of appointment to such position.
- (d) An out-of-state, military, or federal instructor training program may be accepted by the commission as meeting the training requirements for certification as a fire service instructor if the training has been submitted to the commission for evaluation and found to be equivalent to or to exceed the commission approved instructor course for that particular level of fire service instructor certification.
- (e) An individual who holds a bachelor's degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the State Board for Educator Certification or an associate's degree with twelve semester hours of education instructional courses is considered to have training equivalent to the commission's curriculum requirements for Instructor I, II and III training.
- (f) Personnel holding any level of fire service instructor certification must comply with the continuing education requirements specified in §441.21 of this title (relating to Continuing Education for Fire Service Instructor).

§425.3 Minimum Standards for Fire Service Instructor I Certification.

In order to ~~be~~ ~~become~~ certified as a Fire Service Instructor I an individual must:

- (1) have a minimum of three years of experience **as defined in §421.5 of this title (relating to Definitions)** ~~[(as defined in §421.5(47) of this title (relating to Definitions))]~~ in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (2) possess valid documentation as a Fire Instructor I, II or III from either:
 - (A) the International Fire Service Accreditation Congress (IFSAC); or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 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) have completed the appropriate curriculum for Fire Service Instructor I contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (4) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

§425.5 Minimum Standards for Fire Service Instructor II Certification.

In order to **be** ~~become~~ certified as a Fire Service Instructor II, an individual must:

- (1) hold as a prerequisite a Fire Instructor I certification as defined in §425.3 of this title (relating to Minimum Standards for Fire Service Instructor I Certification); and
- (2) have a minimum of three years of experience **as defined in §421.5 of this title (relating to Definitions)** ~~[(as defined in §421.5(47) of this title (relating to Definitions))]~~ in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) possess valid documentation as a Fire Instructor I, II or III from either:
 - (A) the International Fire Service Accreditation Congress (IFSAC); or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2007 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
- (4) have completed the appropriate curriculum for Fire Service Instructor II contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification).

§425.7 Minimum Standards for Fire Service Instructor III Certification.

In order to **be** ~~become~~ certified as a Fire Service Instructor III an individual must:

- (1) hold as a prerequisite, a Fire Instructor II Certification as defined in §425.5 of this title (relating to Minimum Standards for Fire Service Instructor II Certification); and
- (2) have a minimum of three years of experience **as defined in §421.5 of this title (relating to Definitions)** ~~[(as defined in §421.5(47) of this title (relating to Definitions))]~~ in fire protection in one or more or any combination of the following:
 - (A) a paid, volunteer, or regulated non-governmental fire department; or
 - (B) a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and

- (3) possess valid documentation of accreditation from the International Fire Service Accreditation Congress (IFSAC) as a Fire Instructor III; or
- (4) have completed the appropriate curriculum for Fire Service Instructor III contained in Chapter 8 of the commission's Certification Curriculum Manual, or meet the equivalence as specified in §425.1(d) or (e) of this title (relating to Minimum Standards for Fire Service Instructor Certification); and
- (5) successfully pass the applicable commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification); and either
 - (A) hold as a prerequisite an advanced structural fire protection personnel certification, an advanced aircraft fire protection personnel certification, advanced marine fire protection personnel certification, advanced inspector certification, advanced fire investigator, or advanced arson investigator certification; or
 - (B) have 60 college hours from a regionally accredited educational institution; or
 - (C) hold an associate's degree from a regionally accredited educational institution.

§425.9 Minimum Standards for Master Fire Service Instructor III Certification.

In order to ~~be~~ ~~become~~ certified as a Master Fire Service Instructor III the individual must:

- (1) hold as a prerequisite a Fire Service Instructor III certification; and
- (2) be a member of a paid, volunteer, or regulated non-governmental fire department; or a department of a state agency, education institution or political subdivision providing fire protection training and related responsibilities; and
- (3) hold as a prerequisite a master structural fire protection personnel certification, a master aircraft rescue fire fighting personnel certification, master marine fire protection personnel certification, master inspector certification, master fire investigator certification, or master arson investigator certification; or
- (4) hold a **bachelor's** ~~[bachelors]~~ degree or higher in education from a regionally accredited educational institution or a teaching certificate issued by the Texas State Board of Education.

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

- (a) Individuals completing a commission approved Fire Service Instructor I training program and passing the applicable state examination may be granted an IFSAC seal for Instructor I by making application to the commission and paying the applicable fee.
- (b) Individuals holding an IFSAC Instructor I seal, completing a commission approved Fire Service Instructor II training program, and passing the applicable state examination may be granted an IFSAC seal for Instructor II by making application to the commission and paying the applicable fee.
- (c) Individuals holding an IFSAC Instructor II seal, completing a commission approved Fire Service Instructor III training program, and passing the applicable state examination may be granted an IFSAC seal for Instructor III by making application to the commission and paying the applicable fee.
- (d) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

- 12. 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 431, Fire Investigation.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission
DATE: 07/13/2017

Agenda Item #: 12A - #2

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes clarify the requirements for a person to obtain an Arson Investigator or Fire Investigator certification.

2. DESCRIPTION/ JUSTIFICATION

Current language requires a person to make application to the commission in order to print an "equivalent" Arson or Fire Investigator certification. The equivalent certification could be issued electronically, but could not be printed until the person had applied and paid the fee. The new language requires the person to apply and pay the fee in order to be issued the certification. This change is necessary because of the function of the soon to be instituted online certification system.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 431, Fire Investigation

CHAPTER 431

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 or criminal justice subjects.
- (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 **certification.** [certificate.] To obtain **an arson investigator certification** [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.

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. 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 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 **fire investigator certification** ~~[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**[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 or criminal justice subjects.

(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.

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

- 12. 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:**
 - 3. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 443, Curriculum Manual.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 07/13/2017

Agenda Item #: 12A - #3

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes reflect new procedures for curricula development.

2. DESCRIPTION/ JUSTIFICATION

The proposed changes update and clarify the language regarding development of curricula and training programs. The intent of the changes is to reflect the fact that the commission no longer develops curricula for voluntary certifications.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 443, Curriculum Manual

CHAPTER 443

CERTIFICATION CURRICULUM MANUAL

§443.1 [~~Curriculum~~] Approval by the Fire Fighter Advisory Committee.

- (a) All **proposals for new or revised curricula and training programs** [~~curricula or changes to curricula for fire protection personnel~~] must be submitted to the Fire Fighter Advisory Committee for approval.
- (b) The Fire Fighter Advisory Committee may:
- (1) submit **proposals** [~~new curricula or changes to curricula~~] to a subcommittee formed of members of the Fire Fighter Advisory Committee for study and review before approval; or
 - (2) submit **proposals** [~~new curricula or changes to curricula~~] to an advisory committee formed of members of the fire service who are recommended by the Fire Fighter Advisory Committee and appointed by the Commission to report to the Fire Fighter Advisory Committee, for study and review before approval.
- (c) All **proposals** [~~new curricula or changes to curricula~~] approved by the Fire Fighter Advisory Committee shall be placed on the next scheduled meeting agenda of the Texas Commission on Fire Protection.

§443.3 [~~Curriculum~~] Approval by the Texas Commission on Fire Protection.

- (a) All **proposals for new or revised curricula and training programs** [~~curricula or changes to curricula~~] approved by the Fire Fighter Advisory Committee must receive final approval by the Texas Commission on Fire Protection.
- (b) **Proposals** [~~Curricula~~] not approved by the Commission shall be sent back to the Committee for further development. The Commission shall indicate to the Committee the reasons that the **proposals were** [~~curriculum was~~] not approved.

§443.5 Effective Date of New or Revised [~~Curricula or Changes to~~] Curricula and Training Programs Required by Law or Rule.

- (a) New curricula **and training programs** will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission.
- (b) Changes to curricula **and training programs** will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission.
- (c) Changes to curricula **and training programs** which involve reference materials will become effective on January 1 of the year following final approval by the commission or on the date specified by the commission, as recommended by the Fire Fighter Advisory Committee, depending on the impact the change will have on the curricula **or training programs**.
- (d) Changes to curricula **and training programs** that involve a safety consideration as determined by the Fire Fighter Advisory Committee shall become effective immediately following final approval by the commission.

§443.7 Effective Date of New or Revised Curricula or Changes or Revisions to Existing Curricula and Training Programs Which Are Voluntary.

- (a) New curricula **and training programs** will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the Commission.
- (b) Changes to curricula **and training programs** will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the Commission.
- (c) Changes to curricula **and training programs** that involve a safety consideration as determined by the Fire Fighter Advisory Committee shall become effective immediately following final approval by the Commission.

§443.9 National Fire Protection Association Standard.

- (a) All curricula **and training programs** ~~[for fire protection personnel]~~ must, as a minimum, meet the standards, to include manipulative skills objectives and knowledge objectives, of the current NFPA standard pertaining to the discipline, if such a standard **exists** ~~[exist]~~ and subject to subsection (c) of this section.
- (b) New curricula **and training programs** presented to the Fire Fighter Advisory Committee must, as a minimum, meet the standards of the current edition of the applicable NFPA standard for the discipline, if such a standard **exists**. ~~[exist.]~~
- (c) If a NFPA standard is adopted or an existing NFPA standard is revised, all curricula **and training programs** ~~[for fire protection personnel]~~ must meet the standards of the new or revised applicable NFPA standard within three years of the official adoption date of the applicable NFPA standard.

- 12. 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:**
 - 4. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 453, Hazardous Materials.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 07/13/2017

Agenda Item #: 12A - #4

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes remove obsolete language, reflect new procedures for curricula development and make other minor revisions.

2. DESCRIPTION/ JUSTIFICATION

The proposed changes add the standard language being used that reflects the fact that the commission does not develop curricula for voluntary certifications. The changes also remove a special provision that expired, removes redundant language, and makes other minor changes recommended for update and clarification.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 453, Hazardous Materials

CHAPTER 453

HAZARDOUS MATERIALS

SUBCHAPTER A

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS TECHNICIAN

§453.1 Hazardous Materials Technician Certification.

- (a) A Hazardous Materials Technician is defined as an individual who performs emergency response to an occurrence which results in, or is likely to result in, an uncontrolled release of a hazardous substance where there is a potential safety or health hazard (i.e., fire, explosion, or chemical exposure). A Hazardous Materials Technician responds to such occurrences and is expected to perform work to handle and control (stop, confine, or extinguish) actual or potential leaks or spills. The Hazardous Materials Technician assumes a more aggressive role than a first responder at the operations level, in that the Hazardous Materials Technician will approach the point of release. The Hazardous Materials Technician is expected to use specialized Chemical Protective Clothing (CPC) and specialized control equipment.
- (b) All individuals holding a Hazardous Materials Technician Certification shall be required to comply with the continuing education requirements in §441.17 of this title (relating to Continuing Education for Hazardous Materials Technician).

§453.3 Minimum Standards for Hazardous Materials Technician Certification.

~~[(a)]~~ In order to be certified as a Hazardous Materials Technician an 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 Hazardous Materials Technician 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 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); or
- (3) complete a commission approved Hazardous Materials Technician **training** program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Technician program must consist of one of the following:
 - (A) completion of **an in-state** ~~[a commission approved]~~ Hazardous Materials Technician **training program that meets the requirements of the applicable NFPA standard, is conducted by a commission certified training provider and approved through the commission's training prior approval system; or** ~~[Curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual; or]~~

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to **meet or exceed** ~~[be equivalent to, or exceeds]~~ the **NFPA standard for** ~~[commission approved]~~ Hazardous Materials Technician ~~[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 6 (pertaining to Hazardous Materials Technician) of the commission's Certification Curriculum Manual are met.]~~

§453.5 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Technician Certification.
- (b) Individuals will be permitted to take the commission examination for Hazardous Materials Technician by documenting completion of the NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Technician **training program**.~~[curriculum.]~~

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

Individuals completing a commission approved Hazardous Materials Technician **training** program, documenting an IFSAC seal for Hazardous Materials Awareness Level Personnel; and

- (1) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
- (2) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and
- (3) upon passing the applicable state examination, may be granted an IFSAC seal as a Hazardous Materials Technician 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.

CHAPTER 453

HAZARDOUS MATERIALS

SUBCHAPTER B

MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

§453.201 Hazardous Materials Incident Commander Certification.

The Hazardous Materials Incident Commander is defined as that person responsible for all incident activities, including the development of strategies and tactics and the ordering and release of resources.

§453.203 Minimum Standards for Hazardous Materials Incident Commander.

~~[(a)]~~ In order to be certified as Hazardous Materials Incident Commander an 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 Hazardous Materials Incident Commander 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 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); or
- (3) complete a commission approved Hazardous Materials Incident Commander **training** program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:
 - (A) completion of **an in-state** ~~[a commission approved]~~ Hazardous Materials Incident Commander **training program that meets the requirements of the applicable NFPA standard, is conducted by a commission certified training provider and approved through the commission's training prior approval system; or** ~~[curriculum as specified in Chapter 6 of the commission's Certification Curriculum Manual; or]~~
 - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to **meet or exceed** ~~[be equivalent to, or exceeds]~~ the **NFPA standard for** ~~[commission approved]~~ Hazardous Materials Incident Commander ~~[curriculum]~~.
- ~~[(4) Special temporary provision: Through February 2015, an individual is eligible for Hazardous Materials Incident Commander certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 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 6 (pertaining to Hazardous Materials Incident Commander) of the commission's Certification Curriculum Manual are met.]~~

§453.205 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Incident Commander certification.
- (b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Incident Commander **training** program.

- 12. 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:**
 - 5. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 07/13/2017

Agenda Item #: 12A - #5

Agenda Title: Proposed rule changes

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The change reflects new procedures for curricula development.

2. DESCRIPTION/ JUSTIFICATION

The proposed change reflects the fact that the commission does not develop curricula for voluntary certifications.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 455, Minimum Standards for Wildland Fire Protection Certification

CHAPTER 455

MINIMUM STANDARDS FOR WILDLAND FIRE PROTECTION CERTIFICATION

§455.1 Minimum Standards for Wildland Fire Protection Personnel.

- (a) A wildland fire fighter is defined as an individual whose assigned function is suppression of fires in the wildland or wildland-urban interface setting.
- (b) Individuals holding Wildland Fire Protection certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) All Wildland Fire Protection certifications issued by the commission and referenced in this chapter are voluntary.

§455.3 Minimum Standards for Basic Wildland Fire Protection Certification.

In order to be certified as Basic Wildland Fire Protection personnel, an individual must:

- (1) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as Wildland Fire Fighter Level I; or
- (2) complete a commission approved Basic Wildland Fire Protection program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Basic Wildland Fire Protection training program shall consist of one of the following:
 - (A) completion of the commission approved Basic Wildland Fire Fighter **training program**, [Curriculum,] as specified in the applicable chapter of the commission's Certification Curriculum Manual; or
 - (B) completion of the following National Wildfire Coordinating Group (NWCG) courses:
 - (i) S-130: Firefighter Training
 - (ii) S-190: Introduction to Wildland Fire Behavior
 - (iii) L-180: Human Factors on the Fireline
 - (iv) I-100: Introduction to the Incident Command System, or an equivalent basic incident command system course such as NIMS IS-100

§455.5 Minimum Standards for Intermediate Wildland Fire Protection Certification.

In order to be certified as Intermediate Wildland Fire Protection personnel, an individual must:

- (1) hold Basic Wildland Fire Protection certification issued by the commission; and
- (2) complete the associated position task book as adopted by the National Wildfire Coordinating Group (NWCG) 310-1. Proof of completion of the position task book must be from the Texas Intrastate Fire Mutual Aid System (TIFMAS) (e.g. task book approval form or TIFMAS card); and

- (3) individual who hold Structure Fire Protection certification issued by the commission must complete a commission approved Intermediate Wildland Fire Protection program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Intermediate Wildland Fire Protection training program shall consist of one of the following:
- (A) completion of the commission approved Intermediate Wildland Fire Fighter Curriculum, as specified in the applicable chapter of the commission's Certification Curriculum Manual; or
 - (B) completion of the NWCG course G-131: Wildland Training (FFT1) for Structural Fire Fighters; or
 - (C) completion of the NWCG courses S-131 and S-133; or
- (4) individuals who hold a State Firemen's and Fire Marshals' Association Advanced Accredited certification issued prior to January 1, 2012, or a State Firemen's and Fire Marshals' Association Firefighter II certification issued on or after January 1, 2012, must complete a commission approved Intermediate Wildland Fire Protection program and successfully pass the commission examination which includes both Basic Structure Fire Protection and Intermediate Wildland Fire Protection, as specified in Chapter 439 of this title. An approved Intermediate Wildland Fire Protection training program shall consist of one of the following:
- (A) completion of the commission approved Intermediate Wildland Fire Fighter Curriculum, as specified in the applicable chapter of the commission's Certification Curriculum Manual; or
 - (B) completion of the NWCG course G-131: Wildland Training (FFT1) for Structural Fire Fighters; or
 - (C) completion of the NWCG courses S-131 and S-133.

§455.7 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Wildland Fire Protection Certification.
- (b) Persons seeking a commission certification referenced in this chapter who do not currently hold a certification issued by the commission must meet all requirements regarding application for initial certification.

12. 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: 7/13/2017

Agenda Item #: 12.B.1

Agenda Title: Proposed rule change

Action to be taken: Discussion/possible action for publication

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes are recommended by staff to update and clarify language in the chapter.

2. DESCRIPTION/ JUSTIFICATION

The recommended changes are pursuant to a periodic rule review program required by the state.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For publication to Texas Register.

5. RECOMMENDATION

Recommend publication

6. REFERENCES

Chapter 423, Fire Suppression

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 **are appointed** [~~receive probationary or temporary appointment]~~ to structure fire protection **duties** [~~duties,~~] must be certified by the **commission** [~~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.]~~

~~[(b) [(c)] Prior to being appointed to **structure fire protection** [~~fire suppression~~] duties, personnel must:~~

~~[(1) complete a **commission approved** [~~Commission approved~~] basic structure fire **protection** [~~suppression~~] program; and [~~successfully complete a Commission recognized emergency medical course. The individual must~~]~~

~~[(2) successfully pass the **commission examination** [~~Commission examination pertaining to that curriculum~~] as required by §423.3 of this title [~~relating to Minimum Standards for Basic Structure Fire Protection Personnel Certification~~]; and [.]~~

~~[(3) **successfully complete a commission recognized emergency medical training program.** The **commission** [~~Commission~~] recognizes the following emergency medical training:~~

~~[(A) [(1)] Department of State Health Services Emergency Medical Service Personnel certification training;~~

~~[(B) [(2)] an American Red Cross Emergency Response course, including the optional lessons and enrichment sections;~~

~~[(C) [(3)] an American Safety and Health Institute First Responder course;~~

~~[(D) [(4)] National Registry of Emergency Medical Technicians certification; or~~

~~[(E) [(5)] medical training deemed equivalent by the **commission** [~~Commission~~].~~

~~[(c) [(d)] Personnel holding any level of structure fire protection personnel certification must comply with the continuing education requirements specified in **Chapter 441** [~~§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 ~~be~~ ~~[become]~~ certified as **Basic Structure Fire Protection Personnel**, ~~[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** ~~[commission approved]~~ basic structure fire **protection** ~~[suppression]~~ program, meet the medical requirements outlined in §423.1~~[(c)]~~ of this title (**relating to Minimum Standards for Structure Fire Protection Personnel**), 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** ~~[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**~~[commission approved]~~ Basic Fire Suppression Curriculum; or
 - (C) documentation of the receipt of **a Fire Fighter II certificate**, ~~[or]~~ an advanced certificate, or **confirmation of training** ~~[records]~~ from the State Firemen's and Fire Marshals' Association of Texas~~;~~ that is deemed equivalent to a **commission approved** ~~[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**~~[Certification]~~ must complete the following requirements:

- (1) hold, as a prerequisite, a Basic Structure Fire Protection Personnel **certification**~~[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** [~~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** [~~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** [~~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** [~~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** [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** [Certification] must complete the following requirements:
- (1) hold as a prerequisite an Advanced Structure Fire Protection Personnel **certification** [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 **structure** [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 completing a commission approved basic **structure fire protection** [fire suppression] program, meeting any other NFPA requirement, and passing the applicable **commission** 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; **and**
 - (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; **and**

- (B) provide medical documentation as outlined in subsection (c) of this section; **and**
 - (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; **and**
 - (B) document possession of an IFSAC Fire Fighter I seal; and
 - (C) pass the Fire Fighter II section of a commission examination.
- (b) **In order to qualify for a Fire Fighter I seal**~~[meet the medical requirements of NFPA 1001],~~ the individual must document successful completion of an emergency medical training course or program **that includes those subject areas required by NFPA 1001.** ~~[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 **fire fighting** [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 **to aircraft rescue fire fighting duties** [as Aircraft Rescue Fire Fighting Personnel] must be certified [to at least the basic level] by the **commission** [Commission] within one year from **the date of** their **appointment** [employment in an Aircraft Rescue Fire Fighting Personnel position].
- (c) Prior to being appointed to aircraft rescue fire **fighting** [suppression] duties, all personnel must:
- (1) successfully complete a **commission approved** [Commission-approved] basic **structure** fire **protection program** [suppression course] and pass the **commission's** [Commission's] examination [pertaining to that curriculum]; and
 - (2) successfully complete a **commission approved** [Commission-approved] basic aircraft rescue fire **fighting program** [protection course] and pass the **commission's** [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 **Chapter 441** [§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 **protection** [fighting] duties must be certified, as a minimum, as basic **structure** [structural] fire protection personnel.

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

In order to **be certified as** [obtain a] Basic Aircraft Rescue Fire Fighting Personnel, **an** [Certification the] individual must:

- (1) hold a Basic Structure Fire Protection Personnel **certification** [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 **fighting** [~~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 **fighting** [~~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; **or** []
 - (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** [~~Certification~~] must complete the following requirements:
 - (1) hold as a prerequisite a Basic Aircraft Rescue Fire Fighting Personnel **certification** [~~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** [~~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** [~~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** [~~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** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, an Advanced Aircraft Rescue Fire Fighting Personnel **certification** [~~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.

Individuals completing a commission approved basic aircraft rescue fire ~~fighting~~ [suppression-] program, documenting an IFSAC seal for Fire Fighter II, and passing the applicable ~~commission~~ [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.

CHAPTER 423

FIRE SUPPRESSION

SUBCHAPTER C

MINIMUM STANDARDS FOR MARINE FIRE PROTECTION PERSONNEL

§423.301 Minimum Standards for Marine Fire Protection Personnel.

- (a) Marine fire protection personnel are employees of a local governmental entity who work aboard a fire boat with a minimum pumping capacity of 2,000 gallons per minute, and fight fires that occur on or adjacent to a waterway, waterfront, channel, or turning basin.
- (b) Fire protection personnel ~~[of any local government entity, who are]~~ appointed **to** marine fire protection **duties** ~~[duties,]~~ must be certified by the **commission** ~~[Commission]~~ within one year from the date of their appointment ~~[in a marine fire protection personnel position].~~
- (c) Prior to being appointed to marine fire **protection** ~~[suppression]~~ duties, all personnel must:
- (1) successfully complete a **commission approved** ~~[Commission approved]~~ basic **structure** fire **protection program** ~~[suppression course]~~ and pass the **commission's** ~~[Commission's]~~ examination ~~[pertaining to that curriculum]; and~~
 - (2) successfully complete a **commission approved** ~~[Commission approved]~~ basic marine fire **protection program** ~~[suppression course]~~ and pass the **commission's** ~~[Commission's]~~ examination ~~[pertaining to that curriculum].~~
- (d) Personnel holding any level of Marine Fire Protection Personnel certification shall be required to comply with the continuing education specified in **Chapter 441** ~~[-§441[-11-]]~~ of this title (relating to Continuing Education ~~[for Marine Fire Protection Personnel]).~~

§423.303 Minimum Standards for Basic Marine Fire Protection Personnel Certification.

In order to **be certified as Basic** ~~[obtain as basic]~~ Marine Fire Protection Personnel ~~[Certification]~~ **an** ~~[the]~~ individual must:

- (1) hold a Basic Structure Fire Protection Personnel **certification** ~~[Certification]~~; **and**
 - (2) **complete a commission approved marine fire protection program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved marine fire protection program shall consist** ~~[complete a training program specific to marine fire protection consisting]~~ of one of the following:
 - (A) ~~[complete]~~ the **commission approved** ~~[Commission approved]~~ Basic Marine Fire Protection Curriculum as specified in Chapter 3 ~~[,]~~ of the **commission's** ~~[Commission's]~~ Certification Curriculum Manual; **or** ~~[,]~~
 - (B) An out-of-state, and/or military training program that has been submitted to the **commission** ~~[Commission]~~ for evaluation and found to be equivalent to or exceed the **commission approved** ~~[Commission approved]~~ Basic Marine Fire Protection Curriculum.
- ~~[- (3) successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification) prior to assignment.]~~

§423.305 Minimum Standards for Intermediate Marine Fire Protection Personnel Certification.

- (a) Applicants for Intermediate Marine Fire Protection Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, a Basic Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.303 of this title (relating to Minimum Standards for Basic Marine 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** [~~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** [~~Commission's~~] Certification Curriculum Manual or for experience in fire service, may not be counted towards 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 Marine Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course, or a course of similar content, cannot be used towards this level of certification.

§423.307 Minimum Standards for Advanced Marine Fire Protection Personnel Certification.

- (a) Applicants for Advanced Marine Fire Protection Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.305 of this title (relating to Minimum Standards for Intermediate Marine 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 towards 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 Marine Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

§423.309 Minimum Standards for Master Marine Fire Protection Personnel Certification.

- (a) Applicants for Master Marine Fire Protection Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, an Advanced Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.307 of this title (relating to Minimum Standards for Advanced Marine Fire Protection Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, 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 Marine Fire Protection Personnel Certification.

12. 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 433, Driver/Operator.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 7/13/2017

Agenda Item #: 12.B.2

Agenda Title: Proposed rule change

Action to be taken: Discussion/possible action for publication

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The recommended change extends the end date for the initial certification period to one full year from the effective date of the rule.

2. DESCRIPTION/ JUSTIFICATION

The adoption of the rules regarding Driver/Operator-Aerial were delayed approximately 3 months, but the end date for the period of initial certification requirements had not been revised to allow for the full one year. The rule change corrects this.

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For publication to Texas Register.

5. RECOMMENDATION

Recommend publication

6. REFERENCES

Chapter 433, Driver/Operator

CHAPTER 433

DRIVER/OPERATOR

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 ~~{§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.

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. 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 433

DRIVER/OEPRATOR

SUBCHAPTER B

MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS

§433.201 Driver/Operator-Aerial Apparatus Certification.

- (a) 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.
- (b) Individuals holding Driver/Operator-Pumper certification are eligible to take the commission examination for Driver Operator-Aerial Apparatus upon documentation to the commission that the individual has completed Driver Operator-Aerial Apparatus training that meets the minimum requirements of **NFPA 1002** [~~the National Fire Protection Association Standard 1002~~] or provide documentation of proficiency in the operation of an aerial apparatus from a department with an in service aerial apparatus. This section will expire on **May 18, 2018** [~~February 28, 2018~~].

§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** [~~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 in 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.

12. 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 changes to the Reference List for the Incident Safety Officer Curriculum and the appointment of Sam Baucom, Amarillo Fire Department to the committee.**

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

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

NFPA 1951 Standard on Protective Ensembles for Technical Rescue Incidents. (2013 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association NFPA Publications. (This was moved from recommended to required.)

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.~~

13. Discussion and possible action on the 2016 data collected regarding fire fighter injuries, and the development of recommendations to be submitted to the State Fire Marshal's Office for inclusion in its annual report.

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, 3rd Quarter FY2017 Overview and Executive Office

Overview

The third quarter saw the finish of the 85th legislature's regular session. TCFP staff tracked a number of bills related to Texas emergency services, and several that could potentially impact agency operations in one way or another. Ultimately, only a few directly impacting the agency passed during the session. The executive office attended committee hearings as necessary during the session to be available as a resource for committee members, and provide occasional testimony (as an information resource only). The governor has called for a special session to address priority unfinished business, which is anticipated to be unrelated to agency operations. The 30-day session will begin in late July.

TCFP's budget was approved per its legislative appropriations request, except that unfortunately the legislature elected not to remove the additional \$1.5 million revenue requirement from Rider #2 of the agency's budget. As with most agencies, TCFP will also be called upon to operate with 4% less in the upcoming 2018-19 budget cycle than had been appropriated during the 2016-17 biennium. The necessary adjustments have been made to projected spending to accommodate the reduction; staff reduction is not anticipated to be necessary to meet the goal.

Again, testing volume was significantly higher during this quarter as compared to the same period last year. The overall pass rate for all exams has been impacted because of the new requirements (began January 1st) calling for examinees to pass all sections of the Structural FP and Fire Inspector exams in order to qualify for state certification. It is anticipated that pass rates for these two exams will improve as training facilities and individuals make the necessary adjustments.

Work continues in the complete redesign of the agency's data management system. Most database and backend programming has been completed, with the majority of efforts now focused on the user interface for both staff and customers. Staff contacted and began making the necessary arrangements with a number of testing facilities around the state that will serve to deliver the agency's exams in an online format.

Staff initiated a general review of all agency rules began during the quarter, as required by the Secretary of State. The review is required to ensure that agencies' rules remain valid and up-to-date. Staff will bring recommended rule changes to the commissioners as needed.

Other activities for the executive office during the 3rd quarter:

- March 15th: Attended Senate Finance Committee hearing in which funding decisions were made regarding recommendations from committee work groups.
- March 20th: Presented welcome and opening remarks to general session of 2017 Texas Fire Marshals' Conference in Austin.
- March 22nd: Attended ceremonies and other activities related to Emergency Services Legislative Day at the capitol.
- March 28th: Presentation at the TFCA Central Region meeting in Buda.
- April 6th: Attended Homeland Security Council meeting at DPS main campus, Austin.
- May 10th: Presentation at Fire Marshals' Academy at Bill Blackwood Institute on campus of Sam Houston State University, Huntsville.
- May 18-19th: Participated in career fair at Burkeville ISD campus in Burkeville.
- May 30th: Presentation at Center for Public Safety Excellence (CPSE) consortium meetings.

Commission Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 3rd Quarter, FY 2017**
 - **Test Administration** – 3036 exams were administrated during this quarter with an average grade of 80.63% and a pass rate of 77.83%.
 - **Training Approvals** – Unable to obtain this information due to Training Facility Management System Course Approval Report function not working properly.
 - **Record Reviews** –Seventy-eight (78) record reviews for equivalency were conducted (29 out of state; 20 SFFMA; 29 Wildland; and 578 test packets were distributed in the 3rd quarter. One hundred twenty-one (121) Qual#s were issued in the Training Facility Management System.
 - **Training and Skill Testing Audits –**
 - Twenty-three (23) onsite training, record, and skill audits were conducted during this quarter. Deficiencies were found with one training provider. Course final wasn't proctored and skill sheets were not signed. These issues were addressed and resolved. Course final was rescheduled and administered in a proctored setting per TCFP rules. Signatures were obtained for skill sheets. ****Responsibility for on-site audits has been transferred to the Compliance section. Training Approval and Testing Supervisor and Online Auditor will continue to assist.**
 - Fifty-one (51) online training audits were conducted with deficiencies identified. Across the board issues with no syllabus attached to course, login information updated but TCFP not notified and final exam not being proctored. Deficiencies were corrected by changes to the administration of the course final in accordance to TCFP rules and syllabuses attached to all coursed. Notification of changes to login information continues to be an ongoing problem.
- **Activities for the Next Quarter**
 - Continue to work with IT staff on the online test scheduling procedures, payment processes, and web-based testing project.
 - Continue working in conjunction with the Compliance Officers to focus on conducting more on-site training, record, and skill audits within their respective regions. Assist in resolving any deficiencies found.

Certification, Renewal and Curriculum 3rd Quarter Report, FY 2017

Certification/Renewal

- 2986 certificates issued
- 1356 IFSAC seals issued
- 270 training facilities holding 1635 active certifications
- 105 individual certificate holders renewed
- 32750 active certificate holders
- 31 training facility certificates issued to 11 different entities

Other Activities:

- Kristen Borthwick continues to adapt very well to all of requirements of her job. She has absorbed all of the information at a very rapid pace.
- The individual CE audit process has been completely caught up. We are about to begin preparing for next year's renewal.
- Sylvia Miller participated in additional Inspector ad-hoc committee meetings.

Quarterly Report – Curriculum Development March 2017 – May 2017

Meetings

March 23: FF Advisory Committee

April 6-8: IFSAC spring meeting

April 27: Commission meeting

May 22-23: Fire and Life Safety ad hoc committee

Meetings Detail

- **Firefighter Advisory Committee & Commission meetings**
Updated curriculum manual documents approved for Basic Wildland; also approved updated reference lists for Basic Fire Inspector and Hazmat Incident Commander.
- **IFSAC Spring meeting**
I attended many meetings, mostly business as usual. One item of note was a lot of discussion on NFPA 1006 (Technical Rescue). Long story short: we need to hold off on creating any tech rescue certifications until the issues are resolved. Apparently, there are a lot of problems with it as currently published, and either NFPA has already pulled it back in for more work, or they are going to. Someone who is/was on the 1006 committee was at the meeting. There are a lot of issues that need to be addressed, many revolving around prerequisites. There seems to have been a major goof with some cutting and pasting – I'm not exactly sure of the details. It sounds like, in a way, it was impossible to meet all the prerequisite requirements as written because you would need A to get B, and you would need

B to get C, but to get A you would also need C (which you couldn't get without B, which you couldn't get without A in the first place).

- **FLSE ad hoc committee**

This was the second meeting. The committee discussed possible prerequisites for the level I certification, and reviewed the curriculum documents they had created in the first meeting. Then they worked on test questions – reviewing ones created for homework, and writing many new questions as a group. We began to discuss how the performance skills would be created, which will be the focus of the next meeting.

Test Development and Test Bank Maintenance

- David continues to work with the IT staff in developing the new on-line testing platform.
- Created 145 monthly certification exams.
- Continued regular review of test questions as required.
- David has been working on writing new test questions for many of the disciplines in order to strengthen our new (TCFP-developed) test banks. This is in preparation for our IFSAC review/audit which is scheduled to take place June 2018.
- Completed the new D/O-Aerial test bank.
- Continued to work on creating (with the help of committees) the following new test banks for on-line testing:
 - All Hazmat disciplines (Aw, Ops, Mission-Specific, Tech, IC)
 - ISO
 - Basic Wildland
 - Firefighter I
 - Fire and Life Safety Educator I

Compliance
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March 2017 – May 2017

- The Compliance Team discussed whether it is permissible for regulated training facilities to have written agreements with other entities related to the required training materials and books (reference sources). **DECISION:** Compliance Officers will consider as compliant, there must be at least one copy available and accessible by students and instructors (even if by written agreement) of every required reference on the TCFP reference list where applicable for certification course purposes.
- The Compliance Team discussed the following question from a regulated fire department. Is it acceptable for PPE protective hoods; to inventory with all the NFPA required data recorded, then using an indelible marker, write on each hood the person's name and an inventory number. This name and number would then be linked to the inventory data in the event the tag or the markings on it became unreadable. NFPA 1971 Chapter 5.2.1 "THIS STRUCTURAL FIRE FIGHTING PROTECTIVE (insert appropriate element term here) MEETS THE (insert appropriate element term here) REQUIREMENTS OF NFPA 1971, 2013 EDITION. DO NOT REMOVE THIS LABEL." **DECISION:** Compliance Officers will consider as compliant, the use of an indelible marker to write on each hood the person's name including an inventory identification number and we accept writing over the manufacturer date on the NFPA tag as necessary to make it legible upon inspection of the hood. The ink from the marker SHALL NOT be placed in a position on the hood that permits the ink to come into direct contact with the firefighter's skin when properly worn. Upon inspection, the compliance officer will view the firefighters name and inventory ID and look for the manufacturer date on the label of each inspected hood then confirm that it is linked to the inventory data in the departments records data system. The NFPA tag must remain attached to the hood and be readable (indelible marker ink is permissible for this purpose).
- The Compliance team discussed whether it is permissible for regulated departments to attach after-market identification labels on the SCBA face piece lens. **DECISION:** More discussion will occur at the Compliance Team July Training in Austin. At this time, the Compliance Officers handle this occurrence as a violation and requires the regulated entity to maintain a letter of approval in writing from the face piece manufacturer for the label accessory. NFPA 1852, 2013, Chapter 4.3.7 - The organization shall develop an SOP that requires no member of the organization performs any alternations to the SCBA's form, fit, or function that causes the certification to the NIOHS or to NFPA 1981 to be invalid.
- The Compliance Team participated in Skype meetings to receive a short overview on how to use a new tool on FARM that will allow access Continuing Education records for individuals to add or update their CTBS or Traffic Incident Management Training completion dates, to discuss the issues surrounding the SCBA facepiece accessory label attachments being identified during compliance inspections.
- The Compliance Team successfully completed a large department biennial inspection in Region 2. Rick Wallace planned, organized and led the team. The inspection was successful. Only minor violations were identified and all violations have been corrected. The Compliance program wishes to thank the El Paso Fire Department staff for their help with the inspection and congratulate them on a successful biennial inspection.
- The Executive Director moved Training Certification Course and Training Records auditing under the duties, responsibilities and authority from the Testing and Training and Certification program area to the Compliance Program area. The Compliance Manager and Compliance Team are drafting policies and procedures for handling and managing

the audit process. The Compliance Manager intends to finalize the policy and procedure at the annual Compliance Team training in Austin in July.

- As required by the TCFP and DPS protocols, the Compliance Manager completed the TX DPS-CJIS Security Awareness Training.
- Per the directions received from the agency HR Manager the Compliance Team completed a refresher course on EEO/Diversity training entitled, "Diversity, Equal Opportunity & Non-Discrimination".
- The Compliance Team will meet in Austin in July to receive annual training and updates pertaining to the Compliance program and per agency needs and directions.

FY 2017 3Q Injury Reporting Program

	1Q	2Q	3Q	4Q	Totals
Reported Injuries	861	1032	1242		3135
Burns	23	21	26		70
SOP-related*	4	3	10		17
Environmental	41	57	40		138

*Injuries involving SOP violations

FY 2017 3Q Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	21	25	15		61
Print items	9	5	4		18
<i>Research and reference requests</i>					
Internal	5	3	3		11
External	26	36	28		90
New library borrowers (new users)	6	4	4		14
Responses to borrower follow-up surveys	1	2	0		3
<i>Items cataloged</i>					
AV items	5	0	2		7
Print items	3	6	9		18
Desk copy items ordered and processed	1	2	2		5
<i>Publications/postings</i>					
Library newsletter	0	2	1		3

FY 2017 3Q Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Totals
Fire department job postings	162	140	124		426
Number of departments requesting postings	128	135	121		*
Website home page articles	1	0	2		3
Facebook posts	24	17	18		59
Twitter "tweets"	28	21	33		82
Open records requests	211	224	229		664

*Non-cumulative

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.