

**Texas Commission on Fire Protection
Commissioners' Meeting Agenda
Nov 20, 2025, 10:00 a.m.
4800 N. Lamar Boulevard, Room 140, Austin, Texas**

The Texas Commission on Fire Protection (the "Commission") may discuss and act on any of the following agenda items. The Commission may go into executive session on any agenda item listed below as authorized by the Open Meetings Act, Texas Government Code Chapter 551:

1. Call to order with a moment of silence, an invocation¹ and pledge of allegiance.
2. Roll call for a quorum and to excuse Commissioner absences, if any.
3. Approve Commission meeting minutes for the August 21, 2025, meeting.
4. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from TEEEX, the Texas Fire Chiefs Association, the Texas State Association of Firefighters, the State Firefighters' and Fire Marshals' Association of Texas, the Texas Fire Marshals Association, the Texas Association of Fire Educators, the Texas A & M Forest Service, the National Fire Protection Association, the Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, the State Fire Marshal's Office, the National Fallen Firefighters Foundation and the Firefighter Cancer Support Network.
5. Matters referred to the Commission by the Health and Wellness Committee.
 - a. Annual report pursuant to 37 Texas Administrative Code (TAC), Chapter 463, Advisory Committees, Practice and Procedures.
 - b. Overview of Firefighter Cancer Study by Dr. Jooyeon Hwang of UT Health Science Center.

¹ Any invocation that may be offered before the official start of the Commission meeting shall be a voluntary offering to and for the benefit of the Commission. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission and do not necessarily represent the religious beliefs or views of the Commission in part or as a whole. No member of the community is required to attend or participate in the invocation. Such a decision will not impact their right to participate actively in the business of the Commission. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the Commission Clerk.

- c. Discussion and possible action on letter of support for the Firefighter Cancer Study for UT Health Science Center

6. Matters referred to the Commission by the Curriculum and Testing Committee.

- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.
- b. Discussion and possible final adoption of 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, §429.203.
- c. Discussion and possible action regarding the replacement of Curriculum and Testing member Desha Turner who resigned Oct 7, 2025.

7. Matters referred to the Commission by the Firefighter Advisory Committee.

- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.
- b. Discussion and final adoption of 37 TAC, Chapter 433, Driver/Operator.
- c. Discussion and possible action on rule review of 37 TAC, Chapter 423, Fire Suppression.
- d. Discussion and possible action on rule review of 37 TAC, Chapter 427, Training Facility Certification.
- e. Discussion and possible action on rule review of 37 TAC, Chapter 431, Fire Investigator.

8. Discussion and possible action on the appointment of an Ad Hoc Committee on HB1593.

9. Discussion and possible action on the report from the Subcommittee on Advisory Committee member selection.

- a. Review of relevance of each Advisory Committee pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures, §463.3 (f).
- b. Appointment of member positions 3, 4 and 5 on each Advisory Committee to become effective Jan. 1, 2026.
- c. Establish a new member eligibility list for each Advisory Committee for 2026.

10. Discussion and possible final adoption of 37 TAC, Chapter 435, Fire Fighter Safety, §435.7 as it relates to HB 3732 on extensions to comply with NFPA standards.
11. Discussion and possible final adoption to 37 TAC, Chapter 437, Fees, §437.3 related to HB 5629 on certification application fees for military personnel.
12. Discussion and possible action on 37 TAC, Chapter 469, Technical Rescue including, but not limited to, the removal of language specific to the provisional certification period.
13. Discussion and readoption of 37 TAC, Chapter 401, Administrative Practice and Procedure.
14. Proposed Rule Review for the following:
 - a. 37 TAC, Chapter 435, Fire Fighter Safety.
 - b. 37 TAC, Chapter 437, Fees.
15. Discussion and possible action on the appointment of a representative to the Texas Homeland Security Committee.
16. Report from the Agency Chief.
 - a. Update regarding agency duties and responsibilities
 - b. Decisions of the Agency Chief in contested cases and consent orders
 - c. Status of division functions:
 - i. Training Approval and Testing
 - ii. Certification and Professional Development
 - iii. Compliance
 - iv. Information Technology
 - d. Discussion on future meeting dates - the following meeting dates are set for 2026: February 18–19, 2026; May 14, 2026; August 19–20, 2026; November 12, 2026.
 - e. Executive Session (if needed).

19. Subjects for future Commission meeting agendas.

20. Adjourn Meeting.

AGENDA ITEM NUMBER 1

1. Call to order with a moment of silence, an invocation and pledge of allegiance.

AGENDA ITEM NUMBER 2

2. Roll call for a quorum and to excuse Commissioner absences, if any.

AGENDA ITEM NUMBER 3

3. Approve Commission meeting minutes for the August 21, 2025, meeting.

**TEXAS COMMISSION ON FIRE PROTECTION
MINUTES OF THE AUGUST 21, 2025 MEETING**

Presiding Officer Michael Glynn called the August 21, 2025 meeting of the Texas Commission on Fire Protection to order at 9:01 a.m. at the North Lamar Boulevard Building, 4800 N. Lamar Boulevard, Austin, Texas.

Commissioner Attendance:

Christopher Cantu	David Coatney	Kelly Vandygriff	Michael Glynn
Paul Hamilton	Bob Morgan	Tim Smith	Amanda Friedeck*
Brandon Wade	Michael Johnson	Daniel Buford	Sue DeVillez
James Mallinger	John Ortega		

*Excused absence

Staff Attendance:

Mike Wisko	Frank King	Yazzy Chavez	Holden Wenger	Cliff Grant
Grace Wilson	Rick Wallace			

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1. Call to order with an invocation and pledge of allegiance – Chairman Michael Glynn called the meeting to order at 9:01 a.m. The invocation was delivered, and the Pledge of Allegiance was led by former Commissioner Kelly Vandergriff. A moment of silence in honor of all firefighters who have recently fallen in the line of duty was observed.

 2. Roll call for a quorum and excuse of absences, if any - the roll was called, and a quorum was present. Commissioner Amanda Friedeck was absent with an excused absence.

 3. Approve Commission meeting minutes of the May 15, 2025 meeting – a motion was made by Paul Hamilton and seconded by David Coatney to approve the minutes of the May 15, 2025 meeting. The motion carried.

 4. Reports from fire service interest groups and agencies on matters relating to their specific organizational purpose - Reports were given by TEEEX, the State Fire Marshal’s Office, the Texas A&M Forest Service, the Texas Fire Chiefs Association, the Texas State Association of Firefighters, the State Firefighters’ and Fire Marshals’ Association of Texas, the Texas Fire Marshals Association, the Texas Association of Fire Educators, the Texas State Association of Fire and Emergency Districts, the National Fire Protection Association, the Center for Public Safety Excellence, the National Fallen Firefighters Foundation, and the Firefighter Cancer Support Network.

 5. Matters referred to the Commission from the Budget and Strategic Plan Ad Hoc Subcommittee:
 - Report from the Budget Committee - Commissioner Bob Morgan reported that the Committee met August 19, 2025. No action was taken.

 6. Matters referred to the Commission by the Firefighter Advisory Committee:
 - a. Discussion and possible action concerning the rule review of 37 Texas Administrative Code (TAC), Chapter 423, Fire Suppression - a motion made by David Coatney and seconded by John Ortega to send to the Texas Register for publication. The motion carried.
 - b. Discussion and possible action concerning the rule review of 37 TAC, Chapter 427, Training Facility Certification – The Committee tabled the review and formed an Ad Hoc Committee to review it further. No further action was taken.

- c. Discussion and possible action concerning the rule review of 37 TAC, Chapter 431, Fire Investigator - The Committee tabled the review and formed an Ad Hoc Committee to review it further. No further action was taken
 - d. Discussion and possible action concerning the rule review 37 TAC, Chapter 433, Driver/Operator – a motion was made by James Mallinger and seconded by Christopher Cantu that the rule review has been completed. Motion carried.
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7. Discussion and Possible Action on Report from the Health & Wellness Committee:

- a. Report from the Health and Wellness Committee - a brief report was given. No action was taken.
 - b. Discussion and possible action regarding the Health and Wellness Committee's position on the 2024 Injury Report- a brief report was given. No action was taken.
 - c. Discussion and possible action regarding the removal of Del Albright from the Health and Wellness Committee and the appointment of a replacement- a motion was made by David Coatney and seconded by John Ortega to appoint Jason Corthell to replace Del Albright. Motion carried.
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8. Matters referred to the Commission from the Curriculum and Testing Committee:

- a. Report from the Curriculum and Testing Committee - a brief report was given.
 - b. Discussion and possible action on proposed changes to 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, §429.203 - a motion was made by James Mallinger and seconded by John Ortega to submit the proposed changes to the Texas Register. The motion carried.
 - c. Discussion and possible action on updates to the Fire Marshal Curriculum Manual - a motion was made by John Ortega and seconded by David Coatney to adopt the proposed changes to the Fire Marshal Curriculum. The motion carried.
 - d. Discussion and possible action concerning 37 TAC, Chapter 421, Standards for Certification, §421.3- a motion was made by Christopher Cantu and seconded by Bob Morgan to approve amendments for final adoption. The motion carried.
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9. Discussion and review of 37 TAC Chapter 463, Advisory Committees, practices and procedures regarding a selection committee, and the applicant list for Curriculum and Testing, Fire Fighter Advisory Committee and Health and Wellness Committee - a brief report was given. No action was taken.

10. Discussion and possible action to 37 TAC, Chapter 425, Fire Service Instructors - a motion was made by Paul Hamilton and seconded by James Mallinger to adopt the proposed changes. The motion carried.

11. Discussion and possible action to 37 TAC, Chapter 429, Fire Inspector and Plan Examiner - a motion was made by James Mallinger and seconded by John Ortega to submit the proposed changes to the Texas Register. The motion carried.

12. Discussion and possible action on 37 TAC, Chapter 401, Administrative Practice and Procedure - a motion was made by Branon Wade and seconded by David Coatney to adopt the proposed changes. The motion carried.

13. Discussion and possible action to 37 TAC, Chapter 437, §437.3 Fees, related to HB 5629-Fees for Military Personnel - a motion was made by David Coatney and seconded by Tim Smith to submit the proposed changes to the Texas Register. The motion carried.

14. Discussion and possible action related to HB 3732, including proposed rule changes to 37 TAC, Chapter 435, §437.3 Fire Fighter Safety - a motion was made by Paul Hamilton and seconded by John Ortega to approve proposed changes for publication. The motion carried.

15. Discussion and possible action related to HB 198 - a motion was made by David Coatney and seconded by James Mallinger to send HB 198 to the Health and Wellness Committee for review and recommendations. The motion carried.

16. Discussion and possible action related to HB 1639 - a motion was made by Tim Smith and seconded by Daniel Buford to appoint staff members. The motion carried.

17. Discussion and possible action related to HB 1593 – a brief report was given. No action was taken.

18. Discussion and possible action related to SB 1177 – a brief report was given. No action was taken.

19. Discussion and possible action on the 2024 Injury Report – a motion was made by Daniel Buford and seconded by David Coatney to approve with suggested edits. The motion carried.

20. Discussion and possible action on Telecommunicator Certification Request- a brief report was given. No action was taken.

21. Matters from the Agency Chief:

- a. Update regarding agency duties and responsibilities – Agency Chief Mike Wisko gave a brief report regarding the agency duties and responsibilities.
- b. Decision of the Agency Chief in contested cases and consent orders – there was nothing to report.
- c. Status regarding division functions - Agency Chief Mike Wisko gave a brief report on the division functions for each division as listed below:
 - i. Training Approval & Testing - tests administered, training approvals, record reviews, and online training audits.
 - ii. Certification & Professional Development – training applications, IFSAC seals issued, certifications issued, training facilities, curriculum development, library resource requests.
 - iii. Compliance – biennial inspections, compliance officers training, issues involving regulated entities.
 - iv. Information Technology- Public website design, FARM and FIDO improvements, CAPPS(Central Accounting Payroll/Personnel System), IT security policy, and service request.

22. Personnel matters regarding the appointment, employment, compensation, evaluation, reassignment, and duties of the Agency Chief – Chairman Michael Glynn called for a closed session at 11:23 a.m. pursuant to Government Code §551.074 to discuss personnel matters regarding the Agency Chief. After discussion, the closed session ended, and open session reconvened at 11:41 a.m. Commissioner Paul Hamilton moved to increase the salary of Chief Mike Wisko from \$140,000 to \$154,000, effective September 1, 2025. Commissioner Bob D. Morgan seconded. The motion carried.

23. Future Meetings schedule - The following meeting dates were set for 2026: February 18–19, 2026; May 14, 2026; August 19–20, 2026; November 12, 2026.

24. Subjects for future Commission meeting agendas - no matters were discussed. No action was taken.

25. Adjourn Meeting - Meeting was adjourned at 11:48 a.m.

X

Presiding Officer

Date

AGENDA ITEM NUMBER 4

4. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from TEEEX, the Texas Fire Chiefs Association, the Texas State Association of Firefighters, the State Firefighters' and Fire Marshals' Association of Texas, the Texas Fire Marshals Association, the Texas Association of Fire Educators, the Texas A & M Forest Service, the National Fire Protection Association, the Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, the State Fire Marshal's Office, the National Fallen Firefighters Foundation and the Firefighter Cancer Support Network.

AGENDA ITEM NUMBER 5

5. Matters referred to the Commission by the Health and Wellness Committee.

- a. Annual report pursuant to 37 Texas Administrative Code (TAC), Chapter 463, Advisory Committees, Practice and Procedures.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 463 ADVISORY COMMITTEES, PRACTICE AND PROCEDURES**

§463.1 Objective

(a) The Texas Commission on Fire Protection (TCFP) is organized to aid in the protection of the lives and property of Texas citizens through the development and enforcement of recognized professional standards for individuals and the fire service. To achieve the goals of TCFP, each committee will evaluate, make recommendations, and issue reports to the Commission on any issue in the committee's purview. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee. In this Chapter, "Commission" refers to the governing body, and TCFP refers to the state agency.

(b) The Commission has established a Firefighter Advisory Committee, Curriculum and Testing Committee, and Health and Wellness Committee in compliance with the Texas Government Code §2110.008, Duration of Advisory Committees. These committees will continue for four years from the date of creation and may be continued following a vote of the Commission, to extend each of the established committees. The Commission may create short-term Ad Hoc working groups for specific purposes in accordance with this rule. The committee's purpose, eligibility, terms, and meeting procedures are identified in this rule.

§463.3 General

(a) The Commission may convene committees that are deemed to be in the best interest of the TCFP and its mission.

(b) All committees shall be subject to and governed by these rules.

(c) The approved committee shall elect a member of their committee as the chairperson who may remain in this position for two (2) years before reappointment or until such time as a new person is appointed as the Chairperson.

(d) Committees should be composed of a reasonable odd number of members, with a minimum of nine and a maximum of 15 members.

(e) The committees shall meet at least twice each calendar year at the call of either the committee chairperson or the Commission.

(f) All committees shall be reviewed for relevance by the Commission every odd year and will either be renewed or discontinued.

(g) The committee chairperson may form ad hoc working groups, when in the judgment of the chair, it will enhance or provide guidance for a specific purpose or time period. The committee chairperson may determine working group selection, but membership is limited only to ad hoc and will disband once the purpose has been met.

(h) Annually each committee chairperson will present to the Commission an end-of-year status report.

(i) Meetings to deliberate a test item or information related to a test item do not require an open meeting per Texas Government Code §551.088.

§463.5 Eligibility

(a) Any person, association, corporation, partnership, or other entity having an interest in the above-recited objectives shall be eligible for membership.

(b) Committee composition should have representatives from each fire protection stakeholder group, with consideration of department size, region, and mission.

(c) Vacant positions will be announced. Interested, qualified candidates may apply for committee appointments. A candidate selection committee may be formed to assist in the application process and may make recommendations for appointments. The list of candidates will then be presented to the Commission during their next meeting for consideration. The Commission will appoint committee members and select alternates at the same time in the event committee members cannot fulfill their tenure and/or replacement members are needed. Terms shall begin immediately following Commission approval. Interim appointments may be made to complete vacated, unexpired terms.

§463.7 Terms

(a) Committee members shall be appointed to serve six-year terms of office, with the intent to stagger and to ensure continuity of membership from year to year. Committee members serve six-year terms and may serve consecutively; however, after a second six-year term, the member will not be eligible for another term until after a lapse of two years. For all committees, the member positions will be numbered 1-11.

Figure: 37 TAC §463.7(a)

Position	Initial Appointment
1&9	2024
2,10,11	2025
3,4,5	2026
6,7,8	2027

(b) The current holdover member serving in positions 1-11 will expire on the last day of the month before the initial appointments commence. Current holdover members are eligible to apply for initial appointments.

(c) In the event that a member cannot fulfill a term, a new member shall be appointed to complete the term. This does not count as the individual's first term.

§463.9 Meetings

(a) Committee chairperson or a designated committee member when the chairperson is unavailable shall conduct all committee meetings.

(b) Committee meetings should be held in Austin, Texas. Committee meetings cannot be held outside of the state of Texas.

(c) Committees shall post meeting times, locations, and agendas with the Secretary of State in accordance with the Open Meetings Act, Texas Government Code Chapter 551. Committees shall keep minutes in accordance with the Open Meetings Act. When feasible, committees may allow members of the public to participate in a meeting from a remote location by videoconference call pursuant to Texas Government Code §551.127(k) to encourage access and participation throughout the state.

(d) Committee chairpersons may limit discussion times if, in the opinion of the chairperson, it is warranted. Participants who fail to follow the above rules may be subject to removal from the meeting.

(e) Committees may meet by videoconference call, but only if they follow the requirements of Texas Government Code §551.127. The committee must still have a physical location for the public to attend. The member presiding over the meeting must attend in person, while other members and staff may attend remotely.

§463.11 Limitation of Powers

No action by any committee chairperson or its members shall be binding upon, or constitute an expression of, the policy of TCFP until it has been approved or ratified by the Commission. It shall be the function of the committees to evaluate, make recommendations, and report only to the Commission. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee.

§463.13 Testimony

Once committee action has been approved by the Commission, testimony and/or presentations may be given and made before stakeholders, governmental agencies, or any other entity as deemed appropriate by the chairperson of the Commission.

§463.15 Expulsion

After written notice and a hearing before the Commission, any committee member may be expelled from a committee for conduct that is unbecoming or prejudicial to the aims or repute of TCFP or expelled for lack of attendance, unless excused, to more than half of the scheduled committee meetings in a calendar year.

§463.17 Abolishment Date

Any advisory committee created by the Commission will be abolished after four years from the date of creation unless it is re-established by the Commission prior to the abolishment date.

AGENDA ITEM NUMBER 5

5. Matters referred to the Commission by the Health and Wellness Committee.

b. Overview of Firefighter Cancer Study by Dr. Jooyeon Hwang of UT Health Science Center.

Texas Firefighter Cancer Study

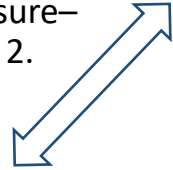
Texas Commission on Fire Protection (TCFP)



Jooyeon Hwang, PhD, CIH
Associate Professor, Department of Environmental
and Occupational Health Sciences
Program Director, Industrial Hygiene and Exposure
Sciences

Texas Firefighter Cancer Study

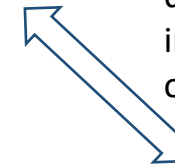
Measurement of individual-level exposures and molecular biomarkers in Project 1 will inform exposure-response analyses in Project 2.



Project 1: Carcinogenic exposure assessment

- Ambient air carcinogens
- Turnout gear carcinogens
- Cumulative exposure assessment
- Biological responses for cancer biomarkers

Project 1 provides exposure and biomarker data that inform targeting of cancer screening in Project 3, while screening results and follow-up diagnostics from Project 3 help interpret the translational significance of biomarkers in Project 1.



Project 2: Occupational cancer epidemiology

- Cancer incidence and prevalence
- Cancer mortality
- Occupational risk factors
- Exposure-response relationships



Cancer outcomes from Project 2 validate screening and risk stratifications in Project 3, while screening data from Project 3 support earlier case identification in the registry cohort.

Project 3: Cancer screening promotion

- Health promotion campaign
- Review of current occupational exams
- Implementation of cancer screening initiatives
- Biomarker analysis for positive cases

Texas Firefighter Cancer Study

PI: Jooyeon Hwang, PhD

Human Genetic Center: Biospecimen Processing

Megan Grove
Claudette Huitt
Malini Udtha
Irina Strelets
Trung Nguyen
Donald Mathews
Abena Agyei

Stakeholders

Fire departments
Firefighter associations
Firefighter unions

Scientific Advisory Board

Gurumurthy Ramachandran, PhD
Drew Helmer, MD
Shine Chang, PhD
Caitlin Murphy, PhD

Study Operations

Masoud Afshar
Rocio Rodriguez
Paulina Romero
Clinical Research
Coordinator (TBD)
Research Engineer (TBD)

Coordinating Center for Clinical Trials: Data Integrity Support

Dejian Lai, PhD
Kiran Mansoor, MBBS
Alphonsa Kochupurackal
Devasia

Carcinogenic Exposure Assessment

Jooyeon Hwang, PhD
Kristina Mena, PhD
Miryoung Lee, PhD
Eva Deemer, PhD
Xinyi Niu, PhD
Amelia Chen, PhD

Occupational Cancer Epidemiology

Jooyeon Hwang, PhD
Juan Aguilera, MD, PhD
Abolore Muinat Idris, PhD

Cancer Screening Promotion

Derek Craig, PhD
Maria Fernandez, PhD
William Ochieng

SWCOEH: Admin Support

Sarah Felknor, PhD
Annette Allett
Lacy Davis
Rebecca Klaff
Leah Merrill
Silvia Santiago
Josie Chevis (EOHS)

AGENDA ITEM NUMBER 5

5. Matters referred to the Commission by the Health and Wellness Committee.

c. Discussion and possible action on letter of support for the Firefighter Cancer Study for UT Health Science Center.

AGENDA ITEM NUMBER 6

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- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
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Figure: 37 TAC §463.7(a)

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Once committee action has been approved by the Commission, testimony and/or presentations may be given and made before stakeholders, governmental agencies, or any other entity as deemed appropriate by the chairperson of the Commission.

§463.15 Expulsion

After written notice and a hearing before the Commission, any committee member may be expelled from a committee for conduct that is unbecoming or prejudicial to the aims or repute of TCFP or expelled for lack of attendance, unless excused, to more than half of the scheduled committee meetings in a calendar year.

§463.17 Abolishment Date

Any advisory committee created by the Commission will be abolished after four years from the date of creation unless it is re-established by the Commission prior to the abolishment date.

AGENDA ITEM NUMBER 6

6. Matters referred to the Commission by the Curriculum and Testing Committee.
 - b. Discussion and possible final adoption of 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, §429.203.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 429 FIRE INSPECTOR AND PLAN EXAMINER

SUBCHAPTER A MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

§429.1. Minimum Standards for Fire Inspector Personnel.

(a) Fire code enforcement is defined as the enforcement of laws, codes, and ordinances of the authority having jurisdiction pertaining to fire prevention.

(b) To qualify for appointment to fire code enforcement duties, individuals must be certified as a Fire Inspector, or meet the requirements in subsections (c) and (d) of this section.

(c) Individuals may be appointed to fire code enforcement duties on a probationary or temporary status if they have successfully passed the commission exam for Fire Inspector, as specified in Chapter 439 of this title (relating to Examinations for Certification).

(d) Individuals appointed to fire code enforcement duties in subsection (c) of this section must be certified as a Fire Inspector within one year of the appointment.

(e) Individuals holding any level of fire inspector certification shall be required to comply with the continuing education requirements in §441.13 of this title (relating to Continuing Education for Fire Inspection Personnel).

§429.3. Minimum Standards for Basic Fire Inspector Certification.

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

(1) possess valid documentation as an Inspector I and Inspector II from either:

(A) the International Fire Service Accreditation Congress; or

(B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements-General); or

(2) complete a commission approved fire inspector training program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved 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 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 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; and

(iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12); or

(D) documentation of the receipt of Fire Inspector I and Fire Inspector II 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.

§429.5. 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 §429.3 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 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.

§429.7. 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 §429.5 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 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.

§429.9. 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 §429.7 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 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.

§429.11. International Fire Service Accreditation Congress (IFSAAC) Seal.

(a) Individuals who pass the applicable sections of the state examination may be granted IFSAC seal(s) for Inspector I and Inspector II by making application to the commission for the IFSAC seal(s) and paying the associated 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.

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

SUBCHAPTER B MINIMUM STANDARDS FOR PLAN EXAMINER

§429.201. Minimum Standards for Plan Examiner Personnel.

Plan examiner duties are defined as the review of building or other structure plans for the purpose of determining compliance with adopted fire codes and standards.

§429.203. Minimum Standards for Plan Examiner I Certification.

In order to be certified as a Plan Examiner I, an individual must:

(1) hold certification as a Basic Inspector; and

(2) [(1)] possess valid documentation as a 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(a)(2) of this title (relating to Requirements-General); or

(3) [(2)] complete a Commission-approved [commission-approved] Plan Examiner I training program and successfully pass the Commission [commission] examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved training program shall consist of one of the following:

(A) completion of the Commission-approve [commission-approved] Plan Examiner I Curriculum, as specified in the Commission's [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 [commission] for evaluation and found to meet the minimum requirements as listed in the Commission-approved [commission-approved] Plan Examiner I Curriculum as specified in the Commission's [commission's] Certification Curriculum Manual; or

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

§429.205. International Fire Service Accreditation Congress (IF SAC) Seal.

(a) Individuals who pass the state examination may be granted an IFSAC seal for Plan Examiner I by making application to the commission for the IFSAC seal and paying the associated fee.

(b) In order to qualify for an IFSAC seal, an individual must submit the application for

the seal prior to the expiration of the examination.

AGENDA ITEM NUMBER 6

6. Matters referred to the Commission by the Curriculum and Testing Committee.

- c. Discussion and possible action regarding the replacement of Curriculum and Testing member Desha Turner who resigned Oct 7, 2025.

From: [Turner, Desha](#)
To: [Mike Wisko](#)
Cc: pmcauliff@comcast.net; [Charai Fernandez](#)
Subject: TCFP Curriculum & Testing Committee - Resignation
Date: Monday, October 6, 2025 1:26:08 PM

Good afternoon,

I am writing to formally resign immediately from my position on the Texas Commission on Fire Protection's Curriculum and Testing Committee. I have recently accepted a position as Fire Marshal with the University of Oklahoma - Health Campus, and I will begin work in a few weeks. It has been an honor to serve alongside such a dedicated group of professionals committed to improving the training and educational standards within the Texas fire service. Although my participation over the past year has been limited due to scheduling constraints, I had hoped to increase my involvement after completing the Basic Peace Officer Academy.

I am deeply appreciative of the opportunity to have been appointed and to contribute, even in a limited capacity, to advancing fire service education and testing across Texas. Please extend my gratitude to the Commission and fellow committee members for their professionalism and support.

Respectfully,

Desha Turner
Fire Investigator/Fire Inspector
SAFD Fire Marshal's Office
301 W. Beauregard Avenue, Suite. 208
San Angelo, TX 76903
325-657-4358

This message (including any attachments) is intended only for the use of the individual or entity to which it is addressed and may contain information that is non-public, proprietary, privileged, confidential, and may constitute attorney work product or be exempt from disclosure under one or more of the following sections of the Texas Public Information Act: SECS. 552.101, 552.103 or 552.107. If you are not the intended recipient, you are hereby notified that any use, dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, notify us immediately by telephone and (i) destroy this message if a facsimile or (ii) delete this message immediately if this is an electronic communication. Thank you.



TEXAS COMMISSION ON FIRE PROTECTION

Post Office Box 2286, Austin, Texas 78768-2286 512-936-3838 Fax: 512-936-3808

Website: www.tcfp.texas.gov Email: info@tcfp.texas.gov


Internal Policy

Policy #IP 004

Required Review Date: 2027

Re: Appointment of Committee Members

Date: 12-03-2024 Revised: 02-21-2025

Mike Wisko Agency Chief: 

Purpose

The purpose of this Standard Operating Procedure (SOP) is to establish a method for selection and appointment of members to fill position vacancies for the purpose of serving on standing committees as prescribed by the Texas Commission on Fire Protection (TCFP).

Policy

Annually, an application period for all standing TCFP Committees will occur during the 3rd Quarter (July-Sept) of the year. During the 4th Quarter (Oct-Dec), an Ad Hoc Committee of Commissioners will review the applications and establish a recommended eligibility list for each of the standing committees. These lists will be presented to the full Commission for ratification. These eligibility lists will be effective for one year, beginning Jan 1 and expiring Dec 31, each year. When a standing committee vacancy occurs, TCFP staff will follow the applicable list to fill the vacancy.

Committee Selection Committee

- A.** The ad hoc committee shall consist of one (1) Chairperson, with a total membership of five (5) members to include the Chairperson.
- B.** The ad hoc committee Chair, in coordination with TCFP staff, shall ensure public notification of committee vacancies is posted on the TCFP website for a period no less than thirty (30) calendar days and no longer than sixty (60) days.
- C.** TCFP staff shall supply documentation of information pertaining to all applications received to the Chair of the ad hoc committee no later than seven (7) calendar days from the date receipt of applications closes.
- D.** Upon receipt, the ad hoc committee Chair will distribute the list of applicants to all committee members for consideration. Each committee member shall be responsible to narrow the number of candidates to a list of no more than five (5) candidates for a single

vacancy. If multiple vacancies exist an additional two (2) recommendations shall be made for each additional vacancy.

E. The ad hoc committee Chair shall convene the ad hoc committee within thirty (30) days of distribution of the candidate list to committee members for the purpose of finalizing a list of no more five (5) recommended candidates for a single vacancy. If multiple vacancies exist an additional two (2) recommendations shall be made for each additional vacancy. Agreement on the finalist candidates shall be by consensus of the committee.

F. The ad hoc committee Chair shall forward the list of finalist candidates to the Chair of the Commission and the Chief of the Commission within seven (7) calendar days of the committee's consensus agreement for the purpose of presenting to the Commissioners for a final decision at the following regular meeting of the TCFP.

G. The applicants will be notified of their selection status, and the list will be published on the TCFP website before the end of each calendar year with an effective date on January 1st of each year.

Committee Positions/Terms

To simplify the initiation of terms for each committee and committee position, in accordance with TAC 463.7, the list below will be used. It outlines the Committee, the committee position number, the term for each position and the existing member and current time on the committee.

Curriculum & Testing Committee

Position 1 – 2024 – 2029 (Richard Guisti 2024)

Position 2 – 2025 – 2030 (Pat McAuliff 1989)

Position 3 – 2026 – 2031 (Sam Baucom 2017)

Position 4 – 2026 – 2031 (Chuck French 2008)

Position 5 – 2026 – 2031 (Chris Watson 2010)

Position 6 – 2027 – 2032 (Douglas Matthijetz 2022)

Position 7 – 2027 – 2032 (Jacob Smith 2025)

Position 8 – 2027 – 2032 (Buddy Rice 2022)

Position 9 – 2024 – 2029 (Dustin Brown 2024)

Position 10 – 2025 – 2030 (Desha Turner 2025)

Position 11 – 2025 – 2030 (Louis Havens 2006)

Firefighter Advisory Committee

- Position 1 – 2024 – 2029 (Tye Prange 2024)
- Position 2 – 2025 – 2031 (Daniel DeYear 2008)
- Position 3 – 2024 – 2029 (Shane Parker 2024)
- Position 4 – 2024 – 2029 (Michael Silva 2024)
- Position 5 – 2024 – 2029 (Robert Van Dine 2024)
- Position 6 – 2027 – 2032 (Vince Abrigo 2018)
- Position 7 – 2027 – 2032 (Daniel Anderson 2018)
- Position 8 – 2027 – 2032 (Antonio Ramos 2021)
- Position 9 – 2024 – 2029 (Robert Ainesworth 2024)
- Position 10 – 2025 – 2030 (Charles Edwards 2025)
- Position 11 – 2025 – 2030 (William Crews 2025)

Health & Wellness Committee

- Position 1 – 2024 – 2029 (Ashley Watson 2024)
- Position 2 – 2025 – 2030 (Michael Anderson 2025)
- Position 3 – 2026 – 2031 (Daniel DeYear 2018)
- Position 4 – 2026 – 2031 (Doug Boeker 2018)
- Position 5 – 2026 – 2031 (Michael Mire 2018)
- Position 6 – 2027 – 2032 (Steve Green 2018)
- Position 7 – 2027 – 2032 (Homer Salinas 2018)
- Position 8 – 2027 – 2032 (Christopher Kahl 2018)
- Position 9 – 2024 – 2029 (Adam Story 2024)
- Position 10 – 2025 - 2030 (Brian O’Neill 2025)
- Position 11 – 2025 – 2030 (Jason Corthell 2025)

Health & Wellness Committee

Eligibility List Est. Aug 2024

1. ~~Michael Anderson~~
2. ~~Jason Corthell~~
3. Michael Vacek
4. Brandon Kovach
5. Christian Hinojosa
6. David Kouba
7. Rhonda Owns
8. Ricardo Cedillo
9. William Crews

This list will expire on December 31, 2025!

Firefighter Advisory Committee

Eligibility List Est. Oct 2024

- ~~1. Tye Micah Prange~~
- ~~2. Shane Parker~~
- ~~3. Michael Silva~~
- ~~4. Robert Van Dine~~
- ~~5. Robert Ainsworth~~
- ~~6. Daniel DeYear~~
- ~~7. Charles Edwards~~
- ~~8. William Crews~~
9. James Short
10. Scott Thompson
11. Nicholas Hilton
12. Cameron Neilsen
13. Edward Guerrero
14. Rafael Reyes

This list will expire on December 31, 2025!

Curriculum & Testing Committee

Eligibility List Est. Nov 2024

1. ~~Richard Guisti~~
2. ~~Louie Havens~~
3. ~~Pat McAuliff~~
4. ~~Dustin Brown~~
5. ~~Desha Turner~~
6. ~~John Tanner Morgan~~
7. ~~Jacob Smith~~
8. Jonathan Tunnell
9. Megan Schuth
10. Lynwood Dunseith
11. Doug Foster
12. Jason Barnes
13. Devon Craig
14. Timothy Buhler
15. Cesar Cedena

This list will expire on December 31, 2025!

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

- a. Annual report pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 463 ADVISORY COMMITTEES, PRACTICE AND PROCEDURES**

§463.1 Objective

(a) The Texas Commission on Fire Protection (TCFP) is organized to aid in the protection of the lives and property of Texas citizens through the development and enforcement of recognized professional standards for individuals and the fire service. To achieve the goals of TCFP, each committee will evaluate, make recommendations, and issue reports to the Commission on any issue in the committee's purview. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee. In this Chapter, "Commission" refers to the governing body, and TCFP refers to the state agency.

(b) The Commission has established a Firefighter Advisory Committee, Curriculum and Testing Committee, and Health and Wellness Committee in compliance with the Texas Government Code §2110.008, Duration of Advisory Committees. These committees will continue for four years from the date of creation and may be continued following a vote of the Commission, to extend each of the established committees. The Commission may create short-term Ad Hoc working groups for specific purposes in accordance with this rule. The committee's purpose, eligibility, terms, and meeting procedures are identified in this rule.

§463.3 General

(a) The Commission may convene committees that are deemed to be in the best interest of the TCFP and its mission.

(b) All committees shall be subject to and governed by these rules.

(c) The approved committee shall elect a member of their committee as the chairperson who may remain in this position for two (2) years before reappointment or until such time as a new person is appointed as the Chairperson.

(d) Committees should be composed of a reasonable odd number of members, with a minimum of nine and a maximum of 15 members.

(e) The committees shall meet at least twice each calendar year at the call of either the committee chairperson or the Commission.

(f) All committees shall be reviewed for relevance by the Commission every odd year and will either be renewed or discontinued.

(g) The committee chairperson may form ad hoc working groups, when in the judgment of the chair, it will enhance or provide guidance for a specific purpose or time period. The committee chairperson may determine working group selection, but membership is limited only to ad hoc and will disband once the purpose has been met.

(h) Annually each committee chairperson will present to the Commission an end-of-year status report.

(i) Meetings to deliberate a test item or information related to a test item do not require an open meeting per Texas Government Code §551.088.

§463.5 Eligibility

(a) Any person, association, corporation, partnership, or other entity having an interest in the above-recited objectives shall be eligible for membership.

(b) Committee composition should have representatives from each fire protection stakeholder group, with consideration of department size, region, and mission.

(c) Vacant positions will be announced. Interested, qualified candidates may apply for committee appointments. A candidate selection committee may be formed to assist in the application process and may make recommendations for appointments. The list of candidates will then be presented to the Commission during their next meeting for consideration. The Commission will appoint committee members and select alternates at the same time in the event committee members cannot fulfill their tenure and/or replacement members are needed. Terms shall begin immediately following Commission approval. Interim appointments may be made to complete vacated, unexpired terms.

§463.7 Terms

(a) Committee members shall be appointed to serve six-year terms of office, with the intent to stagger and to ensure continuity of membership from year to year. Committee members serve six-year terms and may serve consecutively; however, after a second six-year term, the member will not be eligible for another term until after a lapse of two years. For all committees, the member positions will be numbered 1-11.

Figure: 37 TAC §463.7(a)

Position	Initial Appointment
1&9	2024
2,10,11	2025
3,4,5	2026
6,7,8	2027

(b) The current holdover member serving in positions 1-11 will expire on the last day of the month before the initial appointments commence. Current holdover members are eligible to apply for initial appointments.

(c) In the event that a member cannot fulfill a term, a new member shall be appointed to complete the term. This does not count as the individual's first term.

§463.9 Meetings

(a) Committee chairperson or a designated committee member when the chairperson is unavailable shall conduct all committee meetings.

(b) Committee meetings should be held in Austin, Texas. Committee meetings cannot be held outside of the state of Texas.

(c) Committees shall post meeting times, locations, and agendas with the Secretary of State in accordance with the Open Meetings Act, Texas Government Code Chapter 551. Committees shall keep minutes in accordance with the Open Meetings Act. When feasible, committees may allow members of the public to participate in a meeting from a remote location by videoconference call pursuant to Texas Government Code §551.127(k) to encourage access and participation throughout the state.

(d) Committee chairpersons may limit discussion times if, in the opinion of the chairperson, it is warranted. Participants who fail to follow the above rules may be subject to removal from the meeting.

(e) Committees may meet by videoconference call, but only if they follow the requirements of Texas Government Code §551.127. The committee must still have a physical location for the public to attend. The member presiding over the meeting must attend in person, while other members and staff may attend remotely.

§463.11 Limitation of Powers

No action by any committee chairperson or its members shall be binding upon, or constitute an expression of, the policy of TCFP until it has been approved or ratified by the Commission. It shall be the function of the committees to evaluate, make recommendations, and report only to the Commission. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee.

§463.13 Testimony

Once committee action has been approved by the Commission, testimony and/or presentations may be given and made before stakeholders, governmental agencies, or any other entity as deemed appropriate by the chairperson of the Commission.

§463.15 Expulsion

After written notice and a hearing before the Commission, any committee member may be expelled from a committee for conduct that is unbecoming or prejudicial to the aims or repute of TCFP or expelled for lack of attendance, unless excused, to more than half of the scheduled committee meetings in a calendar year.

§463.17 Abolishment Date

Any advisory committee created by the Commission will be abolished after four years from the date of creation unless it is re-established by the Commission prior to the abolishment date.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

b. Discussion and final adoption of 37 TAC, Chapter 433, Driver/Operator.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

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 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 (IFSAAC) 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.

SUBCHAPTER B MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS

§433.201. Driver/Operator-Aerial Apparatus Certification.

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

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

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

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

(2) possess valid documentation as a Driver/Operator-Aerial Apparatus from either:

(A) the International Fire Service Accreditation Congress; or

(B) The National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2014 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 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.

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

Individuals completing a commission approved Driver/Operator-Aerial program; documenting an NFPA 1001 Fire Fighter I IFSAC seal and passing the applicable state examination, may be granted an IFSAC seal for Driver/Operator-Aerial by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the application and fee for the seal prior to the expiration of the examination in order to qualify for the IFSAC seal.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

c. Discussion and possible action on rule review of 37 TAC, Chapter 423, Fire Suppression.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

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 who are appointed to structure fire protection duties must be certified by the commission within one year from the date of their appointment.
- (b) Prior to being appointed to structure fire protection duties, personnel must:
- (1) complete a commission approved basic structure fire protection program; and
 - (2) successfully pass the commission examination 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 recognizes the following emergency medical training:
 - (A) Department of State Health Services Emergency Medical Service Personnel certification training;
 - (B) an American Red Cross Emergency Response course, including the optional lessons and enrichment sections;
 - (C) an American Safety and Health Institute First Responder course;
 - (D) National Registry of Emergency Medical Technicians certification; or
 - (E) medical training deemed equivalent by the commission.
- (c) Personnel holding any level of structure fire protection personnel certification must comply with the continuing education requirements specified in Chapter 441 of

this title (relating to Continuing Education).

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

In order to be certified as Basic Structure Fire Protection Personnel, an individual must:

(1) possess valid documentation from the International Fire Service Accreditation Congress or the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements specified in §439.1 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) meet the medical requirements outlined in §423.1 of this title (relating to Minimum Standards for Structure Fire Protection Personnel); or

(2) complete a commission-approved basic structure fire protection program, meet the medical requirements outlined in §423.1 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 Basic Fire Suppression Curriculum, as specified in the commission's Certification Curriculum Manual; or

(B) completion of an out-of-state, and/or military training program deemed equivalent to the commission-approved Basic Fire Suppression Curriculum; or

(C) documentation of the receipt of a Fire Fighter II certificate, an advanced certificate, or confirmation of training from the State Firefighters' and Fire Marshals' Association of Texas that is deemed equivalent to a commission-approved Basic Fire Suppression Curriculum.

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

(a) Applicants for Intermediate Structure Fire Protection Personnel certification must complete the following requirements:

(1) hold, as a prerequisite, a Basic Structure Fire Protection Personnel certification as defined in §423.3 of this title (relating to Minimum Standards for Basic Structure Fire Protection Personnel Certification); and

(2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1, with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

(a) Applicants for Advanced Structure Fire Protection Personnel certification must complete the following requirements:

(1) hold as a prerequisite an Intermediate Structure Fire Protection Personnel certification as defined in §423.5 of this title (relating to Minimum Standards for Intermediate Structure Fire Protection Personnel Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

(a) Applicants for Master Structure Fire Protection Personnel certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Structure Fire Protection Personnel certification as defined in §423.7 of this title (relating to Minimum Standards for Advanced Structure Fire Protection Personnel Certification); and

(2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.

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

§423.11. Higher Levels of Certification.

(a) An individual may receive higher levels of certification in structure fire protection while being assigned to another discipline, provided 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 program, meeting any other NFPA requirement, and passing the applicable commission examination(s) 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 (b) 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, the individual must document successful completion of an emergency medical training course or program that includes those subject areas required by NFPA 1001.

(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.

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 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 must be certified by the commission within one year from the date of their appointment.
- (c) Prior to being appointed to aircraft rescue fire fighting duties, all personnel must:
- (1) successfully complete a commission approved basic structure fire protection program and pass the commission's examination; and
 - (2) successfully complete a commission approved basic aircraft rescue fire fighting program and pass the commission's examination.
- (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 of this title (relating to Continuing Education).
- (g) Aircraft rescue fire fighting personnel that perform structure fire protection duties must be certified, as a minimum, as basic structure fire protection personnel.

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

In order to be certified as Basic Aircraft Rescue Fire Fighting Personnel, an individual must:

- (1) hold a Basic Structure Fire Protection Personnel certification; and
- (2) possess valid documentation as an Airport Fire Fighter from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2010 or later edition of the NFPA standard applicable to this discipline and meeting the requirements specified in §439.1 of this title (relating to Requirements-General); or
- (3) complete a commission approved aircraft rescue fire fighting 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 program shall consist of one of the following:
 - (A) a commission approved Basic Aircraft Rescue Fire Suppression Curriculum as specified in 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 must complete the following requirements:
- (1) hold as a prerequisite a Basic Aircraft Rescue Fire Fighting Personnel certification as defined in §423.203 of this title (relating to Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

(a) Applicants for Advanced Aircraft Rescue Fire Fighting Personnel certification must complete the following requirements:

(1) hold as a prerequisite an Intermediate Aircraft Rescue Fire Fighting Personnel certification as defined in §423.205 of this title (relating to Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting Personnel certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

(a) Applicants for Master Aircraft Rescue Fire Fighting Personnel certification must complete the following requirements:

(1) hold, as a prerequisite, an Advanced Aircraft Rescue Fire Fighting Personnel certification as defined in §423.207 of this title (relating to Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification); and

(2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.

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

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

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

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 appointed to marine fire protection duties must be certified by the commission within one year from the date of their appointment.

(c) Prior to being appointed to marine fire protection duties, all personnel must:

(1) successfully complete a commission approved basic structure fire protection program and pass the commission's examination; and

(2) successfully complete a commission approved basic marine fire protection program and pass the commission's examination.

(d) Personnel holding any level of Marine Fire Protection Personnel certification shall be required to comply with the continuing education specified in Chapter 441 of this title (relating to Continuing Education).

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

In order to be certified as Basic Marine Fire Protection Personnel an individual must:

(1) hold a Basic Structure Fire Protection Personnel 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 of one of the following:

(A) the commission approved Basic Marine Fire Protection Curriculum as specified in Chapter 3 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 exceed the commission approved Basic Marine Fire Protection Curriculum.

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

(a) Applicants for Intermediate Marine Fire Protection Personnel certification must complete the following requirements:

(1) hold, as a prerequisite, a Basic Marine Fire Protection Personnel 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 that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in fire service, may not be counted 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. 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 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. 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 must complete the following requirements:

(1) hold, as a prerequisite, an Advanced Marine Fire Protection Personnel 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.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

d. Discussion and possible action on rule review of 37 TAC, Chapter 427, Training Facility Certification.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 427 TRAINING FACILITY CERTIFICATION

SUBCHAPTER A ON-SITE CERTIFIED TRAINING PROVIDER

§427.1. Minimum Standards for Certified Training Facilities for Fire Protection Personnel.

(a) An on-site training facility must be certified by the commission in each discipline for which the facility provides training for fire protection personnel certification. An on-site training facility is where instructors and students are in immediate proximity and where content is instructed primarily in classrooms, at demonstration projects, in fire simulation structures, on fire apparatus, or at training sites in the field under direct supervision of the training facility instructors.

(b) A certified on-site training facility may be approved to instruct in any one or all of the disciplines for which fire protection personnel certification is available.

(c) Minimum requirements for certification as a certified on-site training facility shall include facilities, apparatus, equipment, reference materials, standard operating procedures, instructors, and records to support a quality education and training program. The resources must provide for classroom instruction, demonstrations, and practical exercises for the trainees to develop the knowledge and skills required for fire protection personnel certification.

(d) The on-site facilities and training shall be performance oriented, when required. Practical performance training with maximum participation by trainees shall be an integral part of the training program. The evaluation process will emphasize performance testing to determine if the trainee has acquired the knowledge and skills to achieve the required level of competency required by the respective training program.

(e) It must be clearly understood that the minimum standard for training facilities is applicable only as the title implies and does not address the additional training facility resources which are required for the continuing in-service training essential to the

development and maintenance of a well-coordinated and effective fire service organization.

(f) An organization must submit an application for certification as an on-site training facility to the commission. The application will include descriptions, addresses of physical facilities and an inventory of apparatus, equipment, and reference material to be utilized in conducting the training. It is not required that the equipment be owned by, permanently assigned to, nor kept at a training facility, but must be readily available for instructional purposes. In such a case, the training facility must submit a letter of commitment from the provider of the resources with the original training facility certification application authorizing the use of resources not controlled by the training facility. A copy of the letters of commitment must be maintained on-site and available for review. Photographs of resources annotated to reflect their identity may be required as part of the application. When submitting training approvals, the facility shall certify that the resources are provided in accordance with this chapter.

(g) The chief training officer will:

- (1) attest to the fact that the training meets the competencies in the applicable commission curriculum and/or NFPA Standards; and
- (2) submit a testing schedule for all required academy skills.

§427.3. Facilities.

The following minimum resources, applicable to the discipline, are required for an on-site training facility. These resources may be combined or separated utilizing one or more structures.

- (1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose and rope skills training.
- (2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.
- (3) An area for practical application of principles and procedures of fire fighting, hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.

(4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

(5) A structure suitable for interior live fire training as required by the particular discipline(s).

(6) Facilities to conduct exterior live fire training as required by the particular discipline(s).

(7) If performance or driving skills are part of the training program, suitable area(s) for practicing required skills, demonstration of skills, and performance testing.

§427.5. Apparatus.

The following minimum apparatus resources, applicable to the discipline, are required for an on-site training facility.

(1) For a certified on-site training facility--approved for basic structure fire protection personnel certification training:

(A) A pumper apparatus fully equipped for functions as required by the basic fire suppression curriculum.

(B) An aerial ladder truck for functions as required by the basic fire suppression curriculum.

(2) For a certified on-site training facility--approved for basic aircraft rescue fire fighting (ARFF) personnel certification training:

(A) an ARFF vehicle for assigned aircraft type and size,

(B) an ARFF vehicle with 260 gpm minimum turret; and

(C) Support vehicles per authority having jurisdiction.

(3) For a certified on-site training facility--approved for Driver/Operator certification training:

(A) Driver/Operator-Pumper--A fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus or its successor.

(B) Driver/Operator-Aerial--A fire apparatus with a permanently mounted, power-operated elevating device such as a ladder, ladder platform, telescoping platform, or articulating platform, with an elevating water delivery system.

§427.7. Protective Clothing, Use, Care and Maintenance.

All protective clothing used during instruction for a commission approved fire protection personnel training program shall be appropriate for the training evolution. Protective clothing and elements no longer used for emergency operations may be used for non-live fire training provided such clothing and elements are not contaminated, defective, or damaged and are appropriately marked to be easily recognized.

(1) All protective clothing used for live fire training, shall comply with the minimum standards of the National Fire Protection Association (NFPA) Standard or its successor suitable for the tasks the individual is expected to perform.

(A) A certified training facility that provides personal protective equipment (PPE) shall comply with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor and provide upon request a written Standard Operating Procedure (SOP) on the use, maintenance, and care of personal protective equipment (PPE) to include the application of Preliminary Exposure Reduction for determination of the appropriate level of cleaning and inspection of PPE at the conclusion of a training evolution.

(B) A certified training facility shall verify NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor for compliance with personal protective equipment provided by the participant.

(2) The training facility shall comply with the following guidelines for use, care and maintenance of PPE used during live-fire training depending on the type of burn facility and/or fuel used.

(A) Acquired Structures--Firefighting ensemble and/or element that has been used in an environment created by an acquired structure should be treated as stated in §435.1(a)(3) of this title (relating to Protective Clothing).

(B) Gas-Fired Training Center Buildings--Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP.

(C) Non-Gas Fired Training Center Buildings--Firefighting ensemble and/or element that has been used in an environment that uses non-gas fired props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

(D) Exterior Props--Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP's.

(E) Exterior Class B Liquid Fires--Firefighting ensemble and/or element that has been used in exterior Class B liquid fire props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

§427.9. Equipment.

The training facility must ensure that all equipment necessary for practice of performance skills identified in the commission's Curriculum Manual or Curriculum Skills Manual is available in sufficient quantity for use by trainees. The minimum equipment required for conducting training is identified in the Equipment List found in each discipline chapter within the Texas Commission on Fire Protection (TCFP) Curriculum Manual.

(1) All Self-Contained Breathing Apparatus (SCBA) that will be used during the course of instruction for a commission approved fire protection personnel training program shall comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus). This rule applies whether the SCBA is provided by the academy or the trainee. If instruction in the use of self-contained breathing apparatus is a part of the training, then self-contained breathing apparatus in sufficient numbers shall be provided to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training. If a trainee will be subjected to a hazardous atmosphere or where the atmosphere is unknown, the trainee shall be provided with a self-contained breathing apparatus. (Note: All self-contained breathing apparatus used by a certified training facility and the air used in self-contained breathing apparatus must comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus). This rule applies whether the self-contained breathing apparatus is provided by the academy or the trainee. All students, instructors, safety personnel, and other personnel participating in any evolution or

operation of fire suppression during the live fire training shall breathe from an SCBA air supply whenever operating under one or more of the following conditions:

(A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both;

(B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both;

(C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or

(D) below ground level;

(2) standard classroom equipment to include appropriate instructional aids and the use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction; and

(3) other equipment, which may include training simulators, training aids, clothing and tools required by the applicable training program.

§427.11. Reference Material.

A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the applicable training program. The reference library material must be readily and easily accessible to students and instructors.

§427.13. Records.

(a) Training records, print or electronic, shall be maintained by the regulated training entity that reflect at minimum:

(1) training subject;

(2) date(s) of instruction;

(3) who attended the training;

(4) instructor(s);

- (5) course grade report with individual trainee test scores,
- (6) individual trainee Commission-Designated Performance Skill Evaluations; and
- (7) when administering distance skill evaluations, letter(s) of assurance for performance skill evaluations including the identification of the examinee, evaluating field examiner, and observer.

(b) The regulated training entity must be able to substantiate the evaluation process used to determine the trainee has acquired the knowledge and skills to achieve the minimum level of competency required by the applicable commission curriculum and/or National Fire Protection Association (NFPA) standards.

(c) All records must be maintained by the regulated training entity for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

§427.18. Live Fire Training Evolutions.

The most current edition of NFPA 1403, Standard on Live Fire Training Evolutions or its successor, shall be used as a guide when developing standard operating procedures for conducting live fire training.

(1) Prior to being permitted to participate in live fire training evolutions for basic fire suppression certification training, the student shall have received training to meet the performance requirements for Fire Fighter I in NFPA 1001, Standard for Fire Fighter Professional Qualifications or its successor, related to the following subjects:

- (A) safety;
- (B) fire behavior;
- (C) portable extinguishers;
- (D) personal protective equipment to include SCBA;
- (E) ladders;
- (F) fire hose, appliances, and streams;
- (G) overhaul;

(H) water supply;

(I) ventilation;

(J) forcible entry; and

(K) building construction.

(2) The on-site lead instructor will ensure that the water supply rate and duration for each live fire training evolution is adequate to control and extinguish the training fire. The lead instructor will also ensure that the resources necessary for backup lines to protect personnel and exposed property are available and deployed.

(3) The on-site lead instructor will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.

(4) A safety officer shall be appointed for all live fire training evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.

(5) No person(s) shall play the role of a victim inside the building.

(6) The participating student-to-instructor ratio shall not be greater than five to one.

(7) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.

(8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

(9) A standard operating procedure shall be developed and utilized for live fire training evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for each student and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee;

(B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personnel Accountability System);

(C) an Incident Management System;

(D) use of personal protective clothing and self-contained breathing apparatus;

(E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

§427.19. General Information.

(a) All certified training facilities shall meet these minimum requirements. Training credit will not be recognized from a training facility that has not been certified by the commission, unless the program has been deemed equivalent. The commission shall take action on an application for certification of a training facility within 30 days from receipt.

(b) Certified training facilities shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a commission approved training course in fire suppression before being assigned to fire suppression duties. Certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents or dangerous rescue situations.

(c) A certified training facility may transport trainees to the site of an actual emergency for training purposes only if the following requirements are strictly adhered to:

(1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;

(2) the trainees are kept outside of the emergency operations area; and

(3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.

(d) Certified training facilities are subject to inspection by the commission at any time during regular business hours.

(e) In order to retain the certification as a certified training facility, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(f) The commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.

(g) The commission may revoke, suspend, probate, refuse to renew, or otherwise limit the certification of a training facility when the commission determines that the training facility:

(1) fails to provide the quality of training for which the facility was approved; or

(2) fails to comply with commission rules and/or these minimum standards; or

(3) fails to submit required reports in a timely manner or submits false reports to the commission; or

(4) fails to meet at least a 70% student pass rate on the certification examination per course.

SUBCHAPTER B DISTANCE TRAINING PROVIDER

§427.201. Minimum Standards for Distance Training Provider.

(a) The following definition is applicable to this subchapter only. Approved distance training is defined as fire training where instructors and students are primarily in different locations and content is instructed primarily using the internet or an intranet. Courses must be interactive. Distance training that serves as nothing more than electronic text is not acceptable. Online courses must provide the opportunity for the student to interact or ask questions via e-mail, chat rooms or some other method of communication. Other computer-mediated methods of instruction may be used to enhance instruction; however, the primary delivery method must be through the internet or an intranet.

(b) A distance training provider must seek certification as a training facility in each discipline for which it intends to conduct certification training for fire protection personnel.

(c) In order to become a commission approved distance training provider, the provider must submit a completed training facility application with supporting documentation and fees. The application will include descriptions and addresses of where the distance training provider will have their course delivery and materials. A distance training provider must provide documentation of its ability to meet all minimum requirements for each discipline for which it seeks certification. The documentation must also identify how students and instructors will access resources required to complete the training.

(d) A distance training provider that applies for certification as a training facility in a discipline that includes skills training shall comply with Subchapter A of this chapter concerning minimum standards, facilities, apparatus, protective clothing, equipment, and live fire training utilized to teach and test the required skills.

§427.203. Facilities.

The following minimum resources, applicable to the discipline, are required for a distance training provider. These resources may be combined or separated utilizing one or more structures.

(1) A training tower equivalent to two or more stories in height. The term "training tower" as used in these standards is a structure suitable for training in the practical application of required ladder, rescue, hose, and rope skills training.

(2) A facility for classroom instruction and testing shall have seating capacity for anticipated trainees. The facility must be conducive for an effective learning environment including environmental comfort for instructors and students, physical requirements needed for good seeing and hearing, adequate lighting, and free of outside distractions.

(3) An area for practical application of principles and procedures of fire fighting,

hose loading, pumper operation, to include friction loss, nozzle reaction, fire stream patterns, and GPM discharge utilizing various layouts for hand lines and/or master stream appliances.

(4) An enclosed area or room for use in practical training with self-contained breathing apparatus. This may be a smoke and fire room or enclosed area which can be charged with smoke-producing devices to provide a realistic training environment.

(5) A structure suitable for interior live fire training as required by the particular discipline(s).

(6) Facilities to conduct exterior live fire training as required by the particular discipline(s).

(7) If performance or driving skills are part of the training program, suitable area(s) for practicing required skills, demonstration of skills, and performance testing.

§427.205. Apparatus.

The following minimum apparatus resources, applicable to the discipline, are required for a distance training provider.

(1) For a certified distance training provider--approved for basic structure fire protection personnel certification training:

(A) A pumper apparatus fully equipped for functions as required by the basic fire suppression curriculum.

(B) An aerial ladder truck for functions as required by the basic fire suppression curriculum.

(2) For a certified distance training provider--approved for basic aircraft rescue fire fighting (ARFF) personnel certification training:

(A) an ARFF vehicle for assigned aircraft type and size,

(B) an ARFF vehicle with 260 gpm minimum turret; and

(C) Support vehicles per AHJ.

(3) For a certified distance training provider--approved for Driver/Operator certification training:

(A) Driver/Operator-Pumper--A fire apparatus with a permanently mounted fire pump that has a rated discharge capacity of 750 gpm (2850 L/min) or greater as defined in NFPA 1901, Standard for Automotive Fire Apparatus or its successor.

(B) Driver/Operator-Aerial--A fire apparatus with a permanently mounted, power-

operated elevating device such as a ladder, ladder platform, telescoping platform, or articulating platform, with an elevating water delivery system.

§427.207. Protective Clothing, Use, Care and Maintenance.

All protective clothing used during instruction for a commission approved fire protection personnel training program shall be appropriate for the training evolution. Protective clothing and elements no longer used for emergency operations may be used for non-live fire training provided such clothing and elements are not contaminated, defective, or damaged and are appropriately marked to be easily recognized.

(1) All protective clothing used for live fire training shall comply with the minimum standards of the National Fire Protection Association (NFPA) Standard suitable for the tasks the individual is expected to perform.

(A) A certified training provider that provides personal protective equipment shall comply with NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor and provide upon request a written Standard Operating Procedure (SOP) on the use, maintenance, and care of personal protective equipment (PPE) to include the application of Preliminary Exposure Reduction for determination of the appropriate level of cleaning and inspection of PPE at the conclusion of a training evolution.

(B) A certified training provider shall verify NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protection Ensembles or its successor, for compliance with personal protective equipment provided by the participant.

(2) The distance training provider shall comply with the following guidelines for use, care and maintenance of PPE used during live-fire training depending on the type of burn facility and/or fuel used.

(A) Acquired Structures--Firefighting ensemble and/or element that has been used in an environment created by an acquired structure should be treated as stated in §435.1(a)(3) of this title (relating to Protective Clothing).

(B) Gas-Fired Training Center Buildings--Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP.

(C) Non-Gas Fired Training Center Buildings--Firefighting ensemble and/or element that has been used in an environment that uses non-gas fired props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as

practically possible.

(D) Exterior Props--Firefighting ensemble and/or element that has been used in an environment that uses gas-fired props may be cleaned as needed for soil levels that are hygienically unpleasant. Advanced cleaning and inspections should be completed as stated within the training facility's SOP's.

(E) Exterior Class B Liquid Fires--Firefighting ensemble and/or element that has been used in exterior Class B liquid fire props must be assessed for contamination of products of combustion. Preliminary exposure reduction should be done as soon as the training is completed for the day. Advanced cleaning and inspection should be completed as soon as practically possible.

§427.209. Equipment.

The distance training provider must ensure that all equipment necessary for practice of performance skills identified in the commission's Curriculum Manual or Curriculum Skills Manual is available in sufficient quantity for use by trainees. The minimum equipment required for conducting training is identified in the Equipment List found in each discipline chapter within the Texas Commission on Fire Protection (TCFP) Curriculum Manual. All Self-Contained Breathing Apparatus (SCBA) that will be used during the course of instruction for a commission approved fire protection personnel training program shall comply with §435.3 of this title (relating to Self-Contained Breathing Apparatus). This rule applies whether the SCBA is provided by the academy or the trainee.

(1) If instruction in the use of self-contained breathing apparatus is a part of the training, then self-contained breathing apparatus in sufficient numbers shall be provided to enable each trainee to wear the equipment for at least the life of one breathing air tank during the training. If a trainee will be subjected to a hazardous atmosphere or where the atmosphere is unknown, the trainee shall be provided with a self-contained breathing apparatus. (Note: All self-contained breathing apparatus used by a certified training facility and the air used in self-contained breathing apparatus must comply with §435.3 of this title. This rule applies whether the self-contained breathing apparatus is provided by the academy or the trainee. All students, instructors, safety personnel, and other personnel participating in any evolution or operation of fire suppression during the live fire training shall breathe from an SCBA air supply whenever operating under one or more of the following conditions:

(A) in any atmosphere that is oxygen deficient or contaminated by products of combustion, or both.

(B) in any atmosphere that is suspected of being oxygen deficient or contaminated by products of combustion, or both.

(C) in any atmosphere that can become oxygen deficient or contaminated, or both; and/or

(D) below ground level.

(2) standard classroom equipment to include appropriate instructional aids and the use of cutaways, models, flip charts, and other visual aids are recommended to enhance effectiveness of the instruction; and

(3) other equipment, which may include training simulators, training aids, clothing and tools required by the applicable training program.

§427.211. Reference Material.

A reference library is required. The library must contain the publications required to conduct research and develop lesson plans covering the material required in the applicable training program. The reference library material must be readily and easily accessible to students and instructors.

§427.213. Records.

(a) Training records, print or electronic, shall be maintained by the regulated distance training provider that reflect at minimum:

(1) training subject;

(2) date(s) of instruction;

(3) who attended the training;

(4) instructor(s);

(5) course grade report with individual trainee test scores;

(6) individual trainee Commission-Designated Performance Skill Evaluations; and

(7) when administering distance skill evaluations, letter(s) of assurance for performance skill evaluations including the identification of the examinee, evaluating field examiner, and observer.

(b) The regulated distance training provider must be able to substantiate the evaluation process used to determine the trainee has acquired the knowledge and skills to achieve the minimum level of competency required by the applicable commission curriculum and/or NFPA standards.

(c) All records must be maintained by the regulated distance training provider for commission review for a minimum of three years or in accordance with the requirement of the Texas State Library and Archives Commission, State and Local Records Management Division, whichever is greater.

§427.218. Live-Fire Training Evolutions.

The most current edition of NFPA 1403, Standard on Live Fire Training Evolutions or its successor, shall be used as a guide when developing standard operating procedures for conducting live fire training.

(1) Prior to being permitted to participate in live fire training evolutions for basic fire suppression certification training, the student shall have received training to meet the performance requirements for Fire Fighter I in NFPA 1001, Standard for Fire Fighter Professional Qualifications or its successor, related to the following subjects:

(A) safety;

(B) fire behavior;

(C) portable extinguishers;

(D) personal protective equipment to include SCBA;

(E) ladders;

(F) fire hose, appliances, and streams;

(G) overhaul;

(H) water supply;

(I) ventilation;

(J) forcible entry; and

(K) building construction.

- (2) The on-site lead instructor will ensure that the water supply rate and duration for each live fire training evolution is adequate to control and extinguish the training fire. The lead instructor will also ensure that the resources necessary for backup lines to protect personnel and exposed property are available and deployed.
- (3) The on-site lead instructor will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.
- (4) A safety officer shall be appointed for all live fire training evolutions. The safety officer shall have the authority, regardless of rank, to intervene and control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities. The safety officer shall not be a student.
- (5) No person(s) shall play the role of a victim inside the building.
- (6) The participating student-to-instructor ratio shall not be greater than five to one.
- (7) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.
- (8) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.
- (9) A standard operating procedure shall be developed and utilized for live fire training evolutions. The standard operating procedure shall include, but not be limited to:
 - (A) a Personal Alert Safety System (PASS). A PASS device shall be provided for each student and instructors participating in live fire training and shall meet the requirements in §435.9 of this title (relating to PASS devices). This applies whether the PASS device is provided by the academy or the trainee,
 - (B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personal Accountability System),
 - (C) an Incident Management System,
 - (D) use of personal protective clothing and self-contained breathing apparatus;
or

(E) an evacuation signal and procedure; and pre-burn, burn and post-burn procedures.

§427.219. General Information.

(a) All distance training providers shall meet these minimum requirements. Training credit will not be recognized from a distance training provider that has not been certified by the commission unless the program has been deemed equivalent. The commission shall take action on an application for certification of a distance training provider within 30 days from receipt.

(b) Certified distance training providers shall conduct all training in a controlled and safe manner so that trainees are not subjected to unnecessary risks. Texas Government Code, §419.032(c) provides that fire protection personnel must complete a commission approved training course in fire suppression before being assigned to fire suppression duties. Certified training facilities shall not put trainees at risk by requiring or allowing a trainee to perform the duties of fire protection personnel at actual uncontrolled emergency situations such as, but not limited to, structure fires, aircraft fires, wildland fires, hazardous materials incidents, or dangerous rescue situations.

(c) A certified distance training provider may transport trainees to the site of an actual emergency for training purposes, only if the following requirements are strictly adhered to:

- (1) the trainees are kept in a group under the direct supervision of qualified instructors to maintain accountability and ensure their safety;
- (2) the trainees are kept outside of the emergency operations area; and
- (3) the trainees' activities are restricted to observation only and trainees are not allowed to participate in emergency operations.

(d) Certified distance training providers are subject to inspection by the commission at any time during regular business hours.

(e) In order to retain the certification as a certified distance training provider, schools desiring to make substantial changes in the facility or other conditions under which the school was approved shall coordinate such plans with the commission.

(f) The commission shall be notified, in writing, within 14 days of any change from the original status under which the certification was issued.

(g) The commission may revoke, suspend, probate, refuse to renew, or otherwise limit the certification of a distance training provider when the commission determines that the distance training provider:

(1) fails to provide the quality of training and education for which the provider was approved; or

(2) fails to comply with commission rules and/or these minimum standards; or

(3) fails to submit required reports in a timely manner or submits false reports to the commission; or

(4) fails to meet at least a 70% student pass rate on the certification examination.

SUBCHAPTER C TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

§427.301. General Provisions for Training Programs--On-Site and Distance Training Providers.

(a) Training programs that are intended to satisfy the requirements for fire protection personnel certification must meet the objectives and competencies in that discipline.

(b) A system for evaluating the comprehension of the trainee, including periodic and comprehensive written tests, is required. If performance skills are part of the applicable curriculum, performance testing shall be done in accordance with §439.11 of this title (relating to Commission-Designated Performance Skill Evaluations).

§427.303. Training Approval Process for On-Site and Distance Training Providers.

(a) When seeking training prior approvals (TPAs), a training provider shall certify that it has provided the resources described in §427.1 or §427.201 of this title as applicable (relating to Minimum Standards for Certified Training Facilities for Fire Protection Personnel and Minimum Standards for Distance Training Provider, respectively).

(b) All training for certification must be approved by the commission. A training provider must submit training prior approval information at least 10 days prior to the proposed start date of the training.

(c) Approved courses are subject to audit by commission staff at any time. Any deviation from the information submitted in the original training must be requested for approval from the commission at least one day before the change takes place unless the training provider is unable to do so because of unforeseen circumstances.

§427.305. Procedures for Testing Conducted by On-Site and Distance Training Providers.

(a) The requirements and provisions in this section apply to procedures for periodic and final testing conducted by training providers. For procedures regarding examinations for certification that occur after a training program is completed, see Chapter 439 of this title (relating to Examinations for Certification).

(b) Periodic and comprehensive final tests shall be given by the training provider in addition to the commission examination required in Chapter 439 of this title.

(c) Periodic tests shall be administered at the ratio of one test per 50 hours of recommended training, or portion thereof. An average score of 70% must be

achieved on all required periodic tests.

(d) In addition to periodic tests, a comprehensive final test must be administered. The final test must be conducted in a proctored setting. For purposes of this section, a proctor can be an approved TCFP Field Examiner, or a member of a testing center of an educational institution. A passing score of 70% must be achieved.

(e) If a course is taught in phases or sections, a comprehensive test for each phase or section shall be administered upon completion of each phase or section and a passing score of 70% must be achieved.

§427.307. On-Site and Distance Training Provider Staff Requirements.

(a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.

(b) All training instructors (except guest instructors) as a minimum shall possess Fire Instructor Certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.

(c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline, except as stated in subsections (h)(2) and (i)(2) of this section.

(d) Guest instructors are not required to be certified as instructors.

(e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.

(f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:

(1) A Fire Service Instructor II certification or higher; or

(2) A Bachelor's degree with the following:

(A) as a minimum, a minor in education; and

(B) three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or

(3) An associate degree with the following:

(A) twelve semester hours of education instructional courses; and

(B) five years of teaching experience in a fire department, department of a state

agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:

(1) A Fire Service Instructor III certification; or

(2) A Bachelor's degree with the following:

(A) as a minimum, a minor in education; and

(B) three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or

(3) An associate degree with the following:

(A) twelve semester hours of education instructional courses; and

(B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.

(h) In order to teach a certification course for Basic Wildland Fire Protection:

(1) The unit instructor must hold Intermediate Wildland Fire Protection certification or be approved by the commission to instruct a Basic Wildland course and hold:

(A) commission Fire Service Instructor I certification or higher; or

(B) instructor credentials as required by the current National Wildfire Coordinating Group (NWCG) Standards for Course Delivery (901-1) or current Texas Intrastate Fire Mutual Aid System (TIFMAS) guidelines for this level of course.

(2) The lead instructor must hold NWCG or TIFMAS Single Resource Boss qualification and hold:

(A) commission Fire Service Instructor I certification or higher; or

(B) instructor credentials as required by the current NWCG Standards for Course Delivery (901-1) or current TIFMAS guidelines for this level of course.

(i) In order to teach a certification course for Intermediate Wildland Fire Protection:

(1) The unit instructor must hold an Intermediate Wildland Fire Protection certification or be approved by the commission to instruct an Intermediate Wildland course and hold:

(A) commission Fire Service Instructor I certification or higher; or

(B) instructor credentials as required by the current NWCG Standards for Course Delivery (901-1) or current TIFMAS guidelines for this level of course.

(2) The lead instructor must hold NWCG or TIFMAS Single Resource Boss qualification and:

(A) commission Fire Service Instructor I certification or higher; or

(B) instructor credentials as required by the current NWCG Standards for Course Delivery (901-1) or current TIFMAS guidelines for this level of course.

SUBCHAPTER D CERTIFIED TRAINING FACILITIES

§427.401. General Provisions for Training Facilities Not Owned by the State of Texas or Operated by a Political Subdivision of the State of Texas.

(a) The provisions in this subchapter apply only to certified training facilities that are not owned or operated by the State of Texas or a political subdivision of the State of Texas.

(b) Training facilities seeking certification under this subchapter must comply with all the provisions of this chapter and must also meet and comply with all commission rules.

(c) Training facilities seeking certification under this subchapter must apply for training facility certification in each discipline for which they intend to conduct certification training for fire protection personnel.

(d) In order to become a commission approved training facility under this subchapter, the provider must submit a completed commission training facility application for certification with supporting documentation and fees. Supporting documentation will consist of:

(1) descriptions, photos and addresses of where the provider will have their course delivery and materials;

(2) documentation of how the provider will meet all the minimum requirements for each discipline for which it seeks certification;

(3) complete and correct financial statements, as specified in this subchapter, demonstrating the facility is financially stable and capable of fulfilling its commitments for training;

(4) statement of ownership which identifies the owners, stockholders, partners, representatives, management, trustees, board members; and

(5) documentation showing registration with the Texas Secretary of State as a business.

§427.403. Financial Standards.

(a) Definitions Relating to Financial Requirements.

(1) Balance Sheet--A statement of financial position or statement of condition, showing the status of assets, liabilities and owner equity for a defined period i.e., monthly, quarterly, etc.

(2) Current ratio--ability to pay current obligations from current assets.

(3) Generally Accepted Accounting Principles (GAAP)--Conventions, rules and procedures that define accepted accounting practices to include both broad guidelines as well as detailed procedures.

(4) Generally Accepted Auditing Standards (GAAS)--Conventions, rules and procedures that define accepted audit practices.

(5) Stockholders Equity (net worth)--amount by which assets exceed liabilities.

(6) Sworn statement--A notarized statement including the following language: "I swear or affirm that the information in these statements is true and correct to the best of my knowledge."

(7) Unearned income (tuition) affidavit--A statement of income received but not yet earned during the current or most recent fiscal year. This is usually shown as a liability on a balance sheet, assuming it will be credited to income within the normal accounting cycle.

(b) The balance sheet required in this subchapter shall reflect the following:

(1) positive equity or net worth balance;

(2) unearned tuition as a current liability;

(3) a current ratio of at least one-to-one (current assets divided by current liabilities); and

(4) stockholder's equity or net worth exceeding the amount shown for goodwill, if applicable, under assets in the balance sheet.

(c) Compilations shall be accompanied by the owner's sworn statement that all submitted documents are true and correct to the best of the owner's knowledge.

(d) All financial statements shall identify the name, license number, and licensing state of the accountant associated with the statements and be in accordance with GAAP.

(e) A school that maintains a financial responsibility composite score that meets the general standards established in federal regulations by the U.S. Department of Education for postsecondary institutions participating in student financial assistance

programs authorized under Title IV of the Higher Education Act of 1965, as amended, shall be considered to have met the financial standards of this subchapter.

(f) A school that qualifies under an alternative standard but not the general standard of these federal regulations will not be considered to have met the financial standards of this subchapter unless the school meets the other requirements stated in this subchapter.

(g) Requirements for Original Approvals.

(1) The owner shall furnish the commission with the following:

(A) a school owned by a sole proprietor must submit a reviewed personal balance sheet stating the disclosure of payments for the next five years to meet debt agreements as required by GAAP; or

(B) all other ownership structures must submit an audited balance sheet consistent with GAAP and GAAS and certified by an accountant.

(2) The facility shall submit a balance sheet, a list of the expected school-related expenses for the first three months of operation of the school; a sworn statement signed by the owner affirming the availability of sufficient cash to cover projected expenses at the date of the certification. Projected expenses may include the following:

(A) employee salaries, listed by position title, including withholding and unemployment taxes, and other related expenses;

(B) lease or rent payments for listed equipment;

(C) lease or rent payments for facilities;

(D) accounting, legal and other specifically identified professional fees;

(E) an estimate of expenses such as advertising, travel, textbooks, office and classroom supplies, printing, telephone, utilities, taxes;

(F) a projection of the gross amount of tuition and fees to be collected during each of the first two years of operation; and

(G) such other evidence as may be deemed appropriate by the commission to establish financial stability.

(h) Prior to a change in ownership of a facility, the purchaser shall furnish the commission a current balance sheet meeting the requirements outlined in this subchapter for original approvals, excluding the sufficient cash requirement for initial

expenses. The purchaser shall furnish any other evidence deemed appropriate by the commission to establish financial stability.

(i) The deletion or addition of any person that would be considered an owner is considered a change in facility ownership. The facility must notify the commission of the change in ownership within 14 days of the transaction.

(j) The commission may require submission of a full application for approval of a change in ownership.

(k) Management agreements must be disclosed to the commission. Parties to a management agreement shall be of good reputation and character.

(l) The deletion, addition or moving of a facility will be reported to the commission 14 days prior to the transaction.

(m) If the commission determines that the deletion, addition or moving of a facility presents an unreasonable transportation hardship which would prevent a student from completing the training at the new location, the school shall provide a full refund of all monies paid and a release from all obligations to the student.

(n) The commission shall be notified in writing of any legal action to which the facility, any of its owners, representatives or management employees is a party.

(o) The notification shall be within 14 days after the action is known to be filed or the facility, owner, representative or management employee is served.

(p) The facility shall include, with the required notice, a file-marked copy of the petition, complaint, or other legal instrument, including copies of any judgments.

(q) If the commission determines that reasonable cause exists to question the validity of any financial information submitted, or the financial stability of the facility, the commission may require at the facility's expense:

(1) an audit of the facility that has been certified by an accountant; or

(2) The owner must furnish any other evidence deemed appropriate by the commission to establish financial stability.

(r) The entity certified under this subchapter shall maintain, in a permanent format that is acceptable and readily accessible to the commission, a record of any funds received from, or on behalf of, the student. The entity shall clearly identify the payer, the type of funding, and the reason for the charges. These records shall be posted and kept current.

(s) An entity certified under this subchapter shall issue written receipts of any charges or payments to the student and maintain such records for review upon request by the

commission. Each separately charged item shall be clearly itemized on the student-signed receipt.

(t) An entity certified under this subchapter shall develop and maintain a cancellation and refund policy.

(u) The student shall be entitled to a full refund of all monies paid to the facility if classes or courses are cancelled by the facility.

(v) For classes or courses cancelled by the student, refund policies will be based on a prorated basis or percentage of the class or program completed by the student.

(w) An entity certified under this subchapter shall comply with Chapter 437 of this title (relating to Fees).

(x) Upon application for renewal, an entity certified under this subchapter will provide a balance sheet with a sworn statement.

§427.405. Policy Regarding Complaints.

(a) Complaints. The entity shall:

(1) Submit a written grievance procedure designed to resolve disputes between current and former students and the school for commission approval;

(2) Provide a copy of the grievance procedure to each student and maintain proof of such delivery;

(3) Maintain records regarding grievance filings and resolutions; and

(4) Diligently work to resolve all complaints at the local school level.

(b) Investigations.

(1) The commission may investigate a complaint about an entity and may determine the extent of investigation needed by considering various factors, such as:

(A) the seriousness of the alleged violation;

(B) the source of the complaint;

(C) the school's history of compliance and complaints;

(D) the timeliness of the complaint; and

(E) any other reasonable matter deemed appropriate.

(2) The commission may require documentation or other evidence of the violation before initiating a complaint investigation.

§427.407. School Responsibilities Regarding Instructors.

(a) The facility chief training officer (CTO) shall ensure that there are an appropriate number of instructors.

(b) The facility CTO shall ensure that instructors are qualified to instruct in the subjects they are teaching or assisting.

(c) The facility CTO shall ensure continuity of instruction and that instructors provide students with a quality education.

(d) The facility CTO shall formally evaluate each instructor in writing at least annually and shall make the evaluations available for review by the commission.

(e) The facility CTO shall ensure that students are allowed the opportunity to formally evaluate each instructor in writing and make the evaluations available for review by the commission.

§427.409. Advertising.

(a) General Information for Advertising.

(1) A school shall not make deceptive statements in attempting to enroll students.

(2) The commission may require a school to furnish proof of any of its advertising claims.

(b) Advertisement Method.

(1) A school may advertise for prospective students under "instruction," "education," "training," or a similarly titled classification.

(2) No school advertisements shall use the word "wanted," "help wanted," or "trainee," either in the headline or the body of the advertisement, nor shall any

advertisement indicate, in any manner, that the school has or knows of employment of any nature available to prospective students; only "placement assistance," if offered, may be advertised.

(3) A school shall not use terms to describe the significance of the approval that specify or connote greater approval. Terms that schools may not use to connote greater approval by the commission include, but are not limited to, "accredited," "supervised," "endorsed," and "recommended." A school shall not use the words "guarantee," "guaranteed," or "free" unless approved in writing by the commission.

(4) Any advertisement that includes a reference to awarding of credit hours shall include the statement, "limited transferability." Where a school has an arrangement with a college or university to accept transfer hours, such information may be advertised, but any limitations shall be included in the advertisement.

(c) Advertisement Content.

(1) Advertisement content shall include, and clearly indicate, the full and correct name of the school and its address, including city, as they appear on the certificate of approval.

(2) Advertisements shall not include:

(A) statements that the school or its programs are accredited unless the accreditation is that of an agency recognized by the United States Department of Education;

(B) statements that the school or its courses of instruction have been approved unless the approval can be substantiated by an appropriate certificate of approval issued by an agency of the state or federal government;

(C) statements that represent the school as an employment agency under the same name, or a confusingly similar name, or at the same location of the school; or

(D) statements as being commission approved or IFSAC approved in order to solicit students prior to receiving actual commission approval. Any such activity by the school, prior to the commission's approval of the training course, shall constitute misrepresentation by the training facility and shall entitle each student in the course to a full refund of all monies paid and a release from all obligations to the student.

(3) A school holding a franchise to offer specialized programs or subjects not available to other schools shall not advertise such programs in such a manner as to diminish the value and scope of programs offered by other schools not holding

such a franchise. Advertising of special subjects or programs offered under a franchise shall be limited to the subject or programs offered.

(4) a school shall not use endorsements, commendations, or recommendations by students in favor of a school except with the consent of the student and without any offer of financial or other material compensation. Endorsements shall bear the legal or professional name of the student.

(5) a school shall not use a photograph, cut, engraving, illustration or graphic in advertising in such a manner as to:

(A) convey a false impression of size, importance, or location of the school, equipment, or facilities associated with the school, or

(B) circumvent any of the requirements of this subchapter regarding written or oral statements.

(6) Every advertisement must clearly indicate that training is being offered, and shall not, either by actual statement, omission, or intimation, imply that prospective employees are being sought.

(d) Financial Incentives. Advertisements shall not:

(1) state that students shall be guaranteed employment while enrolled in the school;

(2) state that employment shall be guaranteed for students after graduation; or

(3) misrepresent opportunities for employment upon completion of any program; or

(4) contain dollar amounts as representative or indicative of the earning potential of graduates unless those dollar amounts have been published by the United States Department of Labor. This provision shall not be construed as prohibiting the school from providing earning potential to the student individually on the student's receipt of enrollment policies or other such commission approved document.

(e) Advertisements for student tuition loans shall:

(1) contain the language "financial aid available, if qualified";

(2) appear in type no larger than the font used for the name of the school and in similar color and style; and

(3) does not preclude disclosure of the school's eligibility under the various state and federal loan programs.

(f) Advertisement Monitoring.

(1) The commission may order corrective action to counteract the effect of advertising in violation of the Act or rules, including:

(A) retraction by the school of such advertising claims published in the same manner as the claims themselves; and

(B) cancellation of telephone numbers without an automatic forwarding message.

(2) As corrective action for violations of the Act or rules, the commission may require schools to submit all advertisements to the commission for pre-approval at least 30 days before proposed submission of the advertisements to the advertising medium.

(3) Nothing in these guidelines shall prohibit release of information to students as required by a state or federal agency.

§427.411. Cancellations or Suspensions.

(a) If an approved course of instruction is discontinued for any reason, the commission shall be notified within 72 business hours (9 days) of discontinuance and furnished with the names and addresses of any students who were prevented from completion of the course of instruction due to discontinuance. Should the school fail to make arrangements satisfactory to the students and the commission for the completion of the course of instruction, the full amount of all tuition and fees paid by the students are then due and refundable. Any course of instruction discontinued will be removed from the list of approved courses of instruction.

(b) The commission may suspend enrollments in a particular course of instruction at any time the commission finds cause. For purposes of this subsection, cause includes, but is not limited to:

(1) inadequate instruction;

(2) unapproved or inadequate curriculum;

(3) inadequate equipment; or

(4) inadequate facilities.

(c) If a school begins teaching a course of instruction or revised course of instruction that has not been approved by the commission, the commission may require the

school to refund to the enrolled students all or a portion of the tuition fees.

§427.413. Liabilities.

(a) Curriculum and Testing.

(1) The school shall be able to provide license agreements with the publisher of any curriculum used. The school may not reproduce the curriculum, or any part thereof, without describing the purpose or having the written consent by said publisher.

(2) The school shall be able to provide a valid purchase receipt or license agreement of any published test banks, or any part thereof, used in the evaluation process of any course taught.

(b) Equipment and Facilities.

(1) The school shall be able to provide written agreements for the use of any equipment not owned by the school, but used during the instruction of any student. The agreement shall dictate the terms, liability, fees, and availability of maintenance records of such equipment.

(2) The school shall be able to provide written agreements of the use of any facilities or area, not otherwise public, but used during the instruction of any student. The agreement shall dictate the terms, liability, and fees of such facilities or area.

(c) Insurance Coverage. The school shall be able to provide a general liability policy issued by a company licensed to do business in the State of Texas.

AGENDA ITEM NUMBER 7

7. Matters referred to the Commission by the Firefighter Advisory Committee.

e. Discussion and possible action on rule review of 37 TAC, Chapter 431, Fire Investigator.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 431 FIRE INVESTIGATOR

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 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. To obtain an arson investigator certification 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.

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

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

§431.205. Minimum Standards for Intermediate Fire Investigator Certification.

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

(1) hold as a prerequisite a Basic Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and

(2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.207. Minimum Standards for Advanced Fire Investigator Certification.

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

(1) hold as a prerequisite an Intermediate Fire Investigator Certification as defined in §431.203 of this title (relating to Minimum Standards for Fire Investigator Certification); and

(2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:

(A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit

documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or

(B) Option 2--Completion of coursework from the either A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List and four B-List courses. (See the exception outlined in subsection (c) of this section); or

(C) Option 3--Completion of coursework from either the A-List the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).

(b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.

(c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Investigator Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§431.209. Minimum Standards for Master Fire Investigator Certification.

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

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

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

(3) sixty college semester hours or an associate degree, that must include at least eighteen college semester hours in fire science 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 (IFSA) 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.

AGENDA ITEM NUMBER 8

8. Discussion and possible action on the appointment of an Ad Hoc Committee on HB1593.

By: Campos, LaHood, Cole, Garcia Hernandez,
Martinez, et al.

H.B. No. 1593

A BILL TO BE ENTITLED

AN ACT

relating to an advisory committee to study suicide prevention and peer support programs in fire departments in this state.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Advisory committee" means the advisory committee established under this Act.

(2) "Commission" means the Texas Commission on Fire Protection.

(3) "Fire department" has the meaning assigned by Section 419.021, Government Code.

(4) "Fire fighter" has the meaning assigned by Section 143.003, Local Government Code.

SECTION 2. ADVISORY COMMITTEE. (a) The commission shall establish an advisory committee to study the need to implement suicide prevention and peer support programs in fire departments in this state. The committee is composed of the following members:

(1) two fire fighters, appointed by the Texas State Association of Fire Fighters;

(2) two fire fighters, appointed by the State Firefighters' and Fire Marshals' Association of Texas;

(3) two fire chiefs, appointed by the Texas Fire Chiefs Association;

(4) one person who is licensed to provide professional

1 mental health services, as defined by Section 531.002, Health and
2 Safety Code, appointed by the Texas Fire Chiefs Association;

3 (5) one person who is licensed to provide professional
4 mental health services as defined by Section 531.002, Health and
5 Safety Code, appointed by the Texas State Association of Fire
6 Fighters;

7 (6) one person who is licensed to provide professional
8 mental health services, as defined by Section 531.002, Health and
9 Safety Code, appointed by the State Firefighters' and Fire
10 Marshals' Association of Texas;

11 (7) one person, appointed by the executive director of
12 the Texas A&M Engineering Extension Service; and

13 (8) the executive director of the commission.

14 (b) The advisory committee shall designate a member of the
15 committee as chair of the committee.

16 (c) The commission may adopt rules necessary to carry out
17 the purpose and duties of the advisory committee under this Act.

18 (d) The commission shall provide administrative support and
19 resources necessary for the advisory committee to carry out the
20 purpose and duties of the committee under this Act.

21 (e) The advisory committee may meet in person or by
22 telephone conference, videoconference, or other electronic means.

23 SECTION 3. REPORT. Not later than September 1, 2026, the
24 advisory committee shall prepare and submit a report to the
25 governor and the legislature. The report must:

26 (1) provide an overview of suicide prevention and peer
27 support groups in fire departments;

1 (2) address possible licensing requirements and any
2 confidentiality concerns; and

3 (3) provide recommendations on:

4 (A) the need for legislation to implement suicide
5 prevention and peer support groups in fire departments;

6 (B) whether to encourage local governments to
7 develop local suicide prevention and peer support groups in fire
8 departments; and

9 (C) specific programs to be implemented in this
10 state.

11 SECTION 4. EXPIRATION DATE. The advisory committee is
12 abolished and this Act expires January 10, 2027.

13 SECTION 5. EFFECTIVE DATE. This Act takes effect September
14 1, 2025.

Names for 1593 committee

TFCA

1 Manuel Casarez	mcasarez@boerne-tx.gov	210-880-7102
2 Amy Ramon	Amy.Ramon@cyfairfd.org	281-799-8092
3 Tammy Boudreaux	tammy@boudreaux2counseling.com	(832) 539-7673

TSAFF

1 Bill Crews		
2 Eric Secrest	eriksecrest@sbcglobal.net	
3 Suzi Gulliver	Suzy.Gulliver@bswhealth.org	

SFFMA

1 John Hosea	john.hosea@jumpmasterlifecoaches.org	(817) 219-7732
2 Lowell Ercanbrack	lowellercanbrack@gvfd.org	(254) 243-0350
3 George Samples	Georgesamples@co.potter.tx.us	(806) 231-1488

TEEX

1 Alisa McDonald	alisa.mcdonald@teex.tamu.edu	979-219-2217
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TCFP

1 Karen Padgett	rockstarfrog1@gmail.com	214.563.1204
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Executive Council of Physical Therapy and Occupational Therapy Examiners
Texas Behavioral Health Executive Council
Texas Board of Professional Geoscientists
Texas Funeral Service Commission
Texas Optometry Board
Texas State Board of Dental Examiners
Texas State Board of Pharmacy
Texas State Board of Plumbing Examiners

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License / Registration Details

Press "Search Results" to return to the Search Results list.

Press "New Search Criteria" to do another search of this type.

Press "New Search" to start a new search.

License Number: 34461

Current Date: 10/29/2025 03:05 P

Name:	BOUDREAUX, TAMMY J.
License Type:	Licensed Clinical Social Worker (LCSW)
License Status:	Active
Expiry Date:	08/31/2026
First Licensure Date:	03/16/2000
Effective Rank Date:	04/19/2017

[Search Results](#) [New Search Criteria](#) [New Search](#) [Print](#)

Tammy J. Boudreaux, LCSW, MBA

Licensed Clinical Social Worker – Texas #34461 | NPI: 1063984565

832-527-2806

tammy@boudreaux2counseling.com

www.boudreaux2counseling.com

Professional Summary

Licensed Clinical Social Worker with more than 25 years of clinical experience encompassing trauma therapy, crisis intervention, hospital operations management, and Six Sigma performance improvement. Founder and owner of Boudreaux 2.0 Counseling & Consulting, a private psychotherapy practice specializing in trauma-informed care for emergency responders, active and retired military personnel, and their families impacted by PTSD. Specialized in EMDR, emotion-focused, and somatic experience therapies. Dedicated to promoting the mental health and resilience of first responders through counseling, education, and critical incident stress management.

Education

Master of Business Administration – University of St. Thomas, 2009

Master of Social Work – University of Houston, 1999

Bachelor of Science – University of Houston, 1997

Professional Experience

- Owner / Clinical Director – Boudreaux 2.0 Counseling & Consulting Private Practice, 2013 – Present
Provide trauma-informed psychotherapy with specialization in EMDR and somatic therapies for first responders, military personnel, and their families.
Conduct individual therapy, group facilitation, and health and wellness education.

Contract Mental Health Practitioner Roles

- Greater Harris County 911 | 2025 – Present
Conduct “Wellness Wednesday” workshops promoting mental health and resilience for dispatchers.
- Fort Bend County, Texas | 2024 – Present
Member, Critical Incident Stress Management (CISM) Team, Sheriff’s Office.
Provide individual EMDR therapy, group facilitation, and mental health training for first responders.
- City of Sugar Land, Texas | 2018 – Present
CISM Team Member (Fire, Dispatch, Police).
Provide post-incident EMDR therapy and mental health/wellness training to emergency personnel.

- Sam Houston State University – Bill Blackwood Law Enforcement Management Institute of Texas (LEMIT) | 2013 – Present
Mental Health Practitioner (EMDR trained) and CISM Team Member.
Clinical Director (2021 – Present) for Post Critical Incident Seminars (PCIS, PCIS-M).
Deployed as MHP for major incidents including the school shootings in Santa Fe, Texas (2018) and Uvalde, Texas (2022). Provided counseling and debriefs to first responders and families.
- Greater Houston Area First Responder Support Network – Houston Police Department Peer Support | 2024 – Present
Serve on the committee to vet culturally competent therapists for first responder care.
- Houston Police Department Peer Support Team | 2019 – 2020
Served on committee during team development.
- Harris County Sheriff’s Office Peer Support Team | 2018 – 2022
Served on committee during team development.

Additional Professional Experience

- Director, Mobile CARE Team – Westpark Springs | Jan 2018 – Sept 2018
- Director, Health Crisis Assessment Team – HCA Behavioral Health Services | 2014 – 2017
- Clinical Coordinator – HCA Behavioral Health Services | 2013 – 2014
- Social Worker – HCA Behavioral Health Services | 2012 – 2013
- Memorial Hermann Healthcare System | 2001 – 2011
 - Clinical Coordinator, Psychiatric Response Team (2008 – 2011)
 - Director, Six Sigma Black Belt, Performance Improvement (2007 – 2008)
 - Business Analyst & Shift Coordinator, Psychiatric Response Team (2005 – 2007)
 - Clinical Coordinator, Psychiatric Response Team (2003 – 2005)
 - Social Worker, Psychiatric Response Team (2001 – 2003)

Specialized Training

EMDR I & II, 2013–2014

ICISF Critical Incident Stress Management, 2013

Application Summary

10/15/25, 1:53 PM

Page 1 of 2

Application Detail

License Type: Licensed Psychologist
License Number: 36499
Application: Duplicate Permit
Application Date: 10/15/2025 (mm/dd/yyyy)

Personal Detail

First Name: SUZY
Middle Name: B
Last Name: GULLIVER
Date of Birth: **/**/**** (mm/dd/yyyy)
Gender: Female
Race: White
Social Security Number: *****

Addresses

Main Address

Address: 8935 FM 339
MOUNT CALM, TX
HILL
76673
United States
Phone Number: (254) 730-2676
E-mail Address: suzybird@aol.com
Contact #: (508) 524-9167
Is this your Home Address?: Yes

Fees

Total Amount Due: \$10.00

Attestation

I hereby certify that the information on this form is true and correct.

CURRICULUM VITAE

Suzy Bird Gulliver, Ph.D.

Research Center Director, Warriors Research Institute (WRI)
Baylor Scott & White Research Institute (BSWRI)
Professor, with tenure, Baylor College of Medicine
Adjunct Professor, Texas A&M College of Medicine, Health Science Center
2201 MacArthur Drive, Suite 2200
Waco, Texas 76708

PERSONAL INFORMATION

Date of Birth: 09/24/1961

Place of Birth: Bourne, Massachusetts

Citizenship: U.S. Citizen

Home Address: 8935 FM 339 N, Mount Calm, TX 76673

Telephone Number: (508) 524-9167

E-mail Address: Suzy.Gulliver@BSWHealth.org

EDUCATION

Undergraduate: Marlboro College, Marlboro, Vermont, 1978 – 1980

Quinnipiac College, Hamden, Connecticut, 1980 – 1983

Psychobiology, B.S., June, 1983

Dean's List 1982 – 1983

Advanced Degrees: Connecticut College, New London, Connecticut, 1983 – 1985

Clinical Psychology, M.A., June, 1985

University of Vermont, Burlington, Vermont, 1985 – 1990

Clinical Psychology (APA approved) Ph.D., May 19, 1990

POST GRADUATE TRAINING

Internship: Health Psychology Intern (2,000 hours) 09/01/1989 – 08/30/1990

West Haven VA Medical Center

West Haven, Connecticut

Clinical Psychology Fellow (2,000 hours) 09/1987 – 08/1989

Behavior Therapy and Psychotherapy Center

Department of Psychology, University of Vermont

Burlington, Vermont

Practicum Intern (700 hours) 09/1984 – 06/1985

Health Psychology/Pain Management

West Haven VA Medical Center

West Haven, Connecticut

Occupational Therapy Intern (120 hours) 06/1982 – 08/1982
Charlotte Hungerford Hospital
Torrington, Connecticut

Fellowship: NIAAA Post-doctoral fellow, 09/1990 – 08/1991
Center for Alcohol and Addiction Studies
Brown University
Providence, Rhode Island

Advanced: Justice Center of Atlanta, Inc., Managing Conflict and Resolving Disputes
through Mediation for VA Leaders, 12/14 – 12/16/2010

VHA Behavioral Health Leadership Training Program, 06/12 – 06/15/2006

POSTGRADUATE HONORS AND AWARDS

Awarded: Outstanding Clinical Scholar Award, West Haven Veteran’s Hospital, 1990
Boston Fire Department Commissioner’s Citation, 05/13/2006
Boston Fire Department Commissioner’s Citation, 03/01/2004
Fellow, American Psychological Association, Division 56
Top 25 Innovators, Modern Healthcare, 2021

Nominated: Best Paper on Military and Veteran Families, Military Family Research Institute, Purdue University to
Hiraoka, R., Meyer, E. C., Kimbrel, N. A., DeBeer, B. B., **Gulliver, S. B.**, & Morissette, S. (October,
2016) *Self-compassion as a prospective predictor of PTSD symptom severity among trauma-exposed U.S.
Iraq and Afghanistan war veterans.*

LICENSURE

<u>License State and Number</u>	<u>Date Received</u>
Rhode Island 0485	05/25/1993
Massachusetts 6690	05/16/1994
Texas 36499	09/30/2014

ACADEMIC APPOINTMENTS

Professor, with tenure, Baylor College of Medicine, 02/2023 – present

Adjunct Professor, College of Medicine, Texas A&M Health Science Center,
07/2019 – present

Professor, College of Medicine, Texas A&M Health Science Center,
11/01/2007 – 07/2019

Part-time Lecturer, Department of Psychology & Neuroscience, Baylor University,
06/2009 – 07/2009

Associate Professor of Psychology, College of Arts and Sciences, Boston University,
05/2005 – 11/01/2007

Associate Professor, Psychiatry, Boston University School of Medicine,
05/2005 – 11/01/2007

Assistant Professor of Psychology, College of Arts and Sciences, Boston University,
05/2000 – 2005

Research Associate, Psychiatry and Human Behavior, Brown University,
06/30/1997 – 07/01/2007

Assistant Professor, Psychiatry, Boston University,
05/1997 – 2005

Assistant Clinical Professor, Psychiatry, Tufts University,
05/1996 – 05/1997

Assistant Professor, Psychiatry and Human Behavior (Clinical), Brown University,
07/01/1994 – 06/30/1997

Visiting Assistant Professor, Addictive Behaviors, Connecticut College,
01/1993 – 05/1993

Assistant Professor, Psychiatry and Human Behavior (Research), Brown University,
03/1992 – 07/1994

Co-Instructor, Introductory Psychology, University of Vermont,
09/1988 – 12/1988

Instructor, Psychology of Motherhood, University of Vermont,
09/1987 – 12/1987

Teaching Assistant Coordinator, Introductory Psychology, Connecticut College,
09/1984 – 06/1985

Teaching Assistant, Introductory Psychology, Connecticut College,
09/1983 – 06/1984

HOSPITAL APPOINTMENTS

Research Center Director and Principal Investigator, Warriors Research Institute, Baylor Scott & White Research Institute, Baylor Scott & White Health, Waco, Texas, 04/22/2013 – present

Acting Consultant to Mental Health Service Line, VISN 17,
04/2012 – 04/2013

Director, VISN 17 Center of Excellence, CTVHCS,
08/2007 – 04/13/2012

Associate Director of Outpatient Mental Health Programs, VA Boston Healthcare System,
01/18/2006 – 08/20/2007

Mental Health Site Director, Outpatient Programs, Brockton Campus,
04/18/2005 – 01/18/2006

Director, Health Psychology Clinic, Outpatient Clinic, VA Boston Healthcare System,
11/08/1995 – 04/04/2005

Staff Psychologist, VA Boston Healthcare System,
11/08/1995 – 04/18/2005

ADVISORY APPOINTMENTS

International Association of Fire Fighters (IAFF), Advisory Board for the Center of Excellence Behavioral Health Treatment Facility, 05/2016 – present

Advisory Committee Member for the VISN 2 Center of Excellence Site Review,
02/09/2009 – 09/11/2009; 04/2011

Advisory Committee Member for the VISN 16 TBI Center of Excellence Site Review,
03/2011

Advisory Committee Member for the VISN 22 Center of Excellence Site Review,
09/2009; 09/30/2010 – 10/01/2010

INVITED EXPERT PANEL APPOINTMENTS

Expert Panelist for the Department of Veterans Affairs, Office of Research and Development, Washington, DC, at the Homeless Research Meeting, 01/31/2010 – 02/01/2010

Expert Panelist for the Vision of Family ministry in the U.S. Army Chaplain Corps CH (COL) Moran: “Soldier & Family Ministry Strategy Thinking Theologically – Theological Integration,” Orlando, FL, 01/24/2010 – 01/29/2010

Expert Panelist for the Department of Veterans Affairs Office of Rehabilitation and Development (RRD), Outcome Measures in Rehabilitation State of the Art Conference, Miami, FL, 01/2010

Expert Consultant to review the Fort Hood Behavioral Health Campaign Review, “Planning and the Way Forward” after the November 5, 2009 Disaster, Fort Hood, TX, 11/18/2009

Invited Participant for the American Psychological Association’s 5th Annual Science Leadership Conference (SciLC), Washington, DC, 11/14/2009 – 11/16/2009

Expert Panelist for the Polytrauma, Post-Traumatic Stress Disorder (PTSD), and Pain Research Summit, New Haven, CT, 09/28/2009 – 09/30/2009

Expert Attendee at the Military Health Research Forum 2009 for the Department of Defense, Kansas City, MO, 08/31/2009 – 09/03/2009

Expert Panelist for the National Center for PTSD, Merit Review Psychological Health & Social Reintegration Session: PTSD, mTBI, & Pain Consensus Conference, Washington, DC, 06/07/2009 – 06/09/2009

SCIENTIFIC REVIEW LEADERSHIP APPOINTMENTS

Co-Chair National Institute of Occupational Safety and Health (NIOSH), Occupational Safety and Health Training Project Grants (T03), RFA-OH-22-003 (RFA-OH-22-003, 02/01/2022 – 02/02/2022)

Chair Deployment Related Medical Research Program (DRMRP), Department of Defense Review Panel Chair, U.S. Army Medical Research and Materiel Command: 12/11/2007 – 12/13/2007; 01/01/2008 – 12/31/2008; 08/31/2009 – 09/03/2009; 12/13/2009 – 12/15/2009; 01/13/2010 – 01/14/2010

Professional Summary

Chaplain John M. Hosea is a compassionate counselor, life coach, and servant-leader dedicated to helping individuals heal, recover, and thrive through faith, evidence-based care, and service to others. With over two decades of experience in military, ministry, and counseling roles, John's life reflects integrity, humility, and hope. A Purple Heart recipient, his own journey through trauma, service, and recovery has deepened his empathy and strengthened his calling to guide others through life's most difficult seasons.

As the Lead Chaplain for the Hood County Sheriff's Department and an FBI-certified Hostage and Crisis Negotiator with the Region 8 Special Operations Unit, John provides emotional, spiritual, and psychological support to first responders, dispatchers, and community members during times of crisis. His specialized work includes critical incident stress debriefings, burnout prevention, victim therapy, active shooter response support, and trauma care for both individuals and teams.

John also holds expertise in human trafficking, sexual trafficking, and advocacy for sex workers and exploited populations, providing trauma-informed, dignity-centered, and faith-based care to survivors. His holistic approach combines compassion and professionalism, helping individuals reclaim their sense of worth, safety, and identity.

Academically, John holds dual master's degrees in Mental Health and Wellness and Clinical Mental Health Counseling with a focus on trauma, and he is currently pursuing a Doctor of Philosophy (PhD) in Performance Psychology at Grand Canyon University (GCU). His advanced research explores human resilience, moral performance, and the psychology of recovery under pressure — concepts that align with his mission to strengthen individuals and teams through empathy, training, and purpose-driven leadership.

John's professional certifications and advanced training include EMDR, Sex Therapy, Couples and Family Counseling, Cognitive Behavioral Therapy (CBT), Exposure and Trauma-Based Therapy, Biblical Counseling, Vitamin and Holistic Therapy, Victim and Burnout Therapy, and Critical Incident Stress Debriefing. As a counselor and educator with *Jumpmaster Life Coaches and Counseling*, he integrates clinical practice with faith-based principles, empowering first responders, veterans, and trauma survivors to find healing, balance, and hope.

Rooted in 28 years of marriage and the joy of raising four daughters, John's personal life mirrors his professional mission: to serve others with empathy, strength, and unwavering faith. His leadership and ministry stand as a living example of resilience, service, and the transformative power of compassion.

Key Highlights

- **Licensed Professional Counselor Associate (LPC-A)** and Counselor-in-Training with *Jumpmaster Life Coaches and Counseling*
- **Doctor of Philosophy (PhD) in Performance Psychology** – Current Student, *Grand Canyon University (GCU)*
- **Lead Chaplain**, Hood County Sheriff's Department | **Region 8 Special Operations Unit**
- **FBI-Certified Hostage and Crisis Negotiator**
- **Purple Heart Recipient** – U.S. Military Veteran with firsthand experience in trauma, resilience, and recovery
- Dual Master's Degrees:
 - *M.S. in Mental Health and Wellness with emphasis on trauma and Ministry*
 - *M.S. in Clinical Mental Health Counseling (Trauma Focus)*

- **Specialized Training & Certifications (current and in progress):**
 - EMDR (Eye Movement Desensitization and Reprocessing)
 - Sex Therapy
 - Couples and Family Counseling
 - Cognitive Behavioral Therapy (CBT)
 - Exposure Therapy & Trauma-Based Interventions
 - Biblical Therapy & Faith-Based Counseling
 - Vitamin Therapy & Holistic Wellness Approaches
 - Victim Therapy & Burnout Therapy
 - Active Shooter Response Support
 - Critical Incident Stress Debriefing for First Responders & Dispatchers
 - Human Trafficking and Sexual Trafficking Survivor Support
 - Counseling and Advocacy for Sex Workers and Exploited Populations
- Experienced **Life Coach** with expertise in leadership, program development, and emotional resilience training
- Deep commitment to **spiritual leadership** and trauma-informed, faith-integrated care for first responders, veterans, and families
- Recognized for **empathy, trust-building, and calm presence** in moments of crisis and restoration
- Married for 28 years, father of four daughters — embodying a life of faith, family, and service to others

AGENDA ITEM NUMBER 9

9. Discussion and possible action on the report from the Subcommittee on Advisory Committee member selection.

a. Review of relevance of each Advisory Committee pursuant to 37 TAC, Chapter 463, Advisory Committees, Practice and Procedures, §463.3 (f).

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 463 ADVISORY COMMITTEES, PRACTICE AND PROCEDURES**

§463.1 Objective

(a) The Texas Commission on Fire Protection (TCFP) is organized to aid in the protection of the lives and property of Texas citizens through the development and enforcement of recognized professional standards for individuals and the fire service. To achieve the goals of TCFP, each committee will evaluate, make recommendations, and issue reports to the Commission on any issue in the committee's purview. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee. In this Chapter, "Commission" refers to the governing body, and TCFP refers to the state agency.

(b) The Commission has established a Firefighter Advisory Committee, Curriculum and Testing Committee, and Health and Wellness Committee in compliance with the Texas Government Code §2110.008, Duration of Advisory Committees. These committees will continue for four years from the date of creation and may be continued following a vote of the Commission, to extend each of the established committees. The Commission may create short-term Ad Hoc working groups for specific purposes in accordance with this rule. The committee's purpose, eligibility, terms, and meeting procedures are identified in this rule.

§463.3 General

(a) The Commission may convene committees that are deemed to be in the best interest of the TCFP and its mission.

(b) All committees shall be subject to and governed by these rules.

(c) The approved committee shall elect a member of their committee as the chairperson who may remain in this position for two (2) years before reappointment or until such time as a new person is appointed as the Chairperson.

(d) Committees should be composed of a reasonable odd number of members, with a minimum of nine and a maximum of 15 members.

(e) The committees shall meet at least twice each calendar year at the call of either the committee chairperson or the Commission.

(f) All committees shall be reviewed for relevance by the Commission every odd year and will either be renewed or discontinued.

(g) The committee chairperson may form ad hoc working groups, when in the judgment of the chair, it will enhance or provide guidance for a specific purpose or time period. The committee chairperson may determine working group selection, but membership is limited only to ad hoc and will disband once the purpose has been met.

(h) Annually each committee chairperson will present to the Commission an end-of-year status report.

(i) Meetings to deliberate a test item or information related to a test item do not require an open meeting per Texas Government Code §551.088.

§463.5 Eligibility

(a) Any person, association, corporation, partnership, or other entity having an interest in the above-recited objectives shall be eligible for membership.

(b) Committee composition should have representatives from each fire protection stakeholder group, with consideration of department size, region, and mission.

(c) Vacant positions will be announced. Interested, qualified candidates may apply for committee appointments. A candidate selection committee may be formed to assist in the application process and may make recommendations for appointments. The list of candidates will then be presented to the Commission during their next meeting for consideration. The Commission will appoint committee members and select alternates at the same time in the event committee members cannot fulfill their tenure and/or replacement members are needed. Terms shall begin immediately following Commission approval. Interim appointments may be made to complete vacated, unexpired terms.

§463.7 Terms

(a) Committee members shall be appointed to serve six-year terms of office, with the intent to stagger and to ensure continuity of membership from year to year. Committee members serve six-year terms and may serve consecutively; however, after a second six-year term, the member will not be eligible for another term until after a lapse of two years. For all committees, the member positions will be numbered 1-11.

Figure: 37 TAC §463.7(a)

Position	Initial Appointment
1&9	2024
2,10,11	2025
3,4,5	2026
6,7,8	2027

(b) The current holdover member serving in positions 1-11 will expire on the last day of the month before the initial appointments commence. Current holdover members are eligible to apply for initial appointments.

(c) In the event that a member cannot fulfill a term, a new member shall be appointed to complete the term. This does not count as the individual's first term.

§463.9 Meetings

(a) Committee chairperson or a designated committee member when the chairperson is unavailable shall conduct all committee meetings.

(b) Committee meetings should be held in Austin, Texas. Committee meetings cannot be held outside of the state of Texas.

(c) Committees shall post meeting times, locations, and agendas with the Secretary of State in accordance with the Open Meetings Act, Texas Government Code Chapter 551. Committees shall keep minutes in accordance with the Open Meetings Act. When feasible, committees may allow members of the public to participate in a meeting from a remote location by videoconference call pursuant to Texas Government Code §551.127(k) to encourage access and participation throughout the state.

(d) Committee chairpersons may limit discussion times if, in the opinion of the chairperson, it is warranted. Participants who fail to follow the above rules may be subject to removal from the meeting.

(e) Committees may meet by videoconference call, but only if they follow the requirements of Texas Government Code §551.127. The committee must still have a physical location for the public to attend. The member presiding over the meeting must attend in person, while other members and staff may attend remotely.

§463.11 Limitation of Powers

No action by any committee chairperson or its members shall be binding upon, or constitute an expression of, the policy of TCFP until it has been approved or ratified by the Commission. It shall be the function of the committees to evaluate, make recommendations, and report only to the Commission. Committees shall represent TCFP in advocacy for or opposition to projects and issues upon the specific authority of the Commission or such authority as may be clearly granted upon general powers delegated by the Commission to that committee.

§463.13 Testimony

Once committee action has been approved by the Commission, testimony and/or presentations may be given and made before stakeholders, governmental agencies, or any other entity as deemed appropriate by the chairperson of the Commission.

§463.15 Expulsion

After written notice and a hearing before the Commission, any committee member may be expelled from a committee for conduct that is unbecoming or prejudicial to the aims or repute of TCFP or expelled for lack of attendance, unless excused, to more than half of the scheduled committee meetings in a calendar year.

§463.17 Abolishment Date

Any advisory committee created by the Commission will be abolished after four years from the date of creation unless it is re-established by the Commission prior to the abolishment date.

AGENDA ITEM NUMBER 9

9. Discussion and possible action on the report from the Subcommittee on Advisory Committee member selection.
 - b. Appointment of member positions 3, 4 and 5 on each Advisory Committee to become effective Jan. 1, 2026.

AGENDA ITEM NUMBER 9

9. Discussion and possible action on the report from the Subcommittee on Advisory Committee member selection.
 - c. Establish a new member eligibility list for each Advisory Committee for 2026.

AGENDA ITEM NUMBER 10

10. Discussion and possible final adoption of 37 TAC, Chapter 435, Fire Fighter Safety, §435.7 as it relates to HB 3732 on extensions to comply with NFPA standards.

By: Martinez

H.B. No. 3732

A BILL TO BE ENTITLED

AN ACT

relating to compliance by a fire department with certain minimum standards adopted by the Texas Commission on Fire Protection.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter B, Chapter 419, Government Code, is amended by adding Section 419.0471 to read as follows:

Sec. 419.0471. EXTENSION TO COMPLY WITH COMMISSION STANDARDS. (a) A fire department may request an extension from the commission to comply with the minimum standards adopted under Section 419.047. The commission shall grant a request for an extension if the fire department provides evidence the commission finds sufficient to justify the extension.

(b) The commission shall adopt rules necessary to implement this section.

(c) This section expires September 1, 2027.

SECTION 2. Not later than April 1, 2026, the Texas Commission on Fire Protection shall adopt the rules required to implement Section 419.0471, Government Code, as added by this Act.

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2025.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 435 FIRE FIGHTER SAFETY**

§435.1. Protective Clothing.

(a) A regulated entity shall:

(1) purchase, rent, lease, provide, and maintain a complete set of protective clothing for each fire protection person who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of properly fitting protective clothing shall consist of garments, including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;

(2) ensure that all protective clothing complies with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, repaired, or used protective clothing; and

(3) maintain, provide to the commission upon request, and comply with a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor.

(b) To ensure that protective clothing for fire protection personnel continues to be suitable for assigned tasks, risk assessments must be conducted in accordance with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor .

§435.3. Self-Contained Breathing Apparatus.

The regulated entity shall:

(1) provide and maintain a complete self-contained breathing apparatus that complies with the minimum standards of the National Fire Protection Association identified in *NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighter* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, where the atmosphere is unknown or would be exposed to hazardous atmospheres from fire or other emergencies, or where the potential for such exposure exists;

(2) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used self-contained breathing apparatus;

(3) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the commission shall order that

the use be discontinued and shall set an appropriate date for compliance with the revised standard;

(4) develop an air quality program that complies with the most recent edition of the *NFPA 1989, Standard on Breathing Air Quality for Emergency Services Respiratory Protection* or its successor;

(5) maintain and supply, upon request by the commission, records and reports documenting compliance with commission requirements concerning self-contained breathing apparatus and breathing air. Records of all tests shall be made and the records shall be retained for a period of no less than three years;

(6) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the use of self-contained breathing apparatus; and

(7) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the selection, care, and maintenance of self-contained breathing apparatus that complies with the most recent edition of the *NFPA 1852, Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)* or its successor.

§435.5. Commission Recommendations.

The commission recommends that all regulated entities use as a guide the *NFPA 1500, Fire Department Occupational Safety and Health Program* or its successor.

§435.7. Implementation of Mandatory NFPA Standards.

(a) Allow implementation of TCFP-mandated NFPA standards at the Commissioner's discretion up to 365 days from the effective date of the new NFPA standard.

(b) Extensions to meet mandated NFPA standards may be granted upon plan submission and Commission approval.

(c) Insufficient funding will not justify delays.

(d) Subsection (b) of this section expires on September 1, 2027.

§435.9. Personal Alert Safety System (PASS).

The regulated entity shall:

(1) provide and maintain a PASS device complying with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, or where the atmosphere is unknown, or where hazardous conditions from fire or other emergencies exist, or where the potential for such exposure exists;

(2) ensure that all PASS devices used by fire protection personnel comply with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters*. The National Fire Protection Association standard applicable to a PASS device is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used PASS devices;

(3) ensure that the PASS device assigned to an individual user be inspected at the beginning of each duty period and before each use; and

(4) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the proper use, selection, care, and maintenance of PASS devices.

§435.11. Incident Management System (IMS).

(a) The regulated entity shall develop, maintain, and use an incident management system.

(b) The incident management system shall:

(1) include a written standard operating procedure for the management of emergency incidents;

(2) require that the IMS be used at all emergency incidents;

(3) require operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries;

(4) require that all fire protection personnel be trained in the use of the IMS; and

(5) require that the IMS be applied to all drills, exercises, and all other situations that involve hazards similar to those encountered at an actual emergency.

(c) The IMS shall meet the requirements of *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.13. Personnel Accountability System.

(a) The regulated entity shall develop, maintain, and use a personnel accountability system that provides for a rapid accounting of all personnel at an emergency incident.

(b) The accountability system shall:

(1) require all fire protection personnel be trained in the use of the accountability system;

(2) require that the fire protection personnel accountability system be used at all incidents;

(3) require that all fire protection personnel operating at an emergency incident to actively participate in the personnel accountability system; and

(4) require that the incident commander be responsible for the overall personnel accountability system for the incident.

(c) The fire department shall be responsible for developing the system components required to make the personnel accountability system effective.

(d) The personnel accountability system shall meet the minimum standards required by the *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.15. Operating At Emergency Incidents.

(a) The regulated entity shall develop, maintain, and use a standard operating procedure for fire protection personnel operating at emergency incidents.

(b) The standard operating procedure shall:

- (1) specify an adequate number of personnel to safely conduct emergency scene operations;
- (2) limit operations to those that can be safely performed by personnel at the scene;
- (3) require all personnel to be trained in and use the standard operating procedures; and
- (4) comply with §435.17 of this title (relating to Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule)).

(c) The regulated entity may use standards established by the National Fire Protection Association for fire protection personnel operating at an emergency incident.

§435.17. Procedures for Interior Structural Fire Fighting (2-In /2-Out Rule).

(a) The regulated entity shall develop, maintain, and comply with written standard operating procedures that adhere with the Occupational Safety and Health Administration's Final Rule, 29 CFR Section 1910.134(g)(4) by requiring:

- (1) a team of at least four fire protection personnel must be assembled before an interior fire attack can be made when the fire has progressed beyond the incipient stage;

(2) at least two fire protection personnel to enter the IDLH atmosphere and remain in visual or voice (not radio) contact with each other;

(A) visual means that the fire protection personnel must be close enough to see each other; and

(B) voice means that the fire protection personnel of the entry team must be close enough to speak to one another without the use of radios;

(3) at least two fire protection personnel remain located outside the IDLH atmosphere to perform rescue of the fire protection personnel inside the IDLH atmosphere;

(4) all fire protection personnel engaged in interior structural fire fighting use self-contained breathing apparatus and be clothed in a complete set of protective clothing as identified in Chapter 435;

(5) all fire protection personnel located outside the IDLH atmosphere be equipped with appropriate retrieval equipment where retrieval equipment would contribute to the rescue of the fire protection personnel who have entered the IDLH atmosphere;

(6) one of the outside fire protection personnel must actively monitor the status of the inside fire protection personnel and not be assigned other duties. The second outside fire protection personnel may be assigned to an additional role, including, but not limited to, incident commander, safety officer, driver-operator, command technician or aide, or fire fighter/EMS personnel, so long as this individual is able to perform assistance or rescue activities without jeopardizing

the safety or health of any fire protection personnel working at the scene;

(7) All fire protection personnel entering an IDLH atmosphere must be equipped with an operable portable radio; and

(8) each outside fire protection personnel must have a complete set of protective clothing and self-contained breathing apparatus, as identified in Chapter 435, immediately accessible for use if the need for rescue activities inside the IDLH atmosphere is necessary.

(b) The regulated entity shall comply with the 2-in/2-out rule as described in this section except in a reasonable belief of an imminent life-threatening situation when immediate action could prevent the loss of life or serious injury before the team of four fire protection personnel are assembled.

(c) Whenever there is a variance to these procedures, a supplemental report must be submitted to the Texas Commission on Fire Protection, documenting the rationale used to deviate from these written procedures.

§435.19. Enforcement of Commission Rules.

(a) The commission shall enforce all commission rules at any time, including, but not limited to, commission investigations, fire department inspections, or upon receiving a complaint from any person or entity of an alleged infraction of a commission rule.

(b) The commission shall initiate a biennial inspection with an email, notifying the fire department and requesting electronic copies of the Standard Operating Procedures (SOPs), training

records, and/or other documentation needed for review be submitted within 48 business hours of notification. The email will also indicate the date range for an on-site inspection within the upcoming two-week period. Compliance officers may work with the Head of Department to ensure all necessary department representatives will be present at the time of the inspection. Compliance Officers may postpone an inspection for extenuating circumstances with the Compliance Manager's approval.

(c) Upon receipt of a complaint alleging a violation of a commission rule, the commission shall have 30 days to initiate an investigation and report back to the complainant its progress.

(d) Upon substantiating the validity of a complaint, the commission shall follow the procedures outlined in Texas Government Code, Chapter 419, §419.011(b) and (c).

§435.21. Fire Service Joint Labor Management Wellness-Fitness Initiative.

(a) A regulated entity shall assess the wellness and fitness needs of the personnel in the department. The procedure used to make this assessment shall be written and made available for Commission inspection.

(b) A regulated entity shall develop and maintain a standard operating procedure to address those needs.

(c) The approach to the fitness needs of the regulated entity shall be based on the local assessment and local resources.

(d) The standard operating procedure shall be made available to the Commission for inspection.

§435.23. Fire Protection Personnel Injuries.

(a) A regulated entity shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigatable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigatable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigatable fire protection personnel injury and shall be made available to the Commission for inspection.

§435.25. Courage to be Safe So Everyone Goes Home Program.

(a) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year following appointment to a regulated entity if the individual has not previously completed the program. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) Regulated entities will report the completion of training through the commission's web-based reporting system.

(c) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.27. Live Fire Training Structure Evolutions.

The most current edition of *NFPA 1403, Standard on Live Fire Training Evolutions* or its successor, shall be used as a guide when developing standard operating procedures for conducting live fire training. The following requirements shall apply for all Live Fire Training Structure Evolutions conducted.

(1) The officer- or instructor-in-charge will ensure that the water supply rate and duration for each individual Live Fire Training Structure Evolution is adequate to control and extinguish the training fire, the supplies necessary for

backup lines to protect personnel, and any water needed to protect exposed property.

(2) The instructor-in-charge shall assign the following personnel:

(A) one instructor to each functional crew, which shall not exceed five students;

(B) one instructor to each backup line;

(C) additional personnel to backup lines to provide mobility; and

(D) one additional instructor for each additional functional assignment.

(3) The officer- or instructor-in-charge will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.

(4) A safety officer shall be appointed for all Live Fire Training Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend, or control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities.

(5) No person(s) shall play the role of a victim inside the building.

(6) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.

(7) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

(8) A standard operating procedure shall be developed and utilized for Live Fire Training Structure Evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all participating in live fire training and shall meet the requirements in §435.9 of this title (relating to Personal Alert Safety System (PASS));

(B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personnel Accountability System) shall be utilized;

(C) an Incident Management System;

(D) use of personal protective clothing and self-contained breathing apparatus;

(E) an evacuation signal and procedure; and

(F) pre-burn, burn, and post-burn procedures.

§435.29. Federal Highway Administration Traffic Incident Management Program.

(a) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission within one year of appointment to a regulated entity. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) Departments will report the completion of training through the commission's web-based reporting system.

(c) Failure to complete the Federal Highway Administration Traffic Incident Management program or an equivalent course that is approved by the commission before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.31. Firefighter Cancer Support Network Cancer Awareness Training Program.

(a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the Firefighter Cancer Support Network Cancer Awareness Training program be completed as part of the continuing education required for certified fire protection personnel by December 1, 2024. Individuals will be credited with 2 hours of continuing education credit for completing this program.

(b) All regulated fire protection personnel must complete the Firefighter Cancer Support Network Cancer Awareness Training program prior to December 1, 2024.

(c) All fire protection personnel appointed after December 1, 2024, will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program training within one year of appointment to a fire department.

(d) Departments will report the completion of training through the commission's web-based reporting system.

(e) Failure to complete the Firefighter Cancer Support Network Cancer Awareness Training program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

AGENDA ITEM NUMBER 11

11. Discussion and possible final adoption to 37 TAC, Chapter 437, Fees, §437.3 related to HB 5629 on certification application fees for military personnel.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

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 provider.

§437.3 - Certification Application Processing Fees.

(a) A non-refundable application processing fee of \$85 is required for each certificate issued by the Commission [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 [commission] has established a curriculum must be certified by the Commission [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, military veteran, or military spouse.

[(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 \$60 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 \$60, 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 \$30 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 \$60 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 \$60.

§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.thomsonreuters.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 \$55 shall be charged for each examination.

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

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

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

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

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

(e) 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 \$30 fee shall be charged for each IFSAC seal issued by the commission.

§437.17. Records Review Fees.

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

(b) The fee provided for in this section shall not apply to an individual who holds an advanced or Fire Fighter II certificate from the State Firefighters' 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.

AGENDA ITEM NUMBER 12

12. Discussion and possible action on 37 TAC, Chapter 469, Technical Rescue including, but not limited to, the removal of language specific to the provisional certification period.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 469 TECHNICAL RESCUE

SUBCHAPTER A MINIMUM STANDARDS FOR ROPE RESCUE AWARENESS AND OPERATIONS

§469.1. Rope Rescue Awareness Level/Operations Level Certification.

(a) A Rope Rescue Awareness Level/Operations Level Rescuer is an individual who has met the requirements of Chapters 5.1 and 5.2 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications and has the knowledge, skills, and ability to perform Rope Rescue at the Awareness Level/Operations Level.

(b) All individuals holding a Rope Rescue Awareness Level/Operations Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

~~(c) Special temporary provision. Individuals are eligible to take the commission examination for Rope Rescue Awareness Level/Operations Level by:~~

~~(1) holding as a minimum, Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel through the commission; and~~

~~(2) providing documentation acceptable to the commission, in the form of an affidavit from the individual's Head of Department or Chief Training Officer, that the individual has met the department's requirements to perform as a Rope Rescuer and has demonstrated proficiency as a Rope Rescuer at the Rope Rescue Awareness Level/Operations Level.~~

~~(d) All applications for testing during the special temporary provision period must be received no earlier than October 1, 2024, and no later than October 1, 2025.~~

~~(e) This special temporary provision will expire on November 1, 2025.~~

§469.3. Minimum Standards for Rope Rescue Awareness Level/Operations Level Certification.

To be certified to the Rope Rescue Awareness Level/Operations Level, an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) complete a Commission-approved Rope Rescue Awareness Level/Operations Level program and successfully pass the Commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Rope Rescue Awareness Level/Operations Level program must consist of one of the following:
 - (A) completion of an in-state Rope Rescue Awareness Level/Operations Level 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 educational institution of higher education, and/or military training program that has been submitted to the Commission for evaluation and found to meet the requirements of the applicable NFPA standard.

§469.5. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Awareness Level/Operations Level certification.

SUBCHAPTER B MINIMUM STANDARDS FOR ROPE RESCUE TECHNICIAN

§469.201. Rope Rescue Technician Level.

(a) A Rope Rescue Technician Level Rescuer is an individual who has met the requirements of chapter 5.3 of NFPA 1006, Standard for Technical Rescue Personnel Professional Qualifications, and has the knowledge, skills, and ability to perform Rope Rescue at the Technician Level.

(b) All individuals holding a Rope Rescue Technician Level certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).

~~(c) Special temporary provision. Individuals are eligible to take the commission examinations for the Rope Rescue Technician Level by:~~

~~(1) holding as a minimum, Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel through the commission; and~~

~~(2) providing documentation acceptable to the commission, in the form of an affidavit from the individual's Head of Department or Chief Training Officer, that the individual has met the department's requirements to perform as a Rope Rescuer and has demonstrated proficiency as a Rope Rescuer at the Rope Rescue Technician Level.~~

~~(d) All applications for testing during the special temporary provision period must be received no earlier than October 1, 2024, and no later than October 1, 2025.~~

~~(e) This special temporary provision will expire on November 1, 2025.~~

§469.203. Minimum Standards for Rope Rescue Technician Level Certification.

In order to be certified at the Rope Rescue Technician Level, an individual must:

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

(A) hold a Rope Rescue Awareness Level/Operations Level certification through the commission; and

(B) complete a commission-approved Rope Rescue Technician Level program and successfully pass the commission examination for Rope Rescue Technician as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Rope Rescue Technician Level program must consist of one of the following:

(i) completion of an in-state Rope Rescue Technician Level 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

(ii) successful completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

(2) Option 2--hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and

(A) complete a commission-approved Rope Rescue Awareness Level/Operations Level program. An approved Rope Rescue Awareness Level/Operations Level program must consist of one of the following:

(i) completion of an in-state Rope Rescue Awareness Level/Operations Level 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

(ii) successful completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; and

(B) complete a commission-approved Rope Rescue Technician Level program. An approved Rope Rescue Technician Level program must consist of one of the following:

(i) completion of an in-state Rope Rescue Technician Level 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

(ii) completion of an out-of-state educational institution of higher education, and/or military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; and

(C) successfully pass the commission examination for Rope Rescue Awareness Level & Operations Level combined with the Technician Level as specified in

Chapter 439 of this title (relating to Examinations for Certification).

§469.205. Examination Requirement.

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Rope Rescue Technician Level certification.

AGENDA ITEM NUMBER 13

13. Discussion and readoption of 37 TAC, Chapter 401, Administrative Practice and Procedure.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

CHAPTER 401 ADMINISTRATIVE PRACTICE AND PROCEDURE

SUBCHAPTER A GENERAL PROVISIONS AND DEFINITIONS

§401.1. Purpose and Scope.

(a) Purpose. The purpose of this chapter is to provide a system of procedures for practice before the Commission that will promote the just and efficient disposition of proceedings and public participation in the decision-making process. The provisions of this chapter shall be given a fair and impartial construction to attain these objectives.

(b) Scope.

(1) This chapter shall govern the initiation, conduct, and determination of proceedings required or permitted by law in matters regulated by the Commission, whether instituted by order of the Commission or by the filing of an application, complaint, petition, or any other pleading.

(2) This chapter shall not be construed so as to enlarge, diminish, modify, or otherwise alter the jurisdiction, powers, or authority of the Commission, its staff, or the substantive rights of any person.

(3) This chapter shall not apply to matters related solely to the internal personnel rules and practices of this agency.

(4) To the extent that any provision of this chapter is in conflict with any statute or substantive rule of the Commission, the statute or substantive rule shall control.

(5) In matters referred to the State Office of Administrative Hearings (SOAH), hearings or other proceedings are governed by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH. To the extent that any provision of this chapter is in conflict with SOAH Rules of Procedures, the SOAH rules shall control.

§401.3. Definitions.

The following terms, when used in this chapter, shall have the following meanings, unless the context or specific language of a section indicates otherwise:

- (1) Advisory Committee--An advisory committee that is required to assist the Commission in its rule-making functions and whose members are appointed by the Commission pursuant to Government Code, §419.008, or other law.
- (2) Agency--Includes the Commission, the Agency Chief, and all divisions, departments, and employees thereof.
- (3) Agency Chief--The Agency Chief appointed by the Commission pursuant to Government Code, §419.009.
- (4) APA--Government Code, Chapter 2001, The Administrative Procedure Act, as it may be amended from time to time.
- (5) Applicant--A person, including the Commission staff, who seeks action from the Commission commission] by written application, petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (6) Application--A written request seeking a license from the Commission, a petition, complaint, notice of intent, appeal, or other pleading that initiates a proceeding.
- (7) Authorized Representative--A person who enters an appearance on behalf of a party, or on behalf of a person seeking to be a party or otherwise to participate in a Commission proceeding.
- (8) Chairman--The commissioner who serves as presiding officer of the Commission pursuant to Government Code, §419.007.
- (9) Commission--The Texas Commission on Fire Protection.
- (10) Commissioner--One of the appointed members of the decision-making body defined as the Commission.
- (11) Complainant--Any person, including the Commission's General Counsel, who files a signed written complaint intended to initiate a proceeding with the Commission regarding any act or omission by a person subject to the Commission's jurisdiction.
- (12) Contested Case--A proceeding, including but not restricted to the issuance of certificates, licenses, registrations, permits, etc., in which the legal rights, duties, or privileges of a party are to be determined by the agency after an opportunity for adjudicative hearing.

- (13) Days--Calendar days, not working days, unless otherwise specified in this chapter or in the Commission's substantive rules.
- (14) Division--An administrative unit for the regulation of specific activities within the Commission's jurisdiction.
- (15) Hearings Officer--An administrative law judge on the staff of the State Office of Administrative Hearings assigned to conduct a hearing and to issue a proposal for decision, including findings of fact and conclusions of law, in a contested case pursuant to Government Code, Chapter 2003.
- (16) License--Includes the whole or part of any agency permit, certificate, approval, registration, or similar form of permission required or permitted by law.
- (17) Licensee--A person who holds an agency permit, certificate, approval, registration, license, or similar form of permission required or permitted by law.
- (18) Licensing--Includes the agency process respecting the granting, denial, renewal, revocation, suspension, annulment, withdrawal, or amendment of a license.
- (19) Party--Each person or agency named or admitted to as a party in a contested case.
- (20) Person--Any individual, partnership, corporation, association, governmental subdivision, or public or private organization of any character other than the Commission.
- (21) Pleading--A written document submitted by a party, or a person seeking to participate in a proceeding, setting forth allegations of fact, claims, requests for relief, legal argument, and/or other matters relating to a Commission proceeding.
- (22) Preliminary Staff Conference--A conference with Commission staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.
- (23) Presiding Officer--The chairman, the acting chairman, the Agency Chief, or a duly authorized hearings officer.
- (24) Proceeding--Any hearing, investigation, inquiry, or other fact-finding or decision-making procedure, including the denial of relief or the dismissal of a complaint.
- (25) Respondent--A person under the Commission's jurisdiction against whom any complaint or appeal has been filed or who is under formal investigation by the Commission.

(26) SOAH--State Office of Administrative Hearings.

§401.5. Delegation of Authority.

All decisions to suspend, revoke, or deny an application for any certificate or approval, to reprimand or place on probation the holder of such certificate or approval, or to impose an order for restitution, remedial action, or administrative penalties pursuant to Government Code, Chapter 419, shall be made by the Agency Chief or designee.

§401.7. Construction.

(a) A provision of a rule referring to the Commission or the chairman, or a provision of a rule referring to the Agency Chief as the presiding officer, is construed to apply to the Commission or chairman, if the matter is within the jurisdiction of the Commission, or to the Agency Chief, if the matter is within the jurisdiction of the Agency Chief.

(b) Unless otherwise provided by law, any duty imposed on the Commission, the chairman, or the Agency Chief may be delegated to a duly authorized representative. In such a case, the provisions of any rule referring to the Commission, the chairman, or the Agency Chief shall be construed to also apply to the duly authorized representative of the Commission, the chairman, or the Agency Chief.

§401.9. Records of Official Action.

All official acts of the Commission or the Agency Chief shall be evidenced by a recorded or written record. Official action of the Commission or the Agency Chief shall not be bound or prejudiced by any informal statement or opinion made by any member of the Commission, the Agency Chief, or the employees of the agency.

§401.11. Conduct of Commission and Advisory Committee Meetings.

(a) Statements concerning items which are part of the Commission's posted agenda. Persons who desire to make presentations to the Commission concerning matters on the agenda for a scheduled Commission or an advisory committee meeting shall complete registration cards, which shall be made available at the entry to the place where the scheduled meeting is to be held. The registration cards shall include blanks in which all of the following information must be disclosed:

(1) name of the person making a presentation.

(2) a statement as to whether the person is being reimbursed for the presentation; and if so, the name of the person or entity on whose behalf the presentation is made.

(3) a statement as to whether the presenter has registered as a lobbyist in relationship to the matter in question.

(4) a reference to the agenda item which the person wishes to discuss before the Commission.

(5) an indication as to whether the presenter wishes to speak for or against the proposed agenda item; and

(6) a statement verifying that all factual information to be presented shall be true and correct to the best of the knowledge of the speaker.

(b) Discretion of the presiding officer. The presiding officer of the Commission or the advisory committee, as the case may be, shall have discretion to employ any generally recognized system of parliamentary procedures, including, but not limited to, Robert's Rules of Order for the conduct of Commission or committee meetings, to the extent that such parliamentary procedures are consistent with the Texas Open Meetings Act or other applicable law and these rules. The presiding officer shall also have discretion in setting reasonable limits on the time to be allocated for each matter on the agenda of a scheduled Commission meeting or advisory committee meeting and for each presentation on a particular agenda item. If several persons wish to address the Commission or an advisory committee on the same agenda item, it shall be within the discretion of the chairperson to request that persons who wish to address the same side of the issue coordinate their comments, or limit their comments to an expression in favor of views previously articulated by persons speaking on the same side of an issue.

(c) Requests for issues to be placed on an agenda for discussion. Persons who wish to bring issues before the Commission shall first address their request in writing to the Agency Chief. Such requests should be submitted at least 15 days in advance of a Commission or an advisory committee meeting. The decision whether to place a matter on an agenda for discussion before the full Commission, or alternatively, before an advisory committee, or with designated staff members, shall be within the discretion of the appropriate presiding officer.

§401.13. Computation of Time.

(a) Computing Time. In computing any period of time prescribed or allowed by these rules, by order of the Agency, or by any applicable statute, the period shall begin on the day after the act, event, or default in controversy and conclude on the last day of such computed period, unless it be a Saturday, Sunday, or a legal holiday, in which event, the period runs until the end of the next day which is neither a Saturday, Sunday, nor a legal holiday. A party or attorney of record notified under §401.61 of this title (relating to Record) is deemed to have been notified on the date that the notice is sent.

(b) Extensions. Unless otherwise provided by statute, the time for filing any pleading, except a notice of protest, may be extended by order of the Agency Chief or designee, upon the following conditions:

(1) A written motion must be duly filed with the Agency Chief or designee prior to the expiration of the applicable period of time allowed for such filings.

(2) The written motion must show good cause for such extension and that the need is not caused by the neglect, indifference, or lack of diligence on the part of the movant.

(3) A copy of any such motion shall be served upon all other parties of record to the proceeding contemporaneously with the filing thereof.

§401.15. Agreements To Be in Writing.

(a) Unless precluded by law, informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(b) No stipulation or agreement between the parties, their attorneys or representatives, with regard to any matter involved in any proceeding before the Agency, shall be enforced unless it shall have been reduced to writing and signed by the parties or their authorized representatives, or unless it shall have been dictated into the record by them during the course of a hearing, or incorporated in an order bearing their written approval. This rule does not limit a party's ability to waive,

modify, or stipulate any right or privilege afforded by these rules, unless precluded by law.

SUBCHAPTER B RULEMAKING PROCEEDINGS

§401.19. Petition for Adoption of Rules.

(a) Any person may petition the Commission requesting the adoption of a new rule or an amendment to an existing rule as authorized by the APA, §2001.021.

(b) Petitions shall be sent to the Agency Chief. Petitions shall be deemed sufficient if they contain:

(1) the name and address of the person or entity on whose behalf the application is filed.

(2) specific reference to the existing rule which is proposed to be changed, amended, or repealed.

(3) the exact wording of the new, changed, or amended proposed rule with new language underlined and deleted language in brackets.

(4) the proposed effective date; and

(5) a justification for the proposed action set out in narrative form with sufficient particularity to inform the Commission and any other interested person of the reasons and arguments on which the petitioner is relying.

(c) The Agency Chief shall direct that the petition for adoption of rules be placed on the next agenda for discussion by the Commission with subject matter jurisdiction in accordance with §401.11 of this title (relating to Conduct of Commission and Advisory Committee Meetings).

(d) A request for clarification of a rule shall be treated as a petition for a rule change. The Commission staff may request submission of additional information from the applicant to comply with the requirements of subsection (b) of this section.

SUBCHAPTER C EXAMINATION APPEALS PROCESS

§401.21. Examination Challenge.

- (a) An examinee who seeks to challenge the failure of an examination must submit a written request to the Agency Chief or his designee to discuss informal disposition of the complaint(s).
- (b) An examination may be challenged only on the basis of examination content, failure to comply with the Commission's rules by a certified training facility, or problems in the administration of the examination.
- (c) The written request must identify the examinee, the specific examination taken, the date of the examination, and the basis of the appeal.
- (d) An examinee who challenges the content of an examination must identify the subject matter of the question(s) challenged and is not entitled to review the examination due to the necessity of preserving test security.
- (e) The request must be submitted within 30 days from the date the grade report is posted on the website.
- (f) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to discuss the challenge within 30 days of the request or as soon as practical. The examinee may accept or reject the settlement recommendations of the Commission staff. If the examinee rejects the proposed agreement, the examinee must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

§401.23. Examination Waiver Request.

- (a) An individual who is required to take a Commission examination may petition the Commission for a waiver of the examination if the person's certificate or eligibility expired because of a good-faith clerical error on the part of the individual or an employing entity.
- (b) The waiver request must include a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with the Commission's requirements and that failure to comply was due to circumstances beyond the control of the certificate holder or applicant.
- (c) Commission staff shall schedule a preliminary staff conference with the applicant in accordance with §401.41 of this title (relating to Preliminary Staff Conference) to

discuss the waiver request within 30 days of the request, or as soon as practical. The applicant may accept or reject the settlement recommendations of the Commission staff. If the examinee rejects the proposed agreement, the applicant must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the action complained of.

SUBCHAPTER D DISCIPLINARY PROCEEDINGS

§401.31. Disciplinary Proceedings in Contested Cases.

(a) If the Commission staff recommends administrative penalties or any other sanction for alleged violations of laws or rules, the respondent may request a preliminary staff conference.

(b) Commission staff shall schedule a preliminary staff conference with the applicant to discuss the alleged violations of laws or rules within 30 days of the request or as soon as practical. The respondent may accept or reject the settlement recommendations of the Commission staff. If the respondent rejects the proposed agreement, the respondent must request in writing a formal administrative hearing as described in Subchapter F of this chapter (relating to Contested Cases) within 30 days of the notice of the staff's recommended disciplinary action.

SUBCHAPTER E PREHEARING PROCEEDINGS

§401.41. Preliminary Staff Conference.

(a) General. After receipt of notice of alleged violations of laws or rules administered or enforced by the Commission and its staff, the holder of the certificate, applicant, or regulated entity may request a conference with the Commission's staff for the purpose of showing compliance with all requirements of law, or to discuss informal disposition of any complaint or contested case.

(b) Representation. The certificate holder, applicant, or regulated entity may be represented by counsel or by a representative of his or her choice. The Commission shall be represented by one or more members of its staff and by the Commission's General Counsel.

(c) Informal Proceedings. The conference shall be informal and will not follow procedures for contested cases. The Commission's representative(s) may prohibit or limit attendance by other persons; may prohibit or limit access to the Commission's investigative file by the licensee, the licensee's representative, and the complainant, if present; and may record part or all of the staff conference. At the discretion of the Commission's representative(s), the licensee, the licensee's representative, and the Commission staff may question witnesses; make relevant statements; and present affidavits, reports, letters, statements of persons not in attendance, and such other evidence as may be appropriate.

(d) Settlement Conference. At the discretion of the Commission's representative(s), the preliminary staff conference may be concluded and a settlement conference initiated to discuss staff recommendations for informal resolution of the issues. Such recommendations may include any disciplinary actions authorized by law, including administrative penalties, restitution, remedial actions, or such reasonable restrictions that may be in the public interest. These recommendations may be modified by the Commission's representative(s) based on new information, a change of circumstances, or to expedite resolution in the interest of protecting the public. The Commission's representative(s) may also recommend that the investigation be closed or referred for further investigation.

(e) Proposed Consent Order. The licensee may accept or reject the settlement recommendations of the Commission staff. If the licensee accepts the recommendations, the licensee shall execute a settlement agreement in the form of a proposed consent order as soon thereafter as practicable. If the licensee rejects the proposed agreement, the matter may be scheduled for a hearing as described in Subchapter F of this chapter.

(f) Approval of Consent Order. Following acceptance and execution of the settlement agreement recommended by staff, said proposed agreement shall be submitted to the Agency Chief for approval. If the order is approved, it shall be signed by the

Agency Chief. If the proposed order is not approved, the licensee shall be so informed, and the matter shall be referred to the Commission staff for appropriate action to include dismissal, closure, further negotiation, further investigation, or a formal hearing.

(g) Preliminary Notice. A revocation, suspension, annulment, denial, or withdrawal of a certificate or license is not effective unless, before the institution of contested case proceedings, the holder of the certificate receives preliminary notice of the facts or conduct alleged to warrant the intended action and an opportunity to show compliance with all requirements of law.

(h) Request for Formal Hearing. Except as otherwise provided by law, if an applicant's original application or request for a certificate is denied, he or she shall have 30 days from the date of denial to make a written request for a formal hearing, and if so requested, the formal hearing will be granted and the provisions of the APA and this chapter with regard to contested cases shall apply.

SUBCHAPTER F CONTESTED CASES

§401.51. Opportunity for Hearing.

In general, except as otherwise provided by law, the procedure for the grant, denial, renewal, revocation, suspension, annulment, or withdrawal of a certificate is governed by Government Code, Chapter 2001, pertaining to Administrative Procedures and by 1 TAC Chapter 155 (relating to Rules of Procedures) adopted by SOAH.

§401.53. Contested Case Hearing.

(a) The Commission appoints SOAH to be its finder of fact in contested cases. The Commission does not delegate to the hearings officer and retains for itself the right to determine the sanctions and make the final decision in a contested case.

(b) SOAH hearings of contested cases shall be conducted in accordance with the APA by a hearings officer assigned by SOAH. Jurisdiction over the case is acquired by SOAH when the Commission staff files a request to docket case.

(c) The Commission may serve the notice of hearing on the respondent at his or her last known address as shown by Commission records. The notice may be served by registered U.S. mail or by certified mail, return receipt requested.

§401.57. Filing of Exceptions and Replies to Proposal for Decision.

(a) Once the SOAH hearing of the contested case is concluded, a proposal for decision shall be issued by the SOAH hearings officer assigned to the case. A copy of the proposal for decision [in a contested case] shall be simultaneously delivered or mailed by certified mail, return receipt requested, to each party representative of record.

(b) Exceptions to the proposal for decision shall be filed within 20 days of the date of the proposal for decision.

(c) Replies to exceptions shall be filed within 15 calendar days after the date of filing of the exceptions and briefs.

(d) The exceptions shall be specifically and concisely stated. The evidence relied upon shall be stated with particularity, and any evidence or arguments relied upon shall be grouped under the exceptions to which they relate.

(e) The SOAH hearings officer will rule on all exceptions, briefs, replies, and requests for extension of time and notify the parties of decisions and any amendments to the proposal for decision.

§401.59. Orders.

After the time for filing exceptions and replies to exceptions expires, the SOAH hearings officer's proposal for decision will be considered by the Agency Chief and either adopted or modified and adopted. All final decisions or orders of the Commission or the Agency Chief shall be in writing and signed. A final decision shall include findings of fact and conclusions of law separately stated. Findings of fact, if set forth in statutory language, shall be accomplished by a concise and explicit statement of the underlying facts supporting the findings. Parties shall be notified either personally or by certified mail of any decision or order, and a copy of the decision or order shall be delivered or mailed to any party and to his or her authorized representative.

§401.61. Record.

(a) The record in a contested case includes the matters listed in the APA, Government Code, §2001.060.

(b) Proceedings, or any part of them, shall be transcribed upon written request of any party. The party requesting the proceeding to be transcribed shall make the initial payment for the transcription. Ultimately, however, the Commission or Agency Chief has the authority to assess, in addition to an administrative penalty, the costs of transcribing the administrative hearing.

(c) Appeal. The costs of transcribing the testimony and preparing the record for an appeal by judicial review shall be paid by the party who appeals.

§401.63. Final Decision and Orders.

(a) Commission action. A copy of the final decision or order shall be delivered or mailed to any party and to the attorney of record.

(b) Recorded. All final decisions and orders shall be in writing. A final order shall include findings of fact and conclusions of law, separately stated.

(c) Changes stated in final order. If the hearings officer's proposed findings of fact or conclusions of law are modified, the final order shall reflect the specific reason and

legal basis for each change made.

(d) In general. Any party aggrieved by a final decision or order of the executive director in a contested case may appeal to the Commission after the decision or order complained of is final. An appeal to the Commission for review of action of the executive director shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commission s may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission.

(e) Oral argument. On the request of any party, the Commission may allow oral argument prior to the final determination of an appeal of a decision or order of the executive director.

(f) If the executive director's final decision or order is appealed to the Commission, the matter shall be set for the next available Commission I meeting and the Commission shall take action in open session. A copy of the Commission decision shall be delivered or mailed to any party and to the attorney of record.

§401.67. Motions for Rehearing.

(a) In the absence of a finding of imminent peril, a motion for rehearing is a prerequisite to a judicial appeal. A motion for rehearing must be filed by a party within 20 days after the date the party representative is notified of the final decision or order.

(b) Replies to a motion for rehearing must be filed with the agency within 30 days after the date the party representative is notified of the final decision or order.

(c) Agency action on the motion for rehearing must be taken within 45 days after the date a party representative is notified of the final decision or order. If agency action is not taken within the 45-day period, the motion for rehearing is overruled by operation of law 45 days after the date the party representative is notified of the final decision or order.

(d) The Commission may rule on a motion for rehearing at a meeting or by mail, telephone, telegraph, facsimile transmission, or another suitable means of communication. The motion shall be deemed overruled by operation of law, unless a majority of the commissioners serving vote to grant the motion within the time provided by law for ruling on the motion for rehearing.

(e) The agency may, by written order, extend the period of time for filing the motions or replies and taking agency action, except that an extension may not extend the period for agency action beyond 90 days after the date a party representative is notified of the final order or decision.

(f) In the event of an extension, the motion for rehearing is overruled by operation of law on the date fixed by the order, or in the absence of a fixed date, 90 days after the date the party representative is notified of the final decision or order.

SUBCHAPTER G CONDUCT AND DECORUM, SANCTIONS, AND PENALTIES

§401.105. Administrative Penalties.

(a) Following the hearing, the administrative law judge shall issue a proposal for decision containing findings of fact and conclusions of law. While the administrative law judge may recommend a sanction, findings of fact and conclusions of law are inappropriate for sanction recommendations, and sanction recommendations in the form of findings of fact and conclusions of law are an improper application of applicable law and these rules. In all cases, the Commission or Agency Chief has the discretion to impose the sanction that best accomplishes the Commission's legislatively assigned enforcement goals. The Commission or Agency Chief is the ultimate arbiter of the proper penalty.

(b) The Commission, acting through the Agency Chief may, after notice and hearing required by Government Code, Chapter 2001, Administrative Procedure Act, impose an order requiring payment of an administrative penalty or monetary forfeiture in an amount not to exceed \$1,000 for each violation of Government Code, Chapter 419, or rule promulgated there under, as provided by Government Code, §419.906.

(c) In determining the amount of the administrative penalty or monetary forfeiture, the Commission or the Agency Chief shall consider the following penalty matrix:

- (1) the seriousness of the violation, including, but not limited to, the nature, circumstances, extent, and gravity of the prohibited act, and the hazard or potential hazard created to the health and safety of the public;
- (2) the economic damage to property or the public's interests or confidences caused by the violation;
- (3) the history of previous violations;
- (4) any economic benefit gained through the violation;
- (5) the amount necessary to deter future violations;
- (6) the demonstrated good faith of the person, including efforts taken by the alleged violator to correct the violation;
- (7) the economic impact of the imposition of the penalty or forfeiture on the person; and
- (8) any other matters that justice may require.

(d) The Commission or Agency Chief retains the right to increase or decrease the

amount of an administrative penalty based on the circumstances in each case. In particular, the Commission or Agency Chief may increase the amount of administrative penalties when the respondent has committed multiple violations (e.g., some combination of different violations). Any party aggrieved by a final decision or order of the Agency Chief in a contested case may appeal to the Commission after the decision or order complained of is final. An appeal to the Commission for review of the action of the Agency Chief shall be made within 30 days from the date that the writing evidencing the official action or order complained of is final and appealable, but for good cause shown, the Commission may allow an appeal after that date. A motion for rehearing is not a prerequisite for an appeal to the Commission.

(e) Oral argument. On the request of any party, the Commission may allow oral argument prior to the final determination of an appeal of a decision or order of the Agency Chief.

(f) If the Agency Chief's final decision or order is appealed to the Commission, the matter shall be set for the next available Commission meeting.

(g) Because it is the policy of the Commission to pursue expeditious resolution of complaints when appropriate, administrative penalties in uncontested cases may be less than the amounts assessed in contested cases. Among other reasons, this may be because the respondent admits fault, takes steps to rectify matters, timely responds to Commission concerns, or identifies mitigating circumstances, and because settlements avoid additional administrative costs.

(h) The Commission or Agency Chief may impose an administrative penalty alone or in addition to other permitted sanctions.

SUBCHAPTER H REINSTATEMENT

§401.111. Application for Reinstatement of License or Certificate.

(a) At the expiration of one year from the date of revocation or suspension, or upon

the conclusion of any specified period of suspension, the Commission may consider a request for reinstatement by the former licensee or certificate holder (applicant).

(b) The request for reinstatement must be submitted to the Commission's office in writing and should include a short and plain statement of the reasons why the applicant believes the license should be reinstated.

(c) Upon denial of any application for reinstatement, the Commission may not consider a subsequent application until the expiration of one year from the date of denial of the prior application.

(d) In taking action to revoke or suspend a license or certificate, the Commission may, in its discretion, specify the terms and conditions upon which reinstatement shall be considered.

§401.113. Evaluation for Reinstatement.

In considering reinstatement of a suspended or revoked license or certificate, the Commission will evaluate:

(1) the severity of the act that resulted in revocation or suspension of the license or certificate;

(2) the conduct of the applicant subsequent to the revocation or suspension of the license or certificate;

(3) the lapse of time since revocation or suspension;

(4) the degree of compliance with all conditions the Commission may have stipulated as a prerequisite for reinstatement;

(5) the degree of rehabilitation attained by the applicant as evidenced by sworn notarized statements sent directly to the Commission from qualified people who have personal and professional knowledge of the applicant; and

(6) the applicant's present qualifications to perform duties regulated by the Commission.

§401.115. Procedure upon Request for Reinstatement.

(a) An applicant for reinstatement of a revoked or suspended license or certificate must personally appear before an administrative law judge designated by the Commission at a scheduled date and time to show why the license or certificate

should be reinstated.

(b) Upon submission of proof of past revocation or suspension of the applicant's license or certificate, the applicant has the burden of proof to show present fitness and/or rehabilitation to perform duties regulated by the Commission.

(c) Upon receipt of a written request for reinstatement as required by §401.111 of this title (relating to Application for Reinstatement of License or Certificate), the applicant will be notified of a date and time of an appearance before the administrative law judge.

§401.117. Commission Action Possible upon Reinstatement.

After evaluation, the Commission may:

- (1) deny reinstatement of a suspended or revoked license or certificate;
- (2) reinstate a suspended or revoked license or certificate and probate the practitioner for a specified period of time under specific conditions;
- (3) authorize reinstatement of the suspended or revoked license or certificate;
- (4) require the satisfactory completion of a specific program of remedial education approved by the Commission; and/or
- (5) reinstate a suspended or revoked license or certificate after verification through examination of required knowledge and skills appropriate to the suspended or revoked license or certificate. All applicable procedures shall be followed and all applicable fees shall be paid.

§401.119. Failure To Appear for Reinstatement.

An applicant for reinstatement of a revoked or suspended license or certificate who makes a commitment to appear before the administrative law judge and fails to appear at a hearing set with notice by the agency shall not be authorized to appear before the administrative law judge before the expiration of six months. For good cause shown, the Agency Chief may authorize an exception to this rule.

SUBCHAPTER I NOTICE AND PROCESSING PERIODS FOR CERTIFICATE APPLICATIONS

§401.121. Purpose of Establishing Time Periods.

In order to minimize delays, this subchapter establishes time periods within which the Commission shall review and process certificate applications efficiently and provides for an appeal process should the agency violate these periods in accordance with the Government Code, Chapter 2005.

§401.123. Notice of Deficiency.

Written notice that an application is deficient must be mailed to the applicant or delivered by such means as will reasonably provide actual notice.

§401.125. Processing Periods.

(a) Notice to applicant. Within 30 days from receipt of an application for a certificate or approval issued pursuant to the Government Code, Chapter 419, the agency shall determine a filing to be complete or deficient and issue written notice in accordance with §401.123 of this title (relating to Notice of Deficiency) to the applicant regarding the status of the application.

(1) Complete application.

(A) The written notice for a complete application shall state that the application is complete and accepted for filing and shall advise the applicant of the time period in which the agency must deny or approve the application unless such information has previously been provided to the applicant.

(B) For purposes of this section, an application is complete upon agency determination that it is in compliance with the content and form prescribed by the agency.

(2) Deficient application.

(A) The written notice for a deficient application shall state that the application is

not complete, set out the specific additional information that is required for completion, and advise the applicant that the agency may disapprove an application that is not complete. After one written notice of deficiency has been issued, another is not required for an application resubmitted in whole or in part with deficiencies.

(B) In addition to notice issued under subparagraph (A) of this paragraph, the agency may notify the applicant, in any manner, of deficiencies in the application.

(b) Processing of application. Within 60 days after receipt of a complete application, the agency shall:

(1) issue the certificate on payment of the appropriate fees and successful completion of all required examinations; or

(2) deny the certificate.

§401.127. Appeal.

(a) Hearing.

(1) Notice. An applicant who does not receive notice as to the complete or deficient status of a certificate application within the period established in this subchapter for such application may petition for a hearing to review the matter.

(2) Processing. An applicant whose permit is not approved or denied within the period established in this subchapter for such certificate may petition for a hearing to review the matter.

(3) Procedure. A hearing under this section shall be in accordance with the Administrative Procedure Act and Subchapter E of this chapter (relating to Contested Cases).

(b) Petition. A petition filed under this section must be in writing and directed to the Agency Chief. The petition shall identify the applicant, indicate the type of certificate sought and the date of the application, specify each provision in this subchapter that the agency has violated, and describe with particularity how the agency has violated each provision. The petition shall be filed with the office of the Agency Chief.

(c) Decision. An appeal filed under this section shall be decided in the applicant's favor if the Agency Chief finds that:

(1) the agency exceeded an established period under this subchapter; and

(2) the agency failed to establish good cause for exceeding the period.

(d) Good cause. The agency is considered to have good cause for exceeding a notice or processing period established for a permit if:

(1) the number of certificates to be processed exceeds by 15% or more the number of certificates processed in the same calendar quarter of the preceding year;

(2) the agency must rely on another public or private entity for all or part of its certificate processing, and the delay is caused by the other entity;

(3) the hearing and decision-making process results in a reasonable delay under the circumstances;

(4) the applicant is under administrative review; or any other conditions exist giving the agency good cause for exceeding a notice or processing period.

(e) Commission review. A permit applicant aggrieved by a final decision or order of the Agency Chief concerning a period established by these sections may appeal to the Commission in writing after the decision or order complained of is final, in accordance with §401.63 of this title (relating to Final Decision and Orders).

(f) Relief.

(1) Complete or deficient status. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to issue notice as to the complete or deficient status of an application shall be entitled to notice of application status.

(2) Certificate approval or denial. An applicant who maintains a successful appeal under subsection (c) of this section for agency failure to approve or deny a certificate shall be entitled to such approval or denial of the certificate and to full reimbursement of all filing fees that have been paid to the agency in connection with the application.

SUBCHAPTER J CHARGES FOR PUBLIC RECORDS

§401.129. Charges for Public Records.

(a) The Commission is subject to Texas Government Code, Chapter 552, Texas Public Information Act. The Act gives the public the right to request access to government information.

(b) The Commission adopts by reference Title 1, Part 13, Chapter 70, Cost of Copies of Public Information, as promulgated by the Office of the Attorney General.

(c) The Agency Chief may waive or reduce a charge for copies when furnishing the information benefits the general public.

SUBCHAPTER K HISTORICALLY UNDERUTILIZED BUSINESSES

§401.131. Historically Underutilized Businesses.

The Commission adopts by reference Title 34, Part 1, Chapter 20, Texas Procurement and Support Services, Subchapter B, Historically Underutilized Business Program, as promulgated by the Comptroller of Public Accounts.

AGENDA ITEM NUMBER 14

14. Proposed Rule Review for the following:

- a. 37 TAC, Chapter 435, Fire Fighter Safety.

**TITLE 37 PUBLIC SAFETY AND CORRECTIONS
PART 13 TEXAS COMMISSION ON FIRE PROTECTION
CHAPTER 435 FIRE FIGHTER SAFETY**

§435.1. Protective Clothing.

(a) A regulated entity shall:

(1) purchase, rent, lease, provide, and maintain a complete set of protective clothing for each fire protection person who would be exposed to hazardous conditions from fire or other emergencies or where the potential for such exposure exists. A complete set of properly fitting protective clothing shall consist of garments, including bunker coats, bunker pants, boots, gloves, helmets, and protective hoods, worn by fire protection personnel in the course of performing fire-fighting operations;

(2) ensure that all protective clothing complies with the minimum standards of the National Fire Protection Association suitable for the tasks the individual is expected to perform. The National Fire Protection Association standard applicable to protective clothing is the standard in effect at the time the entity contracts for new, repaired, or used protective clothing; and

(3) maintain, provide to the commission upon request, and comply with a departmental standard operating procedure regarding the use, selection, care, and maintenance of protective clothing which complies with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor.

(b) To ensure that protective clothing for fire protection personnel continues to be suitable for assigned tasks, risk assessments must be conducted in accordance with *NFPA 1851, Standard on Selection, Care, and Maintenance of Structural Fire Fighting Protective Ensembles* or its successor .

§435.3. Self-Contained Breathing Apparatus.

The regulated entity shall:

(1) provide and maintain a complete self-contained breathing apparatus that complies with the minimum standards of the National Fire Protection Association identified in *NFPA 1981, Standard on Open-Circuit Self-Contained Breathing Apparatus for Fire Fighter* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, where the atmosphere is unknown or would be exposed to hazardous atmospheres from fire or other emergencies, or where the potential for such exposure exists;

(2) the National Fire Protection Association standard applicable to a self-contained breathing apparatus is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used self-contained breathing apparatus;

(3) an entity may continue to use a self-contained breathing apparatus in use or contracted for before a change in the National Fire Protection Association standard, unless the commission determines that the continued use of the self-contained breathing apparatus constitutes an undue risk to the wearer, in which case the commission shall order that

the use be discontinued and shall set an appropriate date for compliance with the revised standard;

(4) develop an air quality program that complies with the most recent edition of the *NFPA 1989, Standard on Breathing Air Quality for Emergency Services Respiratory Protection* or its successor;

(5) maintain and supply, upon request by the commission, records and reports documenting compliance with commission requirements concerning self-contained breathing apparatus and breathing air. Records of all tests shall be made and the records shall be retained for a period of no less than three years;

(6) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the use of self-contained breathing apparatus; and

(7) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the selection, care, and maintenance of self-contained breathing apparatus that complies with the most recent edition of the *NFPA 1852, Standard on Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)* or its successor.

§435.5. Commission Recommendations.

The commission recommends that all regulated entities use as a guide the *NFPA 1500, Fire Department Occupational Safety and Health Program* or its successor.

§435.7. Implementation of Mandatory NFPA Standards.

Allow implementation of TCFP mandated NFPA standards at the Commissioner's discretion up to 365 days from the effective date of the new NFPA standard.

§435.9. Personal Alert Safety System (PASS).

The regulated entity shall:

(1) provide and maintain a PASS device complying with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters* or its successor for each on-duty fire protection person who engages in operations where IDLH atmospheres may be encountered, or where the atmosphere is unknown, or where hazardous conditions from fire or other emergencies exist, or where the potential for such exposure exists;

(2) ensure that all PASS devices used by fire protection personnel comply with the minimum standards of the National Fire Protection Association identified in *NFPA 1982, Standard on Personal Alert Safety Systems (PASS) for Fire Fighters*. The National Fire Protection Association standard applicable to a PASS device is the standard in effect at the time the entity contracts for new, rebuilt, repaired, or used PASS devices;

(3) ensure that the PASS device assigned to an individual user be inspected at the beginning of each duty period and before each use; and

(4) maintain and provide, upon request by the commission, the entity's standard operating procedure regarding the proper use, selection, care, and maintenance of PASS devices.

§435.11. Incident Management System (IMS).

(a) The regulated entity shall develop, maintain, and use an incident management system.

(b) The incident management system shall:

(1) include a written standard operating procedure for the management of emergency incidents;

(2) require that the IMS be used at all emergency incidents;

(3) require operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries;

(4) require that all fire protection personnel be trained in the use of the IMS; and

(5) require that the IMS be applied to all drills, exercises, and all other situations that involve hazards similar to those encountered at an actual emergency.

(c) The IMS shall meet the requirements of *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.13. Personnel Accountability System.

(a) The regulated entity shall develop, maintain, and use a personnel accountability system that provides for a rapid accounting of all personnel at an emergency incident.

(b) The accountability system shall:

(1) require all fire protection personnel be trained in the use of the accountability system;

(2) require that the fire protection personnel accountability system be used at all incidents;

(3) require that all fire protection personnel operating at an emergency incident to actively participate in the personnel accountability system; and

(4) require that the incident commander be responsible for the overall personnel accountability system for the incident.

(c) The fire department shall be responsible for developing the system components required to make the personnel accountability system effective.

(d) The personnel accountability system shall meet the minimum standards required by the *NFPA 1561, Standard on Emergency Services Incident Management System and Command Safety* or its successor.

§435.15. Operating At Emergency Incidents.

(a) The regulated entity shall develop, maintain, and use a standard operating procedure for fire protection personnel operating at emergency incidents.

(b) The standard operating procedure shall:

- (1) specify an adequate number of personnel to safely conduct emergency scene operations;
- (2) limit operations to those that can be safely performed by personnel at the scene;
- (3) require all personnel to be trained in and use the standard operating procedures; and
- (4) comply with §435.17 of this title (relating to Procedures for Interior Structural Fire Fighting (2-In/2-Out Rule)).

(c) The regulated entity may use standards established by the National Fire Protection Association for fire protection personnel operating at an emergency incident.

§435.17. Procedures for Interior Structural Fire Fighting (2-In /2-Out Rule).

(a) The regulated entity shall develop, maintain, and comply with written standard operating procedures that adhere with the Occupational Safety and Health Administration's Final Rule, 29 CFR Section 1910.134(g)(4) by requiring:

- (1) a team of at least four fire protection personnel must be assembled before an interior fire attack can be made when the fire has progressed beyond the incipient stage;
- (2) at least two fire protection personnel to enter the IDLH atmosphere and remain in visual or voice (not radio) contact with each other;
 - (A) visual means that the fire protection personnel must be close enough to see each other; and

(B) voice means that the fire protection personnel of the entry team must be close enough to speak to one another without the use of radios;

(3) at least two fire protection personnel remain located outside the IDLH atmosphere to perform rescue of the fire protection personnel inside the IDLH atmosphere;

(4) all fire protection personnel engaged in interior structural fire fighting use self-contained breathing apparatus and be clothed in a complete set of protective clothing as identified in Chapter 435;

(5) all fire protection personnel located outside the IDLH atmosphere be equipped with appropriate retrieval equipment where retrieval equipment would contribute to the rescue of the fire protection personnel who have entered the IDLH atmosphere;

(6) one of the outside fire protection personnel must actively monitor the status of the inside fire protection personnel and not be assigned other duties. The second outside fire protection personnel may be assigned to an additional role, including, but not limited to, incident commander, safety officer, driver-operator, command technician or aide, or fire fighter/EMS personnel, so long as this individual is able to perform assistance or rescue activities without jeopardizing the safety or health of any fire protection personnel working at the scene;

(7) All fire protection personnel entering an IDLH atmosphere must be equipped with an operable portable radio; and

(8) each outside fire protection personnel must have a complete set of protective clothing and self-contained

breathing apparatus, as identified in Chapter 435, immediately accessible for use if the need for rescue activities inside the IDLH atmosphere is necessary.

(b) The regulated entity shall comply with the 2-in/2-out rule as described in this section except in a reasonable belief of an imminent life-threatening situation when immediate action could prevent the loss of life or serious injury before the team of four fire protection personnel are assembled.

(c) Whenever there is a variance to these procedures, a supplemental report must be submitted to the Texas Commission on Fire Protection, documenting the rationale used to deviate from these written procedures.

§435.19. Enforcement of Commission Rules.

(a) The commission shall enforce all commission rules at any time, including, but not limited to, commission investigations, fire department inspections, or upon receiving a complaint from any person or entity of an alleged infraction of a commission rule.

(b) The commission shall initiate a biennial inspection with an email, notifying the fire department and requesting electronic copies of the Standard Operating Procedures (SOPs), training records, and/or other documentation needed for review be submitted within 48 business hours of notification. The email will also indicate the date range for an on-site inspection within the upcoming two-week period. Compliance officers may work with the Head of Department to ensure all necessary department representatives will be present at the time of the inspection. Compliance Officers may postpone an inspection

for extenuating circumstances with the Compliance Manager's approval.

(c) Upon receipt of a complaint alleging a violation of a commission rule, the commission shall have 30 days to initiate an investigation and report back to the complainant its progress.

(d) Upon substantiating the validity of a complaint, the commission shall follow the procedures outlined in Texas Government Code, Chapter 419, §419.011(b) and (c).

§435.21. Fire Service Joint Labor Management Wellness-Fitness Initiative.

(a) A regulated entity shall assess the wellness and fitness needs of the personnel in the department. The procedure used to make this assessment shall be written and made available for Commission inspection.

(b) A regulated entity shall develop and maintain a standard operating procedure to address those needs.

(c) The approach to the fitness needs of the regulated entity shall be based on the local assessment and local resources.

(d) The standard operating procedure shall be made available to the Commission for inspection.

§435.23. Fire Protection Personnel Injuries.

(a) A regulated entity shall report all Texas Workers' Compensation Commission reportable injuries that occur to on-

duty regulated fire protection personnel on the Commission form.

(b) Minor injuries are those injuries that do not result in the fire protection personnel missing more than one duty period or does not involve the failure of personal protective equipment. Minor injuries shall be reported within 30 business days of the injury event.

(c) Major injuries are those that require the fire protection personnel to miss more than one duty period. Major injuries shall be reported within five business days of the injury event.

(d) Investigatable fire protection personnel injuries are those resulting from the malfunction of personal protective equipment, failure of personal protective equipment to protect the fire protection personnel from injury, or injuries sustained from failure to comply with any provision of Commission mandated department SOPs. Investigatable injuries shall be reported within five business days of the injury event.

(e) The regulated entity shall secure any personal protective equipment involved in an investigatable fire protection personnel injury and shall be made available to the Commission for inspection.

§435.25. Courage to be Safe So Everyone Goes Home Program.

(a) All fire protection personnel will be required to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program training within one year following appointment to a regulated entity if the individual has

not previously completed the program. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) Regulated entities will report the completion of training through the commission's web-based reporting system.

(c) Failure to complete the National Fallen Firefighters Foundation's "Courage to be Safe So Everyone Goes Home" program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.27. Live Fire Training Structure Evolutions.

The most current edition of *NFPA 1403, Standard on Live Fire Training Evolutions* or its successor, shall be used as a guide when developing standard operating procedures for conducting live fire training. The following requirements shall apply for all Live Fire Training Structure Evolutions conducted.

(1) The officer- or instructor-in-charge will ensure that the water supply rate and duration for each individual Live Fire Training Structure Evolution is adequate to control and extinguish the training fire, the supplies necessary for backup lines to protect personnel, and any water needed to protect exposed property.

(2) The instructor-in-charge shall assign the following personnel:

(A) one instructor to each functional crew, which shall not exceed five students;

(B) one instructor to each backup line;

(C) additional personnel to backup lines to provide mobility; and

(D) one additional instructor for each additional functional assignment.

(3) The officer- or instructor-in-charge will ensure that the buildings or props being utilized for live fire training are in a condition that would not pose an undue safety risk.

(4) A safety officer shall be appointed for all Live Fire Training Structure Evolutions. The safety officer shall have the authority, regardless of rank, to alter, suspend, or control any aspect of the operations when, in his or her judgment, a potential or actual danger, accident, or unsafe condition exists. The safety officer shall not be assigned other duties that interfere with safety responsibilities.

(5) No person(s) shall play the role of a victim inside the building.

(6) Prior to the ignition of any fire, instructors shall ensure that all personal protective clothing and/or self-contained breathing apparatus are NFPA compliant and being worn in the proper manner.

(7) Prior to conducting any live fire training, a pre-burn briefing session shall be conducted. All participants shall be required to conduct a walk-through of the structure in order to have a knowledge of, and familiarity with, the layout of the building and to be able to facilitate any necessary evacuation of the building.

(8) A standard operating procedure shall be developed and utilized for Live Fire Training Structure Evolutions. The standard operating procedure shall include, but not be limited to:

(A) a Personal Alert Safety System (PASS). A PASS device shall be provided for all participating in live fire training and shall meet the requirements in §435.9 of this title (relating to Personal Alert Safety System (PASS));

(B) a Personnel Accountability System that complies with §435.13 of this title (relating to Personnel Accountability System) shall be utilized;

(C) an Incident Management System;

(D) use of personal protective clothing and self-contained breathing apparatus;

(E) an evacuation signal and procedure; and

(F) pre-burn, burn, and post-burn procedures.

§435.29. Federal Highway Administration Traffic Incident Management Program.

(a) All fire protection personnel will be required to complete the Federal Highway Administration Traffic Incident Management program training or an equivalent course that is approved by the commission within one year of appointment to a regulated entity. Individuals will be credited with four hours of continuing education credit for completing this program.

(b) Departments will report the completion of training through the commission's web-based reporting system.

(c) Failure to complete the Federal Highway Administration Traffic Incident Management program or an equivalent course that is approved by the commission before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

§435.31. Firefighter Cancer Support Network Cancer Awareness Training Program.

(a) In an effort to improve firefighter safety in the State of Texas, all regulated entities will ensure that the Firefighter Cancer Support Network Cancer Awareness Training program be completed as part of the continuing education required for certified fire protection personnel by December 1, 2024. Individuals will be credited with 2 hours of continuing education credit for completing this program.

(b) All regulated fire protection personnel must complete the Firefighter Cancer Support Network Cancer Awareness Training program prior to December 1, 2024.

(c) All fire protection personnel appointed after December 1, 2024, will be required to complete the Firefighter Cancer Support Network Cancer Awareness Training program training within one year of appointment to a fire department.

(d) Departments will report the completion of training through the commission's web-based reporting system.

(e) Failure to complete the Firefighter Cancer Support Network Cancer Awareness Training program before the required deadline will be considered a violation of continuing education rules found in Chapter 441 of this title (relating to Continuing Education).

AGENDA ITEM NUMBER 14

14. Proposed Rule Review for the following:

b. 37 TAC, Chapter 437, Fees.

TITLE 37 PUBLIC SAFETY AND CORRECTIONS

PART 13 TEXAS COMMISSION ON FIRE PROTECTION

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 provider.

§437.3 - Certification Application Processing Fees.

(a) A non-refundable application processing fee of \$85 is required for each certificate issued by the Commission [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 [commission] has established a curriculum must be certified by the Commission [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, military veteran, or military spouse.

[(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 \$60 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 \$60, 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 \$30 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 \$60 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 \$60.

§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.thomsonreuters.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 \$55 shall be charged for each examination.

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

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

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

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

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

(e) 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 \$30 fee shall be charged for each IFSAC seal issued by the commission.

§437.17. Records Review Fees.

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

(b) The fee provided for in this section shall not apply to an individual who holds an advanced or Fire Fighter II certificate from the State Firefighters' 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.

AGENDA ITEM NUMBER 15

15. Discussion and possible action on the appointment of a representative to the Texas Homeland Security Committee.

AGENDA ITEM NUMBER 16

16. Report from the Agency Chief.

- a. Update regarding agency duties and responsibilities
- b. Decisions of the Agency Chief in contested cases and consent orders
- c. Status of division functions:
 - i. Training Approval and Testing
 - ii. Certification and Professional Development
 - iii. Compliance
 - iv. Information Technology

Commission Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training Audits Statistics – 4th Quarter, FY 2025**
 - **Test Administration** – 8561 exams were administered during this quarter with a pass rate of 89.2%. *****YTD***31,458/88.26%**
 - **Training Approvals** – Total of 1274 training approvals were submitted with start dates during this quarter in the commission’s Training Facility Management System.
 - **Record Reviews** – Two hundred thirteen (213) record reviews for equivalency were conducted (63 SFFMA (59 Structure/1 Inspector/1 Inspector I/1 Inspector II/1 Plan Examiner)/150 out of state, education, expired test scores, expired certifications, and Wildland). Fifty-eight (58) out of state, education and Wildland reviews were approved, two (2) were denied and two (2) are pending for additional information. Two hundred forty-six (246 – includes expired certifications and expired test scores) Qual numbers were issued in the Training Facility Management System.
 - **Training and Skill Testing Audits** – Forty-one (41) online training audits were conducted during the 4th quarter. Five (5) had no deficiencies noted. Seven (7) were forwarded to compliance. Twenty-nine (29) had minor deficiencies such as no syllabus attached, no Instructor contact, no course schedule, no textbook information, or no skills examiners. All issues were resolved in one or two days.
 - **Online Testing Centers Added:**
 - Southwest University – El Paso
 - Frank Phillips College - Borger
- **Activities for the Next Quarter:**
 - Proceed with onboarding at least 11 additional testing centers.
 - Complete temporary provision testing for the new Technical Rescue certifications.
 - Begin the process of posting, interviewing, and hiring an additional staff member for the Testing Division.
 - Transition all testing from written to online.

	Q1	Q2	Q3	Q4
<u>Certification/Renewal:</u>				
Professional Development Training Applications				2164
<u>Issued:</u> IFSAC Seals				2149
TCFP Certifications				6299
Criminal History				1121
Medical documents:				1162
Confirmation of Commissions (Peace Officer)				46
Service time applications				37
<u>Renewals:</u> Department Personnel				10
Certified Training Facilities				9
Individual Certified Holders				89
Registered Seals: IFSAC				409
SFFMA				253
TEEX Proboard				288
Total number of Training Facilities				497

Quarterly Report – Curriculum Development

4th Quarter Meeting Dates:

6/4 Aircraft Rescue Ad-Hoc Committee meeting

- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review

6/10 Fire Marshal Ad-Hoc Committee meeting

- 1030 Consolidation updates
- Curriculum/ Standard updates
- Question review

•

6/12 Aircraft Rescue Ad-Hoc Committee meeting

- Question review

•

6/17-6/18 Plan Examiner Ad-Hoc Committee meeting

- 1030 Consolidation updates
- Question review

•

6/20 Curriculum & Testing Test Question Committee meeting

- Question review

•

6/24 Structure Ad Hoc Committee meeting

- Committee mission overview

- Confidentiality and expectations agreements
- Scope and process discussion
-
- **6/25 Water Rescue Ad Hoc Committee meetings**
- Review of previous committee work
- Curriculum/ Standard updates
-
- **6/26 Aircraft Rescue Ad-Hoc Committee meeting**
- Question review
-
- **6/27 Curriculum & Testing Test Question Committee meeting**
- Question review
-
- **6/30 Water Rescue Ad Hoc Committee meeting**
- Review of previous committee work
- Question review
-
- **7/2 Marine Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Reference review
- Curriculum/ Standard updates
-
- **7/7 Hazardous Materials Ad Hoc Committee meeting**
- Committee mission overview
- Confidentiality and expectations agreements
- Scope and process discussion

7/8-7/9 Curriculum & Testing Committee meeting

- Approved 429 rule change
- Voted to remove Incident Commander Manuals
- Opened applications for Incident Safety Officer Ad Hoc
- Opened applications for Fire Instructor Ad Hoc
- Opened applications for Fire Officer Ad Hoc
- Approved Fire Marshal manuals
- Approved a second test question ad hoc
-
- **7/15 Structure Ad-Hoc Committee meeting**
- 1010 Consolidation updates
- Curriculum/ Standard updates
-
- **7/16 Aircraft Rescue Ad Hoc Committee meeting**
- Question review
-
- **7/17 Structure Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Curriculum/ Standard updates
-
- **7/22 Structure Ad Hoc Committee meeting**
- 1010 Consolidation updates

- Curriculum/ Standard updates
-
- **7/23 Aircraft Rescue Ad Hoc Committee meeting**
- Question review
-
- **7/25 Curriculum & Testing Test Question Committee meeting**
- Question review
-
- **7/29 Curriculum & Testing Test Question Committee meeting**
- Question review
-
- **7/30 Aircraft Rescue Ad Hoc Committee meeting**
- Question review
-
- **8/1 Hazardous Materials Ad Hoc Committee meeting**
- 470 standard review
- Question review
-
- **8/4 Curriculum & Testing Test Question Committee meeting**
- Question review
-
- **8/5 Structure Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Reference review
- Curriculum/ Standard updates
-
- **8/8 Hazardous Materials Ad Hoc Committee meeting**
- Question review
-
- **8/11 Structure Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Curriculum/ Standard updates
-
- **8/12 Structure Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Curriculum/ Standard updates
-
- **8/19 Marine Ad Hoc Committee meeting**
- 1010 Consolidation updates
- Curriculum/ Standard updates
- Question review
-
- **8/25 Water Rescue Ad Hoc Committee meetings**
- Curriculum/ Standard updates
- Question review
-
- **8/26 Water Rescue Ad Hoc Committee meeting**
- Curriculum/ Standard updates

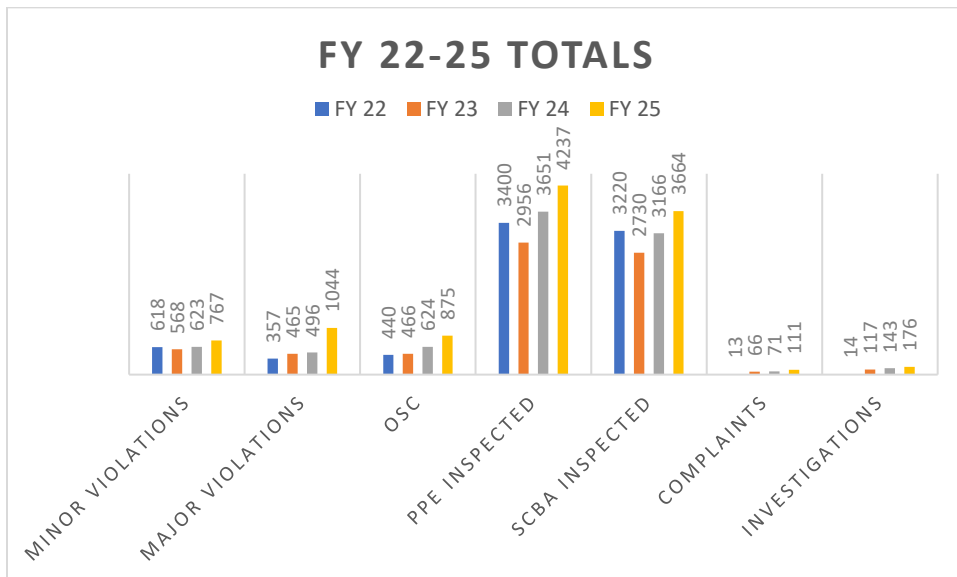
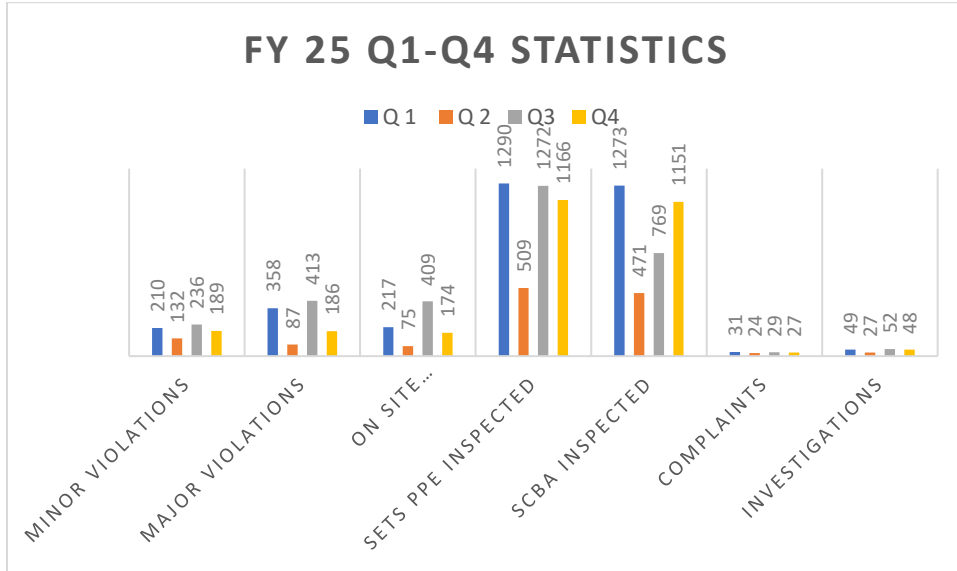
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- **8/29 Hazardous Materials Ad Hoc Committee meeting**
- Question review

Test Development and Test Bank Maintenance

- Updates/ Maintenance test to bank – Ongoing all discipline
- Feedback questions – Reviewed, Edited, or Archived – Ongoing all discipline
- Question validation/ Reference updates – Ongoing all discipline

Commission Quarterly Report Compliance Division

Compliance Inspection/Investigation Activity Statistics:



Five regional meetings

One big Six Inspection

Presented at Two Fire Marshal discussion series

Assisted Fire Marshall's Office with three LODD's investigations

Interviewed for two section chief positions

Responded to and staffed Kerrville IC/EOC

Compliance Training in Austin

Nine inspection files forwarded to Compliance Chief for further action

IT Division Report

• TCFP Websites and Web Applications

- o Maintained uptime of 99.6% across public and internal systems
- o Deployed *Website Assistant (Chatbot)* to enhance user navigation and support experience
- o Improved accessibility and layout for committee application pages

• Databases and Infrastructure

- o Optimized SQL performance for audit and certification systems
- o Implemented index and statistics improvements for FARM, FIDO, and exams databases

• Exams

- o Released *Rope & Rescue Exam* with updated eligibility validation and scoring logic
- o Enhanced error handling and monitoring of online testing processes

• Payments (SNAP Pay – New ePay)

- o Integrated and tested the new *SNAP Pay* module for online payments
- o Configured hosted payment page and database linkage for production readiness

• FARM & FIDO Systems

- o Refined audit submission workflows and retest eligibility processing
- o Updated individual record checks and performance dashboards

• Committee Applications

- o Streamlined application intake and review features for smoother staff processing

• Service Desk Activity

- o Addressed 540 service requests (tickets) with a 99% closure rate

AGENDA ITEM NUMBER 17

17. Discussion on future meeting dates - the following meeting dates are set for 2026: February 18–19, 2026; May 14, 2026; August 19–20, 2026; November 12, 2026.

AGENDA ITEM NUMBER 18

18. Executive Session (if needed).

AGENDA ITEM NUMBER 19

19. Subjects for future Commission meeting agendas.

AGENDA ITEM NUMBER 20

20. Adjourn Meeting.