

**FIRE FIGHTER ADVISORY COMMITTEE  
MEETING AGENDA**

**September 19, 2019, 9:00 A.M.**

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

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

1. Roll call - 9:00 a.m.
2. Adoption of June 27, 2019 Fire Fighter Advisory Committee meeting minutes.
3. Report from the Curriculum and Testing Committee regarding possible changes to the Certification Curriculum Manual as follows:
  - a. Revised Head of Department Curriculum and reference lists
  - b. Revised Driver Operator Curriculum, course instructor information, overview sheets, outlines and reference lists
4. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 403, Criminal Convictions and Eligibility for Certification.
5. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 421, Standards For Certification.
6. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 433, Driver Operator.
7. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.
8. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.
9. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 453, Hazardous Materials.
10. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 457, Minimum Standards for Incident Safety Officer Certification.
11. Future meeting dates, locations and agenda items.
12. Adjourn meeting.

**1. Roll call--- 9:00 a.m.**

**2. Adoption of the June 27, 2019 Fire Fighter Advisory Committee meeting minutes.**

**TEXAS COMMISSION ON FIRE PROTECTION**

Assistant Presiding Officer Daniel DeYear called the June 27, 2019 meeting of the Fire Fighter Advisory Committee to order at 9:00 a.m. at the William B. Travis Building, 1701 N. Congress Ave., Room 1-104, in Austin, Texas.

Member	Jim Reidy	Michael Wisko*	Vince Abrigo	Ken Swindle	Keith Schmidt
Attendance	Jason Collier	Daniel DeYear	Daniel Buford	Daniel Anderson*	
					*absent entire meeting
					**absent part of meeting

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Staff	Tim Rutland	Deborah Cowan	Sylvia Miller
	Andrew Lutostanski, Assistant Attorney General		

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| 1. Roll call | Secretary Keith Schmidt called roll and a quorum was present. |
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| 2. Adoption of Minutes | A motion was made by Jim Reidy and seconded by Daniel Buford to approve the minutes of the March 21, 2019, fire fighter advisory committee meeting as discussed. The motion carried. |
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| 3. Curriculum & Testing Committee Report | A motion was made by Jason Collier and seconded by Keith Schmidt to recommend an immediate effective date upon commission approval. The motion carried. |
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| 4. 37 TAC, Chapter 429 | A motion was made by Jason Collier and seconded by Daniel Buford to accept the amendments to 37 TAC, Chapter 429, Fire Inspector and Plan Examiner as proposed by the commission with the recommendation that the verification letter of instructor duties come from the head of the department or his designee. The motion carried. |
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| 5. 37 TAC, Chapter 439 | A motion was made by Jim Reidy and seconded by Jason Collier to accept the amendments to 37 TAC, Chapter 439, Examinations For Certification as proposed by the commission. The motion carried. |
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| 6. 37 TAC, Chapter 459 | A motion was made by Jason Collier and seconded by Jim Reidy to accept the amendments to 37 TAC, Chapter 459, Fire and Life Safety Educator as proposed by the commission. The motion carried. |
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| 7. Injury Report | <p>A motion was made by Jim Reidy and seconded by Daniel Buford to recommend that the 11 mandatory cancers specified in Senate Bill 2551 that are reported to Workers Comp also be reported to the commission as well as any other type of cancers. The motion carried.</p> <p>A motion was made by Daniel Buford and seconded by Jim Reidy to recommend that PTSD cases reported also include suicides. The motion carried.</p> <p>A motion was made by Jim Reidy and seconded by Daniel Buford to make three recommendations to the commission based on the significant increases in injuries contained in the report. The motion carried.</p> |
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8. Future meeting dates All meeting dates were previously set. The next scheduled meeting will be Dec. 4, 2019

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9. Adjournment A motion was made by Keith Schmidt and seconded by Jason Collier to adjourn. The motion carried.

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Daniel DeYear  
Assistant Presiding Officer

3. **Report from the Curriculum and Testing Committee regarding possible changes to the Certification Curriculum Manual as follows:**
  - a. **Revised Head of Department Curriculum and reference lists**
  - b. **Revised Driver Operator Curriculum, course instructor information, overview sheets, outlines and reference lists**

## **SECTION 1201 HEAD OF A FIRE DEPARTMENT**

**The information in this chapter is presented as a guide for self-study.**

The Head of a Fire Department is a member of the fire service, responsible for the overall operation of a fire protection agency, who has demonstrated the knowledge and ability to:

- **lead members of a fire department in times of emergency;**
- **develop and maintain procedures for safe and effective operations at emergency and non-emergency incidents;**
- **meet the record-keeping requirements of the authority having jurisdiction.**

### **1201-1.0     General**

For certification at the Head of Department level, the candidate shall meet the requirements defined in Sections 1201-1.0 through 1201-10.2 and meet any other certification requirements.

### **1201-1.1     Texas Commission on Fire Protection Mission and Goals**

**1201-1.1.1** The commission's authority is defined by [Chapter 419 of the Texas Government Code](#). The commission's statutory authority and role within this community is to serve Texas fire departments.

**1201-1.1.2** The commission's strategic plan includes two major goals:

- To provide education and assistance to the fire service
  - Fire protection resource library
- To enforce statewide fire service standards
  - Four program areas
    - Certification
    - Training approval and testing
    - Standards compliance
    - Curriculum development

### **1201-1.2     Compact with Texans**

**1201-1.2.1** The commission's statutory authority and role within this community is to serve Texas fire departments by:

- Providing resources to Texas fire departments with critical equipment and training needs; and
- Establishing and enforcing standards for fire protection personnel training, protective clothing, and self-contained breathing apparatus.

### **1201-1.3     Agency services and customer service standards**

**1201-1.3.1** **Providing fire protection resources**

- Fire protection resource library

- The Ernest A. Emerson Fire Protection Resource Library provides fire protection research and educational materials to Texas fire departments, schools and the general public.

### 1201-1.3.2 **Establishing and enforcing fire protection standards**

- Fire protection personnel certification
  - The commission's [certification section](#) certifies approximately 34,000 fire protection personnel in Texas.
  - Paid fire protection personnel are required by state law to be certified by this commission; volunteers and individuals not affiliated with a paid or volunteer department can choose to be certified by the commission on a voluntary basis.
- Examination and training standards
  - The commission's [testing and training approval section](#) administers the written and performance examinations for certification.
  - The testing and training approval program staff evaluate prior training completed by individuals to determine whether individuals are eligible to sit for the commission examination.
  - The testing and training approval program staff also evaluate and approves training academy certification classes.
- Standards Compliance
  - The goal of the commission's [compliance program](#) is to ensure the safety of the states' fire protection personnel by inspecting fire departments and other regulated entities to confirm that they are in compliance with state laws and rules.
  - The compliance inspectors also inspect training records to ensure that fire protection personnel are in compliance with the appropriate certification rules for their disciplines.
  - The commission compliance officers travel to every regulated entity at least once every two years to inspect fire protection personnel certifications, training records, breathing air test records, protective clothing and self-contained breathing apparatus.
  - If a department is found to be in violation of a state law or commission rule, the compliance section works with the entity to develop a plan that will lead to compliance.

### 1201-1.4 **Contacting the Commission**

#### 1201-1.4.1 **Contacting agency staff**

- The commission's main phone number is (512) 936-3838
- Executive staff members are on the web site's [staff](#) page. Contact information is found on the [Contact Us](#) page.
- The commission's mailing address is Texas Commission on Fire Protection, PO Box 2286, Austin, TX 78768-2286. The commission's main e-mail address is [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov)





#### **1201-1.4.2 Contacting commissioners and advisory board members**

- The names and brief biographical information about the commissioners and advisory board members are also listed on this web site's Commissioners and committee members page. Phone numbers for each section are found on the [directory](#) page.
- Staff will forward letters to commissioners and advisory committee members.

#### **1201-1.4.3 Requests for items to be placed on future meeting agendas**

- Items for future commission or advisory committee meetings should be submitted in writing to the agency at least 30 days before the meeting.
- In no event should items be submitted later than 15 days prior to the meeting.  
If the item requested is a petition for new rules, the agency recommends that the submitter review [Chapter 401, §401.19](#).

#### **1201-1.4.4 Open records requests**

- Requests for records under the Texas Open Records Act should be submitted in writing via email to [info@tcfp.texas.gov](mailto:info@tcfp.texas.gov).

#### **1201-1.4.5 Complaints about entities regulated by the commission**

- Complaints about a violation of a rule within the agency's jurisdiction should be made in writing to the agency's standards compliance section at the Texas Commission on Fire Protection, Compliance Section, PO Box 2286, Austin, TX 78768-2286.

#### **1201-1.4.6 Appeals of agency decisions or actions**

- Appeals of agency decisions or actions should be submitted to the agency in accordance with [Chapter 401, §401.51](#).

#### **1201-1.4.7 Complaints about the agency**

- Persons with complaints about a staff member or about the agency's service should contact the agency's customer relations representative at (512) 936-3838, or by writing in care of the Texas Commission on Fire Protection, Customer Relations Representative, PO Box 2286, Austin, TX 78768-2286.

#### **1201-1.5 FAQ's**

##### **1201-1.5.1 Tuition Assistance for Fire Protection Education**

- The State of Texas offers tuition exemptions or financial aid for fire protection training.
- The Texas Education Code, [Title 3 - Higher Education, Chapter 54 - Tuition and Fees, Section 54.208 - Firemen Enrolled in Fire Science Courses](#), states that personnel employed as fire fighters who attend a state-supported school and take courses in a fire science or fire technology program do not have to pay tuition fees.

##### **1201-1.5.2 Volunteer Fire Fighter Certification**

- Volunteer fire fighters and individual fire fighters who are not affiliated with a department can participate voluntarily in the commission's certification programs.

- Volunteers who have achieved a Fire Fighter II certificate or an advanced fire fighter certification with the State Firemen's and Fire Marshals' Association of Texas (SFFMA) may qualify to complete the commission-designated skill evaluation process and take the certification exam (please see [Chapter 423](#) of the Standards Manual).

### 1201-1.5.3 Establishing a Volunteer Fire Department

- The [Texas Department of Agriculture](#) has more information about rural volunteer fire departments and emergency service districts (ESDs).
- The [State Firefighters' and Fire Marshals' Association SFFMA](#), a nonprofit association, also offers a great deal of assistance to volunteer fire departments.

### 1201-1.5.4 Funding and Other Resources for Texas Fire Departments

- The Texas Forest Service offers several types of assistance to Texas fire departments. [TFS assistance programs](#)
- The United States Fire Administration publishes a reference titled [Fire Service Grants and Funding](#)
- For non-firefighting equipment, the Texas Facilities Commission publishes a monthly [state surplus property](#) listing.

### 1201-1.5.5 Death and Disability Benefits

- The Texas Forest Service maintains an extensive [list of resources](#) that are available to the fire fighter or the fire fighter's family.
- The [National Fallen Firefighters Foundation](#) offers resources including the [Chaplains Manual](#) and [other resources](#)
- The [Texas LODD Task Force](#) also assists departments with line of duty deaths.

### 1201-1.5.6 TEXFIRS, Fire Extinguishers, Fire Sprinklers, Fire Alarm Systems, and Firefighter Fatalities

- The [State Fire Marshal's Office \(SFMO\)](#) regulates the fire extinguisher, fire protection sprinkler, and fire alarm system industries in Texas.
- The SFMO also administers the Texas Fire Incident Reporting System (TEXFIRS). The SFMO is a division of the Texas Department of Insurance (TDI).
- The SFMO is responsible for investigating all firefighter fatalities in Texas.
- The SFMO's e-mail address is [fire.marshall@tdi.texas.gov](mailto:fire.marshall@tdi.texas.gov)

### 1201-1.5.7 Building and Fire Codes

- The commission does not have any jurisdiction with regard to building or fire codes.
- If your building is in an area that does not have local codes, the requirements of the [National Fire Protection Association's](#) Life Safety Code 101 (2009 edition) have been adopted by the [State Fire Marshal's Office](#) for fire safety inspections.

## 1201-2.0 **Fire Protection Personnel Certification**

### 1201-2.1.1 **Certification Program Overview**

- The commission annually renews the certificates of approximately 34,000 fire protection personnel in basic, intermediate, advanced and master levels.
- General certification requirements:
  - Certification for paid fire protection personnel in Texas is mandatory.
  - Volunteer fire protection personnel participating in a certification program is strictly voluntary.
  - Volunteers who have achieved advanced certification with the State Firemen's and Fire Marshals' Association of Texas (SFFMA) may qualify for commission certification by completing the commission's designated skill evaluation and certification examination processes.
  - Individuals not affiliated with fire departments can maintain their own certifications, provided continuing education requirements (see [Chapter 441](#)) continue to be met.

The certification program also certifies [fire protection training facilities](#). Rules governing the certification of these facilities are in [Chapter 427](#).

### 1201-2.1.2 **Fire Suppression, including Structure, Aircraft Rescue, and Marine Fire Protection.**

- Standards for structure fire protection certification are in [Chapter 423, Subchapter A](#). The basic fire suppression curriculum is in [Chapter 1](#) of the curriculum manual.
- Standards for aircraft rescue fire protection certification are in [Chapter 423, Subchapter B](#). The basic aircraft rescue fire protection curriculum is in [Chapter 2](#) of the curriculum manual.
- Standards for marine fire protection certification are in [Chapter 423, Subchapter C](#). The basic marine fire protection curriculum is in [Chapter 3](#) of the curriculum manual.

### 1201-2.1.3 **Fire Investigation, including Fire Investigator and Arson Investigator.**

- Standards for fire investigation are in [Chapter 431](#).
- Standards for arson investigator certification are in [Chapter 431, Subchapter A](#).
- Standards for fire investigator certification are in [Chapter 431, Subchapter B](#). The basic fire investigator curriculum is in [Chapter 5](#) of the curriculum manual.

### 1201-2.1.4 **Fire Instructor I, II & III**

- Standards for fire service instructor certification are in [Chapter 425](#). The fire service instructor curriculum is in [Chapter 8](#) of the curriculum manual.

### 1201-2.1.5 Fire Inspector & Plan Examiner

- The standards for fire inspector certification are in [Chapter 429, Subchapter A](#).
- The standards for Plan Examiner certification are in [Chapter 429, Subchapter B](#)
- The basic fire inspector & Plan Examiner curriculum are in [Chapter 4](#) of the curriculum manual.

### 1201-2.1.6 Head of a Fire Department

- The standards for Head of a Fire Department certification are in [Chapter 449](#). The head of a fire department self-study curriculum is in [Chapter 12](#) of the curriculum manual.

### 1201-2.1.7 Hazardous Materials Technician and Incident Commander

- The standards for these certifications are in [Chapter 453](#). The hazardous materials certification curricula are in [Chapter 6](#) of the curriculum manual.

### 1201-2.1.8 Driver/Operator Pumper and Aerial

- The standards for these certifications are in [Chapter 433](#). The driver/operator-pumper curriculum is in [Chapter 7](#) of the curriculum manual.

### 1201-2.1.9 Fire Officer I, II, III and IV

- The standards for these certifications are in [Chapter 451](#). The fire officer curricula are in [Chapter 9](#) of the curriculum manual.

### 1201-2.1.10 Basic & Intermediate Wildland Firefighter

- The standards for these certifications are in [Chapter 455](#). The wildland firefighter curriculum is in [Chapter 11](#) of the curriculum manual.

### 1201-2.1.11 Safety Officer

- The standards for this certification are in [Chapter 457](#). The Safety Officer curriculum is in [Chapter 10](#) of the curriculum manual.

### 1201-2.1.12 Fire & Life Safety Educator I & II

- The standards for these certifications are in [Chapter 459](#). The Fire & Life Safety Educator curriculum is in [Chapter 13](#) of the curriculum manual.

### 1201-2.2 Individual Renewals

If you are currently employed by a regulated entity (e.g., a fire department or fire marshal's office) in Texas, your department is responsible for your renewal.

### 1201-2.3 Basic Fire Suppression Certification

To work in Texas as a paid fire fighter, personnel must earn a Texas "basic structure fire suppression" certificate. To earn the certificate, you must:

**1201-2.3.1** Complete a commission approved Structure Fire Suppression training program

Qualify for and pass all four (4) sections of the structure exam; you must have unexpired exam scores in FIDO to qualify for certification

Document completion of medical training equal to EMR, ECA, EMT or Paramedic certification

Complete a fingerprint-based background check via IdentoGo

Apply and pay for certification. The quickest option is to pay with a credit card via your FIDO account

**Individuals may be exempt from the exam requirement if TCFP certification has been held and they hold an IFSAC seal or TEEEX ProBoard certificate.**

**1201-2.4 Transferring to Texas**

- If personnel are coming to Texas from an IFSAC jurisdiction, please refer to the first part of this page: [Transferring to Texas from an IFSAC jurisdiction.](#)
- If personnel are coming to Texas from a non-IFSAC jurisdiction, please refer to [Transferring to Texas from a non-IFSAC jurisdiction.](#)

**1201-2.5 A-List and B-List Courses**

- To earn intermediate, advanced and master certifications in fire protection, certificate holders must meet specific time and training requirements. Certain combinations of the A-List and B-List courses listed below can help fire protection personnel meet the training requirements. For information on specific requirements for higher levels of certification in each discipline, please refer to the appropriate sections of the [Standards Manual for Fire Protection Personnel.](#)
- [A-List Courses](#)
- [B-List Courses](#)

**1201-2.6 Certification Verification**

To verify an individual's certification status, simply enter the individual's last name or the name of his or her department in the appropriate box on the commission's web site. [Certification verification](#)

**1201-2.7 Courage to be Safe Resources**

On Oct. 20, 2010 the Texas Commission on Fire Protection adopted the [National Fallen Firefighters Foundation](#) Fire Fighter Life Safety Initiatives <https://www.everyonegoeshome.com>. This initiative is required for all certified fire protection personnel to complete this program by Dec. 1, 2015 (See [Chapter 435](#)).

**1201-3.0 Training Approval and Testing Program**

- The fire service standards and certification division's training approval and testing program approve certification courses and administers examinations for fire service personnel certification.

- The International Fire Service Accreditation Congress (IFSAC) has accredited the commission's fire fighter testing process as meeting the national standards for Fire Fighter I and Fire Fighter II as specified in the National Fire Protection Association's NFPA 1001, *Standard for Fire Fighter Professional Qualifications*, and hazardous materials awareness and operations levels as specified in NFPA 472. The commission's hazardous materials technician, hazardous materials incident commander, aircraft rescue fire fighter, fire inspector, fire investigator, hazardous materials technician, driver/operator-pumper, driver operator aerial, fire instructor, fire officer, incident safety officer and fire & life safety educator certification programs are also accredited by IFSAC.

### 1201-3.1 Regional Testing

- Written examinations are administered at various regional testing sites. The following examinations can be administered at the regional testing sites:
  - Basic Fire/Arson Investigator
  - Basic Aircraft Rescue Fire Fighter
  - Basic Marine Fire Fighter
  - Hazardous Materials Technician
  - Driver/Operator-Pumper
  - Fire Officer I, II, III, and IV
  - Fire Instructor I, II, and III
  - Fire Fighter I and II
  - Hazardous Materials Awareness
  - Hazardous Materials Operations
  - Fire Inspector I and II
  - Plan Examiner
  - Basic & Intermediate Wildland Firefighter
  - Safety Officer
  - Fire & Life Safety Educator I and II

The Basic Structure Fire Fighter examination can only be administered at academy testing sites, not at regional testing sites.

Individuals log into their FIDO account to apply for the exam, after they choose the type of exam (on line or classroom), have been approved, pay their invoice, they get an endorsement of eligibility to take to the examination facility.

On line exams locations are available here:

<https://www.tcfp.texas.gov/services/sites/online>

#### Exams that are available for On Line Testing:

- Aircraft Rescue Firefighter
- Basic Wildland Firefighter
- Driver Operator-Aerial
- Driver Operator-Pumper
- Hazardous Materials Awareness
- Hazardous Materials Incident Commander

- Hazardous Materials Operations
- Hazardous Materials Technician
- Incident Safety Officer
- Inspector I-II
- Instructor I-III
- Investigator
- Officer I-IV
- Marine Fire Fighter
- Plan Examiner I
- Fire Safety Life Educator 1

**ATTENTION: Structure Firefighter, Firefighter 1, Firefighter II, Intermediate Wildland Firefighter, Fire and Life Safety Educator II ARE NOT AVAILABLE TO BE TAKEN ONLINE**

### **1201-3.2 Field Examiner Course**

Many certification exams include a skills evaluation conducted by a certified Field Examiner. Certified instructors may complete the on-line Field Examiner course found on the commission's web site.

### **1201-3.3 IFSAC**

IFSAC is the acronym for the International Fire Service Accreditation Congress, an organization that accredits international, national, or regional fire service certification programs, with emphasis on the certification testing process. IFSAC is a peer-driven organization that not only ensures compliance with IFSAC policy and procedures but improves the quality of an entity's program. Specific information about the organization is available on their website here: <https://ifsac.org>.

### **1201-4.0 Compliance Program Overview**

- The goal of the commission's compliance program is to ensure the safety of the state's fire protection personnel by inspecting fire departments and other regulated entities to see that they are following state laws and rules. The compliance inspectors also inspect training records to ensure that fire protection personnel are following the appropriate certification rules for their disciplines.
- Rules governing fire fighter safety, including protective clothing and self-contained breathing apparatus, are in [Chapter 435](#) of the Standards Manual. Rules governing the commission's compliance inspections are in [Chapter 445](#).
- The agency has compliance inspectors in **6 Regions located throughout the State.** <https://www.tcfp.texas.gov/services/compliance#maps> Allen, Austin, San Antonio, Fort Worth, Houston, Lubbock and Lufkin. These inspectors travel to every regulated entity at least once every two years to check fire protection personnel certification status, training records, breathing air test records, protective clothing and self-contained breathing apparatus.

### 1201-4.1 **Complying with NFPA Standards**

- The commission has adopted the following National Fire Protection Association (NFPA) Standards listed below; regulated departments must comply with these standards.
- [NFPA 1971, 20072018 Edition](#). *Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.*
- [NFPA 1851, 20082020 Edition](#). *Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.*
- [NFPA 1981, 20072019 Edition](#). *Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services.*
- [NFPA 1852, 20082019 Edition](#). *Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA).*
- [NFPA 1982, 20072018 Edition](#). *Personal Alert Safety Systems (PASS).*
- [NFPA 1989, 20082019 Edition](#). *Breathing Air Quality for Emergency Services Respiratory Protection.*
- [NFPA 1561, 20082014 Edition](#). *Emergency Services Incident Management System.*

### 1201-4.2 **Compliance Guides**

The Texas Commission on Fire Protection makes available on-line guides to assist agencies in preparation for an inspection by commission compliance officers. <https://www.tcfp.texas.gov/services/compliance-files>

#### 1201-4.2.1 **Compliance Inspection**

The [Compliance Inspection Guide](#) lists information that is to be readily available during a compliance inspection.


#### 1201-4.2.2 **Certified Training Facility Inspection Guide**

The [Certified Training Facility Inspection Guide](#) lists information that is to be readily available for review during a training facility inspection.

#### 1201-4.2.3 **Wellness-Fitness Rule**

- Compliance officers will ask to see a document that describes the procedure the department used for assessing **and maintaining** the wellness and fitness needs of the personnel in the department.
- Compliance officers will ask to see a written Standard Operating Procedure to address wellness and fitness needs of the department based on local resources.

### 1201-5.0 **Injury Reporting**

Texas Government Code, [Chapter 419, §419.048](#) , which took effect Sept. 1, 2009, requires all fire protection entities in Texas to report injuries to the commission.

#### 1201-5.1 **Kinds of Injuries to Report**

- A fire department should report all injuries.
- Fire departments must report minor injuries within 30 business days of the injury event. Minor injuries are injuries that do not result in the fire fighter missing more than one full duty period.



- Fire departments must report **serious or critical** ~~major~~ injuries (~~serious/critical/fatal~~) within five (5) business days of the injury event. Major **Serious or critical** injuries (i.e., ~~serious/critical/fatal~~) are those that require the fire fighter to miss more than one full duty period.

### 1201-5.2 **Inquiries and Investigations**

- An inquiry is a non-punitive gathering of additional information on the reported incident for statistical purposes.
- An investigation is a non-punitive compliance inspection directed primarily at determining the circumstances of the injury. In general, the commission's compliance officer will inspect the injured individual's PPE and other items related to fire fighter safety mandates.
- Investigable injuries are injuries that result from:
  - Failure or malfunction of self-contained breathing apparatus (SCBA).
  - Failure of personal protective equipment (PPE).
  - Failure to comply with commission-mandated department standard operating procedures (SOPs).

### 1201-5.3 **Return to Work**

For injury reporting purposes, the commission defines missed work as "lost time" when an individual misses more than one full duty period as a direct result of an injury. Lost time includes time during which the individual does not return to the duties to which the department assigned the individual prior to the injury.

### 1201-6.0 **Library**

The Texas Commission on Fire Protection administers the Ernest A. Emerson Fire Protection Resource Library to provide resources and assistance for fire protection research and to provide educational materials to fire departments and other entities.

### 1201-6.1 **Library Mission**

The Texas Commission on Fire Protection established the Ernest A. Emerson Fire Protection Resource Library as the preeminent statewide resource library for fire protection, fire prevention and education, research and educational materials for all fire service organizations and professionals as well as private citizens and entities interested in improving the safety and life quality of all Texans from the hazards associated with fire, man-made and natural disasters.

### 1201-6.2 **Resource Library-Services**

- Audio Visual Training Library
- Research Services
- Print Collection

### 1201-7.0 **Manuals**

#### 1201-7.1 **Standards Manual for Fire Protection Personnel**

The Texas Commission on Fire Protection's *Standards Manual for Fire Protection Personnel* is a compilation of the state laws codified in Title 37,

Part 13 of the Texas Administrative Code (TAC). When the commission proposes or adopts "rule changes," these are the laws that the commission is changing.

- 1201-7.1.1 [Chapter 401](#) Practice and Procedure
- 1201-7.1.2 [Chapter 403](#) Criminal Convictions and Eligibility for Certification
- 1201-7.1.3 [Chapter 421](#) Standards for Certification
- 1201-7.1.4 [Chapter 423](#) Fire Suppression
- 1201-7.1.5 [Chapter 425](#) Fire Service Instructors
- 1201-7.1.6 [Chapter 427](#) Training Facility Certification
- 1201-7.1.7 [Chapter 429](#) Minimum Standards for Fire Inspectors
- 1201-7.1.8 [Chapter 431](#) Fire Investigation
- 1201-7.1.9 [Chapter 433](#) Minimum Standards for Driver/Operator-Pumper
- 1201-7.1.10 [Chapter 435](#) Fire Fighter Safety
- 1201-7.1.11 [Chapter 437](#) Fees
- 1201-7.1.12 [Chapter 439](#) Examinations for Certification
- 1201-7.1.13 [Chapter 441](#) Continuing Education
- 1201-7.1.14 [Chapter 443](#) Certification Curriculum Manual
- 1201-7.1.15 [Chapter 445](#) Administrative Inspections and Penalties
- 1201-7.1.16 [Chapter 447](#) Part-Time Fire Protection Employee
- 1201-7.1.17 [Chapter 449](#) Head of a Fire Department
- 1201-7.1.18 [Chapter 451](#) Fire Officer
- 1201-7.1.19 [Chapter 453](#) Minimum Standards for Hazardous Materials Technician
- 1201-7.1.20 [Chapter 455](#) Minimum Standards for Wildland Fire Protection Certification
- 1201-7.1.21 [Chapter 457](#) Minimum Standards for Incident Safety Officer Certification
- 1201-7.1.22 [Chapter 491](#) Voluntary Regulation of State Agencies and State Agency Employees
- 1201-7.1.23 [Chapter 495](#) Regulation of Nongovernmental Departments

- 1201-8.0**     **Certification Curriculum Manual**  
 The Texas Commission on Fire Protection's curriculum program staff works with the [committee members](#) to update and distribute the *Certification Curriculum Manual*, which provides the curriculum for the training of structural fire suppression personnel, aircraft rescue fire protection personnel, and marine fire protection personnel, as well as fire inspectors, fire investigators, hazardous materials technicians, driver/operators-pumper, fire instructors and fire officers.
- 1201-8.1**     Chapter 1, Basic Fire Suppression
- 1201-8.2**     Chapter 2, Basic Aircraft Rescue Fire Suppression
- 1201-8.3**     Chapter 3, Basic Marine Fire Suppression
- 1201-8.4**     Chapter 4, Fire Inspector
- 1201-8.5**     Chapter 5, Fire Investigator
- 1201-8.6**     Chapter 6, Hazardous Materials
- 1201-8.7**     Chapter 7, Driver/Operator-Pumper
- 1201-8.8**     Chapter 8, Fire Instructor
- 1201-8.9**     Chapter 9, Fire Officer
- 1201-8.10**    Chapter 10, Fire Department Safety Officer
- 1201-8.11**    Chapter 11, Wildland Fire Fighter
- 1201-9.0**     **Texas Government Code Chapter 419**  
 GOVERNMENT CODE TITLE 4. EXECUTIVE BRANCH SUBTITLE B.  
 LAW ENFORCEMENT AND PUBLIC PROTECTION CHAPTER 419.  
 TEXAS COMMISSION ON FIRE PROTECTION
- 1201-10.0**    **FIDO**  
 FIDO is a tool which allows commission-regulated entities to create user accounts for their employees. Departments can create "departmental accounts" to allow their personnel to manage commission-required data. Departments can also create "individual accounts" for their employees to manage their own personal data.
- 1201-10.1**    **FIDO for registered entities**
- File injury reports with TCFP
  - Renew certified personnel
  - Apply for eligible certificates and IFSAC seals
  - Manage department data
  - Manage department employee data
  - Generate reports in real time

**1201-10.2 FIDO for Individuals**

- Manage personal data
- Renew certification
- Apply for eligible testing, certificates and IFSAC seals
- Generate reports in real time, such as certification cards and test results.

## **COURSE INSTRUCTOR INFORMATION**

### **Instructor Qualifications**

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

### **Supplemental Information**

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

### **Certification Testing**

Testing for certification in the state of Texas will be based on the knowledge and skills requirements of National Fire Protection Association (NFPA) 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*, 2017 edition. Chapters 4 and 5 will be used for Driver/Operator – Pumper. Chapters 4 and 6 will be used for Driver/Operator – Aerial. All training programs must strictly adhere to the NFPA standard.

All test questions and performance skills evaluations will be based on the NFPA Job Performance Requirements (JPRs), requisite knowledge objectives, and requisite skills objectives found in the NFPA standard. Additionally, questions and performance skill evaluations may include information found in, or derived from, the NFPA standard annex, particularly Annex A, which includes explanatory material that may further clarify JPRs. The following is an example from NFPA 1002, section 5.2.4:

<u><b>NFPA Standard/Curriculum</b></u>	<u><b>Explanation</b></u>
<p><u>5.2.4 Produce effective hand or master streams, given the sources specified in the following list, so that the pump is engaged, all pressure control and vehicle safety devices are set, the rated flow of the nozzle is achieved and maintained, and the apparatus is monitored for potential problems:</u></p> <p><u>(1) Internal tank</u></p> <p><u>(2) Pressurized source</u></p> <p><u>(3) Static source</u></p> <p><u>(4) Transfer from internal tank to external source</u></p>	<p><u>NFPA JPR number 5.2.4</u></p>
<p><u><b>(A) Requisite Knowledge:</b> Hydraulic calculations for friction loss and flow using both written formulas and estimation methods, safe operation of the pump, problems related to small-diameter or dead-end mains, low-pressure and private water supply systems, hydrant coding systems, and reliability of static sources.</u></p>	<p><u>Requisite knowledge objectives for 5.2.4</u></p> <p><u>Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.</u></p>

<p><b><u>(B) Requisite Skills:</u></b> <u>The ability to position a fire department pumper to operate at a fire hydrant and at a static water source, power transfer from vehicle engine to pump, draft, operate pumper pressure control systems, operate the volume/pressure transfer valve (multistage pumps only), operate auxiliary cooling systems, make the transition between internal and external water sources, and assemble hose lines, nozzles, valves, and appliances.</u></p>	<p><u>Requisite skills objectives for 5.2.1</u></p> <p><u>Only performance skills will be used to test these objectives on the state certification exam.</u></p>
<p><b><u>A.5.2.4(2):</u></b> <u>Pressurized sources include the following:</u>  <u>(1) Connection to a hydrant</u>  <u>(2) Supply line from another pumping source</u></p>	<p><u>Appendix A: Explanatory Material for 5.2.1(2)</u></p>

### **TCFP Standards Manual**

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

Chapter 421, *Standards for Certification*

Chapter 427, *Training Facility Certification*

Chapter 435, *Fire Fighter Safety*

Chapter 437, *Fees*

Chapter 433, *Standards for Driver/Operator*

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

### **Descriptions of Certification Levels**

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

## **OVERVIEW** **DRIVER/OPERATOR – PUMPER**

The Driver/Operator – Pumper is required to meet the Job Performance Requirements (JPRs) of chapters 4 and 5 of National Fire Protection Association (NFPA) 1002, Standard for Fire Apparatus Driver/Operator Professional Qualifications, 2017 edition.

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

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

This is a voluntary (non-mandatory) certification, therefore a formal “curriculum” is not provided. Please use chapters 4 and 5 of NFPA 1002 as a guide when creating your own course curriculum.

Performance skills are available in Chapter 7 of the skills manual.

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

### **Definition of a Driver/Operator**

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

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

**CHAPTER SEVEN**  
**DRIVER/OPERATOR-PUMPER**  
**CURRICULUM OUTLINE**

<b>SECTION</b>	<b>SUBJECT</b>	<b>RECOMMENDED HOURS</b>
700 <b>701</b> -4.1	General	2
700 <b>701</b> -4.2	Preventive Maintenance	8
700 <b>701</b> -4.3	Driving/Operating	16
700 <b>701</b> -5.1	General	8
700 <b>701</b> -5.2	Operations	26
	<b>TOTAL RECOMMENDED HOURS*</b>	<b>60</b>

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

**NFPA 1002 section 4.4 is covered in the Basic Fire Suppression Curriculum (Prerequisite).**



## REFERENCE LIST FOR THE DRIVER/OPERATOR-PUMPER CURRICULUM

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

*Fire Apparatus Driver/Operator: Pump, Aerial, Tiller and Mobile Water Supply* (2<sup>nd</sup> ~~3~~<sup>rd</sup> ed.) (2014). Sudbury **Burlington**, MA: Jones and Bartlett Publishers.

*NFPA 1002: Standard on Fire Apparatus Driver/Operator Professional Qualifications* (2014 ~~2014~~<sup>2017</sup> ed.) Quincy, MA: National Fire Protection Association. NFPA Publications.

*NFPA 1901, Standard for Automotive Fire Apparatus*, (2009 ~~2009~~<sup>2016</sup> ed.) Quincy, MA: National Fire Protection Association. NFPA Publications.

*Pumping and Aerial Apparatus Driver/Operator Handbook* (3<sup>rd</sup> ed.) (2014). Stillwater, OK: Fire Protection Publications. International Fire Service Training Association.

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

## **COURSE INSTRUCTOR INFORMATION**

### **Instructor Qualifications**

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

### **Supplemental Information**

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

### **Certification Testing**

Testing for certification in the state of Texas will be based on the knowledge and skills requirements of National Fire Protection Association (NFPA) 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*, 2014–~~2017~~ 2017 edition. Chapters 4 and 5 will be used for Driver/Operator – Pumper. Chapters 4 and 6 will be used for Driver/Operator – Aerial. All training programs must strictly adhere to the NFPA standard.

All test questions and performance skills evaluations will be based on the NFPA Job Performance Requirements (JPRs), requisite knowledge objectives, and requisite skills objectives found in the NFPA standard. Additionally, questions and performance skill evaluations may include information found in, or derived from, the NFPA standard annex, particularly Annex A, which includes explanatory material that may further clarify JPRs. The following is an example from NFPA 1002, section 5.2.4:

<b>NFPA Standard/Curriculum</b>	<b>Explanation</b>
5.2.4 Produce effective hand or master streams, given the sources specified in the following list, so that the pump is engaged, all pressure control and vehicle safety devices are set, the rated flow of the nozzle is achieved and maintained, and the apparatus is monitored for potential problems: (1) Internal tank (2) Pressurized source (3) Static source (4) Transfer from internal tank to external source	NFPA JPR number 5.2.4
<b>(A) Requisite Knowledge:</b> Hydraulic calculations for friction loss and flow using both written formulas and estimation methods, safe operation of the pump, problems related to small-diameter or dead-end mains, low-pressure and private water supply systems, hydrant coding systems, and reliability of static sources.	Requisite knowledge objectives for 5.2.4  Written test questions and/or performance skills will be used to test these knowledge components on the state certification exam.

<p><b>(B) Requisite Skills:</b> The ability to position a fire department pumper to operate at a fire hydrant and at a static water source, power transfer from vehicle engine to pump, draft, operate pumper pressure control systems, operate the volume/pressure transfer valve (multistage pumps only), operate auxiliary cooling systems, make the transition between internal and external water sources, and assemble hose lines, nozzles, valves, and appliances.</p>	<p>Requisite skills objectives for 5.2.1</p> <p>Only performance skills will be used to test these objectives on the state certification exam.</p>
<p><b>A.5.2.4(2):</b> Pressurized sources include the following:  (1) Connection to a hydrant  (2) Supply line from another pumping source</p>	<p>Appendix A:  Explanatory Material for 5.2.1(2)</p>

### TCFP Standards Manual

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

Chapter 421, *Standards for Certification*

Chapter 427, *Training Facility Certification*

Chapter 435, *Fire Fighter Safety*

Chapter 437, *Fees*

Chapter 433, *Standards for Driver/Operator*

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

### Descriptions of Certification Levels

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

## **OVERVIEW**

### **DRIVER/OPERATOR – AERIAL**

The Driver/Operator – Aerial is required to meet the Job Performance Requirements (JPRs) of chapters 4 and 6 of National Fire Protection Association (NFPA) 1002, *Standard for Fire Apparatus Driver/Operator Professional Qualifications*, 2014 **2017** edition.

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

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

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

Performance skills are available in Chapter 7 of the skills manual.

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

#### **Definition of a Driver/Operator**

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

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

**CHAPTER SEVEN**  
**DRIVER/OPERATOR-AERIAL**  
**CURRICULUM OUTLINE**

<b>SECTION</b>	<b>SUBJECT</b>	<b>RECOMMENDED HOURS</b>
704 <b>702</b> -4.1	General	2
704 <b>702</b> -4.2	Preventive Maintenance	8
704 <b>702</b> -4.3	Driving/Operating	16
704 <b>702</b> -6.1	General	8
704 <b>702</b> -6.2	Operations	16
	<b>TOTAL RECOMMENDED HOURS*</b>	<b>50</b>

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

**Note - NFPA 1002 section 4.4 is covered in the Basic Fire Suppression Curriculum (Prerequisite).**

## REFERENCE LIST FOR THE DRIVER/OPERATOR-AERIAL CURRICULUM

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

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

*NFPA 1002: Standard on Fire Apparatus Driver/Operator Professional Qualifications* (~~2014~~2017 ed.). Quincy, MA: National Fire Protection Association. NFPA Publications.

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

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

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

**4. Proposed amendments to 37 Tex. Administrative Code, Part 23, Chapter 403, Criminal Convictions and Eligibility for Certification.**

## CHAPTER 403

### CRIMINAL CONVICTIONS AND ELIGIBILITY FOR CERTIFICATION

#### **§403.3. Scope.**

(a) The policy and procedures established in this chapter apply to a person who holds or applies for any certificate issued under the commission's regulatory authority contained in Government Code, Chapter 419.

(b) When a person is [~~charged with, or~~] convicted of a crime of a sexual nature, the conviction of which would require the individual to be registered as a sex offender under Chapter 62 of the Code of Criminal Procedure; or

(c) When a person **is convicted of a crime** [~~engages in conduct~~] that is an offense under Title 7 of the Texas Penal Code, or a similar offense under the laws of the United States of America, another state, or other jurisdiction, the person's conduct directly relates to the competency and reliability of the person to assume and discharge the responsibilities of fire protection personnel. Such conduct includes, but is not limited to, intentional or knowing conduct, without a legal privilege, that causes or is intended to cause a fire or explosion with the intent to injure or kill any person or animal or to destroy or damage any property. The commission may [~~consider the person's conduct even though a final conviction has not occurred and may~~]:

(1) deny [~~to~~] a person the opportunity to be examined for a certificate;

(2) deny the application for a certificate;

(3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;

(4) refuse to renew a certificate;

(5) suspend, revoke or probate the suspension or revocation of an existing certificate; or

(6) limit the terms or practice of a certificate holder to areas prescribed by the commission.

(d) When a person's criminal conviction of a felony or misdemeanor directly relates to the duties and responsibilities of the holder of a certificate issued by the commission, the commission may:

(1) deny [~~to~~] a person the opportunity to be examined for a certificate;

(2) deny the application for a certificate;

(3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;

(4) refuse to renew a certificate;

(5) suspend, revoke or probate the suspension or revocation of an existing certificate; or

(6) limit the terms or practice of a certificate holder to areas prescribed by the commission.

#### **§403.11. Procedures for Suspension, Revocation, or Denial of a Certificate to Persons with Criminal Backgrounds.**

(a) If the commission [~~Standards Division (the division)~~] proposes to suspend, revoke, limit, or deny a certificate based on the criteria in this chapter, the division shall notify the individual per



Government Code, Chapter 2001. The notice of intended action shall specify the facts or conduct alleged to warrant the intended action.

(b) If the proposed action is to limit, suspend, revoke, or refuse to renew a current certificate, or deny an application for a new certificate, a written notice of intended action shall comply with the preliminary notice requirements of Government Code §2001.054(c). The individual may request, in writing, an informal conference with the commission staff in order to show compliance with all requirements of law for the retention of the certificate, pursuant to Government Code §2001.054(c). A written request for an informal staff conference must be submitted to the division director no later than 15 days after the date of the notice of intended action. If the informal staff conference does not result in an agreed consent order, a formal hearing shall be conducted in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.

(c) If the individual does not request an informal staff conference or a formal hearing in writing within the time specified in this section, the individual is deemed to have waived the opportunity for a hearing, and the proposed action will be taken.

(d) If the commission limits, suspends, revokes, or denies a certificate under this chapter, **a written notice shall be provided to the person that includes:**~~[the executive director shall give the person written notice]~~

(1) ~~of~~ the reasons for the decision;

(2) that the person may appeal the decision ~~[of the executive director]~~ to the commission in accordance with §401.63 of this title (relating to **Final Decision and Orders** [Appeals to the Commission]) within 30 days from the date the decision ~~[of the executive director]~~ is final and appealable;

(3) that the person, after exhausting administrative appeals, may file an action in a district court of Travis County, Texas, for judicial review of the evidence presented to the commission and its decision; and that such petition must be filed with the court no later than 30 days after the commission action is final and appealable.

#### **§403.15. Report of Convictions by an Individual or a Department.**

(a) A certificate holder must report to the commission, any conviction, other than a minor traffic offense (Class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, within 14 days of the conviction date.

(b) A fire department or local government entity shall report to the commission, any conviction of a certificate holder other than a minor traffic offense (class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, that it has knowledge of, within 14 days of the conviction date.

(c) A certificate holder is subject to suspension, revocation or denial of any or all certifications for violation of the requirements of subsection (a) of this section. Each day may be considered a separate offense.

(d) A fire department or government entity regulated by the commission violating subsection (b) of this section may be subject to administrative penalties of up to \$500. Each day may be considered a separate offense.

(e) Notification may be made by mail, e-mail, or in person to the Texas Commission on Fire Protection (TCFP) Austin office. TCFP Form **#014** ~~[#0014]~~ shall be used.

**5. Proposed amendments to 37 Tex. Administrative Code, Chapter 421, Standards for Certification.**

## CHAPTER 421

## STANDARDS FOR CERTIFICATION

**§421.11. Requirement To Be Certified Within One Year.**

(a) **Except for subsection (c) and (d) of this section, fire** [Fire-]protection personnel or part-time fire protection employees of a fire department who are appointed duties identified as fire protection personnel duties must be certified by the **commission** [Commission] in the discipline(s) to which they are assigned within one year of their appointment to the duties or within two years of successfully passing the applicable **commission** [Commission] examination, whichever is less. The **commission** [Commission] shall not approve an initial certification for a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. An individual who accepts appointment(s) in violation of this section shall be removed from the appointment(s) and will be subject to administrative penalties. A department or local government that appoints an individual in violation of this section will also be subject to administrative penalties.

(b) An individual who has been removed from appointment to duties identified as fire protection personnel duties for violation of this section must petition the **commission** [Commission] in writing for permission to be reappointed to the duties from which they were removed. The petition will be considered only if the individual has obtained all appropriate certification(s) applicable to the duties to which the individual seeks reappointment.

**(c) A military spouse may be appointed to fire protection personnel duties with a regulated fire department without being required to obtain the applicable certification, provided the military spouse submits the following to the commission prior to appointment and has received confirmation of approval from the commission:**

- (1) notification to the commission of intent to perform regulated fire protection duties;**
- (2) documentation of equivalent certification from another jurisdiction;**
- (3) a fingerprint-based criminal history record using the commission approved system;**
- (4) proof of residency in Texas; and**
- (5) a copy of the individual's military identification card.**

**(d) A military spouse appointed to fire protection duties under this section may engage in those duties only for the period in which the military service member to whom the spouse is married is stationed at a military installation in Texas, but not to exceed three years from the date the military spouse receives approval from the commission to engage in those duties.**

**6. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 433, Driver Operator.**

**CHAPTER 433****DRIVER/OPERATOR****SUBCHAPTER B****MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS****§433.207. International Fire Service Accreditation Congress (IFSAC) Seal.**

~~[(a) Individuals holding a current commission Driver/Operator-Aerial certification received prior to May 31, 2018 and documenting an NFPA 1001 Fire Fighter I IFSAC seal may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Driver/Operator-Aerial by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on May 31, 2019.]~~

~~[(b)]~~ Individuals completing a commission approved Driver/Operator-Aerial program, ~~and~~ 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.

**7. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.**

## CHAPTER 437

### FEES

#### **§437.3. Certification Application Processing Fees.**

(a) A non-refundable application processing fee of \$55 [~~\$85~~] is required for each certificate issued by the commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.

(b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.

(c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).

(d) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.

(e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

(f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification<sup>[j]</sup> and is applying for the first time for a certification required by commission rules for appointment to duties.

**8. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.**



## CHAPTER 445

## ADMINISTRATIVE INSPECTIONS AND PENALTIES

**§445.1. Entity Inspections.**

(a) The **commission** [~~Commission~~] shall conduct at least biennial inspections of the entities that fall under the regulatory authority of the **commission** [~~Commission~~], and may perform risk-based inspections of entities the **commission** [~~Commission~~] determines to be at risk.

(b) The purpose of these inspections shall be to promote safety and proficiency in the fire service by ensuring compliance with state law and **commission** [~~Commission~~] rules pertaining to minimum standards for fire protection personnel education, protective clothing, self-contained breathing apparatus, personal alert safety systems, standard operating procedures, or any other aspect of the fire service regulated by the **commission** [~~Commission~~].

(c) This shall include inspections of volunteer fire fighters and fire departments that participate in the voluntary regulation program pursuant to §419.071 of the Texas Government Code in one or more of the component areas.

**§445.7. Procedures.**

(a) The inspector shall, if possible, notify the current or acting, on duty and available, department head of the inspector's presence at the department and his intention to conduct a departmental inspection.

(b) During the course of the inspection, any noncompliance with state law or commission rule shall be noted. Violations shall be determined to be either minor or major violations based upon the following guidelines.

**(c) Penalty amounts for uncorrected minor violations.**

(1) Minor violations shall be defined as those violations which the inspector determines do not pose a serious threat to personnel safety due to lack of personnel protection equipment or training, are not widespread, or are not repeat violations of the same nature for which the entity was cited within the previous five years. **See minor violations and penalties in the applicable table.**

**(2) \$250 - \$500 per day. Each rule violation is considered a separate violation for purposes of imposing a penalty. Each day a violation continues to occur is considered a separate violation for purposes of imposing a penalty.**

**Figure: 37 TAC §445.7(c)**

REFERENCE	MINOR VIOLATIONS	PENALTY
	<b>GENERAL</b>	\$250 to \$500
419.046/435 .15	Failure to provide compliant SOP for operating at emergency incidents.	\$250 to \$500
435.17	Failure to provide compliant SOP for 2-In/2-Out.	\$250 to \$500
435.21	Failure to provide compliant SOP for Wellness/Fitness	
449	Failure to apply for Head of Department certification.	\$250 to \$500
421.9(c)	Failure to provide a list of all personnel.	\$250 to \$500
421.9(c)	Failure to provide accurate duty appointments for current job positions in FIDO.	\$250 to \$500
435.23	Failure of organization utilizing FIDO to report Firefighter Injuries.	\$250 to \$500
435.29	Failure to complete Federal Highway Administration Traffic Incident Management Course by the close of business December 31, 2020.	\$250 to \$500
435.25	Failure to complete "Courage to Be Safe" training within 1 year of appointment.	\$250 to \$500

<b>419.040/435.1 /NFPA 1851</b>	<b>PROTECTIVE CLOTHING</b>	
4.2.3	Failure to provide a letter of approval, from PPE manufacturer, for non-compliant aftermarket accessories.	\$250 to \$500
	<b>Records</b>	
4.3.1	Failure to compile and maintain applicable records of maintenance and use of PPE.	\$250 to \$500
4.3.2	Failure to compile and maintain applicable records of maintenance and use of rental PPE.	\$250 to \$500
4.3.3	Failure to provide a record tracking system for each PPE ensemble element as listed below:	\$250 to \$500
4.3.3(1)	Failure to provide a record of person to whom element is issued.	\$250 to \$500
4.3.3(2)	Failure to provide a record of date and condition when issued.	\$250 to \$500
4.3.3(3)	Failure to provide a record of manufacturer and model name or design.	\$250 to \$500
4.3.3(4)	Failure to provide a record of manufacturer's identification number, lot number, serial number, or unique identifier.	\$250 to \$500
4.3.3(5)	Failure to provide a record of month and year of manufacture.	\$250 to \$500
4.3.3(6)	Failure to provide a record of dates and results of advanced inspections.	\$250 to \$500
4.3.3(7)	Failure to provide a record of dates and results of advanced cleaning or decontamination	\$250 to \$500
4.3.3(8)	Failure to provide a record of the reason for advanced cleaning or decontamination and who performed cleaning or decontamination	\$250 to \$500
4.3.3(9)	Failure to provide a record of the dates of repairs, who performed repairs, and brief description of repairs.	\$250 to \$500
4.3.3(10)	Failure to provide a record of the date of retirement.	\$250 to \$500
4.3.3(11)	Failure to provide a record of the date and method of disposal.	\$250 to \$500
4.3.4	Failure to provide a record of the CBRN records, if applicable.	\$250 to \$500
4.4.1	Failure to provide personnel with manufacturer's instructions regarding the care, use, and maintenance of the protective ensembles.	\$250 to \$500
4.4.2	Failure to follow manufacturer's instructions for care, use and maintenance of PPE.	\$250 to \$500
4.4.3	Failure to provide organization and maintain and make available a copy of manufacturer instructions accessible to all personnel.	\$250 to \$500
	<b>Protecting the Public and Personnel from Contamination</b>	
4.2.4.3/11.1.1.4	Failure to provide a record of the verification certificate, from the Independent Service Provider, that performs all inspections, cleanings and repairs.	\$250 to \$500
4.2.4.6	Failure to provide a record of the certificates for training, within organization, for members of the organization that perform inspections, cleanings and repairs.	\$250 to \$500
4.5.1	Failure to provide written standard operating guidelines minimize the public's and the fire department personnel's exposure to soiled or contaminated PPE	\$250 to \$500
4.6	Failure to report PPE health and safety concerns and/or failures, to manufacturer.	\$250 to \$500
	<b>Selection</b>	
5.1.1/435.1	Failure to provide a written PPE Risk Assessment.	\$250 to \$500
5.1.2	Failure to perform a Risk Assessment that includes:	\$250 to \$500
5.1.2(1)	Failure to identify type of duties performed.	\$250 to \$500
5.1.2(2)	Failure to identify frequency of use of ensemble elements.	\$250 to \$500
5.1.2(3)	Failure to identify organization's experiences.	\$250 to \$500
5.1.2(4)	Failure to identify incident operations.	\$250 to \$500
5.1.2(5)	Failure to identify geographic location and climate.	\$250 to \$500
5.1.2(6)	Failure to identify specific physical area of operation.	\$250 to \$500
5.1.2(7)	Failure to identify likelihood of or response to CBRN terrorism incident.	\$250 to \$500
5.1.4	Failure to provide PPE that is compliant to current edition of NFPA 1971.	\$250 to \$500
	<b>Inspection</b>	
6.1.1	Failure to follow universal precautions, as appropriate.	\$250 to \$500
6.1.2	Failure to clean soiled or contaminated PPE before inspection.	\$250 to \$500
6.1.3	Failure to follow established guidelines to determine when PPE is soiled, if cleaning required and level of cleaning required.	\$250 to \$500
6.1.4	Failure to follow guidelines established when PPE requires cleaning, decontamination or repair.	\$250 to \$500

6.2.1	Failure of member of organization to conduct routine inspection of PPE, upon issue or after each use.	\$250 to \$500
6.2.2	Failure to follow routine inspection criteria, according to organization's guidelines, for each ensemble element.	\$250 to \$500
6.3.3.1	Failure to properly store PPE that has received an Advanced Inspection.	\$250 to \$500
6.3.4	Failure to document results of Advance Inspection.	\$250 to \$500
6.3.5	Failure to follow Advanced Inspection criteria, according to organizations guidelines.	\$250 to \$500
6.4.3	Failure to provide complete liner inspections after 3 years in service, then annually.	\$250 to \$500
6.4.3.1	Failure to provide complete liner inspections, every 2 years and annually, after moisture barrier replacement.	\$250 to \$500
6.4.4	Failure to document results of liner inspections.	\$250 to \$500
	<b>Cleaning and Decontamination</b>	
7.1.6	Failure to provide written procedures for decontamination and/or cleaning of PPE contaminated with body fluids.	\$250 to \$500
7.2	Failure to provide written Routine Cleaning instructions for each listed ensemble element.	\$250 to \$500
7.3	Failure to provide written Advanced Cleaning and decontamination instructions for each listed ensemble element.	\$250 to \$500
7.3.2	Failure to provide Advanced Cleaning for soiled PPE.	\$250 to \$500
7.3.5	Failure to provide Advanced Cleaning, in accordance with manufacturer instructions.	\$250 to \$500
7.3.15	Failure to provide optional CBRN cleaning requirements.	\$250 to \$500
	<b>Retirement, Disposition, and Special Incident Procedures</b>	
10.1.1	Failure to develop specific criteria for removal/retirement of PPE from service.	\$250 to \$500
10.3.2	Failure to provide procedures that shall include minimum:	\$250 to \$500
10.3.2 (1)	Failure to provide guidelines the immediate removal from service and preservation of all PPE utilized by the injured or deceased fire fighter.	\$250 to \$500
10.3.2 (2)	Failure to maintain custody of PPE ensembles and ensemble elements, at a secure location with controlled, documented access.	\$250 to \$500
10.3.2 (3)	Failure to nondestructively tag and store PPE in paper or cardboard containers.	\$250 to \$500
10.3.2 (4)	Failure to provide examination of PPE by qualified members of the organization or by outside experts.	\$250 to \$500
10.3.3	Failure of the organization to determine a specific period of time for retaining custody of PPE.	\$250 to \$500
<b>419.041/435.3/ NFPA 1852</b>	<b>SELF CONTAINED BREATHING APPARATUS</b>	
435.3(2)	Failure of SCBA to comply with the most current edition of NFPA 1981, at the time of contract for purchase.	\$250 to \$500
	<b>Adverse Conditions</b>	
4.2.1	Failure to provide an SOG for SCBA failure, near-failure or degradation, from normal use	\$250 to \$500
4.2.2	Failure to include at minimum:	\$250 to \$500
4.2.2 (1)	Failure to remove SCBA from service including mask, cylinder or frame assembly.	\$250 to \$500
4.2.2 (2)	Failure to secure SCBA with restricted access	\$250 to \$500
4.2.2 (3)	Failure to provide documentation of chain of custody	\$250 to \$500
4.2.3	Failure to provide a letter of approval, from SCBA manufacturer, for non-compliant aftermarket accessories.	\$250 to \$500
4.2.3.1	Failure to provide manufacture with data log, video, photo of condition failure	\$250 to \$500
4.2.3.2	Failure to provide written procedure for notifying manufacture in SOP	\$250 to \$500
4.2.4	Failure to provide a copy of notification to SCBA testing approval organizations.	\$250 to \$500
	<b>Selection, Care and Maintenance</b>	
4.3.1	Failure to provide written guidelines that includes roles, responsibilities of the organization. and organizations members.	\$250 to \$500
4.3.2.1	Failure to provide written guidelines that define criteria for SCBA that is contaminated beyond ability to clean/disinfect.	\$250 to \$500
4.3.2.2	Failure to provide guidelines for proper disposal of contaminated SCBA	\$250 to \$500

4.3.2.3	Failure to place SCBA out of service that is known to be contaminated.	\$250 to \$500
4.3.5.1	Failure to provide written SCBA testing procedures if performed by the agency:	\$250 to \$500
4.3.5.2	Failure to provide written SCBA administrative testing procedures.	\$250 to \$500
4.3.5.2 (1)	Failure to provide written SCBA testing protocol.	\$250 to \$500
4.3.5.2 (2)	Failure to provide written procedures for training in use of testing machines.	\$250 to \$500
4.3.5.2 (3)	Failure to provide written procedure for calibration of testing machine.	\$250 to \$500
4.3.5.2 (4)	Failure to provide written procedure for authorization for technicians to conduct tests.	\$250 to \$500
4.3.5.2 (5)	Failure to provide written procedure for record keeping.	\$250 to \$500
4.3.5.2 (6)	Failure to provide written procedure for testing schedule.	\$250 to \$500
4.3.5.2 (7)	Failure to provide written procedure for evaluation of effectiveness of the program.	\$250 to \$500
4.3.5.3	Failure to provide procedure that indicates frequency of technician's inspection and testing	\$250 to \$500
4.3.6	Failure to provide written procedure that prevents a member of an organization from altering the form, fit or function of any of the organization's SCBA.	\$250 to \$500
	<b>Manufactures Instructions</b>	N/A
4.6.1	Failure of the organization to provide users with manufacturer's instructions, when issuing new SCBAs.	\$250 to \$500
	<b>Quality Assurance</b>	
4.8.1	Failure to establish and maintain a written quality assurance plan.	\$250 to \$500
	<b>Technical Authorization</b>	
4.9.2	Failure to provide a written procedure for selection and qualification of personnel training and authorization.	\$250 to \$500
4.9.3	Failure to provide training credentials of technicians by Manufacturer.	\$250 to \$500
	<b>Selection</b>	
5.1.1.1	Failure to provide a written Risk Assessment as required.	\$250 to \$500
5.1.1.2	Failure to identify expected hazards for the types of duties performed	\$250 to \$500
5.1.1.2	Failure to identify frequency of use.	\$250 to \$500
5.1.1.2	Failure to identify an organization's experience.	\$250 to \$500
5.1.1.2	Failure to identify geographic location and climate.	\$250 to \$500
	<b>Acceptance</b>	
5.2.3	Provide a written procedure for returning unsatisfactory products, to the manufacturer.	\$250 to \$500
	<b>Storage</b>	
6.3.7.3	Failure to purge SCBA cylinders with stored air for greater than 12 months.	\$250 to \$500
7.3.6	Failure to provide current records of the DOT Requalification permit letter for the ISP performing hydro testing of SCBA cylinders.	\$250 to \$500
	<b>Testing</b>	
7.5.1	Failure to provide SCBA Annual Full-Function Test Records.	\$250 to \$500
7.5.4	Failure to have testing equipment calibrated by manufacturer.	\$250 to \$500
7.5.4.1	Failure to provide annual calibration of testing equipment.	\$250 to \$500
7.5.4.2	Failure to exhibit current calibration label on machine. Failure to exhibit date on calibration label. Failure to exhibit date of next scheduled calibration.	\$250 to \$500
7.5.4.3	Failure to maintain calibration test records kept on site.	\$250 to \$500
5.7.3	Failure to post signage, for current air quality test reports, within six feet of machine.	\$250 to \$500
	<b>Compressed Breathing Air Systems</b>	
7.1.3	Failure to post signage that indicates the location of fresh air intake.	\$250 to \$500
419.042/435.9 / NFPA 1982	<b>PERSONAL ALERT SAFETY SYSTEM</b>	
435.9(2)	Failure to select a PASS device that complies with NFPA 1982	\$250 to \$500
435.9(4)	Failure to properly maintain PASS device.	\$250 to \$500
419.044/435.11 / NFPA 1561	<b>INCIDENT MANAGEMENT SYSTEM</b>	
435.11(a)	Failure to develop and maintain an IMS	\$250 to \$500

435.11(b)	Failure in the IMS procedure to include:	\$250 to \$500
435.11(b)(3)	Failure to provide written requirements for operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries	\$250 to \$500
435.11(b)(5)	Failure to provide written requirements that the IMS be applied to all drills, exercises and all other situations that involve hazards similar to those encountered at an actual emergency.	\$250 to \$500
435.11(c)	Failure to provide written requirements that meet applicable sections of NFPA 1561.	\$250 to \$500
4.4.3	Failure to provide written requirements that IMS be defined and documented in writing.	\$250 to \$500
4.4.4	Failure to provide written requirements includes implementation and describes options according to needs	\$250 to \$500
4.4.5	Failure to provide written requirements for addressing requirements for anticipated incidents	\$250 to \$500
4.4.6	Failure to provide written requirements that addresses both routine and unusual incidents, standard procedures, supervisory assignments	\$250 to \$500
4.4.9	Failure to provide written requirements that 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.	\$250 to \$500
4.4.10	Failure to provide written requirements for operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries.	\$250 to \$500
4.5.12	Failure to provide written requirements for evacuation of responders if imminent hazard condition exists.	\$250 to \$500
4.5.13	Failure to provide written requirements to indicate method used to notify all responders of evacuation.	\$250 to \$500
4.6	Failure to provide written requirements for procedures for incident scene rehabilitation	\$250 to \$500
5.1.11	Failure to provide written requirements for the scope of authority for each supervisor outlined in the procedure.	\$250 to \$500
5.3.4	Failure to provide written requirements that provide for one individual to be the Incident Commander from beginning of operations.	\$250 to \$500
5.3.5	Failure to provide written requirements that provide for transfer of command.	\$250 to \$500
5.3.6	Failure to provide written requirements that outline the transfer of command.	\$250 to \$500
5.9.2	Failure to provide written requirements defining roles & responsibilities	\$250 to \$500
5.9.6.2	Failure to provide written requirements defining criteria for appointment of safety officer	\$250 to \$500
6.2.1	Failure to provide written requirements for radio communications	\$250 to \$500
6.2.2/6.3.3	Failure to provide written requirements for clear text and plain language to be used.	\$250 to \$500
6.3.3	Failure to provide written requirements for emergency traffic and Mayday distress calls.	\$250 to \$500
6.4.1	Failure to provide written requirements for telecommunicator support	\$250 to \$500
7.3.2	Failure to provide written requirements for call in roster	\$250 to \$500
<b>419.045/435.13 / NFPA 1561</b>	<b>SECTION 6.1 ~ Personnel Accountability System</b>	
435.13(d)	Failure to provide written requirements that meet applicable sections of NFPA 1561.	\$250 to \$500
4.5.3	Failure to provide written requirements and procedures for establishing the system, components, and means to ID and keep track of responders.	\$250 to \$500
435.13(b)(3),4.5.9	Failure to provide written requirements that all fire protection personnel at emergency incidents actively participate.	\$250 to \$500
4.5.12 – 4.5.13	Failure to provide written requirements emergency evacuation and method of rapid accounting.	\$250 to \$500
4.5.14	Failure to provide written requirements for rapid accounting.	\$250 to \$500
435.13(b)(4) 5.3.10	Failure to provide written requirements that Incident Commander is responsible for accountability.	\$250 to \$500

<b>435.17</b>	<b>Interior Structural Fire Fighting (2-In/2-Out Rule)</b>	
435.17(a)	Failure to provide written requirements and procedure complying with OSHA 29 CFR 1910.134(g)(4)	\$250 to \$500
435.17(1)	Failure to provide written requirements that at least four personnel on scene before interior operations begin.	\$250 to \$500
435.17(8)(b)	Failure to provide written requirements for the exceptions for imminent life threats.	\$250 to \$500
<b>435.15</b>	<b>Operating at Emergency Incidents</b>	
435.15(b)(1)	Failure to provide written requirements that specify the adequate number of personnel to safely conduct emergency scene operations.	\$250 to \$500
435.15(b)(2)	Failure to provide written requirements that limit operations to those that can be safely performed by personnel at scene.	\$250 to \$500
435.15(b)(3)	Failure to provide written requirements for all personnel to be trained in and use the standard operating procedures.	\$250 to \$500
<b>435.27 / NFPA 1403</b>	<b>LIVE FIRE TRAINING</b>	
435.27	Failure to provide written requirements that establishes NFPA 1403 used as a guide.	\$250 to \$500
	<b>TRAINING FACILITY</b>	
427.307	Failure of the Chief Training Officer to hold Instructor III certification	\$250 to \$500
427.9	Failure to provide written documentation that required equipment for each discipline certified to teach is owned by organization.	\$250 to \$500
427.1(f)	Failure to provide written documentation for equipment Is not owned, a provide letter of commitment from the department(s) who own the equipment.	\$250 to \$500
427.13/427.203 (b)	Failure to provide written documentation of records from certification courses delivered in the past 3 years	\$250 to \$500
427.11	Failure to provide written reference material required for each discipline in which the organization holds certification.	\$250 to \$500
427.203(a)(3)	Failure to provide written documents to substantiate test scores to include performance testing.	\$250 to \$500
427.203(c)	Failure to provide written master copies of examinations that are maintained for a minimum of three years.	\$250 to \$500
439.205	Failure to provide letters of assurance are on file, when skills are not evaluated in the immediate presence of a field examiner.	\$250 to \$500

**(d) Penalty amounts for uncorrected major violations.**

**(1)[(2)]** Major violations shall be defined as those violations which in the inspector's opinion constitute an immediate threat to personnel safety, flagrant or repeated violations in the same or similar areas, fraud, or obvious attempts to circumvent state law or commission rule. A major violation may be as follows but not limited to a deficiency or safety issue involving protective clothing, a self-contained breathing apparatus, personal alert safety systems, breathing air, or other matter that in the inspector's judgment presents an immediate and significant risk of injury. **See major violations and penalties in the applicable table.**

**(2) \$500 - \$1,000 per day. Each rule violation is considered a separate violation for purposes of imposing a penalty. Each day a violation continues to occur is considered a separate violation for purposes of imposing a penalty.**

**Figure: 37 TAC §445.7(d)**

RULE NUMBERS	GENERAL	PENALTY
419.032	Failure to appoint TCFP certified fire protection personnel to perform fire protection duties.	\$500 TO \$1,000
435.25	Failure to provide Courage to Be Safe training.	\$500 TO \$1,000
<b>435.1 /NFPA 1851</b>	<b>PROTECTIVE CLOTHING</b>	
435.1	Failure to purchase, provide and maintain PPE in accordance to most current edition of NFPA 1851.	\$500 TO \$1,000
435.1	Failure of fire protection personnel to utilize approved PPE in the course of performing fire-fighting operations.	\$500 TO \$1,000
4.2.4	Failure to utilize a: Manufacturer trained individual or, Verified organization or, Verified independent service provider (ISP), to perform advanced cleaning, advanced inspections, and repair services of PPE and PPE elements.	\$500 TO \$1,000
	<b>Records</b>	
4.5.2	Wearing or storing of contaminated PPE in living or public areas.	\$500 TO \$1,000
4.5.3	Exposure of the public to contaminated PPE.	\$500 TO \$1,000
4.5.4	Soiled or potentially contaminated PPE brought into a home or, washed in a home laundry, or washed in a public laundry.	\$500 TO \$1,000
6.3.3	Failure to provide Advance Inspections every 12 months or when routine inspection indicates	\$500 TO \$1,000
	<b>Cleaning and Decontamination</b>	
7.1.1	Failure to provide means for PPE to be cleaned and or decontamination	\$500 TO \$1,000
7.1.2	Failure of wearer to evaluate PPE for appropriate cleaning level after each use	\$500 TO \$1,000
7.1.4	Failure to evaluate contaminated PPE at an incident scene to determine if isolation is required.	\$500 TO \$1,000
7.3.2	Failure to provide Advance Cleaning of soiled PPE prior to reuse.	\$500 TO \$1,000
7.3.3	Failure to provide Advanced Cleaning, as required, at least every 12 months, for issued PPE.	\$500 TO \$1,000
7.3.6	Failure to perform PPE Advanced Cleaning in machine, unless prohibited.	\$500 TO \$1,000
7.3.7	Failure to provide criteria for Advanced Cleaning, as required by NFPA Standard 1851.	\$500 TO \$1,000
7.4	Failure to provide criteria for drying procedures, as required by NFPA Standard 1851.	\$500 TO \$1,000
	<b>Repair</b>	
8.1.3	Failure to immediately retire PPE contaminated with CBRN agents.	\$500 TO \$1,000
8.2.1	Failure to perform repairs and/or alterations with materials approved by manufacturer.	\$500 TO \$1,000
8.2.6.2	Failure to perform repairs according to NFPA Standard 1971.	\$500 TO \$1,000
	<b>Storage</b>	
9.1.1	Failure to properly store PPE while not being worn.	\$500 TO \$1,000
9.1.2	Failure to properly clean and dry PPE before storage.	\$500 TO \$1,000
9.1.3	Storage of PPE in air tight containers, unless new and unissued.	\$500 TO \$1,000
9.1.4	Failure to store PPE in an ambient temperature between 25°F and 180°F.	\$500 TO \$1,000
9.1.5	Failure to prevent damage to PPE during storage for transportation.	\$500 TO \$1,000
9.1.6	Failure to store soiled PPE in a protective case or bag when being transported in a vehicle and/or stored in a living area.	\$500 TO \$1,000
9.1.8	Failure to store Proximity PPE by hanging.	\$500 TO \$1,000
9.1.9	Failure to provide a PPE storage that is clean, dry and well ventilated.	\$500 TO \$1,000
	<b>Retirement, Disposition, and Special Incident Procedures</b>	
10.1.2 & 10.1.3	Failure to retire structural and proximity PPE after ten years from date of manufacture.	\$500 TO \$1,000
10.1.3.1	Failure to retire proximity radiant reflective outer shell after five years.	\$500 TO \$1,000

10.1.4	Failure to retire damaged and/or non-repairable PPE.	\$500 TO \$1,000
10.2.1	Failure to ensure that retired is not used in live fire events.	\$500 TO \$1,000
10.1.8/10.2.2	Use of retired PPE for live fire events.	\$500 TO \$1,000
10.3.1	Failure to provide written procedures for handling and/or custody of PPE where serious injury and/or death has occurred	\$500 TO \$1,000
<b>419.041/435.3/ NFPA 1852</b>	<b>SELF CONTAINED BREATHING APPARATUS</b>	
435.3(5)	Failure to provide written procedures for when SCBA is to be used.	\$500 TO \$1,000
435.3(2)	Failure of SCBA to comply with NFPA Standard 1981, at the time of contract of purchase.	\$500 TO \$1,000
	<b>General</b>	
4.1.1	Failure to provide written procedures for addressing respiratory protection.	\$500 TO \$1,000
	Selection, Care and Maintenance	\$500 TO \$1,000
4.3.2	Failure to minimize exposure to contaminated SCBA.	\$500 TO \$1,000
4.3.2.4	Failure to follow written procedures for minimizing public risk of exposure to contaminated SCBA	\$500 TO \$1,000
	<b>Upgrades and Retirement</b>	
4.4.1	Failure of SCBA that are currently in service to comply with the most current edition of NFPA 1981, Chapter 4.4, "SCBA Compliance – Upgrades and Retirement"	\$500 TO \$1,000
	<b>Records</b>	
4.5.8	Failure of the organization to create, maintain, and disseminate all documents and/or records as required.	\$500 TO \$1,000
	<b>Retirement and Disposal</b>	
4.7.3	Failure to retire defective or obsolete SCBA and/or render incapable of operation.	\$500 TO \$1,000
5.2.1	Failure to conduct Function Tests on SCBA prior to placing the SCBA in service.	\$500 TO \$1,000
	<b>Care</b>	
6.1 – 6.2	Failure to follow written procedures for care, cleaning, disinfecting and decontamination of SCBA.	\$500 TO \$1,000
	<b>Storage</b>	
6.3.7	Failure to store SCBA cylinders fully charged.	\$500 TO \$1,000
	<b>Maintenance</b>	
7.1.1.1	Failure of assigned SCBA user to conduct inspection at beginning of duty period.	\$500 TO \$1,000
7.1.1.2	Failure to inspect unassigned SCBA once per duty period.	\$500 TO \$1,000
7.1.1.3	Failure to inspect unassigned SCBA weekly	\$500 TO \$1,000
7.1.1.4	Failure to conduct weekly interval inspections for unassigned SCBAs.	\$500 TO \$1,000
7.1.2.1	Failure to inspect all the points of the duty period inspection as required.	\$500 TO \$1,000
	<b>Technical Maintenance</b>	
7.2.1.3	Failure to conduct function tests at least annually or according to manufactures instruction.	\$500 TO \$1,000
7.2.1.5	Failure to conduct function tests, by purchasing organization, prior to placing in service.	\$500 TO \$1,000
7.2.3.1	Failure to conduct service and/or repairs by individuals authorized by manufacturer.	\$500 TO \$1,000
7.2.3.7	Failure to provide documentation of full function flow test after repair according to manufacture instructions	\$500 TO \$1,000
	<b>Breathing Air Cylinder Filling</b>	
7.3.1	Failure to conduct cylinder pre-fill inspection as required.	\$500 TO \$1,000
	<b>Breathing Air Cylinder Requalification</b>	
7.4.1	Failure to provide current DOT Permit Letter from hydrotest service vendor.	\$500 TO \$1,000



<b>435.3(3) / NFPA 1989</b>	<b>Breathing Air</b>	
4.1.1	Failure to conduct quarterly air quality testing	\$500 TO \$1,000
	Air Quality Requirements	\$500 TO \$1,000
5.1.1	Failure to conduct quarterly (90 days) air sample tests no more $\pm$ 5 days of each other	\$500 TO \$1,000
5.1.2	Failure to take air samples if contamination is suspected.	\$500 TO \$1,000
5.1.4	Failure to maintain quarterly air quality test reports for five years.	\$500 TO \$1,000
	<b>Special Testing and Procedures for Maintenance Conditions</b>	
5.2.1	Failure to provide air sample records after maintenance, alterations, repairs and/or relocation of unit.	\$500 TO \$1,000
5.2.1	Failure to place air compressor out of service when breathing air test samples fail test.	\$500 TO \$1,000
5.2.1.1	Failure to provide air sample test results before and after filter changes, within one week of each test.	\$500 TO \$1,000
5.2.1.1.1	Failure to place compressor out of service when pre-filter air tests did not occur.	\$500 TO \$1,000
5.2.3/5.4.5	Failure to maintain air quality test results and records for five years.	\$500 TO \$1,000
	<b>Special Testing and Procedures for Contaminated Compressed Breathing Air</b>	
5.4.1	Failure to place breathing air system out of service when air sample test fails.	\$500 TO \$1,000
5.4.1.1	Failure to replace stored breathing air filled from failed unit.	\$500 TO \$1,000
5.4.2	Failure to pass air sample before putting back in service	\$500 TO \$1,000
5.5.2.2	Failure to collect air sample for test at correct location.	\$500 TO \$1,000
	<b>Compressed Breathing Air Systems</b>	
7.1.2	Failure to locate air intake to minimize contamination	\$500 TO \$1,000
	<b>Maintenance</b>	
7.5.3	Failure to empty and refill compressed air in steel cylinders annually.	\$500 TO \$1,000
	<b>Records</b>	
7.6.1	Failure to provide test records has name of testing lab.	\$500 TO \$1,000
7.6.2	Failure to provide records required for installation, maintenance, purification component changes, operation, trouble reports, corrective actions taken	\$500 TO \$1,000
7.6.3	Failure to provide air quality records on any air source	\$500 TO \$1,000
7.6.4	Failure to provide records of refills for all SCBA cylinders and storage cylinders	\$500 TO \$1,000
7.6.4.1	Failure to provide date of fill, person filling, cylinder serial #, air source, final cylinder pressure, hydro date on refill records.	\$500 TO \$1,000
7.6.4.2	Failure to maintain SCBA cylinder fill records for five years.	\$500 TO \$1,000
<b>435.9 / NFPA 1982</b>	<b>PERSONAL ALERT SAFETY SYSTEM</b>	
435.9(3)	Failure to describe a duty period inspection	\$500 TO \$1,000
435.9(4)	Failure to provide procedure of when to be used.	\$500 TO \$1,000
<b>435.11 / NFPA 1561</b>	<b>INCIDENT MANAGEMENT SYSTEM</b>	
435.11(b)(1)	Failure to provide a written SOP	\$500 TO \$1,000
435.11(b)(2)	Failure to require IMS be used at all emergency incidents	\$500 TO \$1,000
435.11(b)(4)	Failure to require that all fire protection personnel be trained in the use of the IMS	\$500 TO \$1,000
4.4.1	Failure to adopt NIMS as required.	\$500 TO \$1,000
4.4.7	Failure to require IMS be used at all emergency incidents	\$500 TO \$1,000
4.4.8	Failure to require that all fire protection personnel be trained in the use of the IMS	\$500 TO \$1,000
<b>435.13 / NFPA 1561</b>	<b>Personnel Accountability System</b>	
435.13, 4.5.1	Failure to develop, maintain, apply accountability system	\$500 TO \$1,000
435.13(b) (1-4)	Failure to provide an accountability system as required.	\$500 TO \$1,000

435.17	<b>Interior Structural Fire Fighting (2 In/2 Out Rule)</b>	
435.17	Failure to follow interior structural firefighting procedures as required.	\$500 TO \$1,000
<b>435.27 / NFPA 1403</b>	<b>Live Fire Training</b>	
435.27(8)(A), 4.9.6	Failure to provide a PASS device for all participating in live fire training as required.	\$500 TO \$1,000
435.27 (8)(B), 4.7.10	Failure to provide a Personnel Accountability System as required.	\$500 TO \$1,000
435.27(8)(C)	Failure to utilize an Incident Management System as required.	\$500 TO \$1,000
435.27(8)(D), 4.7.9, 4.9.1, 4.9.2, 4.9.7	Failure to use personal protective clothing and self-contained breathing apparatus as required.	\$500 TO \$1,000
435.27(8)(E), 4.10.2	Failure to establish an evacuation signal and procedure.	\$500 TO \$1,000
435.27(8)(F)	Failure to provide pre-burn, burn and post-burn procedures.	\$500 TO \$1,000
	<b>Continuing Education Records</b>	
441.5, 7, 9, 11, 13, 15, 17, 19, 21, 23	Failure to obtain CE for appointed positions as required.	\$500 TO \$1,000
<b>NFPA 1561 4.8.1, 4.8.2</b>	Failure to provide IMS training and qualification for initial and/or annual refresher	\$500 TO \$1,000

**(e) Repeat violations of rules may result in higher penalty sanctions.**

**(f)**[(e)] In order to determine compliance with commission requirements pertaining to a particular item[;] the inspector may examine as many items of protective clothing and equipment deemed necessary by the inspector.

**§445.9. Procedure for Violations.**

(a) Findings of only minor violations. If during [~~the course of~~] a departmental inspection the inspector determines the department has committed only minor violations, the following procedure applies.

(1) The inspector shall issue an **inspector's**[inspectors] report which will identify the findings from the compliance inspection. The inspector's report is a written summary of an inspector's findings that is given to an inspected entity after an inspection. In cases of minor violations, the inspector's report may identify deficiencies and prescribe corrective action within specific timeframes.

(2) The department then has 30 calendar days from the date the inspector's report is received to provide the commission with a written schedule of actions that will be taken to correct the violations. The schedule of actions will allow necessary amounts of time for such things as obtaining items through city requisitions and bid processes, when necessary. Lack of funds is not an acceptable reason for delay.

(3) If the department fails to timely provide an acceptable written schedule of actions for obtaining compliance, the inspector or compliance officer may issue a notice of alleged violation. The notice of alleged violation is a written document that briefly summarizes the alleged violation(s)[;] and requires the person to correct the violation(s). The notice may also prescribe a specific time period to rectify the matter and achieve compliance[;] and assess an administrative penalty. If an administrative penalty is assessed, the notice shall state the amount of the penalty. The notice shall also inform the person of the person's right to an informal staff conference and that if the person fails to timely correct the alleged violation or fails to request a preliminary staff conference before the 61<sup>st</sup> day after receipt of the notice, the commission may issue a default order. In addition, the notice of alleged violation may:

(A) allow extra time to come into compliance;

- (B) assess administrative penalties which may be prorated;
- (C) suspend or revoke licenses or certificates; and
- (D) require proof of compliance.

(b) Findings of major violations. If during ~~[the course of]~~ a departmental inspection the inspector determines the department has committed a major violation, the following procedure applies.

(1) The inspector or compliance officer shall issue a notice of alleged violation. The notice shall identify the violations and require the department or provider to correct the violation. In addition, the notice of alleged violation may:

- (A) specify a time period to achieve compliance;
- (B) assess administrative penalties;
- (C) suspend or revoke licenses or certificates; and
- (D) require proof of compliance.

(2) In addition to any of the above, the commission may also temporarily suspend a person's or regulated entity's certificate on a determination by a panel of the commission that continued activity by the person or entity would present an immediate threat to the public, regulated personnel, or fire service trainees; and seek an injunction in a district court in Travis County along with civil penalties, court costs, and attorney's fees. See Tex. Gov't Code §419.906(a), (d).

(c) If a fire department or training provider fails to correct the alleged violation in a timely manner or fails to request a preliminary staff conference (information settlement conference) before the 61<sup>st</sup> day after the date it receives a notice of alleged violation, the commission through its executive director may issue a default order.

(d) When determining administrative penalties for a notice of alleged violation or default order the following factors shall be considered:

- (1) compliance **and violation** history;
- (2) **the seriousness of the violation; including but not limited to the nature, circumstances, extent and gravity of the prohibited act;**
- (3) the safety threat to the public or fire **protection** personnel;
- (4) the economic damage to property or the public's interests or confidence caused by the violation;**
- (5) any economic benefit gained through the violation;**
- (6) actions deemed necessary to deter future violations;**
- (7) any demonstrated good faith of the alleged violator, including efforts taken by the person or entity to correct the violation;**
- (8)[(4)]** any mitigating factors; and
- (9)[(5)]** any other factors the commission considers appropriate.

(e) If the fire department or training provider timely requests a preliminary staff conference (informal settlement conference), the procedures in Chapter 401, Subchapter E apply, and if the preliminary staff conference does not result in approval of a consent order the matter shall be referred for a contested case hearing.

**§445.11. Training Facilities.**

**Administrative actions and penalties regarding training facilities. Administrative actions and penalties for uncorrected rule violations pertaining to the minimum competency requirements for commission certifications and to approved training courses may be as follows:**

**(1) Minor and major violation penalties may be imposed.**

**(2) Training facility certifications and student, instructor and field examiner certifications may be revoked, suspended, denied or probated if the commission determines the rules, standards and curriculum violations create an imminent danger to life and safety of the public or fire protection personnel.**

**(3) Training facility certifications and student, instructor and field examiner certifications may be revoked, suspended, denied or probated if the commission determines the rules, standards and curriculum violations resulted in failure to meet the minimum instruction and testing requirements for course completion.**

**9. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 453, Hazardous Materials.**

**CHAPTER 453**  
**HAZARDOUS MATERIALS**  
**SUBCHAPTER B**  
**MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER**

**§453.207 International Fire Service Accreditation Congress (IFSAC) Seal.**

~~[(a) Individuals holding a current commission Hazardous Materials Incident Commander certification received prior to May 31, 2018 may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Hazardous Materials Incident Commander by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must also document the required prerequisite IFSAC seals listed in subsection (b) of this section. This subsection (a) will expire on May 31, 2019.]~~

~~[(b)]~~Individuals completing a commission approved Hazardous Materials Incident Commander program and documenting the following IFSAC seals:

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

**10. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**

**CHAPTER 457****MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION****§457.7 International Fire Service Accreditation Congress (IFSAC) Seal.**

~~[(a) Individuals holding a current commission Incident Safety Officer certification received prior to May 31, 2018 and documenting Fire Fighter II, Instructor I and Fire Officer I seals may be granted an International Fire Service Accreditation Congress (IFSAC) seal as an Incident Safety Officer by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on May 31, 2019.]~~

~~[(b)]~~ Individuals completing a commission approved Incident Safety Officer program, ~~and~~ documenting Fire Fighter II, Instructor I and Fire Officer I seals and passing the applicable state examination, may be granted an IFSAC seal for Incident Safety Officer 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.



**11. Future meeting dates, locations and agenda items.**

**12. Adjourn meeting**