

**FIRE FIGHTER ADVISORY COMMITTEE  
MEETING AGENDA**

**December 4, 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 September 19, 2019 Fire Fighter Advisory Committee meeting minutes.**
- 3. Report from the Curriculum and Testing Ad Hoc Committee.**
- 4. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 427, Training Facility Certification.**
- 5. Discussion only regarding 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.**
- 6. Discussion only regarding 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.**
- 7. Future meeting dates, locations and agenda items.**
- 8. Adjourn meeting.**

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

**2. Adoption of the September 19, 2019 Fire Fighter Advisory Committee meeting minutes.**

**TEXAS COMMISSION ON FIRE PROTECTION**

Presiding Officer Michael Wisko called the September 19, 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 |

|       |   |               |               |
|-------|---|---------------|---------------|
| Staff | Paul Maldonado                          | Deborah Cowan | Sylvia Miller |
|       | Veena Mohan, Assistant Attorney General |               |               |

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 Jason Collier and seconded by Daniel DeYear to approve the minutes of the June 27, 2019, fire fighter advisory committee meeting as discussed. The motion carried.

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3. Curriculum & Testing Committee Report
  - a. A motion was made by Jason Collier and seconded by Jim Reidy to recommend to the commission changes to the Head of Department Curriculum as discussed. The motion carried.
  - b. A motion was made by Jason Collier and seconded by Vince Abrigo to recommend to the commission changes to the Driver/Operator Curriculum as discussed. The motion carried.

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4. 37 TAC, Chapter 403              A motion was made by Daniel DeYear and seconded by Jim Reidy to accept the amendments to 37 TAC, Chapter 403, Criminal Convictions and Eligibility for Certification as proposed by the commission. The motion carried.

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5. 37 TAC, Chapter 421              A motion was made by Jason Collier and seconded by Ken Swindle to accept the amendments to 37 TAC, Chapter 421, Standards For Certification as proposed by the commission. The motion carried.

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6. 37 TAC, Chapter 433              A motion was made by Jim Reidy and seconded by Jason Collier to accept the amendments to 37 TAC, Chapter 433, Driver Operator as proposed by the commission. The motion carried.

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7. 37 TAC, Chapter 437              A motion was made by Jason Collier and seconded by Daniel DeYear to accept the amendments to 37 TAC, Chapter 437, Fees as proposed by the commission. The motion carried. (7 for, 1 absent, 1 abstention)

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8. 37 TAC, Chapter 445              A motion was made by Daniel DeYear and seconded by Jim Reidy to accept the amendments to 37 TAC, Chapter 445, Administrative Inspections and Penalties as proposed by the commission with changes as discussed. The motion carried.

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9. 37 TAC, Chapter 453                    A motion was made by Jim Reidy and seconded by Vince Abrigo to accept the amendments to 37 TAC, Chapter 453, Hazardous Materials as proposed by the commission. The motion carried.

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10. 37 TAC, Chapter 457                    A motion was made by Jim Reidy and seconded by Keith Schmidt to accept the amendments to 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification as proposed by the commission. The motion carried.

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11. Future meeting dates/agenda items                    All meeting dates were previously set. The next scheduled meeting will be December 4, 2019.  
  
Daniel DeYear requested a report on the number of violations the agency has found.

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12. Adjournment                    A motion was made by Daniel DeYear and seconded by Jason Collier to adjourn. The motion carried.

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Michael Wisko  
Presiding Officer

### **3. Report from the Curriculum and Testing Ad-Hoc Committee.**

**4. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 427, Training Facility Certification.**

**CHAPTER 427**  
**TRAINING FACILITY CERTIFICATION**  
**SUBCHAPTER A**  
**ON-SITE CERTIFIED TRAINING PROVIDER**

**§427.13. Records.**

(a) Training records shall be maintained by the onsite training facility that reflect:

(1) who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records); and

(2) individual trainee test scores to include performance testing.

**(3) All skills listed in the applicable curriculum skills manual shall be practiced and documented on the provided skill sheets including any shown as instructional skills in addition to the listed testing skills.**

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



**CHAPTER 427**  
**TRAINING FACILITY CERTIFICATION**  
**SUBCHAPTER B**  
**DISTANCE TRAINING PROVIDER**

**§427.203. Records.**

(a) Training records shall be maintained by the distance training provider that reflect:

(1) Who was trained, subject, instructor, and date of instruction. (Note: Individual records are required rather than class records);

(2) Individual trainee test scores to include performance testing; and

(3) Evidence to substantiate the test scores received by each trainee to include performance testing. Such records will include materials (completed tests and/or answer sheets, other documents, video or audio recording, etc.), and will provide identification of the examinee, identification of the evaluating field examiner, and the observer as defined in Chapter 439 of this title (relating to Examinations for Certification).

**(4) All skills listed in the applicable curriculum skills manual shall be practiced and documented on the provided skill sheets including any shown as instructional skills in addition to the listed testing skills.**

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

(c) A master copy of tests will be maintained for review by commission representatives. The certified distance training provider shall maintain copies of all tests for a minimum of three years.

**CHAPTER 427**  
**TRAINING FACILITY CERTIFICATION**  
**SUBCHAPTER C**  
**TRAINNG PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDER**

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

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

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

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

(d) In addition to periodic tests, a comprehensive final test must be administered. The final test must be conducted in a proctored setting. For purposes of this section, a proctor can be an approved TCFP Field Examiner, or a member or testing center of an educational institution. A passing score of 70% must be achieved. **The final test must be successfully completed by the examinee before they will be allowed to take any written certification exam.**

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

**5. Discussion only regarding 37 Tex. Administrative Code, Chapter 437, Fees.**

# WITHDRAWN BY THE COMMISSION AT ITS OCTOBER 2019 MEETING

## 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[,] and is applying for the first time for a certification required by commission rules for appointment to duties.

**6. Discussion only regarding 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.**

# WITHDRAWN BY THE COMMISSION AT ITS OCTOBER 2019 MEETING

## 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 [~~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<br>.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<br/>/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/<br/>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.<br>Failure to exhibit date on calibration label.   | \$250 to \$500 |

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|----------------------------|--|----------------|
|                            | Failure to exhibit date of next scheduled calibration.   |                |
| 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)<br>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  | \$500 TO \$1,000 |

|                                     |  |                  |
|-------------------------------------|--|------------------|
|                                     | of manufacture.  |                  |
| 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/<br/>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.**

# Update Provided to Commissioners at its October 2019 meeting

## Errata for MINOR Penalty Matrix

The following modifications were made to improve the utilization of the Minor Penalty Matrix, after the initial approval of the Commissioners at their last meeting on July 18, 2019.

### EXHIBIT 1 Suggested Changes:

At the top of page 1, a list of “Abbreviations”, in the form of acronyms, was created to assist in the identification of publications adopted by the Commission.

The “REFERENCE” column was renamed to “Rule Numbers”.

Under the “Rule Numbers” column, an acronym was inserted to the left of a reference number. The acronym identifies the publication where the reference number exists.

Under the “Violation” column, the NFPA Standard’s reference numbers, that apply to that subject, have been added to the boxes of PROTECTIVE CLOTHING, SELF CONTAINED BREATHING APPARATUS, BREATHING AIR, PERSONAL ALERT SAFETY SYSTEM, INCIDENT MANAGEMENT SYSTEM, PERSONNEL ACCOUNTABILITY SYSTEM, INTERIOR STRUCTURAL FIREFIGHTING (2-In/2-Out Rule) and LIVE FIRE TRAINING.

The “Section 6.1 ~” was deleted from the “Personnel Accountability System” box.

An asterisk (\*) placed in the Rule Numbers column, to the left of the publication’s acronym, serves as a marker for changes, omissions and/or clarifications to the numbers and/or text contained on that line of the Penalty Matrix for Minor Violations.

The table below indicates actions taken for each line item in the matrix, that is assigned an asterisk. The table is broken down according to section.

### GENERAL

|                |   |
|----------------|---|
| 419.046/435.15 | Omitted because this violation is included in 419.046/435.15 (page 4 of this matrix)          |
| 435.17         | Omitted because this violation is included in 419.046/425.17 (page 4 of this matrix)          |
| 435.21         | Moved this section from General to page 4 so that it is in TAC numerical order in this matrix |
| 435.29         | 435.25 and 435.29 were reversed to be in numerical order.                                     |

### PROTECTIVE CLOTHING

|          |   |
|----------|---|
| 4.3.1    | Omitted because this violation is included or covered with 4.3.3. |
| 4.3.3    | Added references 4.4.3 (1-11) to reduce size of document.         |
| 4.3.3(1) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(2) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(3) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(4) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(5) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(6) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(7) | Omitted because this violation is included in 4.3.3.              |
| 4.3.3(8) | Omitted because this violation is included in 4.3.3.              |

|                  |  |
|------------------|--|
| 4.3.3(9)         | Omitted because this violation is included in 4.3.3.                                       |
| 4.3.3(10)        | Omitted because this violation is included in 4.3.3.                                       |
| 4.3.3(11)        | Omitted because this violation is included in 4.3.3.                                       |
| 4.4.1            | Omitted because this violation is included in 4.4.2.                                       |
| 4.2.4.3/11.1.1.4 | Moved up in numerical order.   |
| 4.2.4.6          | Moved up in numerical order.   |
| 435.1/5.1.1      | Added references 5.1.1 (1-7) to reduce size of document.                                   |
| 5.1.2            | Omitted because this violation is included in 5.1.1  |
| 5.1.2(1)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(2)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(3)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(4)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(5)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(6)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.2(7)         | Omitted because this violation is included in 5.1.1.                                       |
| 5.1.4            | Relocated to Major Penalty Matrix  |
| 6.2.2            | Added clarification to violation and reference to 6.2.2.1 – 6.2.2.7 and 6.2.3.1 – 6.2.3.6. |
| 6.3.3.1          | Omitted because the violation was originally included erroneously.                         |
| 7.3.2            | Relocated to Major Penalty Matrix.   |
| 10.3.2           | Added references 10.3.2 (1-4) to reduce size of document.                                  |
| 10.3.2(1)        | Omitted because violation is included in 10.3.2.   |
| 10.3.2(2)        | Omitted because violation is included in 10.3.2.   |
| 10.3.2(3)        | Omitted because violation is included in 10.3.2.   |
| 10.3.2(4)        | Omitted because violation is included in 10.3.2.   |

### **SELF CONTAINED BREATHING APPARATUS**

|            |   |
|------------|---|
| 435.3(2)   | Relocated to Major Penalty Matrix.  |
| 4.2.2      | Added references 4.2.2 (1-3) to reduce size of document.                                      |
| 4.2.2(1)   | Omitted because violation is included in 4.2.2.   |
| 4.2.2(2)   | Omitted because violation is included in 4.2.2.   |
| 4.2.2(3)   | Omitted because violation is included in 4.2.2.   |
| 4.2.3      | Omitted because the violation was originally included erroneously.                            |
| 4.3.5.1    | Omitted because the violation is included in 4.3.5.2.   |
| 4.3.5.2    | Added references 4.3.5.2 (1-8). Added subscript 8 because it was originally omitted in error. |
| 4.3.5.2(1) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(2) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(3) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(4) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(5) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(6) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(7) | Omitted because violation is included in 4.3.5.2.   |
| 4.3.5.2(8) | Was omitted in error in the original matrix.  |
| 5.1.1.1    | Added terminology to summary that includes requirements listed in 5.1.1.2.                    |
| 5.1.1.2    | Omitted repeated references and included each requirement in 5.1.1.1.                         |
| 7.3.6      | Clarified the summary to accurately match the requirement in the citation reference.          |

|       |  |
|-------|--|
| 7.5.4 | Clarified the summary to accurately match the requirement in the citation reference. |
|-------|--|

### **BREATHING AIR**

|              |   |
|--------------|---|
| NFPA<br>1989 | Added this section on breathing air to distinguish NFPA 1852 and NFPA 1989. |
| 5.7.3        | Moved this citation under the new Breathing Air section.                    |
| 7.1.3        | Moved this citation under the new Breathing Air section                     |

### **INCIDENT MANAGEMENT SYSTEM**

|               |  |
|---------------|--|
| 435.11(a)     | Moved to Major Penalty Matrix.   |
| 435.11(b)     | Omitted this line because it is included in the reference citations that follow, 435.11(b)(3) and 435.11(b)(5) of this matrix. |
| 4.4.3         | Omitted because it is already required in 435.11(a), 435.11(b)(1). See Major Matrix.   |
| 4.4.8         | New more comprehensive addition that includes previous 4.4.9.  |
| 4.4.9         | Omitted because the violation is included in 4.4.8.  |
| 4.5.12/4.5.13 | Consolidated into one violation because they both relate to and are dependent upon the same requirement.                       |
| 6.2.2/6.3.3   | Combined into one violation.   |
| 6.3.2.1/6.3.4 | New more comprehensive addition that includes previous 6.3.3 related to Mayday.  |
| 6.3.3         | Omitted because it is included with 6.2.2.   |

### **OPERATING AT EMERGENCY INCIDENTS**

|  |   |
|--|---|
|  | Moved this section up so that 435.15 is in numerical order. |
|--|---|

### **FIRE SERVICE JOINT LABOR MANAGEMENT WELLNESS-FITNESS INITIATIVE**

|        |  |
|--------|--|
| 435.21 | Moved this section from General so that it is in TAC numerical order in this matrix. |
|--------|--|



Texas Commission on Fire Protection  
Penalty Matrix for MAJOR Violations

# EXHIBIT 2 MINOR

| <b>ABBREVIATIONS:</b>  |  |                |
|--|--|----------------|
| CFR = Code of Federal Regulations  |  |                |
| NFPA = National Fire Protection Association  |  |                |
| NFPA 1851 = Standard on Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting |  |                |
| NFPA 1852 = Standard on Selection, Care and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)                        |  |                |
| NFPA 1982 = Standard on Personal Alert Safety Systems (PASS)   |  |                |
| NFPA 1989 = Standard on Breathing Air Quality for Emergency Services Respiratory Protection  |  |                |
| NFPA 1561 = Standard on Emergency Services Incident Management System and Command Safety   |  |                |
| NFPA 1403 = Standard of Live Fire Training Evolutions  |  |                |
| OSHA = Occupational Safety and Health Administration   |  |                |
| TAC = Texas Administrative Code  |  |                |
| TGC = Texas Government Code  |  |                |
| <b>Rule Numbers</b>  | <b>VIOLATION</b>   | <b>PENALTY</b> |
|  | <b><u>GENERAL</u></b>  |                |
| TAC 449  | Failure to apply for Head of Department certification.   | \$250 to \$500 |
| TAC 421.9(c)   | Failure to provide a list of all personnel.  | \$250 to \$500 |
| TAC 421.9(c)   | Failure to provide accurate duty appointments for current job positions in FIDO.   | \$250 to \$500 |
| TAC 435.23   | Failure of organization utilizing FIDO to report Firefighter Injuries.   | \$250 to \$500 |
| *TAC 435.25  | Failure to complete "Courage to Be Safe" training within 1 year of appointment.  | \$250 to \$500 |
| *TAC 435.29  | Failure to complete Federal Highway Administration Traffic Incident Management Course by the close of business December 1, 2020.   | \$250 to \$500 |
| TGC 419.040<br>TAC 435.1<br>NFPA 1851  | <b><u>PROTECTIVE CLOTHING</u></b><br><i>NFPA Standard 1851, Current Edition</i>  |                |
| NFPA 4.2.3   | Failure to provide a letter of approval, from PPE manufacturer, for non-compliant aftermarket accessories.   | \$250 to \$500 |
|  | <b><u>Records</u></b>  |                |
| *NFPA 4.2.4.3<br>NFPA 11.1.1.4   | Failure to provide a record of verification certificate, from the Independent Service Provider that performs all advanced inspections, cleanings, and repairs.                   | \$250 to \$500 |
| *NFPA 4.2.4.6  | Failure to provide a record of the certificates for training, within the organization, for members of the organization that perform advanced inspections, cleanings and repairs. | \$250 to \$500 |
| NFPA 4.3.2   | Failure to compile and maintain applicable records of maintenance and use of rental PPE.   | \$250 to \$500 |
| *NFPA 4.3.3  | Failure to provide a record tracking system for each PPE ensemble element as required in NFPA 1851 4.3.3(1-11).  | \$250 to \$500 |
| NFPA 4.3.4   | Failure to provide a record of the CBRN records, if applicable.  | \$250 to \$500 |
| NFPA 4.4.2   | Failure to follow manufacturer's instructions for care, use and maintenance of PPE.  | \$250 to \$500 |
| NFPA 4.4.3   | Failure of the organization to provide a copy, to retain and make accessible a copy of the manufacturer instructions to all personnel.   | \$250 to \$500 |
|  | <b><u>Protecting the Public and Personnel from Contamination</u></b>   |                |

|                                       |   |                |
|---------------------------------------|---|----------------|
| NFPA 4.5.1                            | Failure to provide written standard operating procedures that minimize the public's and the fire department personnel's exposure to soiled or contaminated PPE. | \$250 to \$500 |
|                                       | <b>Reporting Personal Protective Equipment Health and Safety Concerns</b>   |                |
| NFPA 4.6                              | Failure to report in writing PPE health and safety concerns caused by known or suspected PPE failures, to the manufacture and the certification organization.   | \$250 to \$500 |
|                                       | <b>Selection</b>  |                |
| *TAC 435.1<br>NFPA 5.1.1              | Failure to perform and provide a written PPE Risk Assessment as required in NFPA 1851 5.2.2(1-7).   | \$250 to \$500 |
|                                       | <b>Inspection</b>   |                |
| NFPA 6.1.1                            | Failure to follow universal precautions, as appropriate, when handling element ensembles.   | \$250 to \$500 |
| NFPA 6.1.2                            | Failure to clean soiled or contaminated PPE before any inspection is initiated.   | \$250 to \$500 |
| NFPA 6.1.3                            | Failure to follow established guidelines to determine when PPE is soiled, if cleaning is required and level of cleaning required.                               | \$250 to \$500 |
| NFPA 6.1.4                            | Failure to follow guidelines established when PPE requires cleaning, decontamination or repair.   | \$250 to \$500 |
| NFPA 6.2.1                            | Failure of member of organization to conduct routine inspection of PPE, upon issue or after each use.   | \$250 to \$500 |
| NFPA 6.2.2                            | Failure to follow routine inspection criteria as applicable in NFPA 1851, 6.2.2.1 - 6.2.2.7 and 6.2.3.1 – 6.2.3.6 for each ensemble element.                    | \$250 to \$500 |
| NFPA 6.3.4                            | Failure to document results of Advance Inspection.  | \$250 to \$500 |
| NFPA 6.3.5                            | Failure to follow Advanced Inspection criteria in NFPA 1851 6.3.5.1 – 6.3.5.7, and 12.1 – 12.2.   | \$250 to \$500 |
| NFPA 6.4.3                            | Failure to provide complete liner inspections after 3 years in service, then annually.  | \$250 to \$500 |
| NFPA 6.4.3.1                          | Failure to provide complete liner inspections, every 2 years and annually, after moisture barrier replacement.  | \$250 to \$500 |
| NFPA 6.4.4                            | Failure to document results of liner inspections.   | \$250 to \$500 |
|                                       | <b>Cleaning and Decontamination</b>   |                |
| NFPA 7.1.6                            | Failure to provide written procedures for decontamination and/or cleaning of PPE contaminated with body fluids.   | \$250 to \$500 |
| NFPA 7.2                              | Failure to provide written Routine Cleaning instructions for each listed ensemble element.  | \$250 to \$500 |
| NFPA 7.3                              | Failure to provide written Advanced Cleaning and decontamination instructions for each listed ensemble element.   | \$250 to \$500 |
| NFPA 7.3.5                            | Failure to provide Advanced Cleaning, in accordance with manufacturer instructions.   | \$250 to \$500 |
| NFPA 7.3.15                           | Failure to provide optional CBRN cleaning requirements.   | \$250 to \$500 |
|                                       | <b>Retirement, Disposition, and Special Incident Procedures</b>   |                |
| NFPA 10.1.1                           | Failure to develop specific criteria for removal/retirement of PPE from service.  | \$250 to \$500 |
| *NFPA 10.3.2                          | Failure to provide special incident procedures as required in NFPA 1851, 10.3.2(1-4).   | \$250 to \$500 |
| NFPA 10.3.3                           | Failure of the organization to determine a specific period of time for retaining custody of PPE.  | \$250 to \$500 |
| TGC 419.041<br>TAC 435.3<br>NFPA 1852 | <b><u>SELF CONTAINED BREATHING APPARATUS</u></b><br><i>NFPA Standard 1852, Current Edition</i>  |                |
|                                       | <b>Adverse Conditions</b>   |                |
| NFPA 4.2.1                            | Failure to provide an SOP for SCBA failure, near-failure or degradation, from   | \$250 to \$500 |

|  |  |                |
|--|--|----------------|
|  | normal use.  |                |
| *NFPA 4.2.2                            | Failure to include at minimum requirements in 4.2.2 (1-3), when adverse conditions involve SCBA.   | \$250 to \$500 |
| NFPA 4.2.3.1                           | Failure to provide manufacture with data log, video, photo of condition failure.   | \$250 to \$500 |
| NFPA 4.2.3.2                           | Failure to provide written procedure for notifying manufacture in SOP.   | \$250 to \$500 |
| NFPA 4.2.4                             | Failure to provide a copy of notification to SCBA testing approval organizations.  | \$250 to \$500 |
|  | <b>Selection, Care and Maintenance</b>   |                |
| NFPA 4.3.1                             | Failure to provide written guidelines that includes roles, responsibilities of the organization. and organizations members.  | \$250 to \$500 |
| NFPA 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 |
| NFPA 4.3.2.2                           | Failure to provide guidelines for proper disposal of contaminated SCBA.  | \$250 to \$500 |
| NFPA 4.3.2.3                           | Failure to place SCBA out of service that is known to be contaminated.   | \$250 to \$500 |
| *NFPA 4.3.5.2                          | Failure to provide written SCBA testing procedures if performed by the organization, as required in NFPA 1852, 4.3.5.2(1-8).   | \$250 to \$500 |
| NFPA 4.3.5.3                           | Failure to provide procedure that indicates frequency of technician's inspection and testing.  | \$250 to \$500 |
| NFPA 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>   |                |
| NFPA 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>   |                |
| NFPA 4.8.1                             | Failure to establish and maintain a written quality assurance plan.  | \$250 to \$500 |
|  | <b>Technical Authorization</b>   |                |
| NFPA 4.9.2                             | Failure to provide a written procedure for selection and qualification of personnel for SCBA Technician training and authorization.  | \$250 to \$500 |
| NFPA 4.9.3                             | Failure to provide training credentials of technicians by Manufacturer.  | \$250 to \$500 |
|  | <b>Selection</b>   |                |
| *NFPA 5.1.1.1                          | Failure to provide a written Risk Assessment addressing expected hazards for the types of duties performed, frequency of use, organizations experience, and geographic location and climate. | \$250 to \$500 |
|  | <b>Acceptance</b>  |                |
| NFPA 5.2.3                             | Provide a written procedure for returning unsatisfactory products, to the manufacturer.  | \$250 to \$500 |
|  | <b>Storage</b>   |                |
| NFPA 6.3.7.3                           | Failure to purge SCBA cylinders with stored air for greater than 12 months.  | \$250 to \$500 |
| *NFPA 7.3.6                            | Failure to provide current records of SCBA cylinder hydrostatic testing.   | \$250 to \$500 |
|  | <b>Testing</b>   |                |
| NFPA 7.5.1                             | Failure to provide SCBA Annual Full-Function Test Records.   | \$250 to \$500 |
| *NFPA 7.5.4                            | Failure to have testing equipment calibrated according to manufacturer instructions.   | \$250 to \$500 |
| NFPA 7.5.4.1                           | Failure to provide annual calibration of testing equipment.  | \$250 to \$500 |
| NFPA 7.5.4.2                           | Failure to exhibit current calibration label on machine.<br>Failure to exhibit date on calibration label.<br>Failure to exhibit date of next scheduled calibration.                          | \$250 to \$500 |
| NFPA 7.5.4.3                           | Failure to maintain calibration test records kept on site.   | \$250 to \$500 |
| *TGC 419.041<br>TAC 435.3<br>NFPA 1989 | <b>BREATHING AIR</b><br><i>NFPA Standard 1989, Current Edition</i>   |                |



|  |  |                |
|--|--|----------------|
| *NFPA 5.7.3                            | Failure to post signage, for current air quality test reports, within six feet of machine.   | \$250 to \$500 |
| *NFPA 7.1.3                            | Failure to post signage that indicates the location of fresh air intake.   | \$250 to \$500 |
| TGC 419.042<br>TAC 435.9<br>NFPA 1982  | <b><u>PERSONAL ALERT SAFETY SYSTEM</u></b><br><i>NFPA Standard 1982, Current Edition</i>   |                |
| TAC 435.9(2)                           | Failure to select a PASS device that complies with NFPA 1982.  | \$250 to \$500 |
| TAC 435.9(4)                           | Failure to properly maintain PASS device.  | \$250 to \$500 |
| TGC 419.044<br>TAC 435.11<br>NFPA 1561 | <b><u>INCIDENT MANAGEMENT SYSTEM</u></b><br><i>NFPA Standard 1561, Current Edition</i>   |                |
| TAC<br>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 |
| TAC<br>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 |
| TAC<br>435.11(c)                       | Failure to provide written requirements that meet applicable sections of NFPA 1561.  | \$250 to \$500 |
| NFPA 4.4.4                             | Failure to provide written requirements including implementation and describes options according to needs.   | \$250 to \$500 |
| NFPA 4.4.5                             | Failure to provide written requirements for addressing requirements for anticipated incidents.   | \$250 to \$500 |
| NFPA 4.4.6                             | Failure to provide written requirements that addresses both routine and unusual incidents, standard procedures, supervisory assignments.   | \$250 to \$500 |
| *NFPA 4.4.8                            | 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 |
| NFPA 4.4.10                            | Failure of the incident commander to apply IMS in a manner appropriate for the circumstances of each specific situation.   | \$250 to \$500 |
| NFPA 4.5.12<br>NFPA 4.5.13             | Failure to provide written requirements for emergency evacuation and method used to immediately notify all responders.   | \$250 to \$500 |
| NFPA 4.6                               | Failure to provide written requirements for procedures for incident scene rehabilitation.  | \$250 to \$500 |
| NFPA 5.1.11                            | Failure to provide written requirements for the scope of authority for each supervisor outlined in the procedure.  | \$250 to \$500 |
| NFPA 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 |
| NFPA 5.3.5                             | Failure to provide written requirements that provide for transfer of command.  | \$250 to \$500 |
| NFPA 5.3.6                             | Failure to provide written requirements that outline the transfer of command.  | \$250 to \$500 |
| NFPA 5.9.2                             | Failure to provide written requirements defining roles & responsibilities of responders assigned to command staff functions.   | \$250 to \$500 |
| NFPA 5.9.6.2                           | Failure to provide written requirements defining criteria for appointment of safety officer.   | \$250 to \$500 |
| NFPA 6.2.1                             | Failure to provide written requirements for radio communications.  | \$250 to \$500 |
| *NFPA 6.2.2                            | Failure to provide written requirements for clear text and plain language to be used.  | \$250 to \$500 |
| *NFPA<br>6.3.2.1<br>NFPA 6.3.4         | Failure to provide written requirements for emergency traffic and Mayday distress calls.   | \$250 to \$500 |

|  |   |                |
|--|---|----------------|
| NFPA 6.4.1   | Failure to provide written requirements for telecommunicator support.   | \$250 to \$500 |
| NFPA 7.3.2   | Failure to provide written requirements for call in roster.   | \$250 to \$500 |
| TGC 419.045<br>TAC 435.13<br>NFPA 1561                     | <b><u>PERSONNEL ACCOUNTABILITY SYSTEM</u></b><br><i>NFPA Standard 1561, Current Edition</i>   |                |
| TAC 435.13(d)  | Failure to provide written requirements that meet applicable sections of NFPA 1561.   | \$250 to \$500 |
| NFPA 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 |
| TAC 435.13(b)(3)<br>NFPA 4.5.9                             | Failure to provide written requirements that all fire protection personnel at emergency incidents actively participate.                       | \$250 to \$500 |
| NFPA 4.5.12<br>NFPA 4.5.13                                 | Failure to provide written requirements for emergency evacuation and method used to immediately notify all responders.                        | \$250 to \$500 |
| NFPA 4.5.14  | Failure to provide written requirements for rapid accounting.   | \$250 to \$500 |
| TAC 435.13(b)(4)<br>NFPA 5.3.10                            | Failure to provide written requirements that Incident Commander is responsible for accountability.  | \$250 to \$500 |
| *TGC 419.046<br>TAC 435.15                                 | <b><u>OPERATING AT EMERGENCY INCIDENTS</u></b>  |                |
| TAC 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 |
| TAC 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 |
| TAC 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 |
| TGC 419.046<br>TAC 435.17<br>OSHA 29<br>CFR 1910.134(g) 4) | <b><u>INTERIOR STRUCTURAL FIREFIGHTING (2-In/2-Out Rule)</u></b><br><i>OSHA 29 CFR 1910.134(g)(4)</i>   |                |
| TAC 435.17(a)  | Failure to provide written requirements and procedure complying with OSHA 29 CFR 1910.134(g)(4).  | \$250 to \$500 |
| TAC 435.17(1)  | Failure to provide written requirements that at least four personnel on scene before interior operations begin.                               | \$250 to \$500 |
| TAC 435.17(8)(b)   | Failure to provide written requirements for the exceptions for imminent life threats.   | \$250 to \$500 |
| *TAC 435.21  | <b><u>FIRE SERVICE JOINT LABOR MANAGEMENT WELLNESS-FITNESS INITIATIVE</u></b>   |                |
| TAC 435.21   | Failure to provide compliant SOP for Wellness/Fitness.  | \$250 to \$500 |
| TAC 435.27<br>NFPA 1403                                    | <b><u>LIVE FIRE TRAINING</u></b><br><i>NFPA Standard 1403, Current Edition</i>  |                |
| TAC 435.27   | Failure to provide written requirements that establishes NFPA 1403 used as a guide.   | \$250 to \$500 |
|  | <b><u>TRAINING FACILITY</u></b>   |                |
| TAC 427.307  | Failure of the Chief Training Officer to hold Instructor III certification.   | \$250 to \$500 |
| TAC 427.9  | Failure to provide written documentation that required equipment for each discipline certified to teach is owned by organization.             | \$250 to \$500 |

|                              |   |                |
|------------------------------|---|----------------|
| TAC 427.1(f)                 | Failure to provide written documentation for equipment that is not owned and provide letter of commitment from the department(s) who own the equipment. | \$250 to \$500 |
| TAC 427.13<br>TAC 427.203(b) | Failure to provide written documentation of records from certification courses delivered in the past 3 years.   | \$250 to \$500 |
| TAC 427.11                   | Failure to provide written reference material required for each discipline in which the organization holds certification.                               | \$250 to \$500 |
| TAC 427.203(a)(3)            | Failure to provide written documents to substantiate test scores to include performance testing.  | \$250 to \$500 |
| TAC 427.203(c)               | Failure to provide written master copies of examinations that are maintained for a minimum of three years.  | \$250 to \$500 |
| TAC 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 |

## Errata for MAJOR Penalty Matrix

The following modifications were made to improve the utilization of the Major Penalty Matrix, after the initial approval of the Commissioners at their last meeting on July 18, 2019.

### **EXHIBIT 2 Suggested Changes:**

At the top of page 1, a list of "Abbreviations", in the form of acronyms, was created to assist in the identification of publications adopted by the Commission.

Under the "Rule Numbers" column, an acronym was inserted to the left of a reference number. The acronym identifies the publication where the reference number exists.

Under the "Violation" column, the NFPA Standard's reference numbers, that apply to that subject, have been added to the boxes of PROTECTIVE CLOTHING, SELF CONTAINED BREATHING APPARATUS, BREATHING AIR, PERSONAL ALERT SAFETY SYSTEM, INCIDENT MANAGEMENT SYSTEM, PERSONNEL ACCOUNTABILITY SYSTEM, INTERIOR STRUCTURAL FIRE FIGHTING (2-In/2-Out Rule), LIVE FIRE TRAINING and CONTINUING EDUCATION RECORDS.

An asterisk (\*) placed in the Rule Numbers column, to the left of the publication's acronym, serves as a marker for changes, omissions and/or clarifications to the numbers and/or text contained on that line of the Penalty Matrix for Major Violations.

The table below indicates actions taken for each line item in the matrix, that is assigned an asterisk. The table is broken down according to section.

### **PROTECTIVE CLOTHING**

|               |  |
|---------------|--|
| 419.040       | Added reference to the Texas Government Code.  |
| 435.1         | Added NFPA 5.1.4 and 5.1.8, to include compliance with NFPA 1971.                    |
| 8.1.4         | New important violation added to Major Penalty Matrix.                               |
| 9.1.3         | Added clarification to violation and made verbiage consistent with other violations. |
| 10.2.1        | Added clarification to violation   |
| 10.1.8/10.2.2 | Omitted  |

### **SELF CONTAINED BREATHING APPARATUS**

|          |  |
|----------|--|
| 435.3(1) | Added violation to Major Penalty Matrix. |
| 435.3(2) | Moved up into numerical order.           |
| 7.1.1.2  | Added clarification to violation.        |
| 7.1.1.3  | Added clarification to violation.        |

### **BREATHING AIR**

|             |   |
|-------------|---|
| 419.041     | Added reference to the Texas Government Code.   |
| 4.1.1       | Omitted because the standard reference was erroneously matched to incorrect violation summary.                |
| 5.2.3/5.4.5 | Removed 5.4.5 from this line.   |
| 5.4.5       | Added violation to include it under Special Testing and Procedures for Contaminated Compressed Breathing Air. |

### **PERSONAL ALERT SAFETY SYSTEM**

|         |   |
|---------|---|
| 419.042 | Added reference to the Texas Government Code. |
|---------|---|

### **INCIDENT MANAGEMENT SYSTEM**

|                      |   |
|----------------------|---|
| 419.044              | Added reference to the Texas Government Code.   |
| 419.044<br>435.11(a) | Added violation to Major Penalty Matrix. Moved 435.11(a) from Minor Matrix to Major Matrix. |
| 4.4.1                | Added clarification to violation.   |
| 4.4.7                | Added reference to TAC 435.11(b)(2) requirement.  |
| 4.4.8                | Added reference to TAC 435.11(b)(4) requirement.  |

### **PERSONNEL ACCOUNTABILITY SYSTEM**

|         |   |
|---------|---|
|         | Capitalized the violation heading.            |
| 419.045 | Added reference to the Texas Government Code. |

### **INTERIOR STRUCTURAL FIRE FIGHTING (2-IN/2-OUT RULE)**

|                |   |
|----------------|---|
|                | Capitalized the violation heading.            |
| 419.046        | Added reference to the Texas Government Code. |
| OSHA 29<br>CFR | Added OSHA 29 CFR reference                   |



Texas Commission on Fire Protection  
 Penalty Matrix for MAJOR Violations

**EXHIBIT 2 MAJOR**

| <b>ABBREVIATIONS:</b>   |   |                  |
|---|---|------------------|
| CFR = Code of Federal Regulations<br>NFPA = National Fire Protection Association<br>NFPA 1851 = Standard on Selection, Care and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting<br>NFPA 1852 = Standard on Selection, Care and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA)<br>NFPA 1982 = Standard on Personal Alert Safety Systems (PASS)<br>NFPA 1989 = Standard on Breathing Air Quality for Emergency Services Respiratory Protection<br>NFPA 1561 = Standard on Emergency Services Incident Management System and Command Safety<br>NFPA 1403 = Standard of Live Fire Training Evolutions<br>OSHA = Occupational Safety Health Administration<br>TAC = Texas Administrative Code<br>TGC = Texas Government Code |   |                  |
| <b>RULE NUMBERS</b>   | <b>VIOLATION</b>  | <b>PENALTY</b>   |
|   | <b><u>GENERAL</u></b>   |                  |
| TGC 419.032   | Failure to appoint TCFP certified fire protection personnel to perform fire protection duties.  | \$500 TO \$1,000 |
| TAC 435.25  | Failure to provide Courage to Be Safe training.   | \$500 TO \$1,000 |
| *TGC 419.040<br>TAC 435.1<br>NFPA 1851  | <b><u>PROTECTIVE CLOTHING</u></b><br><i>NFPA Standard 1851, Current Edition</i>   |                  |
| *TAC 435.1<br>*NFPA 5.1.4<br>*NFPA 5.1.8  | Failure to provide fire protection personnel with PPE that is compliant with the current NFPA Standard in effect at the time the entity contracts for new, rebuilt, or used protective clothing, including PPE rented or leased.  | \$500 to \$1,000 |
| TAC 435.1   | Failure of fire protection personnel to utilize approved PPE in the course of performing fire-fighting operations.  | \$500 TO \$1,000 |
| NFPA 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><u>Records</u></b>   |                  |
| NFPA 4.5.2  | Wearing or storing of contaminated PPE in living or public areas.   | \$500 TO \$1,000 |
| NFPA 4.5.3  | Exposure of the public to contaminated PPE.   | \$500 TO \$1,000 |
| NFPA 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 |
| NFPA 6.3.3  | Failure to provide Advance Inspections every 12 months or when routine inspections indicate that a problem could exist.   | \$500 TO \$1,000 |
|   | <b><u>Cleaning and Decontamination</u></b>  |                  |
| NFPA 7.1.1  | Failure to provide means for PPE to be cleaned and or decontamination.  | \$500 TO \$1,000 |
| NFPA 7.1.2  | Failure of wearer to evaluate PPE for appropriate cleaning level after each use.  | \$500 TO \$1,000 |
| NFPA 7.1.4  | Failure to evaluate contaminated PPE at an incident scene to determine if isolation is required.  | \$500 TO \$1,000 |
| NFPA 7.3.2  | Failure to provide Advance Cleaning of soiled PPE prior to reuse.   | \$500 TO \$1,000 |
| NFPA 7.3.3  | Failure to provide Advanced Cleaning, as required, at least every 12 months, for issued PPE.  | \$500 TO \$1,000 |
| NFPA 7.3.6  | Failure to perform PPE Advanced Cleaning in machine, unless prohibited.   | \$500 TO \$1,000 |
| NFPA 7.3.7  | Failure to perform Advanced Cleaning, as required by NFPA 1851 in 7.3.7 (1-9)   | \$500 TO \$1,000 |
| NFPA 7.4  | Failure to dry PPE ensemble elements as required by NFPA 1851 in 7.3.8.   | \$500 TO \$1,000 |
|   | <b><u>Repair</u></b>  |                  |

|                                       |   |                  |
|---------------------------------------|---|------------------|
| NFPA 8.1.3                            | Failure to immediately retire PPE contaminated with CBRN agents.  | \$500 TO \$1,000 |
| *NFPA 8.1.4                           | Failure to perform repairs and alternations compliant to NFPA Standard 1971.  | \$500 TO \$1,000 |
| NFPA 8.2.1                            | Failure to perform repairs and alterations with same manner and like materials as the manufacturer.   | \$500 TO \$1,000 |
|                                       | <b>Storage</b>  |                  |
| NFPA 9.1.1                            | Failure to properly store PPE while not being worn.   | \$500 TO \$1,000 |
| NFPA 9.1.2                            | Failure to properly clean and dry PPE before storage.   | \$500 TO \$1,000 |
| *NFPA 9.1.3                           | Failure to properly store PPE.  | \$500 TO \$1,000 |
| NFPA 9.1.4                            | Failure to store PPE in an ambient temperature between 25°F and 180°F.  | \$500 TO \$1,000 |
| NFPA 9.1.5                            | Failure to prevent damage to PPE during storage for transportation.   | \$500 TO \$1,000 |
| NFPA 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 |
| NFPA 9.1.8                            | Failure to store Proximity PPE by hanging.  | \$500 TO \$1,000 |
| NFPA 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>   |                  |
| NFPA 10.1.2<br>NFPA 10.1.3            | Failure to retire structural and proximity PPE after ten years from date of manufacture.  | \$500 TO \$1,000 |
| NFPA 10.1.3.1                         | Failure to retire proximity radiant reflective outer shell after five years.  | \$500 TO \$1,000 |
| NFPA 10.1.4                           | Failure to retire damaged and/or non-repairable PPE.  | \$500 TO \$1,000 |
| *NFPA 10.2.1                          | Failure to destroy or dispose retired PPE in a manner that ensures it is not used in firefighting, emergency activities, or live fire training.               | \$500 TO \$1,000 |
| NFPA 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 |
| TGC 419.041<br>TAC 435.3<br>NFPA 1852 | <b><u>SELF CONTAINED BREATHING APPARATUS</u></b><br><i>NFPA Standard 1852, Current Edition</i>  |                  |
| *TAC 435.3(1)                         | Failure to provide SCBA for each on duty member performing fire suppression.  | \$500 TO \$1,000 |
| *TAC 435.3(2)                         | Failure of SCBA to comply with NFPA Standard 1981, at the time of contract for purchase, rent and lease.  | \$500 TO \$1,000 |
| TAC 435.3(5)                          | Failure to provide written procedures for when SCBA is to be used.  | \$500 TO \$1,000 |
|                                       | <b>General</b>  |                  |
| NFPA 4.1.1                            | Failure to provide written procedures for addressing respiratory protection.  | \$500 TO \$1,000 |
|                                       | <b>SCBA Selection, Care and Maintenance Program Components</b>  |                  |
| NFPA 4.3.2                            | Failure to minimize exposure to contaminated SCBA.  | \$500 TO \$1,000 |
| NFPA 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>  |                  |
| NFPA 4.4.1                            | Failure of SCBA that are currently in service to comply with the most current edition of NFPA 1852, Chapter 4.4, "SCBA Compliance – Upgrades and Retirement." | \$500 TO \$1,000 |
|                                       | <b>Records</b>  |                  |
| NFPA 4.5.8                            | Failure of the organization to create, maintain, and disseminate all documents as required in this chapter.   | \$500 TO \$1,000 |
|                                       | <b>Retirement and Disposal</b>  |                  |
| NFPA 4.7.3                            | Failure to retire defective or obsolete SCBA and/or render incapable of operation.  | \$500 TO \$1,000 |
| NFPA 5.2.1                            | Failure to conduct Function Tests on SCBA prior to placing the SCBA in service.   | \$500 TO \$1,000 |
|                                       | <b>Care</b>   |                  |
| NFPA 6.1<br>NFPA 6.2                  | Failure to follow written procedures for care, cleaning, disinfecting and decontamination of SCBA.  | \$500 TO \$1,000 |

|  |   |                  |
|--|---|------------------|
|  | <b>Storage</b>  |                  |
| NFPA 6.3.7                                 | Failure to store SCBA cylinders fully charged.  | \$500 TO \$1,000 |
|  | <b>Maintenance</b>  |                  |
| NFPA 7.1.1.1                               | Failure of assigned SCBA user to conduct inspection at beginning of duty period.  | \$500 TO \$1,000 |
| *NFPA 7.1.1.2                              | Failure to inspect unassigned but available SCBA, on a response vehicle, once each duty period.                                   | \$500 TO \$1,000 |
| *NFPA 7.1.1.3                              | Failure to inspect unassigned SCBA, that are available for use once per week.   | \$500 TO \$1,000 |
| NFPA 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>  |                  |
| NFPA 7.2.1.3                               | Failure to conduct function tests at least annually or according to manufactures instruction.                                     | \$500 TO \$1,000 |
| NFPA 7.2.1.5                               | Failure to conduct function tests, by purchasing organization, prior to placing in service.                                       | \$500 TO \$1,000 |
| NFPA 7.2.3.1                               | Failure to conduct service and/or repairs by individuals authorized by manufacturer.  | \$500 TO \$1,000 |
| NFPA 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>   |                  |
| NFPA 7.3.1                                 | Failure to conduct cylinder pre-fill inspection as required.  | \$500 TO \$1,000 |
|  | <b>Breathing Air Cylinder Requalification</b>   |                  |
| NFPA 7.4.1                                 | Failure to provide current DOT Permit Letter from hydrotest service vendor.   | \$500 TO \$1,000 |
| * TGC 419.041<br>TAC 435.3(3)<br>NFPA 1989 | <b><u>BREATHING AIR</u></b><br><i>NFPA Standard 1989, Current Edition</i>   |                  |
|  | <b>Air Quality Requirements</b>   | \$500 TO \$1,000 |
| NFPA 5.1.1                                 | Failure to conduct quarterly (90 days) air sample tests no more $\pm 5$ days of each other.                                       | \$500 TO \$1,000 |
| NFPA 5.1.2                                 | Failure to take air samples if contamination is suspected.  | \$500 TO \$1,000 |
| NFPA 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>  |                  |
| NFPA 5.2.1                                 | Failure to provide passing air sample test results after alterations, maintenance, repairs or relocation of unit or system parts. | \$500 TO \$1,000 |
| NFPA 5.2.1                                 | Failure to place air compressor out of service when breathing air contamination could occur.                                      | \$500 TO \$1,000 |
| NFPA 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 |
| NFPA 5.2.1.1.1                             | Failure to place compressor out of service when pre-filter air tests did not occur.   | \$500 TO \$1,000 |
| *NFPA 5.2.3                                | 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>   |                  |
| NFPA 5.4.1                                 | Failure to place breathing air system out of service when air sample test fails.  | \$500 TO \$1,000 |
| NFPA 5.4.1.1                               | Failure to replace stored breathing air filled from failed unit.  | \$500 TO \$1,000 |
| NFPA 5.4.2                                 | Failure to obtain passing air sample before putting back in service.  | \$500 TO \$1,000 |
| *NFPA 5.4.5                                | Failure to maintain air quality test results and records for five years.  | \$500 TO \$1000  |
| NFPA 5.5.2.2                               | Failure to collect air sample for test at correct location.   | \$500 TO \$1,000 |
|  | <b>Compressed Breathing Air Systems</b>   |                  |
| NFPA 7.1.2                                 | Failure to locate air intake to minimize contamination.   | \$500 TO \$1,000 |
|  | <b>Maintenance</b>  |                  |
| NFPA 7.5.3                                 | Failure to empty and refill compressed air in steel cylinders annually.   | \$500 TO \$1,000 |
|  | <b>Records</b>  |                  |



|   |  |                  |
|---|--|------------------|
| NFPA 7.6.1  | Failure to provide test records with the name of testing lab.  | \$500 TO \$1,000 |
| NFPA 7.6.2  | Failure to provide records required for installation, maintenance, purification component changes, operation, trouble reports, corrective actions taken. | \$500 TO \$1,000 |
| NFPA 7.6.3  | Failure to provide air quality records on any air source.  | \$500 TO \$1,000 |
| NFPA 7.6.4  | Failure to provide records of refills for all SCBA cylinders and storage cylinders.  | \$500 TO \$1,000 |
| NFPA 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 |
| NFPA 7.6.4.2  | Failure to maintain SCBA cylinder fill records for five years.   | \$500 TO \$1,000 |
| *TGC 419.042<br>TAC 435.9<br>NFPA 1982                            | <b><u>PERSONAL ALERT SAFETY SYSTEM</u></b><br><i>NFPA Standard 1982, Current Edition</i>   |                  |
| TAC 435.9(3)  | Failure to document a duty period inspection.  | \$500 TO \$1,000 |
| TAC 435.9(4)  | Failure to provide procedure of when to be used.   | \$500 TO \$1,000 |
| *TGC 419.044<br>TAC 435.11<br>NFPA 1561                           | <b><u>INCIDENT MANAGEMENT SYSTEM</u></b><br><i>NFPA Standard 1561, Current Edition</i>   |                  |
| *TGC 419.044<br>*TAC<br>435.11(a)                                 | Failure to develop, maintain and use an IMS.   | \$500 TO \$1,000 |
| *NFPA 4.4.1   | Failure to adopt NIMS to manage all emergency incidents.   | \$500 TO \$1,000 |
| TAC<br>435.11(b)(1)<br>NFPA 4.4.3                                 | Failure to provide a written SOP.  | \$500 TO \$1,000 |
| TAC<br>435.11(b)(2)<br>*NFPA 4.4.7                                | Failure to require IMS be used at all emergency incidents.   | \$500 TO \$1,000 |
| TAC<br>435.11(b)(4)<br>*NFPA 4.4.8                                | Failure to require that all fire protection personnel be trained in the use of the IMS.  | \$500 TO \$1,000 |
| *TGC 419.045<br>TAC 435.13<br>NFPA 1561                           | <b><u>*PERSONNEL ACCOUNTABILITY SYSTEM</u></b><br><i>NFPA Standard 1561, Current Edition</i>   |                  |
| TAC 435.13<br>NFPA 4.5.1  | Failure to develop, maintain, and use an accountability system.  | \$500 TO \$1,000 |
| TAC 435.13(b)<br>(1-4)  | Failure to provide an accountability system as required.   | \$500 TO \$1,000 |
| *TGC 419.046<br>TAC 435.17<br>*OSHA 29 CFR<br>1910.134<br>(g)(4)  | <b><u>*INTERIOR STRUCTURAL FIRE FIGHTING (2-In/2-Out Rule)</u></b><br><i>OSHA 29 CFR 1910.134(g)(4)</i>  |                  |
| * TGC 419.046<br>TAC 435.17<br>*OSHA 29 CFR<br>1910.134<br>(g)(4) | Failure to follow interior structural firefighting procedures as required.   | \$500 TO \$1,000 |
| TAC 435.27<br>NFPA 1403   | <b><u>LIVE FIRE TRAINING</u></b><br><i>NFPA Standard 1403, Current Edition</i>   |                  |
| TAC<br>435.27(8)(A)   | Failure to provide a PASS device for all participating in live fire training as required.  | \$500 TO \$1,000 |

|   |   |                  |
|---|---|------------------|
| NFPA 4.9.6  |   |                  |
| TAC 435.27<br>(8)(B) NFPA<br>4.7.10   | Failure to provide a Personnel Accountability System as required.                               | \$500 TO \$1,000 |
| TAC<br>435.27(8)(C)   | Failure to utilize an Incident Management System as required.                                   | \$500 TO \$1,000 |
| TAC<br>435.27(8)(D)<br>NFPA 4.7.9<br>NFPA 4.9.1<br>NFPA 4.9.2<br>NFPA 4.9.7 | Failure to use personal protective clothing and self-contained breathing apparatus as required. | \$500 TO \$1,000 |
| TAC<br>435.27(8)(E)<br>NFPA 4.10.2  | Failure to establish an evacuation signal and procedure.  | \$500 TO \$1,000 |
| TAC<br>435.27(8)(F)   | Failure to provide pre-burn, burn and post-burn procedures.                                     | \$500 TO \$1,000 |
|   | <b><u>CONTINUING EDUCATION RECORDS</u></b>  |                  |
| TAC 441.5, 7,<br>9, 11, 13, 15,<br>17, 19, 21, 23                           | Failure to obtain CE for appointed positions as required.                                       | \$500 TO \$1,000 |
| NFPA 1561<br>4.8.1, 4.8.2   | Failure to provide IMS training and qualification for initial and/or annual refresher.          | \$500 TO \$1,000 |

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

**8. Adjourn meeting**