

TEXAS COMMISSION ON FIRE PROTECTION
October 26, 2017, 10:00 a.m.
1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

- 1. Call to order with presentation of colors, Pledge of Allegiance and Invocation.**
- 2. Roll call – 10:00 a.m. (including consideration of whether to excuse absences).**
- 3. Adoption of the commission meeting minutes of July 12, 2017 and July 13, 2017.**
- 4. The Budget and Strategic Plan subcommittees may meet separately or together on October 26, 2017 during the commission meeting and provide reports for discussion and possible action relating to any recommendations developed by the subcommittees, including but not limited to, modifications to the agency operating budget and strategic plan.**
- 5. Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, the Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen’s and Fire Marshals’ Association of Texas, the Texas Fire Marshal’s Association, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, and the State Fire Marshal’s Office.**
- 6. Discussion and possible action concerning reports by the commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**
- 7. Discussion and possible action regarding report from commission representative to the Homeland Security Council.**
- 8. New matters from the commission, staff, or public which may be discussed in future commission meetings.**
- 9. Discussion and possible action on future meeting dates.**
- 10. Discussion and possible action regarding the appointment of a committee to evaluate the commission’s current injury reporting program.**
- 11. Discussion and possible action regarding the Fire Fighter Advisory Committee including but not limited to statutory functions, conditions for membership, responsibilities, terms of service, and possible term limits.**
- 12. Matters referred from the Fire Fighter Advisory Committee (FFAC), including, but not limited to:**

Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:

- 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 423, Fire Suppression.**

- 2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 433, Driver/Operator.**
- 13. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 451, Fire Officer.**
- 14. Discussion and possible action regarding proposed amendments to new 37 TAC, Chapter 459, Minimum Standards for Fire and Life Safety Educator Certification.**
- 15. Discussion and possible action regarding 37 TAC, Chapter 437, Fees including but not limited to testing, certification and renewal fees charged by the commission.**
- 16. Discussion and possible action regarding the addition of classes or courses to the A List and B List for higher levels of certification.**
- 17. Discussion and possible action on request from Fire Chief Danny Kistner, McKinney Fire Department regarding firefighter medical physicals and residential fire inspector certification.**
- 18. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 429, Minimum Standards for Fire Inspector Certification.**
- 19. Discussion and possible action on matters from the Executive Director.**
 - A. Decisions of the Executive Director in contested cases and consent orders.**
 - B. Status of division functions.**
- 20. Invocations before Commission meetings and considering and possibly adopting an invocation policy. The commission may go into executive session pursuant to Texas Government Code Section 551.071(2), for consultation with attorney in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.**
- 21. Open session for further discussion and possible action regarding preceding agenda item.**
- 22. Executive session pursuant to Texas Government Code, Section 551.074(1), for the discussion of personnel matters regarding the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an Interim basis in this position.**
- 23. Open session for further discussion and possible action regarding preceding agenda item.**
- 24. Adjourn meeting.**

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

- 1. Call to order with presentation of colors, Pledge of Allegiance and Invocation.**

2. Roll call - 10:00 a.m. (including consideration of whether to excuse absences).

3. Adoption of the commission meeting minutes of July 12, 2017 and July 13, 2017.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Robert Moore, at 2:00 p.m. called the July 12, 2017 joint Commission Workshop and Fire Fighter Advisory Committee meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Commissioners	Tommy Anderson	Elroy Carson	Carlos Cortez	Kelly Doster*	Pat Ekiss
Attending	John Gillette**	Joseph Gonzalez**	Mike Jones*	John McMakin	Robert Moore
	Leonardo Perez	Steve Tull*	Tivy Whitlock*		
Fire Fighter	Jim Reidy	Michael Wisko	Amado Cano, Jr.	Ken Swindle*	Keith Schmidt
Advisory	Jason Collier	Daniel DeYear**	J. P. Steelman*	Daniel Buford	
Attending					

*absent entire meeting
**absent part of meeting

Staff Present Tim Rutland Deborah Cowan Mark Roughton

1. **Roll call.** Robert Moore, Presiding Officer called roll and a quorum was present.
2. **Discussion and possible action on legislation of the 85th Regular, Legislative Session.**
Discussion only. No action taken.
3. **Discussion only regarding test fee amounts.**
Discussion only. No action necessary.
4. **Discussion and possible action on the 2016 data collected on fire fighter injuries and development of recommendations to be submitted to the State Fire Marshal's Office for inclusion in its annual report.**
Discussion only. No action taken.
5. **Discussion and possible action regarding required versus recommended hours for commission approved courses.**
Provided staff direction to no longer require a minimum of 2/3 of the recommended hours be completed.
6. **Adjourn meeting.**
The meeting was adjourned at 4:50 p.m.

Robert Moore, Presiding Officer

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Robert Moore, at 9:00 a.m. called the July 13, 2017 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

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

**absent part of meeting

Staff	Tim Rutland Sylvia Miller	Deborah Cowan Andrew Lutostanski, Assistant Attorney General	Paul Maldonado	Joyce Guinn	Mark Roughton
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Guests	Cary Roccaforte Larry Wright Ricky Van Jason Jackson Scott Kerwood Darrell Himly Randie Frisinger	Chris Angerer Gilbert Sanchez Randy McGregor Richard Castillo Eddy Wood Randall Rees Henry Perry	Richard Walker Shane Renberg Christopher Motley Steven Rogers Brian Canady Laurie Christensen Rolando Rodriguez	Juan A. Gloria Joe Ondrasek Leonard Chan Betty Wilkes Jason Collier Danny Kistner Daniel DeYear	Thomas McMonigle Ricky Mantey Jacob Baker Ryan Holzaepfel Daryl Maretka Mike Wisko
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| 1. Roll call | Commission Secretary, John Gillette called roll and a quorum was present. |
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| 2. Adoption of Minutes | A motion to approve the minutes of April 27, 2017 meeting was made by Leonardo Perez and seconded Pat Ekiss. The motion carried. |
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| 3. Budget and Strategic Plan Subcommittee Meeting/Reports | No action necessary. |
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| 4. Reports from Interest Groups | A brief report was given by the Texas Fire Chief's Association, Texas State Association of Fire Fighters, Texas Fire Marshals Association, State Firemen and Fire Marshal's Association, and the Center for Public Safety Excellence. |
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| 5. Report from Fire School Advisory Board & TEEEX | Commission Representative Juan Gloria gave a brief update on activities of the committee since the last meeting. |
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| 6. Report from Homeland Security | Commission Representative, Joseph Gonzalez informed the commission that the council met on July 7, 2017 at DPS headquarters office. Reports were given regarding hurricane preparedness training exercises, cybersecurity, and IT infrastructure. |
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| 7. New matters | Nothing noted for next commission meeting. |
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| 8. Future meeting dates | The commission had previously set the next meeting for October 26, 2017 |
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| 9. Request from Danny McLerran | Request from Mr. McLerran was withdrawn. No action necessary. |
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| 10. 37 TAC Chapter 437 | After discussion, no action taken. |
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| 11. 37 TAC Chapter 429 | A motion was made by Michael Jones and seconded by Elroy Carson to leave the current rule in place as written for Inspector I, Inspector II and Plans Examiner certifications. The motion carried (9 for, 1 against, 3 absent). The proposed new rule will be withdrawn from the Texas Register. |
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| 12. Matters from Fire Fighter Advisory Committee | <p>A. 1. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 425, §§425.3, 425.5, 425.7, and 425.9 as discussed was made by Joseph Gonzalez and seconded by Leonardo Perez. The motion carried.</p> <p>2. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 431, §431.3, §431.11, §§431.201, 431.203, and 431.207 as discussed was made by Tommy Anderson and seconded by Michael Jones. The motion carried.</p> <p>3. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 443, §§443.1, 443.3, 443.5, 443.7 and 443.9 as discussed was made by Pat Ekiss and seconded by Leonardo Perez. The motion carried.</p> <p>4. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 453, §453.3, 453.5, 453.7, 453.203, and 453.205 as discussed was made by Tommy Anderson and seconded by Michael Jones. The motion carried.</p> <p>5. A motion to approve for final adoption the proposed amendments to 37 TAC, Chapter 455, §455.3 as discussed was made by Elroy Carson and seconded by Leonardo Perez. The motion carried. (9 for, 1 against, 3 absent)</p> <p>B. 1. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 423, §§423.1, 423.3, 423.5, 423.7, 423.9, 423.11, 423.13, 423.201, 423.203, 423.205, 423.207, 423.209, 423.211, 423.301, 423.303, 423.305, 423.307 and 423.309 as discussed was made by Tommy Anderson and seconded by John Gillette. The motion carried.</p> <p>2. A motion to approve for publication the proposed amendments to 37 TAC, Chapter 433, §§433.3, 433.201, and 433.203 as discussed was made by Elroy Carson and seconded by Leonardo Perez. The motion carried.</p> |

- C. A motion to approve the recommended amendment to the reference list for the Incident Safety Officer Curriculum was made by John Gillette and seconded by Joseph Gonzalez. The motion carried.

A motion to approve the recommendation of the appointment of Sam Baucom to the Curriculum and Testing Committee was made by Elroy Carson and seconded by Tommy Anderson. The motion carried.

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| 13. Injury report recommendation | A motion was made by Pat Ekiss and seconded by John McMakin to send the report of recommendations to the State Fire Marshal's Office for inclusion in its annual report. The motion carried. |
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| 14. Matters from Executive Director | <p>a. Tim Rutland, Executive Director reported no informal conferences had occurred since the last commission meeting.</p> <p>b. Mr. Rutland provided commissioners information on agency functions since last commission meeting.</p> |
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| 15. Executive Session | Presiding Officer, Robert Moore did not call for the Executive Session. |
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| 16. Open Session | No action necessary. |
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| 17. Adjournment | A motion to adjourn was made by John McMakin and seconded by Elroy Carson. The Motion carried. |
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Robert Moore, Presiding Officer

- 4. The Budget and Strategic Plan subcommittees may meet separately or together on October 26, 2017 during the commission meeting and provide reports for discussion and possible action relating to any recommendations developed by the subcommittees, including but not limited to, modifications to the agency operating budget and strategic plan.**

Key	Strategy	FY17 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY17 YTD Sum	FY17 Target	% Target ytd/tar	Measures/Explanation
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Output A quantifiable indicator of the number of goods or services an agency produces

Yes	Standards Enforcement	253	244	279	257	1033	1,120	92%	Number of inspections of regulated entities.
						Cumulative	Includes bi-annual inspections, audits, and investigations.		
Yes	Standards Enforcement	2,145	2,499	3,035	2,152	9,831	9,500	103%	Number of examinations administered.
						Cumulative			
	Indirect Administration		\$3,244			\$3,244	\$13,000	25%	Dollar value of professional & other services from HUBs. From semi-annual Comptroller report
						Cumulative			

Explanatory (Annual) An indicator of factors, agency resources, or requests received that affect a state entity's performance.

Yes	Standards Enforcement	87.32%	86.42%	77.83%	79.06%	82.66%	90%	92%	Pass Rate (Percent)
						Non-Cumulative			
Yes	Standards Enforcement	31,216	32,004	32,541	32,750	32,128	31,600	102%	Number of individuals certified by the Commission.
						Non-Cumulative			
Yes	Standards Enforcement	268	257	268	270	266	260	102%	Number of training providers certified by the Commission.
						Non-Cumulative			

Cumulative Measure: A measure for which one quarter's performance can be added to a previous quarter's performance to obtain year-to-date performance.

Non-Cumulative Measure: A measure which is calculated from the entire reporting period (year), not on the basis of adding together the performance from separate quarters.

Efficiency A quantifiable indicator of productivity expressed in unit costs, units of time, or other ratio-based units

Yes	Standards Enforcement	\$358	\$346	\$320	\$403	\$357	\$425	84%	Average cost per inspection of regulated facilities.
						Non-Cumulative	Costs = Inspector salaries + 25% of manager salary, other personnel costs, applicable travel expenses Total inspections per quarter = Inspections + audits + investigations		

Key	Strategy	FY17 1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	FY17 YTD Sum	FY17 Target	% Target ytd/tar	Measures/Explanation
Outcome		(Annual)		<i>A quantifiable indicator of the public and customer benefits from an agency's actions</i>					
	Indirect Administration		57.32%			57.3%	10%	573%	Percent of total dollar value of commodity purchasing from HUBs. Taken from semi-annual Comptroller report
Non-Cumulative									

Note: Explanations are provided for measures that are 5% or more off target.

5. **Reports from fire service interest groups and agencies on matters relating to organizational purposes, functions, and objectives, including, but not limited to, Texas Fire Chiefs Association, the Texas State Association of Fire Fighters, the State Firemen's and Fire Marshals' Association of Texas, the Texas Fire Marshal's Association, the Texas Association of Fire Educators, the Texas A&M Forest Service, the National Fire Protection Association, Texas State Association of Fire and Emergency Districts, the Center for Public Safety Excellence, and the State Fire Marshal's Office.**

- 6. Discussion and possible action concerning reports by the commission representative to the Texas Fire School Advisory Board and by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

7. Discussion and possible action regarding report from commission representative to the Homeland Security Council.

8. New matters from the commission, staff, or public which may be discussed in future commission meetings.

9. Discussion and possible action on future meeting dates.

10. Discussion and possible action regarding the appointment of a committee to evaluate the commission's current injury reporting program.

TCFP Injury Program Study Project

The following persons are presented for consideration as members on the TCFP Injury Program Study Committee. The committee will be charged with reviewing the Commission's injury reporting program and recommending changes as appropriate.

- Tommy Anderson (Chair)
- Danny Kistner, Chief, McKinney FD
- Bobby Abbott, Chief, Travis Co. ESD 6
- Daniel Buford, Bryan FD
- Leo Mendoza, McAllen FD

- 11. Discussion and possible action regarding the Fire Fighter Advisory Committee including but not limited to statutory functions, conditions for membership, responsibilities, terms of service, and possible term limits.**

§ 419.023. Fire Fighter Advisory Committee

- (a) The commission shall establish a fire fighter advisory committee to assist the commission in matters relating to fire protection personnel, volunteer fire fighters, fire departments, and volunteer fire departments. The committee shall be composed of nine members appointed by the commission.
- (b) Six members of the committee must be fire protection personnel or retired fire protection personnel who collectively represent various areas in the field of fire protection. Three members of the committee must be certified instructors of fire protection personnel. At least one member of the committee must be a volunteer fire fighter or volunteer fire chief.
- (c) A committee member serves at the will of the commission.
- (d) The committee shall elect a member of the committee as the presiding officer of the committee. The committee shall meet at least twice each calendar year at the call of the presiding officer or at the call of the commission.
- (e) The committee periodically shall review commission rules relating to fire protection personnel, fire departments, and other fire fighters and fire fighting organizations that are subject to regulation under this subchapter and recommend changes in the rules to the commission.
- (f) Appointments to the committee shall be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

§ 419.0082. Rulemaking

- (a) In adopting or amending a rule under Section 419.008(a) or any other law, the commission shall seek the input of the fire fighter advisory committee. The commission shall permit the advisory committee to review and comment on any proposed rule, including a proposed amendment to a rule, before the rule is adopted. The recommendations of the advisory committee are subject to modification or rejection by the commission, in the commission's sole discretion, without the resubmission of the matter to the advisory committee.
- (b) The commission may not adopt a rule, including an amendment to a rule, before the commission meeting held after the commission meeting at which the rule is first proposed.
- (c) This section does not apply to an emergency rule adopted under Section 2001.034.
- (d) Notwithstanding other provisions of this section, the commission may, without review by an advisory committee, make nonsubstantive clerical changes to a rule.

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.1 Procedures for Meetings.

- (a) Time and place. The Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall meet at such time and place in the State of Texas as they deem proper. The Fire Fighter Advisory Committee shall meet at least twice each calendar year.
- (b) Meeting called. Meetings shall be called by the chairman, by the Commission, or upon the written request of five members.
- (c) Quorum. A majority of members shall constitute a quorum.
- (d) Members. The Fire Fighter Advisory Committee shall consist of nine members appointed by the Commission. The Curriculum and Testing Committee shall consist of members appointed by the Commission upon the recommendation of the Fire Fighter Advisory Committee. Committee members serve at the will of the Commission.
- (e) Officers. Officers of the Fire Fighter Advisory Committee and the Curriculum and Testing Committee shall consist of a chairman, vice-chairman, and secretary. Each committee shall elect its officers from the appointed members at its first meeting and thereafter at its first meeting following January 1 of each year or upon the vacancy of an office.
- (f) Responsibility. The Fire Fighter Advisory Committee shall review Commission rules relating to fire protection personnel and fire departments and recommend changes in the rules to the Commission.
- (g) Effective Date. Rules shall become effective no sooner than 20 days after filing with the Texas Register for final adoption. The committee or Commission may recommend a later effective date.
- (h) Removal. It is a ground for removal from an advisory committee appointed by the Commission if a member is absent from more than half of the regularly scheduled committee meetings that the member is eligible to attend during a calendar year unless the absence is excused by a majority vote of the committee.

CHAPTER 443

CERTIFICATION CURRICULUM MANUAL

§443.1 Approval by the Fire Fighter Advisory Committee.

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

§443.3 Approval by the Texas Commission on Fire Protection.

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

§443.5 Effective Date of New or Revised Curricula and Training Programs Required by Law or Rule.

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

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

- (a) New curricula and training programs will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the commission.
- (b) Changes to curricula and training programs will become effective on the date recommended by the Fire Fighter Advisory Committee and specified by the commission.

- (c) Changes to curricula and training programs that involve a safety consideration as determined by the Fire Fighter Advisory Committee shall become effective immediately following final approval by the commission.

§443.9 National Fire Protection Association Standard.

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

- 12. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
 - A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:**
 - 1. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 423, Fire Suppression.**



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 10/26/2017

Agenda Item #: 12A - #1

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

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

2. DESCRIPTION/ JUSTIFICATION

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

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 423, Fire Suppression

CHAPTER 423

FIRE SUPPRESSION

SUBCHAPTER A

MINIMUM STANDARDS FOR STRUCTURE FIRE PROTECTION PERSONNEL CERTIFICATION

§423.1 Minimum Standards for Structure Fire Protection Personnel.

(a) Fire protection personnel [~~of any local government entity,~~] who **are appointed** [~~receive probationary or temporary appointment~~] to structure fire protection **duties** [~~duties,~~] must be certified by the **commission** [~~Commission~~] within one year from the date of their appointment [~~in a structural fire protection personnel position~~].

~~[(b) Prior to being appointed to fire suppression duties or certified as fire protection personnel, the Commission must review and approve the applicants fingerprint based criminal history record information obtained from the Department of Public Safety and the Federal Bureau of Investigation. The individual or fire department must follow the procedure established by the Department of Public Safety to initiate and complete the electronic fingerprint process. The results will be available to the Commission through the Department of Public Safety's data base. The Commission will follow the criteria established in Title 37 Chapter 403 of the Texas Administrative Code (TAC) for denying a person certification based on the results of the fingerprint based criminal history record check.]~~

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

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

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

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

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

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

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

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

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

~~[(c) [(d)] Personnel holding any level of structure fire protection personnel certification must comply with the continuing education requirements specified in **Chapter 441** [~~§441.7~~] of this title (relating to Continuing Education [~~for Structure Fire Protection Personnel~~]).~~

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

~~[(a)]~~ In order to ~~be~~ ~~[become]~~ certified as **Basic Structure Fire Protection Personnel**, ~~[basic structure fire protection personnel]~~, an individual must:

- (1) possess valid documentation from the International Fire Service Accreditation Congress or the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements ~~[as]~~ specified in §439.1~~[(a)(2)]~~ of this title (relating to Requirements—General) as:
 - (A) Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level Personnel; and
 - (B) Hazardous Materials Operations Level Responders including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
 - (C) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and
 - (D) ~~[must]~~ meet the medical requirements outlined in §423.1~~[(c)]~~ of this title (relating to Minimum Standards for Structure Fire Protection Personnel); or
 - (2) complete a **commission approved** ~~[commission approved]~~ basic structure fire **protection** ~~[suppression]~~ program, meet the medical requirements outlined in §423.1~~[(c)]~~ of this title (**relating to Minimum Standards for Structure Fire Protection Personnel**), and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic structure fire suppression program shall consist of one or any combination of the following:
 - (A) completion of a **commission approved** ~~[commission approved]~~ Basic Fire Suppression Curriculum, as specified in~~[Chapter 1 of]~~ the commission's Certification Curriculum Manual; or
 - (B) completion of an out-of-state, and/or military training program deemed equivalent to the **commission approved**~~[commission approved]~~ Basic Fire Suppression Curriculum; or
 - (C) documentation of the receipt of **a Fire Fighter II certificate**, ~~[or]~~ an advanced certificate, or **confirmation of training** ~~[records]~~ from the State Firemen's and Fire Marshals' Association of Texas~~;~~ that is deemed equivalent to a **commission approved** ~~[commission approved]~~ Basic Fire Suppression Curriculum.
- ~~[(b)] A basic fire suppression program may be submitted to the commission for approval by another jurisdiction as required in Texas Government Code, Chapter 419, §419.032(d), Appointment of Fire Protection Personnel. These programs include out-of-state and military programs, and shall be deemed equivalent by the commission if the subjects taught, subject content, and total hours of training meet or exceed those contained in Chapter 1 of the commission's Certification Curriculum Manual.~~

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

(a) Applicants for Intermediate Structure Fire Protection Personnel **certification**~~[Certification]~~ must complete the following requirements:

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

- (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
- (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the **commission** [~~Commission~~] that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1, with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the **commission's** [~~Commission's~~] Certification Curriculum Manual or for experience in fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Advanced Structure Fire Protection Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Structure Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.5 of this title (relating to Minimum Standards for Intermediate Structure Fire Protection Personnel Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
 - (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
 - (c) The training required in this section must be in addition to any training used to qualify for any lower level of Structure Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Master Structure Fire Protection Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold as a prerequisite an Advanced Structure Fire Protection Personnel **certification** [~~Certification~~] as defined in § 423.7 of this title (relating to Minimum Standards for Advanced Structure Fire Protection Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Structure Fire Protection Personnel Certification.

§423.11 Higher Levels of Certification.

- (a) An individual may receive higher levels of certification in **structure** [~~structural~~] fire protection while being assigned to another discipline, provided [~~that~~] all requirements for the higher level or levels of certification are met.
- (b) Repetitive training cannot be used toward higher levels of certification.

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

- (a) Individuals completing a commission approved basic **structure fire protection** [~~fire suppression~~] program, meeting any other NFPA requirement, and passing the applicable **commission** examination(s) [~~based on the basic fire suppression curriculum,~~] may be granted IFSAC seal(s) for Hazardous Materials Awareness Level Personnel, Hazardous Materials Operations Level Responders (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control), Fire Fighter I, and/or Fire Fighter II by making application to the commission for the IFSAC seal(s) and paying applicable fees, provided they meet the following provisions:
- (1) To receive the IFSAC Hazardous Materials Awareness Level Personnel seal, the individual must:
 - (A) complete the Hazardous Materials Awareness section of a commission approved course; and
 - (B) pass the Hazardous Materials Awareness section of a commission examination.
 - (2) To receive the IFSAC Hazardous Materials Operations Level Responders seal (including the Mission-Specific Competencies for Personal Protective Equipment and Product Control) the individual must:
 - (A) complete the Hazardous Materials Operation section of a commission approved course; **and**
 - (B) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and
 - (C) pass the Hazardous Materials Operations section of a commission examination.
 - (3) To receive the IFSAC Fire Fighter I seal, the individual must:
 - (A) complete a commission approved Fire Fighter I course; **and**
 - (B) provide medical documentation as outlined in subsection (c) of this section; **and**
 - (C) document possession of an IFSAC Hazardous Materials Awareness Level Personnel seal; and

- (D) document possession of an IFSAC Hazardous Materials Operations Level Responders seal; and
 - (E) pass the Fire Fighter I section of a commission examination.
- (4) To receive the IFSAC Fire Fighter II seal, the individual must:
- (A) complete a commission approved Fire Fighter II course; **and**
 - (B) document possession of an IFSAC Fire Fighter I seal; and
 - (C) pass the Fire Fighter II section of a commission examination.
- (b) **In order to qualify for a Fire Fighter I seal**~~[meet the medical requirements of NFPA 1001]~~, the individual must document successful completion of an emergency medical training course or program **that includes those subject areas required by NFPA 1001**. ~~[The commission recognizes the following emergency medical training:]~~
- ~~[- (1) The Texas Department of State Health Services Emergency Medical Service Personnel certification training;]~~
 - ~~[- (2) American Red Cross Response course (including optional lessons and enrichment sections);]~~
 - ~~[- (3) American Safety and Health Institute First Responder course;]~~
 - ~~[- (4) National Registry of Emergency Medical Technicians certification; or]~~
 - ~~[- (5) medical training deemed equivalent by the commission.]~~
- (c) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 423

FIRE SUPPRESSION

SUBCHAPTER B

MINIMUM STANDARDS FOR AIRCRAFT RESCUE FIRE FIGHTING PERSONNEL

§423.201 Minimum Standards for Aircraft Rescue Fire Fighting Personnel.

- (a) Aircraft rescue fire fighting personnel are employees of a local governmental entity who are appointed to aircraft rescue **fire fighting** [firefighting] duties. These duties may include fighting aircraft fires at airports, standing by for potential crash landings, and performing aircraft rescue and fire fighting duties.
- (b) Personnel appointed **to aircraft rescue fire fighting duties** [as Aircraft Rescue Fire Fighting Personnel] must be certified [to at least the basic level] by the **commission** [Commission] within one year from **the date of** their **appointment** [employment in an Aircraft Rescue Fire Fighting Personnel position].
- (c) Prior to being appointed to aircraft rescue fire **fighting** [suppression] duties, all personnel must:
- (1) successfully complete a **commission approved** [Commission-approved] basic **structure** fire **protection program** [suppression course] and pass the **commission's** [Commission's] examination [pertaining to that curriculum]; and
 - (2) successfully complete a **commission approved** [Commission-approved] basic aircraft rescue fire **fighting program** [protection course] and pass the **commission's** [Commission's] examination [pertaining to that curriculum].
- (d) "Stand by" means the act of responding to a designated position in the movement area on the airfield at which initial response fire and rescue units will await the arrival of an aircraft experiencing an announced emergency.
- (e) "Movement area" is comprised of all runways, taxiways, and other areas of the airport which are used for taxiing or hover taxiing, take-off, and landing of aircraft, exclusive of loading ramps and aircraft parking areas.
- (f) Personnel holding any level of aircraft rescue fire fighting personnel certification shall be required to comply with the continuing education specified in **Chapter 441** [§441.9] of this title (relating to Continuing Education [for Aircraft Rescue Fire Fighting Personnel]).
- (g) Aircraft rescue fire fighting personnel that perform structure fire **protection** [fighting] duties must be certified, as a minimum, as basic **structure** [structural] fire protection personnel.

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

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

- (1) hold a Basic Structure Fire Protection Personnel **certification** [Certification]; and
- (2) possess valid documentation as an Airport Fire Fighter from either:

- (A) the International Fire Service Accreditation Congress; or
- (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2010 or later edition of the NFPA standard applicable to this discipline and meeting the requirements [as]specified in §439.1[(a)(2)] of this title (relating to Requirements—General); or
- (3) complete a commission approved aircraft rescue fire **fighting** [~~suppression training~~] program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved aircraft rescue fire **fighting** [~~suppression training~~] program shall consist of one of the following:
 - (A) a commission approved Basic Aircraft Rescue Fire Suppression Curriculum as specified in [Chapter 2 of]the commission's Certification Curriculum Manual; **or** [;]
 - (B) an out-of-state, and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Basic Aircraft Rescue Fire Suppression Curriculum.

§423.205 Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification.

- (a) Applicants for Intermediate Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~] must complete the following requirements:
 - (1) hold as a prerequisite a Basic Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~] as defined in §423.203 of this title (relating to Minimum Standards for Basic Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Advanced Aircraft Rescue Fire Fighting Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~] as defined in §423.205 of this title (relating to Minimum Standards for Intermediate Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
 - (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
 - (c) The training required in this section must be in addition to any training used to qualify for any lower level of Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Master Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, an Advanced Aircraft Rescue Fire Fighting Personnel **certification** [~~Certification~~] as defined in §423.207 of this title (relating to Minimum Standards for Advanced Aircraft Rescue Fire Fighting Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Aircraft Rescue Fire Fighting Personnel Certification.

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

Individuals completing a commission approved basic aircraft rescue fire ~~fighting~~ [suppression-] program, documenting an IFSAC seal for Fire Fighter II, and passing the applicable ~~commission~~ [state] examination may be granted an IFSAC seal as an Airport Fire Fighter by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 423

FIRE SUPPRESSION

SUBCHAPTER C

MINIMUM STANDARDS FOR MARINE FIRE PROTECTION PERSONNEL

§423.301 Minimum Standards for Marine Fire Protection Personnel.

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

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

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

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

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

- (a) Applicants for Intermediate Marine Fire Protection Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, a Basic Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.303 of this title (relating to Minimum Standards for Basic Marine Fire Protection Personnel Certification); and
 - (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the **commission** [~~Commission~~] that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the **commission's** [~~Commission's~~] Certification Curriculum Manual or for experience in fire service, may not be counted towards this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Marine Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course, or a course of similar content, cannot be used towards this level of certification.

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

- (a) Applicants for Advanced Marine Fire Protection Personnel certification must complete the following requirements:
- (1) hold as a prerequisite an Intermediate Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.305 of this title (relating to Minimum Standards for Intermediate Marine Fire Protection Personnel Certification); and
 - (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or

- (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses (See the exception outlined in subsection (c) of this section).
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the commission's Certification Curriculum Manual or for experience in the fire service, may not be counted towards this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Marine Fire Protection Personnel **certification** [~~Certification~~]. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

- (a) Applicants for Master Marine Fire Protection Personnel **certification** [~~Certification~~] must complete the following requirements:
- (1) hold, as a prerequisite, an Advanced Marine Fire Protection Personnel **certification** [~~Certification~~] as defined in §423.307 of this title (relating to Minimum Standards for Advanced Marine Fire Protection Personnel Certification); and
 - (2) acquire a minimum of twelve years of fire protection experience, 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.
- (b) College level courses from both the upper and lower division may be used to satisfy the education requirement for Master Marine Fire Protection Personnel Certification.

12. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:

A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:

2. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 433, Driver/Operator.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission
DATE: 10/26/2017

Agenda Item #: 12A - #2

Agenda Title: Proposed rule change

Action to be taken: Discussion with possible final adoption

Origin of Item: FF Advisory Committee

1. INTRODUCTION/PURPOSE

The changes extend the end date for the initial certification period to one full year from the effective date of the rule.

2. DESCRIPTION/ JUSTIFICATION

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

3. BUDGET IMPACT

No impact anticipated

4. TIMELINE CONSIDERATIONS

For possible final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 433, Driver/Operator

CHAPTER 433

DRIVER/OPERATOR

SUBCHAPTER A

MINIMUM STANDARDS FOR DRIVER/OPERATOR-PUMPER

§433.1 Driver/Operator-Pumper Certification.

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

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

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

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
 - (2) possess valid documentation as a Driver/Operator-Pumper from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 ~~{§439.1(a)(2)}~~ of this title (relating to Requirements—General); or
 - (3) complete a commission approved Driver/Operator-Pumper Curriculum and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-pumper program must consist of one of the following:
 - (A) complete a commission approved Driver/Operator-Pumper Curriculum as specified in Chapter 7 of the commission's Certification Curriculum Manual;
 - (B) complete an out-of-state training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Driver/Operator-Pumper Curriculum; or
 - (C) complete a military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceeds the commission approved Driver/Operator-Pumper Curriculum.
- (b) Out-of-state or military training programs, which are submitted to the commission for the purpose of determining equivalency, will be considered equivalent if all competencies set forth in Chapter 7 (pertaining to Driver/Operator-Pumper) of the commission's Certification Curriculum Manual are met.

§433.5 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive driver/operator-pumper certification.

- (b) Individuals will be permitted to take the commission examination for driver/operator-pumper by documenting, as a minimum, completion of the NFPA 1001 Fire Fighter I training, and completing a commission approved driver/operator-pumper curriculum.

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

Individuals completing a commission approved driver/operator-pumper program; documenting, as a minimum, an IFSAC seal for Fire Fighter I; and passing the applicable state examination may be granted an IFSAC seal as a Driver/Operator-Pumper by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 433

DRIVER/OPERATOR

SUBCHAPTER B

MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS

§433.201 Driver/Operator-Aerial Apparatus Certification.

- (a) A Driver/Operator-Aerial Apparatus is defined as an individual who operates an aerial apparatus safely and in accordance with all state and local laws; safely and correctly maneuvers, positions, stabilizes, and operates an aerial apparatus and device; and effectively deploys and operates an elevated master stream from a water source. Other responsibilities include routine apparatus testing, maintenance, inspections, and servicing functions.
- (b) Individuals holding Driver/Operator-Pumper certification are eligible to take the commission examination for Driver Operator-Aerial Apparatus upon documentation to the commission that the individual has completed Driver Operator-Aerial Apparatus training that meets the minimum requirements of **NFPA 1002** [the National Fire Protection Association Standard 1002] or provide documentation of proficiency in the operation of an aerial apparatus from a department with an in service aerial apparatus. This section will expire on **May 18, 2018** [February 28, 2018].

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

- (a) In order to obtain Driver/Operator-Aerial Apparatus certification, the individual must:
- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
 - (2) possess valid documentation as a Driver/Operator-Aerial Apparatus from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) The National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2014 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in **§439.1** [439.1(a)(2)] of this title (relating to Requirements-General); or
 - (3) complete a commission approved Driver/Operator-Aerial Apparatus training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-aerial apparatus training program must consist of one of the following:
 - (A) completion of an in-state driver/Operator-Aerial Apparatus program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or
 - (B) completion of an out-of-state training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; or
 - (C) completion of a military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

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

§433.205 Examination Requirements.

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

13. Discussion and possible action regarding proposed amendments to title 37 TAC, Chapter 451, Fire Officer.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 10/26/2017

Agenda Item #: 13

Agenda Title: Chapter 451, Fire Officer

Action to be taken: Discussion and possible action on rule proposal

Origin of Item: Staff

1. INTRODUCTION/PURPOSE

Proposal to revise qualification for Fire Officer III certification, and deletion of obsolete language.

2. DESCRIPTION/ JUSTIFICATION

The proposed language expands the opportunity for qualification for Fire Officer III certification. Current rule language has created an unintended consequence whereby some individuals are able to qualify for Fire Officer IV, but are not able to qualify for Fire Officer III. The proposed change seeks to correct the issue.

3. BUDGET IMPACT

No impact is anticipated.

4. TIMELINE CONSIDERATIONS

Proposal for publication.

5. RECOMMENDATION

Recommend publication to allow for public comment.

6. REFERENCES

37 TAC, Chapter 451, Fire Officer.

CHAPTER 451

FIRE OFFICER

SUBCHAPTER C

MINIMUM STANDARDS FOR FIRE OFFICER III

§451.301 Fire Officer III Certification.

A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions who has met all the job performance and certification requirements of Fire Officer II as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. Typical duties of an individual at the Fire Officer III level include: establishing procedures for hiring, assignment, and professional development of personnel; developing public service/partnership and programs; preparing budgets and budget management systems; planning for organizational resource management; evaluating inspection and public safety programs and plans; managing multi-agency plans and operations; serving as Incident Commander at expanding emergency incidents for all hazard types; and developing and managing a departmental safety program.

§451.303 Minimum Standards for Fire Officer III Certification.

(a) In order to be certified as a Fire Officer III an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) hold Fire Officer II certification through the commission; and
- (3) hold, as a minimum, Fire Service Instructor II certification through the commission; and
- (4) document completion of ICS-300: Intermediate Incident Command System; and
- (5) possess valid documentation as a Fire Officer III; from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (6) complete a commission approved Fire Officer III program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer III program must consist of one of the following:
 - (A) completion of a commission approved Fire Officer III Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;
 - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer III Curriculum; or
 - (C) successful completion of 15 college semester hours of upper level coursework from a four-year regionally accredited institution in any of the following subject areas:

- (i) Administration/Management;
- (ii) Budget/Finance;
- (iii) Planning/Organization;
- (iv) Leadership/Ethics;
- (v) Risk Management;
- (vi) Safety and Health; or
- (vii) Community Risk Reduction; or []

(viii) Criminal Justice.

(D) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:

- (i) Fire Science/Administration/Management;
- (ii) Emergency Management;
- (iii) Public Administration;
- (iv) Emergency Medicine;
- (v) Business Management/Administration;
- (vi) Political Science;
- (vii) Human Resources Management;
- (viii) Public Health;
- (ix) Risk Management;
- (x) Criminal Justice; or
- (xi) a related management/administration/leadership degree.

[(7) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer III certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline.]

- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

§451.305 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer III certification.

- (b) Individuals will be permitted to take the commission examination for Fire Officer III certification by documenting the following: Structure Fire Protection Personnel certification, Fire Service Instructor II certification and Fire Officer II certification through the commission or the equivalent IFSAC seals, and completing a commission approved Fire Officer III program.

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

~~[(a) Individuals holding a current commission Fire Officer III certification that was issued from a commission examination and received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.]~~

~~[(b)]~~ Individuals completing a commission approved Fire Officer III program; documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer II; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer III by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

CHAPTER 451

FIRE OFFICER

SUBCHAPTER D

MINIMUM STANDARDS FOR FIRE OFFICER IV

§451.401 Fire Officer IV Certification.

A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions who has met all the job performance and certification requirements of Fire Officer III as defined in NFPA 1021, *Standard for Fire Officer Professional Qualifications*. Typical duties of an individual at the Fire Officer IV level include: Administering job performance requirements; evaluating and making improvements to department operations; developing long-range plans and fiscal projections; developing plans for major disasters; serving as Incident Commander at major incidents for all hazard types; and administering comprehensive risk management programs.

§451.403 Minimum Standards for Fire Officer IV Certification.

(a) In order to be certified as a Fire Officer IV an individual must:

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

(2) hold Fire Officer III certification through the commission; and

(3) document completion of ICS-400: Advanced Incident Command System; and

(4) possess valid documentation as a Fire Officer IV; from either:

(A) the International Fire Service Accreditation Congress; or

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

(5) complete a commission approved Fire Officer IV program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Officer IV program must consist of one of the following:

(A) completion of a commission approved Fire Officer IV Curriculum as specified in Chapter 9 of the commission's Certification Curriculum Manual;

(B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to be equivalent to or exceed the commission approved Fire Officer IV Curriculum; or

(C) successful attainment of a bachelor's degree or higher from a regionally accredited institution in any of the following:

(i) Fire Science/Administration/Management;

(ii) Emergency Management;

(iii) Public Administration;

(iv) Emergency Medicine;

(v) Business Management/Administration;

(vi) Political Science;

- (vii) Human Resources Management;
- (viii) Public Health;
- (ix) Risk Management;
- (x) Criminal Justice; or
- (xi) a related management/administration/leadership degree.

~~[(6) Special temporary provision: Through February 2015, an individual is eligible for Fire Officer IV certification upon documentation of the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 edition of the NFPA standard applicable to this discipline.]~~

- (b) Out-of-state or military training programs which are submitted to the commission for the purpose of determining equivalency will be considered equivalent if all competencies set forth in Chapter 9 (pertaining to Fire Officer) of the commission's Certification Curriculum Manual are met.

§451.405 Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive Fire Officer IV certification.
- (b) Individuals will be permitted to take the commission examination for Fire Officer IV certification by documenting the following: Structure Fire Protection Personnel certification and Fire Officer III certification through the commission or the equivalent IFSAC seals, and completing a commission approved Fire Officer IV program.

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

~~[(a) Individuals holding a current commission Fire Officer IV certification that was issued from a commission examination and received prior to September 1, 2016, may be granted an International Fire Service Accreditation Congress (IFSAC) seal as a Fire Officer IV by making application to the commission for the IFSAC seal and paying applicable fees. This subsection will expire on August 31, 2017.]~~

- ~~[(b)]~~ Individuals completing a commission approved Fire Officer IV program; documenting IFSAC seals for Fire Fighter II, Instructor II and Fire Officer III; and passing the applicable state examination, may be granted an IFSAC seal as a Fire Officer IV by making application to the commission for the IFSAC seal and paying applicable fees. In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

14. Discussion and possible action regarding proposed amendments to new 37 TAC, Chapter 459, Minimum Standards for Fire and Life Safety Educator Certification.



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/26/2017

Agenda Item #: 14

Agenda Title: Chapter 459, Fire and Life Safety Educator

Action to be taken: Discussion and possible action

Origin of Item: *Staff and committee*

1. INTRODUCTION/PURPOSE

Proposed rule language for new Fire and Life Safety Educator certification.

2. DESCRIPTION/ JUSTIFICATION

The proposed language creates rules for a new Fire and Life Safety Educator I certification. Level II of this certification is currently under development and will be proposed later.

3. BUDGET IMPACT

No impact is anticipated.

4. TIMELINE CONSIDERATIONS

Proposal for publication to Texas Register for public comment.

5. RECOMMENDATION

Recommend publication.

6. REFERENCES

37 TAC, Chapter 459, Fire and Life Safety Educator (new).

CHAPTER 459

MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR CERTIFICATION

§459.1 Fire and Life Safety Educator I Certification.

- (a) A Fire and Life Safety Educator I is defined as an individual who performs professional work in the coordination and delivery of public fire and life safety education, and fire prevention programs.
- (b) All individuals holding a Fire and Life Safety Educator I certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) A regulated entity that employs an individual certified as Fire and Life Safety Educator I must report the individual's employment via the commission's online data management system (FIDO system).
- (d) Special temporary provision. Individuals are eligible to take the commission examination for Fire and Life Safety Educator I certification by:
 - (1) providing documentation acceptable to the commission that the individual has successfully completed Fire and Life Safety Educator I certification training that meets the minimum requirements of National Fire Protection Association Standard 1035; or
 - (2) providing documentation acceptable to the commission of proficiency in fire and life safety education as an employee of a government entity, a member in a volunteer fire service organization, or an employee of a regulated non-governmental fire department; or
 - (3) holding certification as a Fire Instructor I or higher.
 - (4) This subsection will expire on February 28, 2019.

§459.3 Minimum Standards for Fire and Life Safety Educator I Certification.

In order to be certified as a Fire and Life Safety Educator I, an individual must:

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

§459.5 Examination Requirement

Examination requirements in Chapter 439 of this title (relating to Examinations for Certification) must be met to receive Fire and Life Safety Educator I certification.

15. Discussion and possible action regarding 37 TAC, Chapter 437, Fees, including but not limited to testing, certification and renewal fees charged by the commission.



***Texas Commission on Fire Protection
Agenda Item Summary***

MEETING: Commission

DATE: 10/26/2017

Agenda Item #: 15

Agenda Title: Chapter 437, Fees

Action to be taken: Discussion and possible action

Origin of Item: Staff

1. INTRODUCTION/PURPOSE

Discussion regarding fees charged by the agency.

2. DESCRIPTION/ JUSTIFICATION

This item calls for discussion and possible action regarding fee amounts charged by the agency in light of: Revenue generation during the previous budget cycle; trends in volume of testing and certification issuance; and current requirements of Chapter 419, Texas Government Code.

3. BUDGET IMPACT

Undetermined.

4. TIMELINE CONSIDERATIONS

Discussion at this time. Rule language revisions possible depending upon decisions by board.

5. RECOMMENDATION

Review information for possible action.

6. REFERENCES

37 TAC, Chapter 437, Fees.

CHAPTER 437

FEES

§437.1 Purpose and Scope.

- (a) The purpose of this chapter is to set forth requirements governing the fees charged by the commission as prescribed by Texas Government Code, Chapter 419, §419.025 and §419.026, and commission rule.
- (b) This chapter shall govern all proceedings before and dealing with the commission concerning fees. Hearings and appellate proceedings regarding these fees shall be governed by this chapter where applicable and by the rules of the practice and procedure of the commission and the Administrative Procedure Act and Texas Register Act, Chapter 2001, of the Texas Government Code.
- (c) If a fee submitted in the form of a check is returned for insufficient funds the certification, seal or test for which the fee was collected will be invalidated.
- (d) Additional fees, such as those charged for exam administration or criminal background checks, may be charged to applicants and regulated entities by service providers other than the commission. The commission does not charge and will not collect these additional fees. Payment of the additional fees shall be made via a separately established agreement between the individual or regulated entity and the applicable service providers.

§437.3 Certification Application Processing Fees.

- (a) A non-refundable application processing fee of \$85 is required for each certificate issued by the commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.
- (e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.
- (f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.

§437.5 Renewal Fees.

- (a) A non-refundable annual renewal fee of \$75 shall be assessed for each certified individual and certified training facility. If an individual or certified training facility holds more than one certificate, the commission may collect only one renewal fee of \$75, which will renew all certificates held by the individual or certified training facility.
- (b) A regulated employing entity shall pay the renewal fee for each individual who is required to possess certification as a condition of employment.

- (c) If a person re-enters the fire service whose certificate(s) has been expired for less than one year, the regulated entity must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fees, the certificates previously held by the individual, for which he or she continues to qualify, will be renewed.
- (d) If a person wishes to renew a certificate(s) which has been expired less than one year and the individual is not employed by a regulated employing entity as defined in subsection (b) of this section, the individual must pay all applicable renewal fee(s) and any applicable additional fee(s). Upon payment of the required fee(s), the certificate(s) previously held by the individual, for whom he or she continues to qualify, will be renewed.
- (e) Nothing in this section shall prohibit an individual from paying a renewal fee for any certificate which he or she is qualified to hold providing the certificate is not required as a condition of employment.
- (f) Certification renewal information will be sent to all regulated employing entities and individuals holding certification at least 60 days prior to October 31 of each calendar year. Certification renewal information will be sent to certified training facilities at least 60 days prior to February 1 of each calendar year.
- (g) If renewal payment is submitted by mail, all certification renewal fees must be submitted with the renewal invoice to the commission.
- (h) All certification renewal fees must be paid on or before the last day of the certification period (see subsection (i) of this section) to avoid additional fee(s).
- (i) The certification period shall be a period not to exceed one year. The certification period for employees of regulated employing entities, and individuals holding certification is November 1 to October 31. The certification period of certified training facilities is February 1 to January 31.
- (j) All certification renewal fees received from one to 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$37.50 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (k) All certification renewal fees received more than 30 days after the last day of the certification period will cause the individual or entity responsible for payment to be assessed a non-refundable late fee of \$75 in addition to the renewal fee for each individual or training provider for which a renewal fee was due.
- (l) In addition to any non-refundable late fee(s) assessed for certification renewal, the commission may hold an informal conference to determine if any further action(s) is to be taken.
- (m) An individual or entity may petition the commission for a waiver of the late fees required by this section if the person's certificate expired because of the individual or regulated employing entity's good faith clerical error, or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action.
 - (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.
 - (2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order restoring the applicant to employment.
- (n) An individual, who is a military service member, or returning from activation to military service, must notify the commission in writing if the individual wishes to renew an expired certification. Provided other qualifications for renewal are met, the individual will have any normally associated late fees waived and will be required to pay a renewal fee of \$75.

§437.7 Standards Manual and Certification Curriculum Manual Fees.

- (a) Current versions of the Standards Manual for Fire Protection Personnel and Certification Curriculum Manual are available on the commission's website.

- (b) The commission does not provide printed copies of the manuals. A printed copy of the commission's standards may be obtained from Thomson West, 610 Opperman Drive, Eagan, MN 55123, by requesting "Title 37, Public Safety and Corrections" of the Texas Administrative Code. The web address for Thomson West is www.west.thomson.com.

§437.11 Copying Fees.

- (a) All photographic reproduction of records or documents in the files of the commission and prepared on standard office machines will be furnished for a fee.
- (b) A fee will be charged for address and telephone number lists of fire service agencies.
- (c) A fee will be charged for mailing peel-off labels of fire service agencies.

§437.13 Processing Fees for Test Application.

- (a) A non-refundable application processing fee of \$85 shall be charged for each examination.
- (b) A non-refundable application processing fee of \$35 shall be charged for each sectional examination.
- (c) Fees will be paid in advance with the application or the certified training provider may be invoiced or billed if previous arrangements have been approved by the commission in writing via mail, e-mail or fax.
 - (1) Any payment postmarked from 61 to 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee of one half the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.
 - (2) Any payment postmarked more than 90 days after the invoice date will cause the provider of training to be assessed a non-refundable late fee in an amount equal to the amount shown on the invoice. This late fee is in addition to the amount shown on the invoice for test application processing fees.
- (d) The test application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.
- (e) The test application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the training requirements for a commission examination. This subsection applies to initial examinations for certifications required by commission rules for appointment to duties. Retests following a failed initial examination or an examination to regain a certification that was lost are not included.

§437.15 International Fire Service Accreditation Congress (IFSAC) Seal Fees.

A non-refundable \$15 fee shall be charged for each IFSAC seal issued by the commission.

§437.17 Records Review Fees.

- (a) A non-refundable fee of \$75 shall be charged for each training records review conducted by the commission for the purpose of determining equivalency to the appropriate commission training program or to establish eligibility to test. Applicants submitting training records for review shall receive a written analysis from the commission.
- (b) The fee provided for in this section shall not apply to an individual who holds an advanced or Fire Fighter II certificate from the State Firemen's and Fire Marshals' Association of Texas.

§437.19. Early Review Fees.

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

**2016/2017 Biennium
Revenue Comparison by Month
Fiscal Year 2017**

	FY 2016 Revenue Collected			FY 2017 Revenue Collected		
Sep-15	\$	364,244.50	8.4%	Sep-16	\$	512,662.50 12.1%
Oct-15	\$	2,101,922.50	48.4%	Oct-16	\$	1,735,537.50 41.1%
Nov-15	\$	468,924.50	10.8%	Nov-16	\$	496,200.00 11.8%
Dec-15	\$	176,771.42	4.1%	Dec-16	\$	166,610.55 3.9%
Jan-16	\$	195,365.00	4.5%	Jan-17	\$	215,867.50 5.1%
Feb-16	\$	133,982.50	3.1%	Feb-17	\$	146,006.84 3.5%
Mar-16	\$	170,968.95	3.9%	Mar-17	\$	145,667.50 3.5%
Apr-16	\$	143,935.00	3.3%	Apr-17	\$	163,340.00 3.9%
May-16	\$	145,920.00	3.4%	May-17	\$	160,460.00 3.8%
Jun-16	\$	158,035.00	3.6%	Jun-17	\$	201,070.30 4.8%
Jul-16	\$	140,855.85	3.2%	Jul-17	\$	111,656.37 2.6%
Aug-16	\$	138,570.00	3.2%	Aug-17	\$	166,175.00 3.9%
Totals	\$	4,339,495.22	100.0%	\$	4,221,254.06	100.0%

Actual Revenue Collected \$ 8,560,749

Required Revenue for Biennium (FY16 & 17):

* Annual GR & Appropriated Receipts	\$	3,965,384
** GAA Other Direct & Indirect	\$	1,733,375
Budget Rider	\$	1,500,000
Subtotal	\$	7,198,759
5% Contingency	\$	359,938
Total Reqd	\$	7,558,697

Amount Over or (Under) Required Revenue \$ 1,002,052

Collected	113.26%	Percentage of Revenue Collected
As of Date	10/17/2017	

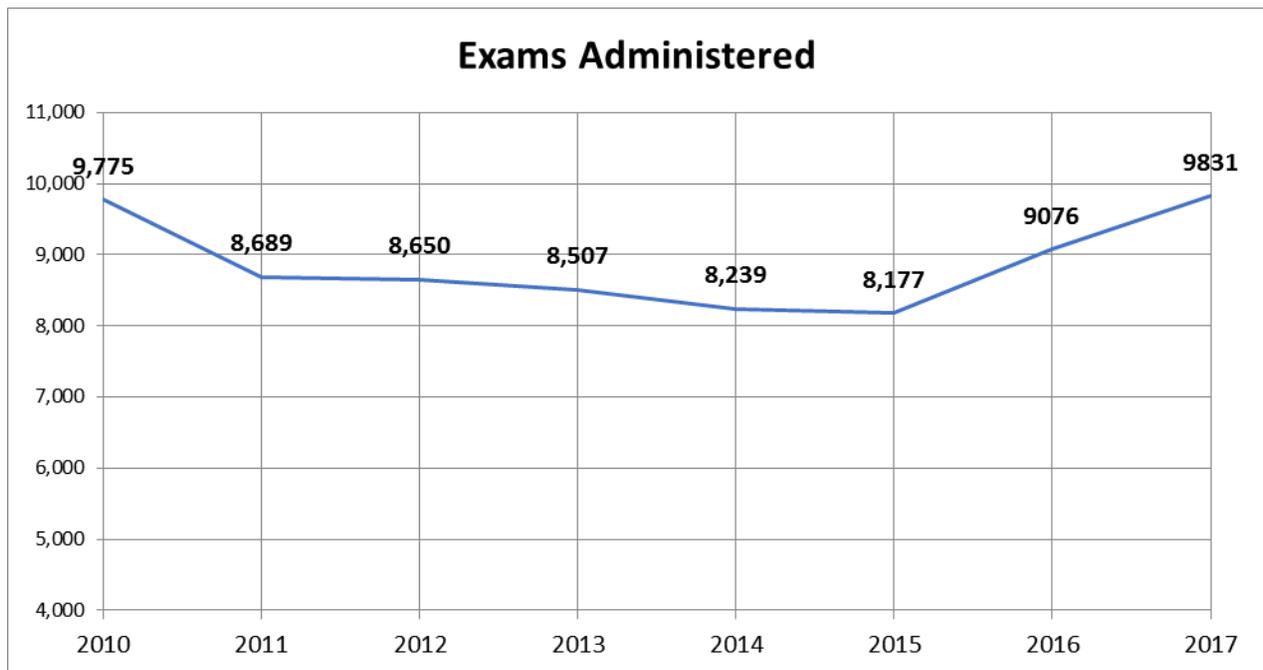
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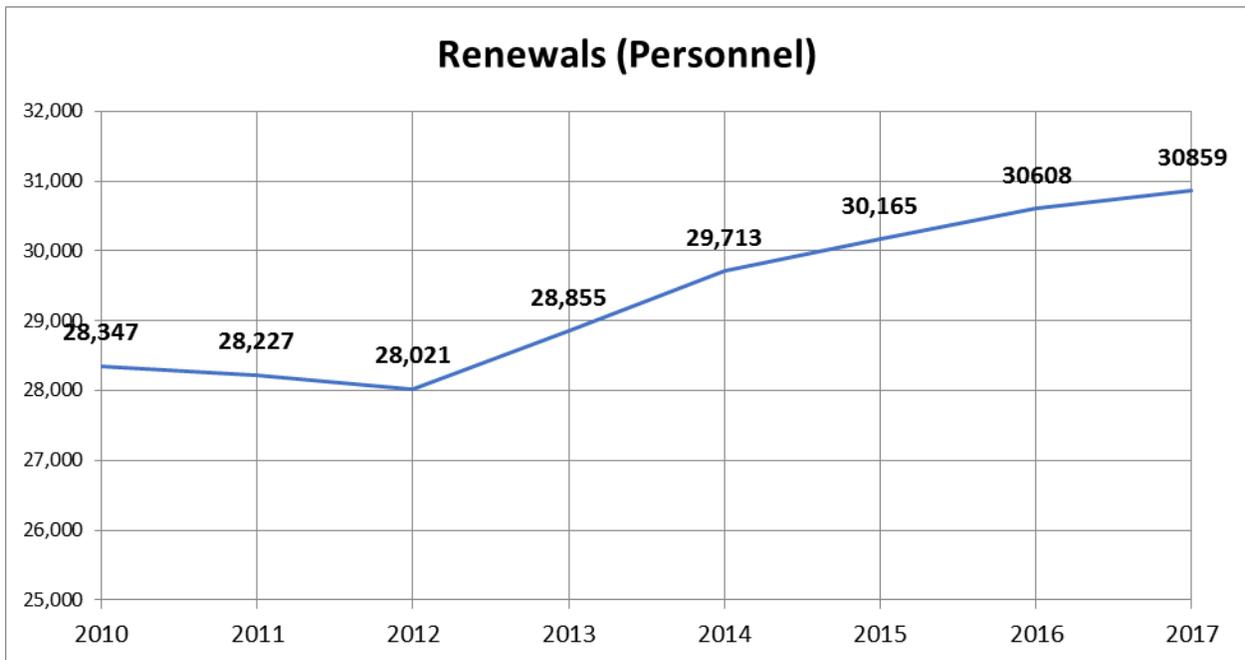
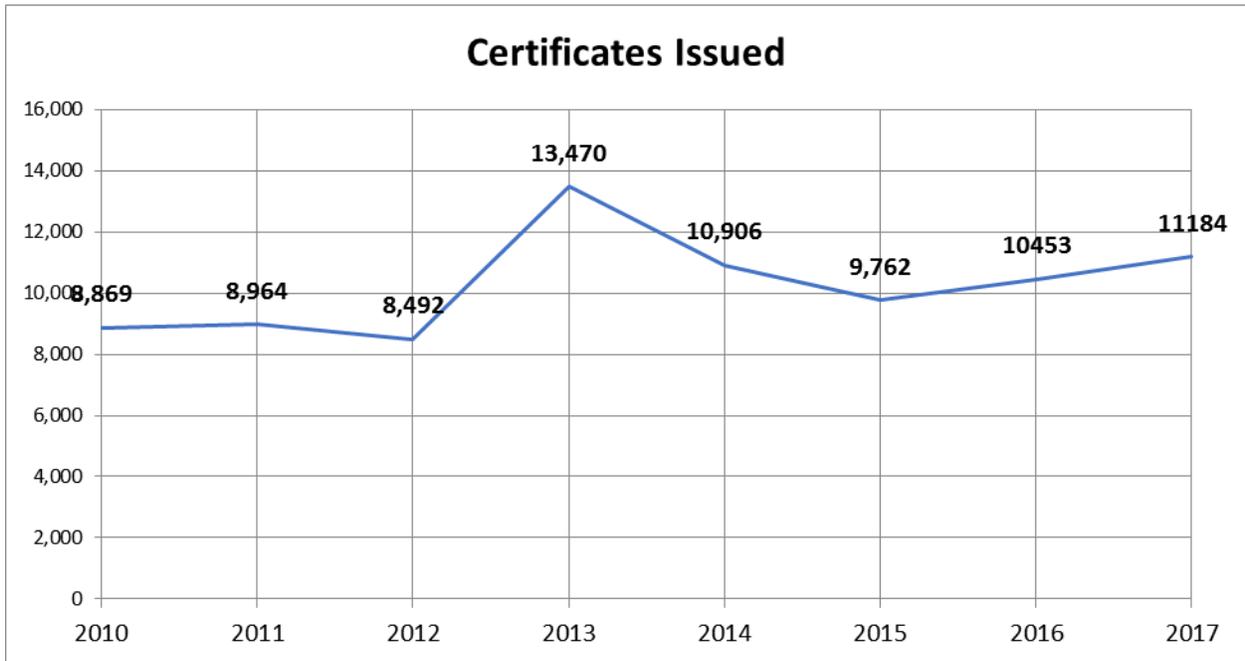
* Amount change to include Appropriated Receipts which has not been included in prior Revenue Comparisons.

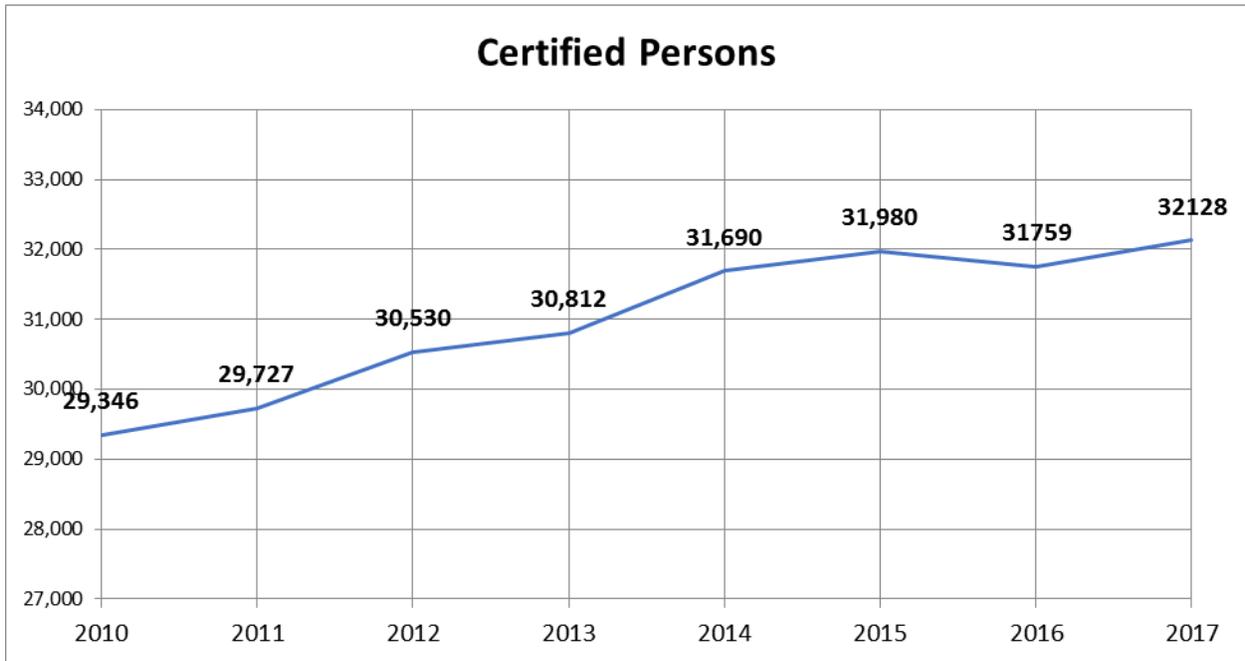
** Amount to reflect the GAA's Other Direct & Indirect Costs, not the TCFP projected amount used in prior Revenue Comparisons.

Trends by Year: Fiscal Years 2010 to 2017

FISCAL YEAR:	2010	2011	2012	2013	2014	2015	2016	2017
TESTS ADMIN	9,775	8,689	8,650	8,507	8,239	8,177	9076	9831
CERTS ISSUED	8,869	8,964	8,492	13,470	10,906	9,762	10453	11184
RENEWALS (individuals)	28,347	28,227	28,021	28,855	29,713	30,165	30608	30859
TOTAL of	46,991	46,000	45,163	50,832	48,858	48,104	50137	51874
Tests Administered Certs Issued Persons Renewed								
CERTIFIED	29,346	29,727	30,530	30,812	31,690	31,980	31759	32128
TRNG FAC'S	231	239	247	225	248	262	260	266







Sec. 419.026. FEES FOR CERTIFICATES. (a) The commission shall set and collect a fee for each certificate that the commission issues or renews under this subchapter, except that if a person holds more than one certificate the commission may collect only one fee each year for the renewal of those certificates. The commission by rule shall set the amount of the fee under this subsection in an amount designed to recover the commission's costs in connection with issuing certificates under this subchapter, including the cost to the commission of obtaining fingerprint-based criminal history record information under Section [419.0325](#). The employing agency or entity shall pay the fee in the manner prescribed by commission rule. The certificate must be renewed annually.

(b) The commission shall set and collect a fee for each examination given to fire protection personnel for basic certification under this subchapter. The amount of the fee may not exceed the cost of preparing, printing, administering, and grading the examination.

(c) The commission may revoke, refuse to issue, or refuse to renew the certificate of fire protection personnel for failure to pay a fee required under Subsection (a).

(d) The commission shall send the fees authorized by Subsection (a) and Section [419.033\(b\)](#) to the comptroller. The comptroller shall deposit a portion of the fees collected into a special account in the general revenue fund dedicated for use by the commission. In any state fiscal biennium, the comptroller may not deposit into the account fees in an amount that exceeds the amount appropriated to the commission for that biennium, less any other amount appropriated to the commission from a source other than the fees. The account is exempt from the application of Section [403.095](#). The comptroller shall deposit the remainder of the fees in the general revenue fund.

Criteria used to determine cost per exam for a given year

TESTING SECTION:

- 100% of staff salaries, including longevity, retirement, insurance
- Travel costs to conduct exams
- Consumable supplies used by Testing Section, and for testing purposes
- Paper and copying costs: 85% of agency total
- Other operating costs: Freight/delivery fees, computer maintenance/repair, etc.

COMPLIANCE SECTION:

- 20% of compliance officer salaries (for testing activities only)
- Travel costs directly related to testing activities

TEST BANK DEVELOPMENT AND MAINTENANCE:

- 40% of salaries (other portion goes to curriculum dev/maint)
- IFSAC accreditation: Annual fee, participation at conference

AGENCY LIBRARY:

- 20% of librarian salary
- Resources and reference material: 20% of agency total

SUPPORT SERVICES:

- 20% of Financial Services salaries
- 20% of Human Resources salaries
- 20% of Information Resources salaries

Costs for Conducting Exams
Cost Per Exam FY2017

Testing Section:	Cost for Calculation	Total Cost
Salaries: five employees incl. longevity, retirement, insurance	249,628.73	
Travel	2,944.21	
Testing costs per object code 25% - Items given the 4999 coding and get distributed to Mgmt versus each department -Insurance, Maintenance Repair, Contract Services, Telecommunication, SORM minus paper cost (different line item)	9,272.37	37,089.47
Consumables - pens, sticky Notes, batteries, calendars	6,664.40	
Xerox costs: 85% of agency total	4,295.98	5,054.09
Copy paper: 85% of agency total	1,637.10	1,926.00
Other operating costs, ERS Insurance Payment, Freight, Delivery, maintenance & Repair on Computers	14,057.33	
Compliance Section (Testing Activities):		
20% of Compliance Officer salaries	63,746.81	318,734.04
Travel costs directly related to testing	15,446.27	
Support Services:		
20% of Financial Services salaries	41,611.32	208,056.59
20% of Human Resources salaries	16,252.89	81,264.44
20% of I.T. salaries	29,811.27	149,056.37
Curricula and Test Bank Maintenance:		
40% of two Curriculum Specialist salaries	40,903.71	102,259.28
Cost for IFSAC compliance: Annual fee, travel to conference	4,213.13	
Library:		
20% of librarian salary	10,030.93	53,400.08
20% of costs for resource and reference material	1,202.07	6,010.34
TOTAL:	\$ 511,718.51	
Exams FY17	9832	
Cost per Exam	\$ 52.05	

16. Discussion and possible action regarding the addition of classes or courses to the A List and B List for higher levels of certification.

Proposed Additions to A & B List

A List Course:	Course #	Provider	Length
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Driver Operator Aerial	N/A	Various	56 hours
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This is the commission approved course that requires passing the TCFP exam, and is based on NFPA 1002 Driver Operator Aerial

B List Course:	Course #	Provider	Length
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Hazmat Incident Commander	N/A	Various	24 hours
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This is the commission approved course that requires passing the TCFP exam, and is based on NFPA 472 Hazardous Materials Incident Commander

17. Discussion and possible action on request from Fire Chief Danny Kistner, McKinney Fire Department regarding firefighter medical physicals and residential fire inspector certification.

18. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 429, Minimum Standards for Fire Inspector Certification.

CURRENT RULE LANGUAGE

CHAPTER 429

MINIMUM STANDARDS FOR FIRE INSPECTOR CERTIFICATION

§429.201 Minimum Standards for Fire Inspector Personnel.

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

§429.203 Minimum Standards for Basic Fire Inspector Certification.

In order to be certified as a basic fire inspector, an individual must:

- (1) possess valid documentation as an Inspector I, Inspector II, and Plan Examiner I from either:
 - (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (2) complete a commission approved Basic Fire Inspector program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved basic fire inspection training program shall consist of one or any combination of the following:
 - (A) completion of the commission approved Basic Fire Inspector Curriculum, as specified in Chapter 4 of the commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements as listed in the commission approved Basic Fire Inspector Curriculum as specified in Chapter 4 of the commission's Certification Curriculum Manual; or
 - (C) successful completion of the following college courses:
 - (i) Fire Protection Systems, three semester hours;
 - (ii) Fire Prevention Codes and Inspections, three semester hours;
 - (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
 - (iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12).
 - (C) documentation of the receipt of Fire Inspector I, Fire Inspector II, and Plan Examiner I certificates issued by the State Firemen's and Fire Marshals' Association of Texas that are deemed equivalent to a commission approved Basic Fire Inspector curriculum.

§429.205 Minimum Standards for Intermediate Fire Inspector Certification.

(a) Applicants for Intermediate Fire Inspector Certification must meet the following requirements:

- (1) hold as a prerequisite Basic Fire Inspector Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector Certification); and
- (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.207 Minimum Standards for Advanced Fire Inspector Certification.

(a) Applicants for Advanced Fire Inspector Certification must complete the following requirements:

- (1) hold as a prerequisite an Intermediate Fire Inspector Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector Certification); and
- (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the Commission's Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

§429.209 Minimum Standards for Master Fire Inspector Certification.

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

- (1) hold as a prerequisite an Advanced Fire Inspector Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector Certification); and
- (2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.

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

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

(a) Individuals who hold commission Fire Inspector certification issued prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination, an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.

(b) Individuals who pass the applicable section of the state examination may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:

(1) To receive the IFSAC Inspector I seal, the individual must:

- (A) complete the Inspector I section of a commission approved course; and
- (B) pass the Inspector I section of a commission examination.

(2) To receive the IFSAC Inspector II seal, the individual must:

- (A) complete the Inspector II section of a commission approved course;
- (B) document possession of an IFSAC Inspector I seal; and
- (C) pass the Inspector II section of a commission examination.

(3) To receive the IFSAC Plan Examiner I seal, the individual must:

- (A) complete the Plan Examiner I section of a commission approved course; and
- (B) pass the Plan Examiner I section of a commission examination.

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

**PRIOR PROPOSED RULE LANGUAGE NOT
ADOPTED BY THE COMMISSION AT ITS JULY
2017 MEETING. PROPOSED LANGUAGE WAS
SUBSEQUENTLY WITHDRAWN FROM THE
TEXAS REGISTER**

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER A

MINIMUM STANDARDS FOR FIRE INSPECTOR I CERTIFICATION

§429.1 Minimum Standards for Fire Inspector I Personnel.

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

§429.3 Minimum Standards for Fire Inspector I Certification.

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

- (1) possess valid documentation as an Inspector I from either:
- (A) the International Fire Service Accreditation Congress; or
- (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1 of this title (relating to Requirements—General); or
- (2) complete a commission approved Fire Inspector I training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Fire Inspector I training program shall consist of one of the following:
- (A) completion of the commission approved Fire Inspector I Curriculum, as specified in the commission's Certification Curriculum Manual; or
- (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements in the commission approved Fire Inspector I Curriculum as specified in the commission's Certification Curriculum Manual; or
- (C) documentation of the receipt of a Fire Inspector I certificate issued by the State Firemen's and Fire Marshals' Association of Texas that is deemed equivalent to a commission approved Fire Inspector I curriculum.

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

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

CHAPTER 429

FIRE INSPECTOR

SUBCHAPTER B

MINIMUM STANDARDS FOR FIRE INSPECTOR II/PLAN EXAMINER I CERTIFICATION

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

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

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

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

- (1) possess valid documentation as an Inspector I, Inspector II, and Plan Examiner I from either:
- (A) the International Fire Service Accreditation Congress; or
 - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2009 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in **§439.1** [§439.1(a)(2)] of this title (relating to Requirements—General); or
- (2) complete a commission approved [Basic] Fire Inspector **II/Plan Examiner I** program and successfully pass the commission examination(s) as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved [basic] fire inspection training program shall consist of one or any combination of the following:
- (A) completion of the commission approved [Basic] Fire Inspector **II/Plan Examiner I** Curriculum, as specified in [Chapter 4 of] the commission's Certification Curriculum Manual; or
 - (B) successful completion of an out-of-state, NFA, and/or military training program which has been submitted to the commission for evaluation and found to meet the minimum requirements [as listed] in the commission approved [Basic] Fire Inspector **II/Plan Examiner I** Curriculum as specified in [Chapter 4 of] the commission's Certification Curriculum Manual; or

(C) successful completion of the following college courses:

- (i) Fire Protection Systems, three semester hours;
- (ii) Fire Prevention Codes and Inspections, three semester hours;
- (iii) Building Construction in the Fire Service or Building Codes and Construction, three semester hours;
- (iv) Hazardous Materials I, II, or III, three semester hours (total semester hours, 12).

(D) documentation of the receipt of Fire Inspector I, Fire Inspector II, and Plan Examiner I certificates issued by the State Firemen's and Fire Marshals' Association of Texas that are deemed equivalent to a commission approved [Basic] Fire Inspector **II/Plan Examiner I** curriculum.

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

(a) Applicants for Intermediate Fire Inspector **II/Plan Examiner I** Certification must meet the following requirements:

- (1) hold as a prerequisite Basic Fire Inspector **II/Plan Examiner I** Certification as defined in §429.203 of this title (relating to Minimum Standards for Basic Fire Inspector **II/Plan Examiner I** Certification); and
- (2) acquire a minimum of four years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or
 - (B) Option 2--Completion of coursework from either the A-List or the B-List courses. Acceptable combinations of courses are as follows: two A-List courses; or eight B-List courses; or one A-List course and four B-List courses. (See the exception outlined in subsection (c) of this section); or
 - (C) Option 3--Completion of coursework from either the A-List or the B-List courses in combination with college courses in fire science or fire protection. Acceptable combinations of courses are three semester hours meeting the requirements of Option 1 with either one A-List course or four B-List courses. (See the exception outlined in subsection (c) of this section.)
- (b) Non-traditional credit awarded at the college level, such as credit for experience or credit by examination obtained from attending any school in the **commission's** [~~Commission's~~] Certification Curriculum Manual or for experience in the fire service, may not be counted toward this level of certification.
- (c) The training required in this section must be in addition to any training used to qualify for any lower level of Fire Inspector **II/Plan Examiner I** Certification. Repeating a course or a course of similar content cannot be used towards this level of certification.

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

(a) Applicants for Advanced Fire Inspector **II/Plan Examiner I** Certification must complete the following requirements:

- (1) hold as a prerequisite an Intermediate Fire Inspector **II/Plan Examiner I** Certification as defined in §429.205 of this title (relating to Minimum Standards for Intermediate Fire Inspector **II/Plan Examiner I** Certification); and
- (2) acquire a minimum of eight years of fire protection experience and complete the training listed in one of the following options:
 - (A) Option 1--Successfully complete six semester hours of fire science or fire technology from an approved Fire Protection Degree Program and submit documentation as required by the Commission that the courses comply with subsections (b) and (c) of this section; or

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

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

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

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

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

(a) Applicants for Master Fire Inspector **II/Plan Examiner I** Certification must complete the following requirements:

(1) hold as a prerequisite an Advanced Fire Inspector **II/Plan Examiner I** Certification as defined in §429.207 of this title (relating to Minimum Standards for Advanced Fire Inspector **II/Plan Examiner I** Certification); and

(2) acquire a minimum of 12 years of fire protection experience, and 60 college semester hours or an associate's degree, which includes at least 18 college semester hours in fire science subjects.

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

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

(a) Individuals who hold commission Fire Inspector certification issued prior to January 1, 2005, may apply to test for Plan Examiner I. Upon successful completion of the examination, an IFSAC seal for Plan Examiner I may be granted by making application to the commission for the IFSAC seal and paying the applicable fee.

(b) Individuals who pass the applicable section of the state examination may be granted IFSAC seal(s) for Inspector I, Inspector II, and/or Plan Examiner I by making application to the commission for the IFSAC seal(s) and paying the applicable fees, provided they meet the following provisions:

(1) To receive the IFSAC Inspector I seal, the individual must:

(A) complete the Inspector I section of a commission approved course; and

(B) pass the Inspector I section of a commission examination.

(2) To receive the IFSAC Inspector II seal, the individual must:

(A) complete the Inspector II section of a commission approved course;

(B) document possession of an IFSAC Inspector I seal; and

(C) pass the Inspector II section of a commission examination.

(3) To receive the IFSAC Plan Examiner I seal, the individual must:

(A) complete the Plan Examiner I section of a commission approved course; and

(B) pass the Plan Examiner I section of a commission examination.

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

Williamson County Emergency Services District #3



Hutto Fire Rescue
 501 Exchange Boulevard, P.O. Box 175
 Hutto, TX 78634
 Phone (512) 759-2616 FAX (512) 846-1946
 www.huttofirerescue.org

“YOUR HOMETOWN FIRE DEPARTMENT”

October 9, 2017

EMAILED

Honorable Commissioners
 Texas Commission on Fire Protection
 PO Box 2286
 Austin, TX 78768-2286

RE: *Fire Inspector Certification*

Dear Commissioners:

I am asking you again to split the Texas Commission on Fire Protection (TCFP) *Fire Inspector Certification* into two different certifications. The first would be TCFP Fire Inspector I and the second would be TCFP Fire Inspector II/Plans Examiner. This split would follow the intent of the 2014 edition of the National Fire Protection Association (NFPA) 1031 standard aligning the Fire Inspector I certification with individuals assigned to fire suppression duties while reserving the Fire Inspector II/Plans Examiner for individuals that are assigned to fire inspection/prevention bureau duties.

You approved a separate certification at your April 2017 meeting following much debate and work. In turn you sent language to the Fire Advisory Board for final review, who then recommended additional certification prerequisites for a company level fire inspector certification. However, in your July 2017 meeting, after additional debate, you reversed your previous position and voted, with one opposing, to keep the Basic Fire Inspector certification as is. So please allow me again to espouse the virtues of these two different certifications.

As you know, NFPA 1031 describes a Fire Inspector I as an individual that "...conducts basic fire inspections and applies codes and standards". As noted in A.4.1 of NFPA 1031 (2014 edition):

The intent of the [NFPA 1031 Technical] committee is that individuals at the Fire Inspector I level perform basic fire safety inspections. Individuals at this level can include fire fighters who are normally assigned to fire suppression or other individuals whose primary job responsibilities are not fire inspection.

These tasks fall in line with the job of a Company Officer who conducts company inspections while still riding on a fire apparatus. These individuals are out in the field within their community on a daily basis interacting with businesses. This TCFP Fire Inspector I will not be interpreting codes or conducting plans reviews, rather they will be implementing what has been adopted by the Authority Having Jurisdiction (AHJ). They will actually be applying the adopted code throughout their community. They may for example use some type of preprinted fire inspection form which outlines those items they should be looking for to assure code compliance. These TCFP Fire Inspector I's will be the first line of defense to identify hazards in existing businesses for many Texas communities.

Fire is Everyone's Fight™

BOARD OF COMMISSIONERS

Bill Brown Butch Miller Dan Hejl
 President Vice President Secretary

Gary Guthrie Mike Cooper
 Treasurer Vice Treasurer

ADMINISTRATION

Scott D. Kerwood MaryAnn Buchanan
 Fire Chief Administrator

NFPA 1031 then goes on to describe a Fire Inspector II as an individual that "...conducts most types of inspections and interprets applicable codes and standards". As noted in A.5.1 of NFPA 1031 (2014 edition):

The intent of the [NFPA 1031 Technical] committee is that individuals at the Fire Inspector II level perform fire safety inspections with moderate technical challenges. This level can include Fire Inspector I individuals who through experience and formal continuing education have achieved the prerequisite knowledge and skills noted and graduates of degree programs in associated fields who can demonstrate the prerequisite knowledge and skills noted. Formal continuing education is essential to maintaining the skill level of a Fire Inspector II and to continue an individual's advancement to the more skilled Fire Inspector III level.

As you are also aware, "interpret" means to explain the meaning of something. It will be the job of the TCFP Fire Inspector II/Plans Examiner to analyze and determine how to apply the AHJ's adopted code. This is the job that an individual does in a fire prevention bureau, not the person who is assigned to an engine company or a truck company that is conducting a basic fire inspection. This TCFP Fire Inspector II/Plans Examiner for example will be working with new business making sure that they have the correct type of fire extinguishers, have the correct occupancy classification, have a correctly installed fire sprinkler system and/or fire detection system, have the correct number of exits and exit signs, and have other life safety items as required by the code.

As it currently stands the TCFP certification for Fire Inspector, is more in line with NFPA 1031 Fire Inspector III level. According to NFPA 1031 a Fire Inspector III "...performs all type of fire inspections, plans review duties, and resolves complex code-related issues". As noted in A.6.1 of NFPA 1031 (2014 edition):

The intent of the [NFPA 1031 Technical] committee is that individuals at the Fire Inspector III level perform fire safety inspections with advanced technical challenges. This level can include Fire Inspector II individuals who through experience and formal education have achieved the prerequisite knowledge and skills noted and graduates of degree programs in a technical field who can demonstrate the prerequisite knowledge and skills noted. Continuing education in formal programs is essential to maintaining the skill level of a Fire Inspector III.

While it is important for a TCFP fire inspector to have the knowledge, skills, and abilities to properly apply, interpret, analyze, and enforce the AHJ's adopted fire code, there are several ways that this can be accomplished. Splitting the TCFP Fire Inspector into two different certifications is one of those ways. Currently the TCFP Fire Inspector program requires that the Fire Inspector I, Fire Inspector II, and Plans Examiner must all be passed to achieve a TCFP Fire Inspector certification. If the TCFP wants to have just one level of fire inspector in Texas, then why is the Fire Inspector III certification not required as well as the Plans Examiner II certification? While I am not promoting adding additional levels of certification, I am asking you to look at the different ways the fire inspector certification can be approached for all Texas communities.

Commissioners I am asking again for the TCFP Fire Inspector certification to be split into two levels: Fire Inspector I and Fire Inspector II/Plans Examiner. As always, I stand and remain committed to serve in whatever capacity I am requested by the Texas Commission on Fire Protection. Thank you for your time.

Yours in the Fire Service,



Scott D. Kerwood, PhD, CFO, EFO, CEMSO, FM, CFPS, FSCEO, FIFireE, CEM, TEM
Fire Chief

Cc: Tim Rutland, Executive Director



Collin County Fire Chiefs Association

P.O. Box 1705
McKinney, Texas, 75071
ccfca.co

October 9, 2017

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

RE: Fire Inspector Rule

Dear Mr. Rutland:

Please consider this letter from the Collin County Fire Chief's Association (CCFCA) as support of a previous TCFP decision to separate the segments of the Basic Fire Inspector Certification.

NFPA 1031 distinctly separates the elements of fire inspector into I, II, and Plans Examiner, respectively. Fire Inspector I is intended to conduct elementary fire inspections, well within the scope of an annual company level fire inspection. It was our belief that the Commission approved a similar separation at the April 2017 Commission meeting but then reversed its decision during the July 2017 meeting.

We have an additional concern that the possibility of a vote reversal was not overtly shared with stakeholders, allowing adequate opportunity for rebuttal and debate.

The CCFCA maintains the position that the current requirement for Basic Fire Inspector is too burdensome for conducting routine fire company commercial occupancy inspections.

Best regards,

A handwritten signature in black ink that reads "Tim Mock".

Tim Mock
President
Collin County Fire Chief's Association

OFFICE OF THE FIRE CHIEF



Daniel T. Kistner
 Fire Chief
 2200 Taylor-Burk Drive
 McKinney, TX 75071
 972-547-2850 Office
 972-547-2858 Fax

September 15, 2017

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

RE: Review, *Minimum Standards for Fire Inspector Certification*

Dear Mr. Rutland:

Respectfully, I am requesting the Texas Commission on Fire Protection revisit Texas Administrative Code, Title 37, Part 13, Chapter 429, concerning Minimum Standards for Fire Inspector Certification. Chapter 429 consists of §429.201, Minimum Standards for Fire Inspector Personnel, §429.203, Minimum Standards for Basic Fire Inspector Certification, §429.205, Minimum Standards for Intermediate Fire Inspector Certification, §429.207, Minimum Standards for Advanced Fire Inspector Certification, §429.209, Minimum Standards for Master Fire Inspector Certification, and §429.211, International Fire Service Accreditation Congress (IFSA) Seal.

While I can appreciate the intent of requiring a level above the recommended NFPA Standard 1031 for routine company level fire inspections, the requirement is overly burdensome and *may* have resulted in unintended consequences, such as commercial occupancies with "years" interval between fire inspections.

Current TCFP Basic Fire Inspector Certification requirement:

- Incorporates a skill set that will seldom be used, if ever, at the company level.
- Promotes normalcy of deviation, a trend away from annual commercial occupancy inspection.
- Complicates justifying cost to benefit.

The ability to conduct company level and basic fire inspections has been a cornerstone of the fire service for decades. Conducting annual inspections places firefighters inside buildings for familiarization, identifies potential fire and life safety hazards with an immediate means for corrective action, develops relationships with the local business community, and perhaps most importantly, contributes to development of firefighter critical thinking skills. The company level inspection is not to be confused with pre-incident planning, which does not incorporate prevention efforts.

NFPA 1031 Chapters 4, 5, and 6, respectively, identify three levels of progression for fire inspector. Conspicuously absent from the standard is a requirement for the additional plans examiner certification to conduct routine, company level fire inspections. The standard was first adopted in May, 1977. The progression of this standard is well documented within its first few pages. A job task analysis was conducted and specific job performance requirements identified. In short, NFPA has been examining

this subject matter for some time and in great detail. I am unaware of any similar analysis sponsored or conducted by the Commission that supports an increased level of certification.

Further, failure of those to regularly conduct plan reviews results in loss of that skill. Even today, those assigned to formal fire inspection duties who do not routinely engage in plan reviews become less proficient yet still maintain the certification. An argument can be made that those who engage in plan reviews but lack proficiency place the fire service at even **greater** risk because decisions then affect the life of the building. Another unintended consequence.

I am unaware of any other similar requirement of TCFP, based on NFPA that requires more than a given standard.

To be clear, this proposal is to add an additional certification for the company level inspection based on NFPA 1031 and is not intended to replace the current TCFP Basic Fire Inspector Certification for those assigned specifically to Fire Prevention or related office...a proposal that was previously **approved** by the Commission and then rescinded on July 13, 2017.

The following Fire Chiefs have stated support for this additional certification and are willing to sign this or similar correspondence:

Fire Chief Rudy Jackson
Ft. Worth Fire Department

Fire Chief James Mallinger
Cedar Park Fire Department

Fire Chief Les Stephens
San Marcos Fire Department

Fire Chief Scott Kerwood
Hutto Fire Department

An additional letter on behalf of the Collin County Fire Chief's Association is forthcoming to have this item placed back on the Commissioner's Agenda.

Respectfully,

Danny Kistner
Fire Chief
McKinney Fire Department

19. Discussion and possible action on matters from the Executive Director.

A. Decisions of the Executive Director in contested cases and consent orders.

19. Discussion and possible action on matters from the Executive Director.

B. Status of division functions.

Commission Report, 4th Quarter FY2017 Overview and Executive Office

The fourth quarter brought to a finish a busy year for TCFP.

A few bills passed in the recently completed legislative session that may impact the agency:

- House Bill 1290 directs that, if an agency passes a rule that **imposes a cost** on regulated persons, another state agency, a special district, or a local government, the agency must repeal a rule that imposes a total cost that is equal to or greater than the total cost imposed by the proposed rule. Exempted are proposed rules that are necessary for the health, safety, and welfare of the residents of the state.

HB1290 also requires an agency that is proposing a new rule to submit a government growth impact statement for the proposed rule. The impact statement will describe such things whether the rule will:

- create or eliminate a program.
- create or eliminate employee positions.
- require future changes in appropriations to the agency.
- result in an increase or decrease in fees paid to the agency.
- create a new regulation.
- result in an increase or decrease in the number of individuals subject to the rule.
- positively or negatively impact the state's economy.
- House Bill 3433 requires that an agency adopting a rule that may have an impact on small businesses or rural communities (municipality < 25,000) to prepare an economic impact statement.

Both testing and certification issuance remained at high levels for the quarter. Testing volume for the entire year was at the highest level since at least 2010, and saw an increase of over 750 exams administered from the previous year. Certificate issuance also saw a steady increase continuing from 2015. Issuance was also at the highest level since 2010 except for 2013, during which time the agency adopted wildland certifications and allowed persons to qualify for the certification without a test.

The overall pass rate for exams continues to be impacted because of the new requirements (began January 1st) calling for examinees to pass all sections of the Structural FP and Fire Inspector exams to qualify for state certification. It is anticipated that pass rates for these two exams will improve as training facilities and individuals make the necessary adjustments.

Work is nearing completion regarding the redesign of the agency's data management system. Most work is now focused on the user interface for both staff and customers. Staff contacted and began making the necessary arrangements with many testing facilities around the state that will serve to deliver the agency's exams in an online format.

The agency lost its Financial Services Manager near the end of the third quarter, but secured a waiver from the general hiring freeze in effect at the time. A new manager was selected in August and began in September.

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

Commission Quarterly Report Training Approval and Testing Section

Test Administration, Training Approvals, Record Reviews, and Training and Skill Testing Audits Statistics – 4th Quarter, FY 2017

o **Test Administration** – 2152 exams were administered during this quarter with an average grade of 79.41% and a pass rate of 79.06%. **A total of 9832 exams were administered during FY 2017.**

o **Training Approvals** – Total of 526 training approvals were submitted with start dates during this quarter in the commission’s Training Facility Management System.

o **Record Reviews** –Forty-five (45) record reviews for equivalency were conducted (11 out of state; 19 SFFMA; 11 Wildland; 10College Route; 5 Texas Teacher’s Certification; and 588 test packets were distributed in the 4th quarter. One hundred four (104) Qual#s were issued in the Training Facility Management System.

o **Training and Skill Testing Audits** – Three onsite skill audits were conducted by Training Approval and Testing staff member during this quarter. No deficiencies were found. ****Responsibility for on-site audits has been transferred to the Compliance section. Training Approval and Testing Supervisor and Online Auditor will continue to assist.**

- Twenty-five (25) online training audits were conducted with minor deficiencies identified. Across the board issues with wording or no syllabus attached to course, login information updated and TCFP not being notified. Deficiencies were immediately corrected. Notification of changes to login information continues to be an ongoing problem.

- Activities for the Next Quarter
- Continue to work with IT staff on the online test scheduling procedures, payment processes, and web-based testing project.
- Continue working in conjunction with the Compliance Officers to focus on conducting more on-site training, record, and skill audits within their respective regions. Assist in resolving any deficiencies found.

Certification, Renewal and Curriculum 4th Quarter Report, FY 2017

Certification/Renewal

- 2870 certificates issued
- 1431 IFSAC seals issued for a total of 5293 for the year
- 270 training facilities holding 1697 active certifications
 - 50 new training certifications issued to 27 training facilities
- 83 individual certificate holders renewed
- 2 training facilities renewed late
- 32750 total active professional certifications
 - 28769 total employed individuals with active professional certifications
 - 3981 not employed individuals with active professional certifications

Other activities:

Driver Operator Aerial, Hazmat Incident Commander and Incident Safety Officer were all submitted to be IFSAC accredited. Driver Operator Aerial was recently approved but we have not received official notification.

Created rules for Fire Life Safety Educator certification

Grace Wilson participated in an IFSAC site visit

Curriculum Development

June 2017 – August 2017

Meetings

June 15-16: Investigator ad hoc committee

June 27-28: Curriculum & Testing committee

June 29: FF Advisory committee

July 11-13: IFSAC site visit (Saskatchewan)

Aug. 14-15: Fire and Life Safety ad hoc committee

Meetings Detail

Investigator ad hoc committee: Finished updating the curriculum to new NFPA 921 edition. Reviewed and edited problematic test questions.

Curriculum and Testing committee: Reviewed new Basic Wildland skills. Discussed new edition of NFPA 1001 which will be coming out in 2018, and how to prepare for that. Discussed the use of any PTS banks going forward (since Ben Hirst decided we could now use them for on-line testing) and all were in agreement that they should only be used if absolutely necessary. The preferred path is to continue creating our own test questions from now on. Reviewed several hazmat ops skills. Created a new rule for Officer III which adds a degree option (bachelor's) for certification to this level. Approved an updated reference list for Officer III and IV. Reviewed and approved the new curriculum documents for FLSE I. Reviewed and approved the updated curriculum documents for Fire Investigator.

FF Advisory committee: Approved an updated reference list for ISO curriculum manual.

IFSAC Site Visit: Spent three days in Regina, Saskatchewan with two other IFSAC auditors (one from British Columbia, and one from Oklahoma City). We reviewed all province's test banks, skills and SOPs related to their testing/certification program. We witnessed a skills test

for a D/O-Aerial exam, as well as a written test. Very productive visit. They have a much smaller testing program than we do.

FLSE ad hoc committee: Created recommendations for rules for certification at the request of the Curriculum & Testing committee. Continue to work on creating a level I test bank. Began creating skills for the level I certification.

IFSAC

Submitted three certification levels to IFSAC for administrative review in August. They will review ISO, D/O-Aerial, and Hazmat IC and let the agency know if/when those levels are officially accredited. Don't expect any response for at least two months (October at the earliest).

Test Development and Test Bank Maintenance

- David continues to work with IT staff in developing new on-line testing platform.
- Created 148 monthly certification exams.
- Continue regular review of test questions as required.
- Continue writing new test questions for many of the disciplines in order to strengthen our new (TCFP-developed) test banks in preparation for the agency's IFSAC review/audit which is scheduled to take place June 2018.
- Completed ISO, D/O-Aerial and Hazmat IC on-line test banks
- Continue to work on creating (with the help of committees) the following new test banks for on-line testing:
 - All Hazmat disciplines (Aw, Ops, Mission-Specific, Tech)
 - Basic Wildland
 - Firefighter I

Compliance Report Fourth Quarter FY17

- The Compliance Team completed annual training in Austin during July. Agenda for the weeklong training included project Olympus updates from IT staff, develop and write Certified Training program audit policy and procedure, aftermarket labels attached to SCBA masks, updates on SMFO LODD expectations, mandatory vs voluntary injury reporting program, update on Inspector Certification requirements, Head of Department Certification processing, inspecting discipline assignments, TCFP challenge coins, legislative updates, employee benefits updates, agency security updates.
- Annual Personnel Performance Appraisals were completed with the Compliance officers.
- The Compliance Manager received a complaint in writing regarding a completed certification course of a regulated training facility. The complaint alleged the certified training facility violated TCFP rules. An investigation was completed. It included review of course records, verbal and written correspondence, and interview statements. The investigation findings determined that rules violations occurred in the delivery and / or the testing of certification courses, which resulted in Compliance enforcement procedures. Notices of alleged violations letters including findings and corrective actions were provided to the certified training facility. The training facility received notice of its right to request an informal settlement conference with TCFP staff. The training facility did not request an informal settlement conference. The training facility provided the Compliance Manager an acceptable written corrective action plan. The training program and the training coordinator were placed on a six-month probation status. Numerous student's certifications status' were effected related to the specific certified training courses. Letters of notification explaining the corrective actions were sent to each student. The certified training facility and the students are completing the required corrective actions to clear the affected student certification status.
- Two other certified training program audits resulted in determinations that rules violations occurred in the process of conducting certification courses. These two audit findings resulted in determination that rules violations occurred in the delivery and / or the testing of certification courses and Compliance enforcement procedures were implemented. Notices of alleged violations letters including findings and corrective actions were provided to the certified training facility. The training facility received notice of its right to request an informal settlement conference with TCFP staff. The training facility did not request an informal settlement conference. The training facility provided the Compliance Manager an acceptable written corrective action plan. The training program, training coordinator and training instructors were placed on a six-month probation status. The training courses were determined to be non-compliant with TCFP rules therefore, the courses were suspended.
- During the annual training in Austin the Compliance team discussed whether it is permissible for regulated departments to attach after-market identification labels on the SCBA face piece lens. DECISION: Labels placed on masks by the regulated departments is a violation of TCFP rules. (See NFPA 1981, 2013 Edition, Chapter 1.1.4 and Annex A.1.1.4) The corrective action required is: a) the regulated entity shall obtain and maintain a letter of approval in writing from the face piece manufacturer for the label accessory or b) remove the attached accessory.

- The Compliance Manager requested permission and received approval to have a compliance officer attend Curriculum and Testing Committee meetings to improve the compliance officer's understanding of the committee's expectations of the certified training program, instructors, examiners and coordinators. The compliance officer attending meetings, utilizing field audit observations, will serve as a liaison between the compliance officer / auditor and the committee to help improve communications, understanding, and to help identify and solve issues and concerns related to the application of the committees work products and the certification course training and testing.
- The Compliance Team participated in monthly Skype sessions, to receive updates and training on compliance issues, procedures and concerns.

FY 2017 4Q Injury Reporting Program

	1Q	2Q	3Q	4Q	Totals
Reported Injuries	861	1032	1242	1166	4301
Burns	23	21	26	33	103
SOP-related*	4	3	10	7	24
Environmental	41	57	40	58	196

*Injuries involving SOP violations

FY 2017 4Q Library Program

	1Q	2Q	3Q	4Q	Totals
<i>Items loaned</i>					
AV items	21	25	15	24	85
Print items	9	5	4	15	33
<i>Research and reference requests</i>					
Internal	5	3	3	5	16
External	26	36	28	27	117
New library borrowers (new users)	6	4	4	3	17
Responses to borrower follow-up surveys	1	2	0	0	3
<i>Items cataloged</i>					
AV items	5	0	2	3	10
Print items	3	6	9	5	23
Desk copy items ordered and processed	1	2	2	4	9
<i>Publications/postings</i>					
Library newsletter	0	2	1	2	5

FY 2017 4Q Other Public Information and Outreach Activities

	1Q	2Q	3Q	4Q	Totals
Fire department job postings	162	140	124	160	426
Number of departments requesting postings	128	135	121	140	*
Website home page articles	1	0	2	0	3
Facebook posts	24	17	18	8	67
Twitter "tweets"	28	21	33	20	102
Open records requests	211	224	229	196	860

*Non-cumulative

Information Technology Fourth Quarter FY17 Report

- TCFP Websites and Web Applications Uptime 99.00%
- User testing ongoing for new FIDO and new FARM
- Installation and functional testing implemented for written exam grading app
- Additional data cleaning and migration from old database to new FIONA database ongoing
- Ancillary features added to FIONA
 - Docs
 - Epay
- Stabilized session management for FIONA
- Developed 3 new SQL server 2016 instances to manage development, staging, and production data.
- Resolved 33 Service Request (Tickets)
 - Internal users: 20 (may have indirectly addressed external issues.)
 - External users: 13
- Design go live plan for new Apps
- Conducted/partook in IT Training
 - Developers training
 - IRM training
 - Security Training
 - TPE User meeting
- Prepped and synchronized routines for individual and department Renewal

20. Invocations before Commission meetings and considering and possibly adopting an invocation policy. The commission may go into executive session pursuant to Texas Government Code Section 551.071(2), for consultation with attorney in which the duty of the attorney to the governmental body under the Texas Disciplinary Rules of Professional Conduct of the State Bar of Texas clearly conflicts with this chapter.

Texas Commission on Fire Protection

Policy on Opening Meetings with an Invocation

Purpose

The Texas Commission on Fire Protection (the “Agency”) is a deliberative public body of Texas. It desires to solemnize its official meetings with an invocation for the benefit of the commissioners.

The Agency adopts this formal policy to clarify and codify its invocation practices and to ensure their compliance with applicable law. The United States Supreme Court has twice confirmed the right of the Agency, as a deliberative public body, under the U.S. Constitution, to use solemnizing invocations.¹ Opening sessions of deliberative public bodies, like the Agency, with prayer is deeply embedded in the history and tradition of this country and coexists with the principles of disestablishment and religious freedom.²

Invocations by deliberative public bodies lend gravity to public business, remind lawmakers to transcend petty differences in pursuit of a higher purpose, and expresses a common aspiration to a just and peaceful society.³ While invocations reflect values long part of the Nation’s and Texas’s heritage, the invocations should not denigrate nonbelievers or religious minorities, threaten damnation, or preach conversion.⁴ At the same time, however, government officials may not act as censors of religious speech by requiring that invocations be generic or nonsectarian.⁵

The Agency seeks to adopt an invocation practice that uses a neutral system to invite chaplains to provide an invocation before its meetings, a practice long recognized as constitutional.⁶ The Agency does not intend to preach conversion, advance any particular religious faith, or show any purposeful preference of one religious view over another.

The Agency believes that [choose one of the following: {fire department chaplains} {clergy that serve the local community} {appointed chaplain}] are suited through their training and public service to petition for divine guidance on the deliberations of this Agency, and to accomplish the Agency’s objective to solemnize

¹ *Town of Greece v. Galloway*, 134 S. Ct. 1811 (2014); *Marsh v. Chambers*, 463 U.S. 783 (1983).

² *Marsh*, 463 U.S. at 786.

³ *Galloway*, 134 S. Ct. at 1818.

⁴ *Id.* at 1823.

⁵ *Id.* at 1820.

⁶ *See, e.g., Am. Humanists Ass’n v. McCarty*, 851 F.3d 521 (5th Cir. 2017); *Simpson v. Chesterfield Cty. Bd. of Supervisors*, 404 F.3d 276 (4th Cir. 2005); *Pelphrey v. Cobb Cty.*, 547 F.3d 1263 (11th Cir. 2008); *Rubin v. City of Lancaster*, 710 F.3d 1087 (9th Cir. 2013).

public occasions, express confidence in the future, and to encourage the recognition of what is worthy of appreciation in society.

Policy

1. It is the intent of the Agency to allow a [chaplain / private citizen / appointed chaplain] to solemnize the proceedings of the Agency. It is the policy of the Agency to allow for an invocation, which may include a prayer, a reflective moment of silence, or a short solemnizing message, to be offered before its meetings to lend gravity to the Agency's work and remind the commissioners to transcend petty differences.
2. No commissioner, employee of the Agency, or any other person in attendance at the meeting shall be required to participate in any invocation and such decision shall have no impact on the ability of the person to actively participate in the business of the Agency.
3. No commissioner or employee of the agency will direct the public to stand, bow, or in any way participate in the prayers; make public note of a person's presence or absence, attention or inattention during the invocation; or indicate that decisions of the Agency will in any way be influenced by a person's acquiescence in the prayer opportunity.
4. *[Choose one of Alternatives 1–3 below.]*
5. No invocation speaker shall receive compensation for his or her service.
6. No guidelines or limitations shall be issued regarding an invocation's content, except that the commission shall request by the language of this policy that no invocation should preach conversion or advance any faith, or disparage the religious faith or non-religious views of others.
7. *[Include with Alternates 1, 2, 3]* The Clerk shall make every reasonable effort to ensure that a variety of eligible invocation speakers are scheduled for the commission's meetings. In any event, absent compelling circumstances, invocation speakers should not be scheduled to offer an invocation at consecutive meetings of the commission, or at more than three (3) commission meetings in any calendar year.
8. Neither the commission nor the Clerk shall engage in any prior inquiry, review of, or involvement in, the content of any invocation to be offered by an invocation speaker.
9. To clarify the commission's intentions, as stated herein above, the following disclaimer shall be included in at least ten (10) point font at the bottom of any printed program or schedule of events published by the commission:

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

10. This policy is not intended, and shall not be implemented or construed in anyway, to affiliate the commission with, nor express the commission's preference for, any faith or religious denomination. Rather, this policy is intended to acknowledge and express the commission's respect for the diversity of religious denominations and faiths represented and practiced among the citizens of Texas.

Adopted: _____

[*Alternate 1: Preferred for first-responder agencies*] The invocation shall be voluntarily delivered by an appointed representative of the Chaplains List for fire departments throughout Texas. To ensure that such person (the “chaplain”) is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according the following procedure:

- a. For purposes of this policy, the Agency clerk is the Executive Assistant to the Executive Director or the Executive Director’s designee.
- b. The clerk of the Agency (the “Clerk”) shall compile and maintain a database (the “Chaplains List”) of fire departments in Texas with an established chaplain.
- c. All fire department chaplains with an established presence in Texas are eligible to be included in the Chaplains List, and any such department may confirm its inclusion by specific written request to the Clerk.
- d. The policy is intended to be and shall be applied in a way that is inclusive of diverse fire chaplains serving the citizens of Texas. The Chaplains List is compiled and used for purposes of logistics, efficiency, and equal opportunity for Texas’s first responder chaplains, who may themselves choose whether to respond to the commission’s invitation and participate.
- e. The Chaplains List shall be updated, by reasonable efforts of the Clerk, in August of each calendar year.
- f. Within thirty (30) days of the effective date of this policy, and on or about July 1 of each calendar year thereafter, the Clerk shall mail/email an invitation addressed to each individual on the Chaplains List.
- g. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear Chaplain,

The Texas Commission on Fire Protection makes it a policy to invite chaplains serving fire departments throughout Texas to voluntarily offer an invocation before the beginning of its meetings, for the benefit of the commission. In your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the commission.

If you are willing to assist the Texas Commission on Fire Protection in this regard, please send a written reply at your earliest convenience to the Clerk of the commission at the address included on this letterhead. Representatives are scheduled on a

first-come, first-serve basis. The dates of the commission's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and avoid discrimination, the commission requires only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the commission, I thank you in advance for considering this invitation.

Sincerely,

Clerk of the Texas Commission on Fire Protection

- h. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
- i. In the event an eligible chaplain believes that the Clerk has not complied with the terms of this policy, the chaplain has the right to have the matter reviewed by the commission.
- j. In the event that none of the eligible chaplains on the Chaplains List is available to give the invocation at a commission meeting, the invocation may be voluntarily delivered by one of the commissioners. That person shall be selected on a rotating basis, starting with the most senior commissioner and continuing through each person until the most junior commissioner is reached, then the rotation will begin again with the most senior commissioner. If a commissioner declines to deliver the invocation, the opportunity will go to the next commissioner.

[*Alternate 2*] The invocation shall be voluntarily delivered by an appointed representative of the Assemblies List for Travis County. To ensure that such person (the “invocation speaker”) is selected from among a wide pool of representatives, on a rotating basis, the invocation speaker shall be selected according to the following procedure:

- a. For purposes of this policy, the Agency clerk is the Executive Assistant to the Executive Director or the Executive Director’s designee.
- b. The clerk of the Agency (the “Clerk”) shall compile and maintain a database (the “Assemblies List”) of the assemblies with an established presence in Travis County that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a “religious assembly”).
- c. The Assemblies List shall be compiled by referencing the listing for “churches,” “synagogues,” “congregations,” “temples,” “mosques” or other religious assemblies in the annual phonebook publication distributed by the company that holds the telecommunication franchise for Travis County, research from the Internet, and consultation with local chambers of commerce. All religious assemblies with an established presence in Travis County are eligible to be included in the Assemblies List, and any such religious assembly can confirm its inclusion by specific written request to the Clerk.
- d. The policy is intended to be and shall be applied in a way that is inclusive of diverse religious assemblies serving the citizens of Travis County. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community’s religious leaders, who may themselves choose whether to respond to the commission’s invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Clerk may consult criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.
- e. The Assemblies List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments in Travis County.
- f. The Assemblies List shall also include the name and contact information of any religious assembly located outside Travis County if such assembly is attended by at least one resident of Travis County and such resident requests the inclusion of the assembly by specific written communication to the Clerk.
- g. A commissioner may invite a representative from a religious assembly located outside of Travis County and notify the Clerk of that

representative's contact information so that the Clerk may add him or her or the Assemblies List.

- h. The Assemblies List shall be updated, by reasonable efforts of the Clerk, in August of each calendar year.
- i. Within thirty (30) days of the effective date of this policy, and on or about July 1 of each calendar year thereafter, the Clerk shall mail/email an invitation addressed to the "religious leader" of each entry on the Assemblies List.
- j. The invitation shall be dated at the top of the page, signed by the Clerk at the bottom of the page, and read as follows:

Dear Religious Leader,

The Texas Commission on Fire Protection makes it a policy to invite members of the clergy or religious representative in Travis County to voluntarily offer an invocation before the beginning of its meetings, for the benefit of the commission. As a representative of one of the religious congregations with an established presence serving the local community, or in your capacity as a chaplain for one of the local fire departments or law enforcement agencies, you are eligible to offer this important service at an upcoming meeting of the commission.

If you are willing to assist the commission in this regard, please send a written reply at your earliest convenience to the Clerk of the commission at the address included on this letterhead. Representatives are scheduled on a first-come, first-serve basis. The dates of the commission's scheduled meetings for the upcoming year are listed on the following, attached page. If you have a preference among the dates, please state that request in your written reply.

This opportunity is voluntary, and you are free to offer the invocation according to the dictates of your own conscience. To maintain a spirit of respect and avoid discrimination, the commission requires only that the opportunity not be exploited as an effort to convert others to the particular faith of the invocation speaker or to disparage any faith or belief different than that of the invocation speaker.

On behalf of the commission, I thank you in advance for considering this invitation.

Sincerely,

Clerk of the Texas Commission on Fire Protection

- k. The respondents to the invitation shall be scheduled on a first-come, first-serve basis to deliver the invocation.
- l. In the event an eligible representative of an Assembly serving the local community believes that the Clerk has not complied with the terms of this policy, the representative has the right to have the matter reviewed by the commission.
- m. In the event that none of the eligible chaplains on the Assemblies List is available to give the invocation at a commission meeting, the invocation may be voluntarily delivered by one of the commissioners. That person shall be selected on a rotating basis, starting with the most senior commissioner and continuing through each person until the most junior commissioner is reached, then the rotation will begin again with the most senior commissioner. If a commissioner declines to deliver the invocation, the opportunity will go to the next commissioner.

[*Alternate 3*] The invocation shall be voluntarily delivered by an appointed chaplain of the Agency. To ensure that such person (the “Chaplain”) is selected from among a wide pool of individuals, the Chaplain shall be selected according to the following procedure:

- a. For purposes of this policy, the Agency clerk is the Executive Assistant to the Executive Director or the Executive Director’s designee.
- b. The clerk of the Agency (the “Clerk”) shall compile a list of the assemblies with an established presence in Travis County that regularly meet for the primary purpose of sharing a religious perspective (hereinafter referred to as a “religious assembly”).
- c. The Assemblies List shall be compiled by referencing the listing for “churches,” “synagogues,” “congregations,” “temples,” “mosques” or other religious assemblies in the annual phonebook publication distributed by the company that holds the telecommunication franchise for Travis County, research from the Internet, and consultation with local chambers of commerce. All religious assemblies with an established presence in Travis County are eligible to be included in the Assemblies List.
- d. The policy is intended to be and shall be applied in a way that is inclusive of diverse religious assemblies serving the citizens of Travis County. The Assembly List is compiled and used for purposes of logistics, efficiency, and equal opportunity for all of the community’s religious leaders, who may themselves choose whether to respond to the commission’s invitation and participate. Should a question arise as to the authenticity of a religious assembly, the Clerk may consult criteria used by the Internal Revenue Service in its determination of those organizations that would legitimately qualify for I.R.C. § 501(c)(3) tax-exempt status.
- e. The Assemblies List shall also include the name and contact information of any chaplain who may serve one or more of the fire departments or law enforcement agencies of Travis County.
- f. The Assemblies List shall also include the name and contact information of any religious assembly located outside Travis County if such assembly is attended by at least one resident of Travis County and such resident requests the inclusion of the assembly by specific written communication to the Clerk.
- g. A commissioner may invite a representative from a religious assembly located outside of Travis County and notify the Clerk of that representative’s contact information so that the Clerk may add him or her or the Assemblies List.

- h. After compiling the Assemblies List, the Clerk shall mail/email an application addressed to the “religious leader” of each entry on the Assemblies List asking that person to apply for the position of appointed volunteer chaplain for the commission.
- i. Thirty (30) days after mailing/emailing the invitations, the Clerk shall provide the [executive director / chief executive] of the commission with the applications. The [executive director / chief executive] shall review the applications and select five (5) individuals to interview. After the interviews are complete, the [executive director / chief executive] shall select three (3) individuals to appear before the commission for an interview.
- j. The commission shall interview the three (3) applicants selected by the [executive director / chief executive] and then, by majority vote, select an applicant to serve as the Chaplain for a period of three (3) years.
- k. When interviewing, selecting, and voting on the applicant, the commission shall focus on the temperament and experience of the applicant, and shall not focus on the particular faith perspective the applicant offers.
- l. In the event that the appointed volunteer chaplain is unavailable to give the invocation at a commission meeting, the invocation may be voluntarily delivered by one of the commissioners. That person shall be selected on a rotating basis, starting with the most senior commissioner and continuing through each person until the most junior commissioner is reached, then the rotation will begin again with the most senior commissioner. If a commissioner declines to deliver the invocation, the opportunity will go to the next commissioner.

21. Open session for further discussion and possible action regarding preceding agenda item.

22. Executive session pursuant to Section 551.074, Texas Government Code for the discussion of personnel matters: the appointment, employment, compensation, evaluation, reassignment, duties, discipline, or dismissal of the Executive Director, and the appointment, employment, reassignment, or duties of personnel acting on an interim basis in this position.

23. Open session for further discussion and possible action regarding preceding agenda item.

24. Adjourn meeting.