

**TEXAS COMMISSION ON FIRE PROTECTION**  
**July 18, 2019, 9:00 a.m.**  
**1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas**

- 1. Call to order with Invocation, presentation of colors, and Pledge of Allegiance.**
- 2. Roll call – 9:00 a.m. (including consideration of whether to excuse absences).**
- 3. Adoption of the commission meeting minutes of April 25, 2019.**
- 4. The Budget and Strategic Plan subcommittee may meet on July 18, 2019 during the commission meeting and provide a report for discussion and possible action relating to any recommendations developed by the subcommittee, 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. Discussion and possible action regarding report from the Health and Wellness Ad Hoc committee.**
- 9. New matters from the commission, staff, or public which may be discussed in future commission meetings.**
- 10. Discussion and possible action on future meeting dates.**
- 11. 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 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, Subchapter B, Minimum Standards For Plan Examiner.**
    - 2. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 439, Examinations for Certification.**
    - 3. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 459, Fire and Life Safety Educator.**

**B. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Certification Curriculum Manual as follows:**

- a. Updated Reference List for the Hazardous Materials Awareness Curriculum.
- b. Updated Reference List for the Hazardous Materials Incident Commander Curriculum.
- c. Updated Reference List for the Hazardous Materials Operations – Mission Specific Competencies Curriculum.

12. Report from Curriculum and Testing Committee regarding the review and evaluation of the International Code Council Inspector Certification Program.
13. Discussion and possible action on request from Dan Bodin, P, M, & R Specialists of Texas, LLC regarding NFPA 1582 Medical Exams.
14. Discussion and possible action on request from Chief Danny Kistner, McKinney Fire Department regarding Life Safety Initiative Number Nine.
15. Discussion and possible action on report from Chief Roy Rubio, Harlingen Fire Department regarding protective clothing issues experienced by the fire department.
16. Discussion and possible action on acceptance of gifts to the commission from the family of former State Fire Marshal, Ernest A. Emerson.
17. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 403, Criminal Convictions and Eligibility For Certification.
18. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 421, Standards For Certification.
19. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 427, Training Facility Certification.
20. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 433, Driver Operator.
21. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 437, Fees.
22. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 445, Administrative Inspections and Penalties.
23. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 453, Hazardous Materials.
24. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.
25. Discussion and possible action regarding the addition of classes or courses to the A List and B List for higher levels of certification.
26. Discussion of the 2018 data collected on fire fighter injuries, and possible action on developing recommendations to be submitted to the commission for approval and submission to the State Fire Marshal's Office.

- 27. Discussion and possible action on matters from the Executive Director.**
- A. Decisions of the Executive Director in contested cases and consent orders.**
  - B. Status regarding division functions:**
    - a. Training Approval & Testing - test administered, training approvals, record reviews and online training audits**
    - b. Certification & Professional Development - training applications, IFSAC seals issued, certifications issued, training facilities, curriculum development, library resource requests**
    - c. Compliance - biennial inspections, compliance officers training, issues involving regulated entities**
    - d. Information Technology - public website design, FARM and FIDO improvements, CAPPs (Central Accounting Payroll/Personnel System), IT security policy, service requests**
- 28. 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.**
- 29. Open session for further discussion and possible action regarding preceding agenda item.**
- 30. Adjourn meeting.**

*Any invocation that may be offered before the official start of the commission meeting shall be voluntary offering of a 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.*

**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 Invocation, Presentation of colors and Pledge of Allegiance.**

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

**3. Adoption of the commission meeting minutes of April 25, 2019.**

**TEXAS COMMISSION ON FIRE PROTECTION**

Presiding Officer, Robert Moore, at 9:00 a.m. called the April 25, 2019 meeting of the Texas Commission on Fire Protection to order at 1701 N. Congress Avenue, Room 1-104, Austin, Texas.

Attending	Tommy Anderson Mike Jones Mala Sharma	Carlos Cortez John McMakin* J. P. Steelman	Kelly Doster* Robert Moore Steve Tull	Arminda Garza Bob Morgan	Joseph Gonzalez Leonardo Perez
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\*absent entire meeting  
\*\*absent part of meeting

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Staff	Tim Rutland Servando Sanchez	Deborah Cowan Grace Wilson	Sylvia Miller Andrew Lutostanski, Assistant Attorney General	Paul Maldonado	Joyce Guinn
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Guests	Danny Kistner Orlando Hernandez James Davis Daniel DeYear Chris Wilson Leonard Chan Javier Crespo Pat English Michael Mire	Lucas Garcia Joey Craddock Homer Robertson Danny Warner Terry Morton Dave Lowe Steve Keller Daniel Baum Randy McGregor	William Fowler Michael Ross Cory Crowell Randy Fulton Mike Wisko Bill Pearson Dan Bodin Thomas Ehlers John Alvarez	John Overstreet Kenneth Collins Jason Collier James Barrie Scott Eager James Brown Jim Reidy Cande Flores Tom Dolan	Nick Hickson Brandon Wade Betty Wilkes Cindy Wilson Chris Addington Doug Boeker Matthew McMain Paula Stubblefield Darla Hernandez
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1. Invocation      The invocation and Pledge of Allegiance was given by Assistant Presiding Officer Joseph  
Presentation of    Gonzalez. There was no presentation of colors.  
Colors and  
Pledge of  
Allegiance

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2. Roll call        Commission Secretary, Lenny Perez called roll and a quorum was present.

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3. Adoption of     A motion to approve the minutes of the January 16, 2019 and January 17, 2019 commission  
Minutes            meeting was made by Steve Tull and seconded by J.P. Steelman. The motion carried.

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4. Report from     Nothing to report.  
the Budget  
and Strategic  
Plan Subcommittee

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

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6. Report from     Commission Representative Juan Gloria was unavailable.  
Tx. Fire School  
Advisory  
Board & TEEX

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7. Report from Homeland Security Representative      Executive Director, Tim Rutland gave a brief update on topics of February 27, 2019 meeting.
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8. Report from Health & Wellness Ad Hoc Committee      Committee members gave a presentation on their work to date.  
 A motion was made by Mala Sharma and seconded by Arminda Garza to post the report on the agency's website. The motion carried.
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9. New matters      Life Safety Initiative Number 9, Health & Wellness Committee to review injury report for marketing purposes and present report at July 2019 commission workshop and commission meeting
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10. Future meeting dates      The meeting dates were previously scheduled at the October 2018 commission meeting.
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11. Matters From Fire Fighter Advisory Committee      A. 1. A motion to send 37 TAC, Chapter 427, current proposed rule language back to the fire fighter advisory committee for further review to include the review of requirement to have all lead instructors on site for all classes was made by Mike Jones and seconded by Steve Tull. The motion carried.  
 2. A motion to approve for final adoption 37 TAC, Chapter 449, §449.1 and §449.201 as discussed was made by Steve Tull and seconded by Leonardo Perez. The motion carried.  
 B. A motion to approve the updated reference lists for Hazardous Materials Awareness Curriculum, Hazardous Materials Incident Commander Curriculum, and Hazardous Materials Operation – Mission Specific Competencies Curriculum was made by Leonardo Perez and seconded by J.P. Steelman. The motion carried.
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12. Report from Curriculum & Testing Committee      Chairman, Pat McAuliff was unable to attend the meeting. The report will be provided at the July 18<sup>th</sup> commission meeting.
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13. 37 TAC, Chapter 459 Fire Inspector      A motion to approve for publication amendments to 37 TAC, Chapter 429, Subchapter B, §429.201, Option 1 and to have the fire fighter advisory committee review a specific date for expiration of grandfathering, possible lower fee for individuals grandfathered in, and a timeframe for an individual's work experience as discussed was made by Tommy Anderson and seconded by Joseph Gonzalez. The motion carried.
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14. 37 TAC, Chapter 439, Examinations For Certification      A motion to approve for publication 37 TAC, Chapter 439, §439.19 as discussed was made by Steve Tull and seconded by J. P. Steelman. The motion carried.
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15. 37 TAC, Chapter 459, Fire and Life Safety Educator      A motion to approve for publication 37 TAC, Chapter 459, §459.1, new §459.7 and new §459.207 as discussed was made by Steve Tull and seconded by Mike Jones. The motion carried.

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16. Addition of A & B List classes/courses for higher levels of certification      A motion to approve the additional classes/courses as discussed was made by Tommy Anderson and seconded by J. P. Steelman. The motion carried.

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17. Injury Report      No action taken.

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18. Matters from Executive Director      a. Tim Rutland, Executive Director reported the agency has nothing to report.  
b. Mr. Rutland provided commissioners information regarding agency division functions.

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19. Executive Session 551.074(1)      Presiding Officer, Robert Moore did not call for Executive Session.

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20. Open Session      No action necessary.

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21. Adjournment      A motion to adjourn was made by J. P. Steelman and seconded by Steve Tull. The motion carried.

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Robert Moore, Presiding Officer

- 4. The Budget and Strategic Plan subcommittee may meet on July 18, 2019 during the commission meeting and provide a report for discussion and possible action relating to any recommendations developed by the subcommittee, including but not limited to, modifications to the agency operating budget and strategic plan.**

**Texas Commission on Fire Protection**  
**Fiscal Year 2019 - Operating Budget**  
**7/1/2019**

**Summary**

Goals:	FY19	FY19	Balance	Remaining
	Budget	Expended		
Education, Information and Assistance	112,008.00	93,340.00	18,668.00	
Fire Department Standards	942,952.56	785,617.81	157,334.75	
Indirect Administration	628,938.00	504,198.33	124,739.67	
<b>1001 - Salaries &amp; Wages:</b>	<b>1,683,898.56</b>	<b>1,383,156.14</b>	<b>300,742.42</b>	<b>18%</b>
Education, Information and Assistance	1,680.00	1,580.00	100.00	
Fire Department Standards	37,932.00	33,790.79	4,141.21	
Indirect Administration	24,460.00	23,161.25	1,298.75	
<b>1002 - Other Personnel Costs</b>	<b>64,072.00</b>	<b>58,532.04</b>	<b>5,539.96</b>	<b>9%</b>
Education, Information and Assistance	100.00	63.74	36.26	
Fire Department Standards	1,000.00	564.12	435.88	
Indirect Administration	2,800.00	471.09	2,328.91	
<b>2001 - Professional Fees and Services:</b>	<b>3,900.00</b>	<b>1,098.95</b>	<b>2,801.05</b>	<b>72%</b>
Education, Information and Assistance	495.00	241.98	253.02	
Fire Department Standards	4,000.00	4,704.64	(704.64)	
Indirect Administration	3,000.00	997.20	2,002.80	
<b>2003 - Consumable Supplies:</b>	<b>7,495.00</b>	<b>5,943.82</b>	<b>1,551.18</b>	<b>21%</b>
Education, Information and Assistance	10.00	0.00	10.00	
Fire Department Standards	3,260.00	1,344.21	1,915.79	
Indirect Administration	40.00	0.00	40.00	
<b>2004 - Utilities:</b>	<b>3,310.00</b>	<b>1,344.21</b>	<b>1,965.79</b>	<b>59%</b>
Education, Information and Assistance	4,425.00	0.00	4,425.00	
Fire Department Standards	56,518.33	65,403.09	(8,884.76)	
Indirect Administration	18,630.10	9,319.91	9,310.19	
<b>2005 - Travel:</b>	<b>79,573.43</b>	<b>74,723.00</b>	<b>4,850.43</b>	<b>6%</b>
Education, Information and Assistance	10.00	9.44	0.56	
Fire Department Standards	90.00	90.40	(0.40)	
Indirect Administration	325.00	284.34	40.66	
<b>2006 - Rent - Building (storage):</b>	<b>425.00</b>	<b>384.18</b>	<b>40.82</b>	<b>10%</b>
Education, Information and Assistance	290.32	202.31	88.01	
Fire Department Standards	2,903.23	2,102.09	801.14	
Indirect Administration	1,306.45	1,013.62	292.83	
<b>2007 - Rent - Machine and Other:</b>	<b>4,500.00</b>	<b>3,318.02</b>	<b>1,181.98</b>	<b>26%</b>
Education, Information and Assistance	5,972.09	2,757.58	3,214.51	
Fire Department Standards	53,812.86	40,403.32	13,409.54	
Indirect Administration	31,443.35	13,656.52	17,786.83	
<b>2009 - Other Operating Expense:</b>	<b>91,228.30</b>	<b>56,817.42</b>	<b>34,410.88</b>	<b>38%</b>
Education, Information and Assistance	0.00	0.00	0.00	
Fire Department Standards	20,316.6	20,316.60	0.00	
Indirect Administration	0.00	0.00	0.00	
<b>4000 - Grants:</b>	<b>20,316.60</b>	<b>20,316.60</b>	<b>0.00</b>	<b>0%</b>
<b>TOTAL - ALL EXPENDITURES</b>		<b>1,605,634.38</b>		
<b>APPROVED APPROPRIATION</b>	<b>1,955,902.00</b>		<b>353,084.54</b>	<b>18%</b>

**Fiscal Year 2019 - Operating Budget 13008**  
**7/1/2019**

Appr. 3008

PCA

4001

## Goal A: Education, Info and Assistance

	Library	Total	%
<b>Salaries and Wages:</b>			
7001- Salaries			
7002- Salaries	93,340.00	93,340.00	
	<b>Budget:</b>	<b>112,008.00</b>	<b>112,008.00</b>
	Expended:	93,340.00	93,340.00
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>18,668.00</b>	<b>18,668.00</b>	<b>17%</b>
<b>Other Personnel Costs:</b>			
7022- Longevity Pay	1,580.00	1,580.00	
	<b>Budget:</b>	<b>1,680.00</b>	<b>1,680.00</b>
	Expended:	1,580.00	1,580.00
<b>1002 - Balance Other Personnel Costs</b>	<b>100.00</b>	<b>100.00</b>	<b>6%</b>
<b>Professional Fees and Services:</b>			
7253- Other Professional Fees (EAP)	63.74	63.74	
	<b>Budget:</b>	<b>100.00</b>	<b>100.00</b>
	Expended:	63.74	63.74
<b>2001 - Balance Professional Fees and Services:</b>	<b>36.26</b>	<b>36.26</b>	<b>36%</b>
<b>Consumables:</b>			
7300- Consumables	241.98	241.98	
	<b>Budget:</b>	<b>495.00</b>	<b>495.00</b>
	Expended:	241.98	241.98
<b>2003 - Balance Consumable Supplies:</b>	<b>253.02</b>	<b>253.02</b>	<b>51%</b>
<b>Utilities:</b>			
	<b>Budget:</b>	<b>10.00</b>	<b>10.00</b>
	Expended:	0.00	0.00
<b>2004 - Balance Utilities:</b>	<b>10.00</b>	<b>10.00</b>	<b>100%</b>
<b>Travel:</b>			
	<b>Budget:</b>	<b>4,425.00</b>	<b>4,425.00</b>
	Expended:	0.00	0.00
<b>2005 - Balance Travel:</b>	<b>4,425.00</b>	<b>4,425.00</b>	<b>100%</b>
<b>Rent:</b>			
7470- Rent Space - storage	9.44	9.44	
	<b>Budget:</b>	<b>10.00</b>	<b>10.00</b>
	Expended:	9.44	9.44
<b>2006 - Balance Rent - Building (storage):</b>	<b>0.56</b>	<b>0.56</b>	<b>6%</b>
<b>Rent - Machine and Other:</b>			
7406- Rental - Furnishings & Equipment (copier)	202.31	202.31	
	<b>Budget:</b>	<b>290.32</b>	<b>290.32</b>
	Expended:	202.31	202.31
<b>2007 - Balance Rent - Machine and Other:</b>	<b>88.01</b>	<b>88.01</b>	<b>30%</b>

**Fiscal Year 2019 - Operating Budget 13008**  
**7/1/2019**

Appr. 3008

PCA

4001

**Goal A: Education, Info and Assistance**

	<u>Library</u>	<u>Total</u>	<u>% Remaining</u>
Other Operating Expense:			
7040- ERS-Retirement Contribution	466.70	466.70	
7042- ERS Insurance Payment	933.40	933.40	
7203- Tuition - Employee Training	125.00	125.00	
7211- Awards	7.24	7.24	
7273- Reproduction & Printing	3.47	3.47	
7291- Postage & Postal Services	106.78	106.78	
7299- Purchased Contracted Services	71.58	71.58	
7312- Medical Supplies	4.44	4.44	
7334- Furnishings & Equipment -Expensed	52.88	52.88	
7380- Computer Software - Expensed	56.73	56.73	
7806- Interest on Delayed Payment	0.15	0.15	
7947- Workers Compensation Transfer (SORM)	90.49	90.49	
7961- STS Transfers-Telecommunications (TexAn)	326.72	326.72	
7962- Capitol Complex (CCTS)	305.08	305.08	
	<b>Budget:</b>	<b>5,972.09</b>	
	<b>Expended:</b>	<b>2,757.58</b>	
<b>2009 - Balance Other Operating Expense:</b>	<b>3,214.51</b>	<b>3,214.51</b>	<b>54%</b>
	<b>Budget:</b>	<b>124,990.41</b>	
	<b>Expended:</b>	<b>98,195.05</b>	
<b>TOTAL BALANCE - 3008</b>	<b>26,795.36</b>	<b>26,795.36</b>	<b>21%</b>
	<b>% Remaining</b>	<b>21%</b>	<b>21%</b>



Fiscal Year 2019 - Operating Budget - 13014  
7/1/2019

Appr. 3014 PCA 4004 4005 4006 4007 4008

Goal B: Fire Department Standards

	Mgmt	Complnc	Cert	Testing	Curr Dev	Total	% Remaining
Other Operating Expense:							
7040- ERS Retirement Contribution	0.00	1,591.77	706.80	1,429.68	200.00	3,928.25	
7042- ERS Insurance Payment	0.00	2,956.32	1,413.50	2,755.00	400.00	7,524.82	
7203- Registration Fees-Employee Training	0.00	0.00	0.00	500.00	0.00	500.00	
7211- Awards	0.00	87.82	10.34	24.82	4.13	127.11	
7273- Reproduction & Printing	0.00	160.71	4.96	61.50	51.58	278.75	
7276- Communication Services (T-1 Line)	0.00	1,606.56	0.00	0.00	0.00	1,606.56	
7286- Freight & Delivery Services	0.00	0.00	0.00	7,312.04	0.00	7,312.04	
7291- Postage & Postal Services	975.00	108.96	45.40	108.96	18.16	1,256.48	
7295- Fees & Other Charges (DPS)	0.00	76.59	114.00	0.00	0.00	190.59	
7299- Purchased Contracted Services	362.70	149.76	2,737.87	2,921.80	24.96	6,197.09	
7312- Medical Supplies	0.00	15.20	6.34	15.20	2.52	39.26	
7334- Furnishings & Equipment -Expensed	38.97	998.09	42.53	137.03	14.98	1,231.60	
7377- Computer Equipment - Expensed	148.16	38.88	0.00	0.00	0.00	187.04	
7380- Computer Software - Expensed	259.35	128.66	383.10	128.66	18.46	918.23	
7806- Interest on Delayed Payment	0.00	0.47	0.20	0.47	0.09	1.23	
7947- Workers Compensation Transfer (SORM)	1,059.08	30.91	12.88	30.91	5.15	1,138.93	
7951- STS Transfers-Telecommunications (TexAn)	828.79	901.67	375.67	901.62	150.26	3,158.01	
7962- STS transfer to GR (CCTS)	762.50	844.92	352.08	844.92	140.82	2,945.24	
Budget:	4,434.55	19,202.68	10,972.96	16,459.44	2,743.24	53,812.86	
Expended:	4,434.55	10,421.44	6,515.97	17,896.75	1,134.61	40,403.32	
2009 - Balance Other Operating Expense:	0.00	8,781.24	4,456.99	(1,437.31)	1,608.63	13,409.54	25%
<b>Budget FY19:</b>	<b>5,861.47</b>	<b>477,338.14</b>	<b>239,365.85</b>	<b>328,795.48</b>	<b>51,108.03</b>	<b>1,102,468.98</b>	
Expended:	5,861.47	411,121.05	156,640.78	319,075.04	41,322.13	934,020.47	
<b>TOTAL BALANCE 3014</b>	<b>0.00</b>	<b>66,217.09</b>	<b>82,725.07</b>	<b>9,720.44</b>	<b>9,785.90</b>	<b>168,448.51</b>	<b>15%</b>
% Remaining	0%	14%	35%	3%	19%	15%	

Grants:		License Plates	
7623- Grant - Comm Service Program			20,316.60
Budget:			17,500.00
Excess Revenue from License Plates			2,816.60
Expended:			20,316.60
4000 - Balance Grants:			0.00
			0%

YTD Current Costs for Performance Measures: Salaries, Other personnel costs, Consumables, & Travel:

	1st Qtr	2nd Qtr	3rd Qtr	4th Qtr	After FY	Total
4005 - Compliance	121,224.06	126,263.18	118,050.06	33,135.75		398,673.05
4006 - Certification	44,836.95	44,532.09	45,460.09	15,011.41		149,840.54
4007 - Testing	87,177.98	90,708.41	93,367.72	29,241.98		300,496.09
	253,238.99	261,503.68	256,877.87	77,389.14		\$ 849,009.68

## Fiscal Year 2019- Operating Budget - 13800

7/1/2019

Appr. 3800

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4803

**Goal C: Indirect Administration**

	Exec Office	Fin Svcs	Commis	Total	Remaining	%
<b>Salaries and Wages:</b>						
7001- Salaries & Wages - Exempt	89,895.00	0.00	0.00	89,895.00		
7002- Salaries & Wages - Non-Exempt	287,253.33	127,250.00	0.00	414,503.33		
	<b>Budget:</b>	<b>462,738.00</b>	<b>166,200.00</b>	<b>0.00</b>	<b>628,938.00</b>	
	<b>Expended:</b>	<b>376,948.33</b>	<b>127,250.00</b>	<b>0.00</b>	<b>504,198.33</b>	
<b>1001 - Balance Salaries &amp; Wages:</b>	<b>85,789.67</b>	<b>38,950.00</b>	<b>0.00</b>	<b>124,739.67</b>		<b>20%</b>
<b>Other Personnel Costs:</b>						
7022- Longevity Pay	3,580.00	1,300.00	0.00	4,880.00		
7023- Lump Sum Termination	18,281.25	0.00	0.00	18,281.25		
	<b>Budget:</b>	<b>23,020.00</b>	<b>1,440.00</b>	<b>0.00</b>	<b>24,460.00</b>	
	<b>Expended:</b>	<b>21,861.25</b>	<b>1,300.00</b>	<b>0.00</b>	<b>23,161.25</b>	
<b>1002 - Balance Other Personnel Costs</b>	<b>1,158.75</b>	<b>140.00</b>	<b>0.00</b>	<b>1,298.75</b>		<b>5%</b>
<b>Professional Fees and Services:</b>						
7243- Educational/Training Services	0.00	188.95	0.00	188.95		
7253- Other Professional Fees (EAP)	191.14	91.00	0.00	282.14		
	<b>Budget:</b>	<b>1,866.67</b>	<b>933.33</b>	<b>0.00</b>	<b>2,800.00</b>	
	<b>Expended:</b>	<b>191.14</b>	<b>279.95</b>	<b>0.00</b>	<b>471.09</b>	
<b>2001 - Balance Professional Fees and Services:</b>	<b>1,675.53</b>	<b>653.38</b>	<b>0.00</b>	<b>2,328.91</b>		<b>83%</b>
<b>Consumables:</b>						
7300- Consumables	559.00	437.51	0.00	997.20		
	<b>Budget:</b>	<b>2,000.00</b>	<b>1,000.00</b>	<b>0.00</b>	<b>3,000.00</b>	
	<b>Expended:</b>	<b>559.00</b>	<b>437.51</b>	<b>0.00</b>	<b>997.20</b>	
<b>2003 - Balance Consumable Supplies:</b>	<b>1,440.31</b>	<b>562.49</b>	<b>0.00</b>	<b>2,002.80</b>		<b>67%</b>
<b>Utilities:</b>						
	<b>Budget:</b>	<b>26.67</b>	<b>13.33</b>	<b>0.00</b>	<b>40.00</b>	
	<b>Expended:</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	
<b>2004 - Balance Utilities:</b>	<b>26.67</b>	<b>13.33</b>	<b>0.00</b>	<b>40.00</b>		<b>100%</b>
<b>Travel:</b>						
7101- Travel I/S - Public Transportation Fares	312.00	0.00	1,264.20	1,576.20		
7102- Mileage	159.70	0.00	1,979.78	2,139.48		
7104- Travel I/S - Actual Expense Overnight	89.88	0.00	0.00	89.88		
7105- Travel I/S - Incidental Expenses	295.51	0.00	602.40	897.91		
7106- Travel I/S - Meals & Lodging	635.00	0.00	0.00	635.00		
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	3,981.44	3,981.44		
7135- Travel I/S - State Occupancy Tax	16.68	0.00	(16.68)	0.00		
	<b>Budget:</b>	<b>1,863.01</b>	<b>0.00</b>	<b>16,767.09</b>	<b>18,630.10</b>	
	<b>Expended:</b>	<b>1,508.77</b>	<b>0.00</b>	<b>7,811.14</b>	<b>9,319.91</b>	
<b>2005 - Balance Travel:</b>	<b>354.24</b>	<b>0.00</b>	<b>8,955.95</b>	<b>9,310.19</b>		<b>50%</b>
<b>Rent:</b>						
7470- Rent Space - storage	263.52	20.82	0.00	284.34		
	<b>Budget:</b>	<b>216.67</b>	<b>108.33</b>	<b>0.00</b>	<b>325.00</b>	
	<b>Expended:</b>	<b>263.52</b>	<b>20.82</b>	<b>0.00</b>	<b>284.34</b>	
<b>2006 - Balance Rent - Building (storage):</b>	<b>(46.85)</b>	<b>87.51</b>	<b>0.00</b>	<b>40.66</b>		<b>13%</b>
<b>Rent - Machine and Other:</b>						
7406- Rental - Furnishings & Equipment (copier)	382.30	631.32	0.00	1,013.62		
	<b>Budget:</b>	<b>870.97</b>	<b>435.48</b>	<b>0.00</b>	<b>1,306.45</b>	
	<b>Expended:</b>	<b>382.30</b>	<b>631.32</b>	<b>0.00</b>	<b>1,013.62</b>	
<b>2007 - Balance Rent - Machine and Other:</b>	<b>488.67</b>	<b>(195.84)</b>	<b>0.00</b>	<b>292.83</b>		<b>22%</b>

**Fiscal Year 2019- Operating Budget - 13800**  
**7/1/2019**

Appr. 3800

PCA

4801

4802

4803

**Goal C: Indirect Administration**

%

	Exec Office	Fin Svcs	Commis	Total	Remaining
<b>Other Operating Expense:</b>					
7040- ERS Retirement Contribution	1,605.97	636.25	0.00	2,242.22	
7042- ERS Insurance Payment	3,726.20	1,272.50	0.00	4,998.70	
7201- Membership Dues	264.00	75.00	0.00	339.00	
7203- Registration Fees-Employee Training	325.00	325.00	50.00	700.00	
7211- Awards	21.71	10.34	0.00	32.05	
7273- Reproduction & Printing	109.62	104.16	0.00	213.78	
7291- Postage & Postal Services	95.34	495.40	0.00	590.74	
7299- Purchased Contracted Services	131.04	229.80	0.00	360.84	
7312- Medical Supplies	13.30	6.34	0.00	19.64	
7330- Parts -equip, furn	52.06	0.00	0.00	52.06	
7334- Furnishings & Equipment -Expensed	241.74	100.06	0.00	341.80	
7335- Parts -Computer Equipment - Expensed	119.96	1.90	0.00	121.86	
7380- Computer Software - Expensed	2.94	121.10	0.00	124.04	
7806- Interest on Delayed Payment	0.42	0.20	0.00	0.62	
7947- Workers Compensation Transfer (SORM)	27.05	501.69	0.00	528.74	
7961- STS Transfers-Telecommunications (TexAn)	788.90	758.20	0.00	1,547.10	
7962- STS transfer to GR (CCTS)	739.32	704.01	0.00	1,443.33	
	<b>Budget:</b>	<b>20,962.23</b>	<b>10,481.12</b>	<b>0.00</b>	<b>31,443.35</b>
	<b>Expended:</b>	<b>8,264.57</b>	<b>5,341.95</b>	<b>50.00</b>	<b>13,656.52</b>
<b>2009 - Balance Other Operating Expense:</b>	<b>12,697.66</b>	<b>5,139.17</b>	<b>(50.00)</b>	<b>17,786.83</b>	<b>57%</b>

	<b>Budget:</b>	<b>513,564.21</b>	<b>180,611.60</b>	<b>16,767.09</b>	<b>710,942.90</b>
	<b>Expended:</b>	<b>409,979.57</b>	<b>135,261.55</b>	<b>7,861.14</b>	<b>553,102.26</b>
<b>TOTAL - BALANCE Remaining 3800</b>		<b>103,584.64</b>	<b>45,350.05</b>	<b>8,905.95</b>	<b>157,840.64</b>
					<b>22%</b>

**Revenue Comparison by Month 2018/2019**  
**Monday, July 1, 2019**  
**YTD Comparisons**

FY18 Revenue				FY19 Revenue					
Appr 99906 - General Revenue		Appr 13014 Fund 0001- IFSAC		Appr 99906 - General Revenue		Appr 13014 Fund 0001 - IFSAC			
Sep-17	\$ 227,470.00	5.4%	\$ 5,684.20	7.5%	Sep-18	\$ 328,639.34	7.8%	\$ 7,920.00	8.0%
Oct-17	\$ 1,999,213.00	47.8%	\$ 4,370.00	5.8%	Oct-18	\$ 1,931,970.00	44.8%	\$ 8,640.00	8.7%
Nov-17	\$ 538,455.00	12.8%	\$ 5,595.00	7.4%	Nov-18	\$ 696,102.50	16.2%	\$ 9,435.00	9.5%
Dec-17	\$ 154,038.06	3.7%	\$ 3,825.00	5.1%	Dec-18	\$ 185,283.87	4.3%	\$ 9,660.00	9.7%
Jan-18	\$ 194,105.00	4.8%	\$ 7,515.00	9.9%	Jan-19	\$ 190,420.33	4.4%	\$ 11,055.00	11.1%
Feb-18	\$ 172,481.75	4.1%	\$ 6,795.00	9.0%	Feb-19	\$ 191,067.50	4.4%	\$ 9,750.00	9.8%
Mar-18	\$ 212,896.94	5.1%	\$ 9,360.00	12.4%	Mar-19	\$ 181,455.66	4.2%	\$ 8,175.00	8.2%
Apr-18	\$ 240,410.00	5.7%	\$ 9,090.00	12.0%	Apr-19	\$ 205,552.83	4.8%	\$ 9,615.00	9.7%
May-18	\$ 254,281.00	6.1%	\$ 10,515.00	13.9%	May-19	\$ 212,805.00	4.9%	\$ 13,394.41	13.5%
Jun-18	\$ 207,235.07	4.9%	\$ 12,785.00	16.8%	Jun-19	\$ 185,815.00	4.3%	\$ 11,760.00	11.8%
Jul-18	\$ -	0.0%	\$ -	0.0%	Jul-19	\$ -	0.0%	\$ -	0.0%
Aug-18	\$ -	0.0%	\$ -	0.0%	Aug-19	\$ -	0.0%	\$ -	0.0%
<b>Totals</b>	<b>\$ 4,200,585.82</b>	<b>100.0%</b>	<b>\$ 75,534.20</b>	<b>100.0%</b>	<b>\$ 4,309,112.03</b>	<b>100.0%</b>	<b>\$ 99,404.41</b>	<b>100.0%</b>	

FY18 Revenue Collected **\$ 4,276,120 113.52%**      FY19 Revenue Collected **\$ 4,408,516 117.38%**

	FY18	FY19
Revenue for Biennium:		
Annual GR & Appropriated Receipts	\$ 1,888,152	\$ 1,883,402
IFSAC Seals	\$ 55,000	\$ 55,000
GAA Other Direct & Indirect	\$ 894,287	\$ 888,408
Budget Rider	\$ 750,000	\$ 750,000
Subtotal	\$ 3,587,439	\$ 3,576,810
5% Contingency	\$ 179,372	\$ 178,841
<b>Total Req'd</b>	<b>\$ 3,766,811</b>	<b>\$ 3,755,651</b>

Amount Over or (Under) Required Revenue **\$ 509,309**      **\$ 652,866**

	FY18	FY19
Collected	113.52%	117.38%
As of Date	7/1/2018	7/1/2019

Percentage of Revenue Collected

## Performance Measures

## Texas Commission on Fire Protection Key Performance Measures.

Initial Report as of 7/8/2019 4:06 PM for Fiscal Year 2019.

Run by Tim Rutland.

Metric	Method of Calculation				
* - Reported to ABEST quarterly, Q1 - Quarter 1, Q2 - Quarter 2, Q3 - Quarter 3, Q4 - Quarter 4, FY YTD - Year to date based on fiscal year					
<b>Number of inspections of regulated entities (Cumulative): 793</b>	Total number of inspections of regulated entities conducted within the reporting period is obtained from the commission's data system. The total number includes biannual inspections, inspections of training programs in progress (also called audits), an inspection of an entity as part of an investigation, and meetings associated with inspections.				
	Q1	Q2	Q3	Q4	FY YTD
Inspection	207	255	209	N/A	671
Investigation	0	0	1	N/A	1
Training Audits	15	13	13	N/A	41
Inspection Related	41	12	27	N/A	80
*Total Inspections	263	280	250	N/A	793
<b>Number of examinations administered (Cumulative): 9916</b>	Each written examination is counted. The measure records the total number of examinations administered for fire service certification purposes. A retest, usually conducted due to failure of an initial exam, is counted as an examination as well.				
	Q1	Q2	Q3	Q4	FY YTD
*Exams Administered	3020	3318	3578	N/A	9916
<b>Exam pass rate (Non-Cumulative): 81.94%</b>	The total number of individuals who passed their examination as reflected in the agency data management system (numerator) is divided by the total number of individuals examined (denominator) and then multiplied by 100 to achieve a percentage. Persons taking an examination multiple times are counted each time they take the exam.				
	Q1	Q2	Q3	Q4	FY YTD
# Examined	5193	5873	6882	1833	19781
# Passed	4323	4900	5476	1510	16209
Pass Rate	83.25%	83.43%	79.57%	82.38%	81.94%
<b>Number of individuals certified (Non-cumulative):</b>	The total number of individuals holding one or more certifications with the agency is obtained from the data system at the end of the reporting period. An individual who holds more than one certification is counted only once. The measure records the number of certified persons, regardless of whether the individuals are associated with a fire protection entity.				
	Q1	Q2	Q3	Q4	
# Individuals	32418	33150	33724	N/A	
<b>Number of Training Providers Certified (Non-cumulative):</b>	The total number of training providers with one or more active certifications is counted. A training provider that holds more than one certification is counted only once.				
	Q1	Q2	Q3	Q4	
# Providers	296	303	311	N/A	
<b>Average cost per inspection of regulated Facilities: \$351.04</b>	Total cost related to inspection activities for the reporting period (numerator) is divided by the total number of inspections conducted during the same period (denominator) to determine the average cost. Costs used to perform the calculation include salaries of inspection personnel (including 25% of compliance manager's salary); travel costs directly related to inspections and inspection-related meetings with regulated entities; supplies; document review and handling; and notifications. Indirect costs are excluded.				
	Q1	Q2	Q3	Q4	FY YTD
Cost entered	\$96,752.32	\$88,184.84	\$93,439.44	N/A	\$278,376.60
*Total Inspections	263	280	250	N/A	793
*Avg cost per	\$367.88	\$314.95	\$373.76	N/A	\$351.04
Report was run on 7/8/2019 4:06 PM					

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. Discussion and possible action regarding report from the Health and Wellness Ad Hoc committee.**

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

**10. Discussion and possible action on future meeting dates.**

**11. 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 37 TAC, Chapter 429, Fire Inspector and Plan Examiner, Subchapter B, Minimum Standards For Plan Examiner.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #: 11-A(1)**

**Agenda Title: Chapter 429, Fire Inspector and Plan Examiner**

**Action to be taken: Discussion and possible final adoption**

**Origin of Item: Commission Board**

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to consider adding language that would allow certain individuals to obtain Plan Examiner I certification during a “special provision” period.

### 2. DESCRIPTION/ JUSTIFICATION

The proposed language establishes a temporary “grandfathering” provision that would allow persons who satisfy one of the listed criteria to apply for Plan Examiner I certification. This would be in addition to the normal means for obtaining certification and would be effective for a limited time.

### 3. BUDGET IMPACT

A loss in testing revenue would be anticipated.

### 4. TIMELINE CONSIDERATIONS

The provision would be in effect for approximately one year following final adoption.

### 5. RECOMMENDATION

Requested by commission board

### 6. REFERENCES

Title 37, Chapter 429, Fire Inspector and Plan Examiner

CHAPTER 429  
 FIRE INSPECTOR AND PLAN EXAMINER  
 SUBCHAPTER B  
 MINIMUM STANDARDS FOR PLAN EXAMINER

**§429.201. Minimum Standards for Plan Examiner Personnel.**

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

**(b) Special temporary provision. Individuals are eligible to apply for Plan Examiner certification if they hold an active Fire Inspector certification and any of the following criteria is met:**

**(1) the individual passed the Plan Examiner section of a Fire Inspector exam at any time; or**

**(2) the individual is or has been assigned to plan review duties with a local jurisdiction. Verification of plan review duties must be in the form of a letter from the head of the plan review program for the jurisdiction; or**

**(3) the individual is or has served as an instructor for a Fire Inspector training program approved by the commission for Fire Inspector certification. Verification of instructor duties must be in the form of a letter from the chief training officer of the program.**

**(4) This subsection will expire on September 1, 2020.**

**§429.203. Minimum Standards for Plan Examiner I Certification.**

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

(1) possess valid documentation as a Plan Examiner I from either:

(A) the International Fire Service Accreditation Congress; or

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

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

(A) completion of the commission approved Plan Examiner 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 as listed in the commission approved Plan Examiner I Curriculum as specified in the commission's Certification Curriculum Manual; or

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

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

- (a) Individuals who pass the state examination may be granted an IFSAC seal for Plan Examiner I by making application to the commission for the IFSAC seal and paying the associated fee.
- (b) In order to qualify for an IFSAC seal, an individual must submit the application for the seal prior to the expiration of the examination.

**11. 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 37 TAC, Chapter 439, Examinations For Certification.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**  
**DATE: 07/18/2019**

**Agenda Item #: 11-A(2)**

**Agenda Title: Chapter 439, Examinations For Certification**

**Action to be taken: Discussion and possible final adoption**

**Origin of Item: Staff**

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to consider revising the maximum number of pilot questions that may be included on some examinations.

### 2. DESCRIPTION/ JUSTIFICATION

The proposed language provides for more consistency regarding the maximum number of pilot questions that may be included on certain exams, setting the maximum number at 10% of the number of regular exam questions.

### 3. BUDGET IMPACT

No significant impact is anticipated

### 4. TIMELINE CONSIDERATIONS

Propose for final adoption

### 5. RECOMMENDATION

Recommend final adoption

### 6. REFERENCES

37 TAC, Chapter 439, Examinations For Certification

**CHAPTER 439**  
**EXAMINATIONS FOR CERTIFICATION**  
**SUBCHAPTER A**  
**EXAMINATIONS FOR ON-SITE DELIVERY TRAINING**

**§439.1. Requirements—General.**

- (a) The administration of examinations for certification, including performance skill evaluations, shall be conducted in compliance with commission rules and; as applicable, with:
- (1) International Fire Service Accreditation Congress (IFSAC) regulations; or
  - (2) National Board on Fire Service Professional Qualifications (Pro Board) regulations for examinations administered by the Texas A&M Engineering Extension Service. Only Pro Board examinations administered by the Texas A&M Engineering Extension Service will be accepted by the commission for certification. In order for a Pro Board document to be accepted for certification, it must:
    - (A) List the commission issued course approval number for which the examination was conducted;
    - (B) Indicate that the examination was conducted in English; and
    - (C) List any special accommodations provided to the examinee. The commission may not issue a certificate for an examination conducted under special accommodations other than those specified in §439.13 of this title (relating to Special Accommodations for Testing).
- (b) It is incumbent upon commission staff, committee members, training officers and field examiners to maintain the integrity of the state certification examination process (or portion thereof) for which they are responsible.
- (c) The commission shall reserve the authority to conduct an annual review of Pro Board examinations, procedures, test banks, and facilities utilized by the Texas A&M Engineering Extension Service. The commission may also conduct a review at any time for cause and as deemed necessary to ensure the integrity of the certification examination process.
- (d) Exams will be based on the job performance requirements and knowledge and skill components of the applicable NFPA standard for that discipline, if a standard exists and has been adopted by the commission. If a standard does not exist or has not been adopted by the commission, the exam will be based on curricula as currently adopted in the commission's Certification Curriculum Manual.
- (e) Commission examinations that receive a passing grade shall expire two years from the date of the examination.
- (f) An examination for Basic Structure Fire Protection shall consist of four sections: Fire Fighter I, Fire Fighter II, Hazardous Materials Awareness Level, and Hazardous Materials Operations Level including the Mission-Specific Competencies for Personal Protective Equipment and Product Control. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.

- (g) An examination for Basic Fire Inspector shall consist of two sections: Inspector I, and Inspector II. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.
- (h) An examination for Basic Structure Fire Protection and Intermediate Wildland Fire Protection shall consist of five sections: Fire Fighter I, Fire Fighter II, First Responder Awareness, First Responder Operations, and Intermediate Wildland Fire Protection. The examinee must pass each section of the examination with a minimum score of 70% in order to qualify for certification.
- (i) All other state examinations consist of only one section.
- (j) The individual who fails to pass a commission examination for state certification will be given one additional opportunity to pass the examination or section(s) thereof. This opportunity must be exercised within 180 days after the date of the first failure. An examinee who fails to pass the examination within the required time may not sit for the same examination again until the examinee has re-qualified by repeating the curriculum applicable to that examination.
- (k) An individual may obtain a new certificate in a discipline which was previously held by passing a commission proficiency examination.
- (l) If an individual who has never held certification in a discipline defined in §421.5 of this title (relating to Definitions), seeks certification in that discipline, the individual shall complete all certification requirements.
- (m) If an individual completes a commission approved training program, or a program that has been evaluated and deemed equivalent to a certification curriculum approved by the commission, such as an out-of-state or military training program or a training program administered by the State Firemen's and Fire Marshals' Association of Texas, the individual may use only one of the following examination processes for certification:
- (1) pass a commission examination; or
  - (2) submit documentation of the successful completion of the Pro Board examination process administered by the Texas A&M Engineering Extension Service; and
  - (3) meet any other certification requirements in order to become eligible for certification as fire protection personnel.
  - (4) An individual cannot use a combination of the two examination processes in this subsection from a single commission approved class for certification. An individual who chooses to submit to the commission examination process may not utilize the other process toward certification.
- (n) An individual or entity may petition the commission for a waiver of the examination required by this section if the person's certificate expired because of the individual's or employing entity's good faith clerical error or expired as a result of termination of the person's employment where the person has been restored to employment through a disciplinary procedure or a court action. All required renewal fees including applicable late fees and all required continuing education must be submitted before the waiver request may be considered.
- (1) Applicants claiming good faith clerical error must submit a sworn statement together with any supporting documentation that evidences the applicant's good faith efforts to comply with commission renewal requirements and that failure to comply was due to circumstances beyond the control of the applicant.

(2) Applicants claiming restoration to employment as a result of a disciplinary or court action must submit a certified copy of the order, ruling or agreement restoring the applicant to employment.

### **§439.3. Definitions.**

The following words and terms, when used in this chapter, have the following definitions unless the context clearly indicates otherwise.

- (1) Certificate of Completion--A statement by the provider of training certifying that an individual has successfully completed a commission-approved certification curriculum or phase program for a particular discipline, including having been evaluated by field examiners on performance skills identified by the commission. The certificate of completion qualifies an individual to take an original certification examination. The certificate expires two years from the date of completion. If an individual does not take the certification examination prior to the expiration of the certificate of completion, he or she must again complete the curriculum in order to obtain a new certificate of completion.
- (2) Curriculum--The competencies established by the commission as a minimum requirement for certification in a particular discipline.
- (3) Designee--An entity or individual approved by commission staff to administer commission certification examinations and/or performance skills in accordance with this chapter.
- (4) Eligibility--A determination of whether or not an individual has met the requirements set by the commission and would therefore be allowed to take a commission examination.
- (5) Endorsement of eligibility--A statement testifying to the fact that an individual has met all requirements specified by the commission and is qualified to take a commission examination. An endorsement of eligibility will be issued by a member of the commission staff.
- (6) Examination--A state test which an examinee must pass as one of the requirements for certification.
- (7) Examinee--An individual who has met the commission requirements and therefore qualifies to take the commission examination.
- (8) Field examiner--An individual authorized to evaluate performance skills in commission approved curricula. The field examiner must possess a Fire Instructor Certification or other instructor qualification as allowed by §427.307(h) and (i) of this title (relating to On-Site and Distance Training Provider Staff Requirements) for Wildland courses only, complete the on-line commission field examiner course, and sign an agreement to comply with the commission's testing procedures. The field examiner must be approved by the commission to instruct all subject areas identified in the curriculum that he or she will be evaluating. The field examiner must repeat the examiner course every two years and submit a new Letter of Intent.
- (9) Lead Examiner--A member of the commission staff or a designee who has been assigned by the commission to administer a commission examination.
- (10) Letter of Intent--A statement, signed by an individual applying to the commission for field examiner status, that he or she is familiar with the commission's examination procedures, and agrees to abide by the policies and guidelines as set out in Chapter 439 of this title (relating to Examinations for Certification).

(11) Sectional examination—A test that covers one section of a multiple section examination.

#### **§439.5. Procedures.**

- (a) Procedures for conducting examinations are determined by the commission.
- (b) All application processing fees due to the commission must be paid in a timely manner. Late payments shall be assessed a late fee in accordance with §437.13 of this title (relating to Processing Fees for Test Application).
- (c) Each examination must be administered by a lead examiner.
- (d) The lead examiner must:
  - (1) ensure that the tests remain secure and that the examination is conducted under conditions warranting honest results;
  - (2) monitor the examination while in progress;
  - (3) control entrance to and exit from the test site;
  - (4) assign or re-assign seating; and
  - (5) bar admission to or dismiss any examinee who fails to comply with any of the applicable provisions of this chapter.
- (e) All official grading and notification must come from the commission or its designee. The preliminary test results shall be made available within seven (7) business days after completion of the examination.

#### **§439.7. Eligibility.**

- (a) An examination may not be taken by an individual who currently holds an active certificate from the commission in the discipline to which the examination pertains, unless required by the commission in a disciplinary matter, or test scores have expired and the individual is testing for IFSAC seals.
- (b) An individual who passes an examination and is not certified in that discipline, will not be allowed to test again if the original examination grade is still active, unless required by the commission in a disciplinary matter.
- (c) In order to qualify for a commission examination, the examinee must:
  - (1) meet or exceed the minimum requirements set by the commission as a prerequisite for the specified examination;
  - (2) submit a test application, meet any other prerequisite requirements, and submit the appropriate application processing fee(s);
  - (3) receive from the commission an "Endorsement of Eligibility" letter and provide this letter to the lead examiner;
  - (4) bring to the test site, and display upon request, a current and valid government issued identification which contains the name and photograph of the examinee;

(5) report on time to the proper location; and

(6) comply with all the written and verbal instructions of the lead examiner.

(d) No examinee shall be permitted to:

(1) violate any of the fraud provisions of this section;

(2) disrupt the examination;

(3) bring into the examination site any books, notes, or other written materials related to the content of the examination;

(4) refer to, use, or possess any such written material at the examination site;

(5) give or receive answers or communicate in any manner with another examinee during the examination;

(6) communicate at any time or in any way, the contents of an examination to another person for the purpose of assisting or preparing a person to take the examination;

(7) steal, copy, or reproduce any part of the examination;

(8) engage in any deceptive or fraudulent act either during an examination or to gain admission to it;

(9) solicit, encourage, direct, assist, or aid another person to violate any provision of this section; or

(10) bring into the examination site any electronic devices.

(e) No person shall be permitted to sit for any commission examination who has an outstanding debt owed to the commission.

**§439.9. Grading.**

(a) If performance skills are required as a part of the examination, the examinee must demonstrate performance skill objectives in a manner consistent with performance skill evaluation forms provided by the Commission. The evaluation format for a particular performance skill will determine the requirements for passage of the skill. Each performance skill evaluation form will require successful completion of one of the following formats:

(1) all mandatory tasks; or

(2) an accumulation of points to obtain a passing score as indicated on the skill sheet; or

(3) a combination of both paragraphs (1) and (2) of this subsection.

(b) The minimum passing score on each written examination or section thereof shall be 70%. This means that 70% of the total possible active questions must be answered correctly. The commission may, at its discretion, invalidate any question.

(c) If the commission invalidates an examination score for any reason, it may also, at the discretion of the commission, require a retest to obtain a substitute valid test score.

**§439.11. Commission-Designated Performance Skill Evaluations.**

- (a) The commission-designated performance evaluations are randomly selected from each subject area within the applicable curriculum containing actual skill evaluations. This applies only for curricula in which performance standards have been developed.
- (b) The training provider shall test the commission designated performance skills for competency. The skill evaluations may only take place after all training on the identified subject area has been completed. The date(s), time(s) and location(s) for the commission designated skill evaluations must be submitted on the commission designated skill schedule contained within the Training Prior Approval system. The commission must be notified immediately of any deviation from the submitted commission designated skill schedule. All skills must be evaluated by a commission approved field examiner. The individual who served as the instructor of a particular subject may not evaluate the performance skill for the subject.
- (c) In order to qualify for the commission certification examination, the student must successfully complete and pass all designated skill evaluations. The student may be allowed two attempts to complete each skill. A second failure during the evaluation process will require remedial training in the failed skill area with a certified instructor before being allowed a third attempt. A third failure shall require that the student repeat the entire certification curriculum.
- (d) If performance skill evaluations are not conducted for a student during the course of instruction, they must be conducted within ninety days (90) following the end date of the course. In a case such as this the training provider must also obtain a new set of commission designated skills for which to evaluate the student; the provider may not use the same set of skills provided during the original course of instruction. If performance skill evaluations are not conducted within the ninety day (90) period, the student must repeat the course. The ninety (90) day period may be extended for students who were unable to complete their performance skill evaluations due to injury, illness, military commitment, or other situation beyond their control.
- (e) The training facility must maintain records (electronic or paper) of skills testing on each examinee. Test results must be recorded and saved on the applicable performance skill sheets provided in the commission Curriculum Skills Manual, and must include all information called for on the skill sheet.
- (f) For certification disciplines in which an IDLH environment may exist, all skill testing participants shall have available for use NFPA compliant PPE and SCBA as defined in §435.1 of this title (relating to Protective Clothing) and §435.3 of this title (relating to Self-Contained Breathing Apparatus).

**§439.13. Special Accommodations for Testing.**

- (a) Special accommodation testing is for those individuals that have a documented disability which may hamper their success on a Texas Commission on Fire Protection written examination. Some accommodations that can be allowed are:
  - (1) A testing room to oneself (examinee is allowed to read the questions out loud to him or herself). To accommodate the request the examinee will have to test in the Commission's Austin headquarters location or any location deemed appropriate by the Commission.
  - (2) The test to be split in two with up to an hour break in between (no access to the first half of the examination will be allowed during or after the break). To accommodate the request the examinee will have to test in the commission's Austin headquarters location or any location deemed appropriate by the Commission.

- (3) The questions to be printed in a larger font (approximately 7% larger).
  - (4) The test to be copied on off-white paper (i.e., cream colored).
  - (5) The use of highlighters or a highlighter sheet.
  - (6) Any requests that changes the condition of the examination or the examination process.
- (b) If the applicant is seeking a special accommodation test, the applicant must submit written documentation of the disability and a written statement as to which of the allowable accommodations is being requested. The applicant may ask for accommodations not listed above. The request will be reviewed and the applicant will receive a written response regarding the Commission's position on the request.

**§439.19. Number of Test Questions.**

- (a) Each examination may have two types of questions: pilot and active. Pilot questions are new questions placed on the examination for statistical purposes only. These questions do not count against an examinee if answered incorrectly. **The maximum possible number of pilot questions will be 10% of the number of exam questions, rounded up.**
- (b) The number of questions on an examination, sectional examination, or retest will be based upon the specific examination, or number of recommended hours for a particular curriculum or section as shown in the table below. Any pilot questions added to an examination, sectional examination, or retest will be in addition to the number of exam questions.

Figure: 37 TAC §439.19(b)

Examination	Section	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
Basic Structure FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	TOTAL	225	<del>25</del> <b>23</b>	4.5 Hours
Basic Fire Inspector	Inspector I	50		
	Inspector II	50		
	TOTAL	100	<del>15</del> <b>10</b>	2.0 Hours
Basic Structure FP/ Intermediate Wildland FP	Hazardous Materials Awareness	25		
	Hazardous Materials Operations	25		
	Firefighter I	100		
	Firefighter II	75		
	Intermediate Wildland FP	25		
TOTAL	250	25	5.0 Hours	
FOR ALL OTHER EXAMINATIONS, SECTIONAL EXAMINATIONS, AND RETESTS				
	Recommended Hours	Number of Exam Questions	Maximum Possible Number of Pilot Questions	Time Allowed
IF THE RECOMMENDED HOURS FOR THE CURRICULUM OR SECTION IS:	Less than 30	25	<del>5</del> <b>3</b>	30 Minutes
	31 to 100	50	5	1.0 Hour
	101 to 200	75	<del>10</del> <b>8</b>	1.5 Hours
	201 to 300	100	<del>15</del> <b>10</b>	2.0 Hours
	301 to 400	125	<del>20</del> <b>13</b>	2.5 Hours
	401 or More	150	<del>25</del> <b>15</b>	3.0 Hours

- 11. Matters referred from the Fire Fighter Advisory Committee (FFAC), including but not limited to:**
  - A. Discussion and possible final adoption of proposed amendments, new sections, and repeals as follows:**
    - 3. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 459, Fire and Life Safety Educator.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**  
**DATE: 07/18/2019**

**Agenda Item #:** 11-A(3)

**Agenda Title:** Chapter 459, Fire and Life Safety Educator

**Action to be taken:** Discussion and possible final adoption

**Origin of Item:** Staff

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to remove the “special provision” language for Fire & Life Safety Educator I and to add IFSAC seal language.

### 2. DESCRIPTION/ JUSTIFICATION

The “special provision” period expired on February 28, 2019. The agency was accredited for Fire and Life Safety Educator II IFSAC seals.

### 3. BUDGET IMPACT

Positive impact if individuals seek to get their IFSAC seals

### 4. TIMELINE CONSIDERATIONS

Propose for final adoption

### 5. RECOMMENDATION

Recommend final adoption

### 6. REFERENCES

37 TAC, Chapter 459, Fire and Life Safety Educator

## CHAPTER 459

### FIRE AND LIFE SAFETY EDUCATOR

#### SUBCHAPTER A

#### MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR I

##### **§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.

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

**Individuals completing a commission-approved Fire and Life Safety Educator I program may be granted an IFSAC seal for Fire and Life Safety Educator I by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the fee for the seal prior to the expiration of the examination to qualify for the IFSAC seal.**

## CHAPTER 459

### FIRE AND LIFE SAFETY EDUCATOR

#### SUBCHAPTER B

#### MINIMUM STANDARDS FOR FIRE AND LIFE SAFETY EDUCATOR II

##### **§459.201 Fire and Life Safety Educator II Certification.**

- (a) A Fire and Life Safety Educator II 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 II certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) Special temporary provision. Individuals are eligible to take the commission examination for Fire and Life Safety Educator II by:
  - (1) holding Fire and Life Safety Educator I certification and meeting one of the following requirements:
  - (2) providing documentation acceptable to the commission that the individual has successfully completed Fire and Life Safety Educator II certification training that meets the minimum requirements of the National Fire Protection Association Standard 1035; or
  - (3) 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, and/or an employee of a regulated non-governmental fire department or
  - (4) hold a TCFP Fire Instructor II certification or higher.
  - (5) This subsection will expire on February 29, 2020.

##### **§459.203 Minimum Standards for Fire and Life Safety Educator II Certification.**

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

- (1) hold as a prerequisite Fire and Life Safety Educator I certification; and
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as a Fire and Life Safety Educator II; or
- (3) complete a commission approved Fire and Life Safety Educator II 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 II program must consist of one of the following:
  - (A) completion of an in-state Fire and Life Safety Educator II 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.

#### **§459.205 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 II certification.

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

**Individuals completing a commission-approved Fire and Life Safety Educator II program may be granted an IFSAC seal for Fire and Life Safety Educator II by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the fee for the seal prior to the expiration of the examination to qualify for the IFSAC seal.**

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

- B. Report from the Curriculum and Testing Committee with discussion and possible action on recommendations regarding possible changes to the Certification Curriculum Manual as follows:**
  - a. Updated Reference List for the Hazardous Materials Awareness Curriculum.**
  - b. Updated Reference List for the Hazardous Materials Incident Commander Curriculum.**
  - c. Updated Reference List for the Hazardous Materials Operations – Mission Specific Competencies Curriculum.**

## REFERENCE LIST FOR THE HAZARDOUS MATERIALS AWARENESS CURRICULUM

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is **not** all-inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

### Required References

#### Texts

- Certification Curriculum Manual*. Texas Commission on Fire Protection. (Most current edition). Austin, TX: Texas Commission on Fire Protection.
- Code of Federal Regulations, Title 29 Part 1910.120, Appendix A*. United States. U.S. Department of Labor, Occupational Safety & Health Administration.
- Emergency Response Guidebook*. United States. (Most current edition). Washington, DC: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration.
- Essentials of Fire Fighting and Fire Department Operations, 6th edition*. International Fire Service Training Association. (2013). Stillwater, OK: Fire Protection Publications, Oklahoma State University.
- Fundamentals of Fire Fighter Skills, 3<sup>rd</sup> edition*. International Association of Fire Chiefs, & National Fire Protection Association. (2014). Sudbury, MA: Jones and Bartlett.
- Hazardous Materials Awareness and Operations, 2<sup>nd</sup> ~~3<sup>rd</sup>~~ edition*. Schnepf, R. (~~2010~~ **2019**). Sudbury, MA: Jones & Bartlett.
- Hazardous Materials for First Responders, 4<sup>th</sup> edition*. International Fire Service Training Association. (2010). Stillwater, OK: Fire Protection Publications, Oklahoma State University.
- Hazardous Materials/Weapons of Mass Destruction Response Handbook, 6<sup>th</sup>/2013 edition*. McGowan, T. (2012). Quincy, MA: National Fire Protection Association.
- NFPA 472: Standard for Professional Competence of Responders to Hazardous Materials Incidents. (2013 ed.)*. Quincy, MA: NFPA Publications. National Fire Protection Association
- Standards Manual for Fire Protection Personnel*. Texas Commission on Fire Protection. (Current edition). Austin, TX: Texas Commission on Fire Protection.

## Recommended References

The most current edition of the following publications and media are recommended (not required) supplemental material for program use.

### Media

*DOT Chart 15: Hazardous Materials Marking, Labeling and Placarding Guide.* (or current edition) United States. Washington, DC: U.S. Dept. of Transportation, Pipeline and Hazardous Materials Safety Administration.

*Emergency Response Guidebook 2012.* [DVD]. United States. (2012). Washington, DC: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration.

*Hazmat Awareness.* Action Training Systems, Inc. (2008). [2 Disc DVD Set - Recognition & Identification]. Poulsbo, WA: Action Training Systems.

*Hazardous Materials Awareness and Operations* [DVD]. International Association of Fire Chiefs, & National Fire Protection Association. (2006). Sudbury, MA: Jones and Bartlett.

## REFERENCE LIST FOR THE HAZARDOUS MATERIALS INCIDENT COMMANDER CURRICULUM

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is **not** all-inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

### Required References

#### Texts

- Certification Curriculum Manual*. Texas Commission on Fire Protection. (Most current edition). Austin, TX: Texas Commission on Fire Protection.
- Code of Federal Regulations, Title 29 Part 1910.120, Appendix A*. United States. U.S. Department of Labor, Occupational Safety & Health Administration.  
[http://edocket.access.gpo.gov/cfr\\_2007/julqtr/pdf/29cfr1910.120.pdf](http://edocket.access.gpo.gov/cfr_2007/julqtr/pdf/29cfr1910.120.pdf)
- Emergency Response Guidebook*. United States. (Most current edition). Washington, DC: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration.
- Hazardous Materials Awareness and Operations, 2<sup>nd</sup> 3<sup>rd</sup> Edition*. Schnepf (~~2010~~ **2019**). Sudbury, MA: Jones & Bartlett.
- Hazardous Materials for First Responders*, 5<sup>th</sup> edition (2017). Stillwater, OK: Fire Protection Publications, Oklahoma State University.
- Hazardous Materials: Managing the Incident*. Chester Noll, G. G., Hildebrand, M. S., & Yvorra, J. G. (2005). MD: Red Hat Publishing Company, Inc.
- Hazardous Materials/Weapons of Mass Destruction Response Handbook*, 5<sup>th</sup> edition. Trebisacci, D. G. (2008). Quincy, MA: National Fire Protection Association.
- NFPA 472: Standard for Professional Competence of Responders to Hazardous Materials Incidents*. (2008 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association
- NIOSH Pocket Guide to Chemical Hazards*. Cincinnati National Institute for Occupational Safety and Health. (Most current edition). OH: US Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health.  
<http://www.cdc.gov/niosh/npg/>
- Standards Manual for Fire Protection Personnel*. Texas Commission on Fire Protection. (Most current edition). Austin, TX: Texas Commission on Fire Protection.

## Recommended References

The most current edition of the following publications and media are recommended (not required) supplemental material for program use.

### Texts

*Bretherick's Handbook of Reactive Chemical Hazards*. Urben, P. G., Pitt, M. J., & Bretherick, L. (2007). Amsterdam: Elsevier.

*Chlorine Emergencies: An Overview for First Responders*. Chlorine Institute. (2007). Arlington, VA: The Chlorine Institute.

*CHRIS: Chemical Hazards Response Information System*. United States. (1992). COMDTINST, M16465.11B. Washington, DC: U.S. Dept. of Transportation, U.S. Coast Guard.

*Dangerous Properties of Industrial and Consumer Chemicals*. Cheremisinoff, N. P., King, J. A., & Boyko, R. (1994). New York, NY: M. Dekker.

*Emergency Care for Hazardous Materials Exposure*. Currance, P., Bronstein, A. C., & Clements, B. (2005). St. Louis, MO: Mosby.

*Emergency Handling of Hazardous Materials in Surface Transportation*. Association of American Railroads. (2009). Washington, DC: Association of American Railroads.

*Fire Protection Guide to Hazardous Materials*. National Fire Protection Association. (2001). Quincy, MA: National Fire Protection Association.

*Hazardous Materials: Managing the Incident: Field Operations Guide*. Chester Bevelacqua, A. S., Hildebrand, M. S., & Noll, G. G. (2007). MD: Red Hat Publishing, Inc.

*Hawley's Condensed Chemical Dictionary*. Lewis, R. J., & Hawley, G. G. (2007). West Sussex, England: Wiley.

*Symbol Seeker: Hazard Identification Manual*. Burns, P. P. (2002). Preston, England: Symbol Seeker.

### Media

*Hazardous Materials Containment Series*. Action Training Systems. [4 Disc DVD Set]. Hazardous materials containment - series of 4 titles. Seattle, WA: Action Training Systems.

*Hazardous Materials: Managing the Incident DVD Series*. Massingham, G., Noll, G. G., Hildebrand, M. S., & Noll, G. G. (2005). [8 Disc DVD Set]. Edgartown, MA: Emergency Film Group.

## REFERENCE LIST FOR THE HAZARDOUS MATERIALS OPERATIONS - MISSION SPECIFIC COMPETENCIES CURRICULUM

This Reference List is provided as a general guide for both instructors and students to locate information pertaining to the specific objectives in the TCFP Curriculum. This list is **not** all-inclusive and does not in any way limit TCFP development and use of questions to test the objectives of the curriculum:

### Required References

#### Texts

- Certification Curriculum Manual*. Texas Commission on Fire Protection. (Most current edition). Austin, TX: Texas Commission on Fire Protection.
- Code of Federal Regulations, Title 29 Part 1910.120, Appendix A*. United States. U.S. Department of Labor, Occupational Safety & Health Administration.  
[http://edocket.access.gpo.gov/cfr\\_2007/julqtr/pdf/29cfr1910.120.pdf](http://edocket.access.gpo.gov/cfr_2007/julqtr/pdf/29cfr1910.120.pdf)
- Emergency Response Guidebook*. United States. (Most current edition). Washington, DC: U.S. Department of Transportation, Pipeline and Hazardous Materials Safety Administration.
- Essentials of Fire Fighting and Fire Department Operations, 6th edition*. International Fire Service Training Association. (2013). Stillwater, OK: Fire Protection Publications, Oklahoma State University.
- Fundamentals of Fire Fighter Skills, 3<sup>rd</sup> edition*. International Association of Fire Chiefs, & National Fire Protection Association. (2014). Sudbury, MA: Jones and Bartlett.
- Hazardous Materials Awareness and Operations, 2<sup>nd</sup> 3<sup>rd</sup> Edition*. Schnepf (~~2010~~ **2019**). Sudbury, MA: Jones & Bartlett.
- Hazardous Materials for First Responders, 4<sup>th</sup> 5<sup>th</sup> edition*. International Fire Service Training Association. (~~2010~~ **2017**). Stillwater, OK: Fire Protection Publications, Oklahoma State University.
- Hazardous Materials: Managing the Incident, 4<sup>th</sup> edition*. Noll, G. G., Hildebrand, M. S., Schnepf, R. & Rudner, G.D. (2014). Burlington, MA: Jones and Bartlett.
- Hazardous Materials/Weapons of Mass Destruction Response Handbook, 6<sup>th</sup>/2013 edition*. McGowan, T. (2012). Quincy, MA: National Fire Protection Association.
- NFPA 472: Standard for Professional Competence of Responders to Hazardous Materials Incidents*. (2013 ed.). Quincy, MA: NFPA Publications. National Fire Protection Association
- NIOSH Pocket Guide to Chemical Hazards*. National Institute for Occupational Safety and Health. (Most current edition). Cincinnati, OH: US Department of Health and Human Services, Public Health Service, Centers for Disease Control and Prevention, National Institute for Occupational Safety and Health. <http://www.cdc.gov/niosh/npg/>
- Standards Manual for Fire Protection Personnel*. Texas Commission on Fire Protection. (Most current edition). Austin, TX: Texas Commission on Fire Protection.

## Recommended References

The most current edition of the following publications and media are recommended (not required) supplemental material for program use.

### Texts

*Bretherick's Handbook of Reactive Chemical Hazards*. Urben, P. G., Pitt, M. J., & Bretherick, L. (2007). Amsterdam: Elsevier.

*Emergency Care for Hazardous Materials Exposure*. Currance, P., Bronstein, A. C., & Clements, B. (2005). St. Louis, MO: Mosby.

*Field Guide to Tank Cars*. Bureau of Explosives. (2010). Pueblo, Colorado: Association of American Railroads.

*Fire Protection Guide to Hazardous Materials*. 2010 edition. National Fire Protection Association. Quincy, MA: National Fire Protection Association.

*Hawley's Condensed Chemical Dictionary*. 15<sup>th</sup> edition. Lewis, R. J. (2007). West Sussex: Wiley.

*Hazardous Materials: Managing the Incident Field Operations Guide*. 2<sup>nd</sup> edition. Bevelacqua, A. S., (2014). Jones and Bartlett.

### Media

*Chlorine Emergencies: An Overview for First Responders*. Chlorine Institute. (2007). Arlington, VA: The Chlorine Institute.

*Hazardous Materials Containment Series*. Action Training Systems. [4 Disc DVD Set] Hazardous materials containment - series of 4 titles. Seattle, WA: Action Training Systems.

*Hazardous Materials: Managing the Incident DVD Series*. Massingham, G., Noll, G. G., Hildebrand, M. S., & Noll, G. G. (2005). [8 Disc DVD Set] Edgartown, MA: Emergency Film Group.

*How to Use the Chlorine Institute Emergency Kit "A" for 100 lb. and 150 lb. Chlorine Cylinders*. Chlorine Institute. (Sept. 2013). New York, NY: The Chlorine Institute. [DVD + pamphlet]

*How to Use the Chlorine Institute Emergency Kit "B" for Chlorine Ton Containers*. New Chlorine Institute. (Dec. 2013). York, NY: The Chlorine Institute. [DVD + pamphlet]

*How to Use the Chlorine Institute Emergency Kit "C" for Chlorine Tank Cars and Tank Trucks*. Chlorine Institute. (Feb. 2014). New York, NY: The Chlorine Institute. [DVD + pamphlet]

**12. Report from Curriculum and Testing Committee regarding the review and evaluation of the International Code Council Inspector Certification Program.**

**13. Discussion and possible action on request from Dan Bodin, P, M, & R Specialists of Texas, LLC regarding NFPA 1582 Medical Exams.**



Proposed by

**P, M, & R, Specialists Foundation**

to the

**Texas Commission on Fire Protection**

For the Development of a  
**Data Repository for the NFPA 1582 Medical Exams  
for the State of Texas**

July 15, 2019



## **P, M, & R,** Specialists of Texas, LLC

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### **Who we are:**

- Formed in 2016
- Texas based, formed by veteran firefighter and military veteran
- Have served 14 fire departments
- NFPA 1582 Medical Exams for 1,450 firefighters
- L-2 and L-3 for Police Academies
- Services provide on-site or at the North Houston location
- Additional services of Ultrasound, Titters, Heavy Metals, Vaccination
- Reports provided to firefighters on findings and recommendations
- 501C-3 Not-for-Profit Foundation – Formed May 2019



*Proudly serving those who serve us*

# P, M, & R,

Specialists of Texas, LLC

## Proposal:

- TCFP and PM&R to form a Joint Venture in the development of a Data Repository of NFPA 1582 physical data from Texas Fire Departments
- All data to be HIPAA protected
- PM&R to serve as Data Manager with direct oversight by TCFP
- TCFP and PM&R will seek a grant from the Robert Wood Johnson Foundation, FEMA and others for the development and operation of the Data Repository
- All data will be available for purpose of dedicated research
- Records of 1,450 NFPA 1582 physicals to be contributed by PM&R for study
- Foundation will be providing financial assistance to Departments for their NFPA 1582 physicals
- Seek participation in the TCFP Health & Wellness Committee

**14. Discussion and possible action on request from Chief Danny Kistner, McKinney Fire Department regarding Life Safety Initiative Number Nine.**

# McKINNEY FIRE DEPARTMENT

Office of the Fire Chief



Daniel T. Kistner  
Fire Chief  
2200 Taylor Burk Dr.  
McKinney, TX 75071  
(972) 547-2850  
[www.mckinneyfire.org](http://www.mckinneyfire.org)

July 5, 2019

Commissioner Robert  
Moore Presiding Officer  
Texas Commission on Fire Protection  
PO Box 2286  
Austin, TX 78768-2286

*RE: TCFP July 18, 2019 Meeting*

Commissioner Moore -

Once again, thank you for allowing me an opportunity to recommend the TCFP adopt regulation to codify LifeSafety Initiative #9 – Thoroughly investigate all firefighter fatalities, injuries, and near misses.

As you are aware, the State Fire Marshal and National Institute of Occupational Safety and Health currently and thoroughly investigate line-of-duty death. The TCFP Injury Reporting Program currently requires the reporting of all firefighter injuries and collects related information such as policy issues, malfunctions and equipment repairs.

The 16 Life Safety Initiatives were drafted in 2007 following three years of facilitated discussion with fire service leadership from across the nation with one simple but honorable goal -to reduce or eliminate firefighter line of duty death. LSI #9 is a call to investigate and learn from mistakes. Several fire departments, including Arlington, Austin, Garland, Lancaster, and San Antonio brought the initiatives to Texas in a 2007 pilot program delivered in Austin. Seventy firefighters from across Texas attended this introductory program that included testimonial of lessons learned from a fire officer who received serious burns during a search operation at a multi-family residential structure fire. The value of lessons learned cannot be overstated.

Other industries responsible for the safe handling of human life also experienced close calls and fatalities that prompted similar action. The railroad industry adopted a confidential close call reporting system. The medical community evaluates medication and treatment errors. And, the Firefighter Near Miss Reporting program used the Federal Aviation Administration's near miss reporting as a muse for its reporting mechanism. All these industries experienced a decrease in injury rate and financial loss. All benefitted from a collateral cooperative working environment among members. A renewed focus on safety was realized and, relationships were built between labor and management.

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*\*consider what is best for the community - excellence in customer service – always searching for the better way\*.*

These industries reported a reduction in events following recognition of a problem and implementation of a system.

During a phone conference with the Texas Fire Service Consortium in 2016, all organizations were in favor of a required reporting system, though all expressed hesitation fearing unfunded mandates.

Texas Fire Chief's Best Practices manual Chapter 10, Section 10.03 requires, "The AHJ shall have a policy on firefighter fatality incidents and also on the process of dealing with on-duty injuries. Additionally, there must be defined processes on recommendations being communicated to department members on how to avoid similar occurrences in the future within these policies, such as **lessons learned**.

The section continues, "Departments also need to report injuries and **more importantly develop lessons learned** to minimize risk in the future."

Lessons learned cannot be discovered unless an analysis is conducted first.

I propose a modification of LSI #9 to require all regulated agencies conduct an after action report or post incident analysis on all firefighter declared "Mayday" and serious injuries as defined by the TCFP. I recognize that defining "close call" would be varied and therefore amend the initiative to the declared "Mayday" instead. For simplicity, serious injuries would be defined similar to that found within the injury reporting program but again modified to include any injury resulting in 24 hours or more of lost duty, requiring a change of assignment, or career ending.

I suggest the Texas Commission on Fire Protection verify compliance through policy review, similar to enforcement of NFPA 1561 section on 2-in/2-out. I suggest verification a post incident analysis is conducted by creating an additional reporting block for serious firefighter injuries within the injury reporting system. And, a reporting block for reporting firefighter Mayday residing within the Texas Commission website, perhaps on the Health and Wellness page.

Lessons learned from post incident analysis are invaluable. Don Abbott of the Mayday Project discovered predictable problem areas:

- No 360 size up
- Too much time between moving from offensive to defensive operations
- 36% of all "Mayday's" studied took place in vacant or abandoned buildings

There are but a few of the lessons learned. Imagine the benefits of the data.

The Texas Fire Service is leading the industry in firefighter safety, health, and wellness. It is time to make "Mayday" and serious injury analysis mandatory. We owe it to our firefighter.

Thank you for your consideration

Danny Kistner  
Fire Chief

**15. Discussion and possible action on report from Chief Roy Rubio, Harlingen Fire Department regarding protective clothing issues experienced by the fire department.**

**16. Discussion and possible action on acceptance of gifts to the commission from the family of former State Fire Marshal, Ernest A. Emerson.**

**ITEMS DONATED BY THE FAMILY OF FORMER  
STATE FIRE MARSHAL ERNEST A. EMERSON**

1-Vintage portable fire extinguisher-Keefe Model No. 7 dry chemical extinguisher

1-Vintage portable fire extinguisher-General QuickAid SnoFog Fire Guard

1-Antique wooden handcrafted 1:44-scale ladder truck and tiller

1-Antique wooden handcrafted 1:44-scale fire engine

1-Vintage Waco "The Mississippi 1869" novelty fire engine radio

1-NFPA commemorative diecast fire engine coin bank

1-Danbury Mint limited edition decorative plate featuring "Sparky"

1-Decorative resin horse-drawn fire engine

**17. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 403, Criminal Convictions and Eligibility For Certification.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #:** 17

**Agenda Title:** Chapter 403, Criminal Convictions and Eligibility For Certification

**Action to be taken:** Propose for Publication

**Origin of Item:** Staff

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to remove language in the applicable chapter regarding an individual's conduct prior to court action such as conviction for an offense.

### 2. DESCRIPTION/ JUSTIFICATION

Recently passed legislation forbids an agency from considering an arrest that did not result in a person's conviction. In an effort to maintain consistency with the intent of the legislation, the proposal removes language describing conduct of an individual even though a conviction may not have occurred.

### 3. BUDGET IMPACT

No budget impact is anticipated.

### 4. TIMELINE CONSIDERATIONS

The proposal is for publication of the rule change, to be considered for final adoption in the commission's October meeting.

### 5. RECOMMENDATION

Recommend publication.

### 6. REFERENCES

37 TAC, Chapter 403, Criminal Convictions and Eligibility For Certification

## CHAPTER 403

### CRIMINAL CONVICTIONS AND ELIGIBILITY FOR CERTIFICATION

#### §403.1. Purpose.

- (a) The purpose of this chapter is to establish policy, procedures and criteria on the eligibility of persons with a criminal conviction for a certificate or renewal of a certificate issued by the Texas Commission on Fire Protection (the commission) and to establish procedures for suspension, probation, revocation, or denial of a certificate held or applied for by persons with a criminal conviction pursuant to Chapter 53, Texas Occupations Code.
- (b) The duties and responsibilities of persons who hold certifications issued by the commission each involve matters that directly relate to public safety, specifically to the reduction of loss of life and property from fire. Thus, conduct involving the injury to a person or the destruction of property by fire, relates directly to the fitness of the individual to be fire protection personnel. Fire protection personnel often have access to areas not generally open to the public. The public relies on the honesty, trustworthiness, and reliability of persons certified by the commission. Thus, crimes involving moral turpitude, including, but not limited to, fraud and dishonesty, are directly relevant. In addition, the ability of such persons to function unimpaired by alcohol or the illegal use of drugs, in dangerous or potentially dangerous circumstances, including, but not limited to, the operation of emergency vehicles is paramount in light of the duty to protect the health and safety of the public.

#### §403.3. Scope.

- (a) The policy and procedures established in this chapter apply to a person who holds or applies for any certificate issued under the commission's regulatory authority contained in Government Code, Chapter 419.
- (b) When a person is [~~charged with, or~~] convicted of a crime of a sexual nature, the conviction of which would require the individual to be registered as a sex offender under Chapter 62 of the Code of Criminal Procedure; or
- (c) When a person **is convicted of a crime** [~~engages in conduct~~] that is an offense under Title 7 of the Texas Penal Code, or a similar offense under the laws of the United States of America, another state, or other jurisdiction, the person's conduct directly relates to the competency and reliability of the person to assume and discharge the responsibilities of fire protection personnel. Such conduct includes, but is not limited to, intentional or knowing conduct, without a legal privilege, that causes or is intended to cause a fire or explosion with the intent to injure or kill any person or animal or to destroy or damage any property. The commission may [~~consider the person's conduct even though a final conviction has not occurred and may~~]:
  - (1) deny to a person the opportunity to be examined for a certificate;
  - (2) deny the application for a certificate;
  - (3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;

- (4) refuse to renew a certificate;
  - (5) suspend, revoke or probate the suspension or revocation of an existing certificate; or
  - (6) limit the terms or practice of a certificate holder to areas prescribed by the commission.
- (d) When a person's criminal conviction of a felony or misdemeanor directly relates to the duties and responsibilities of the holder of a certificate issued by the commission, the commission may:
- (1) deny to a person the opportunity to be examined for a certificate;
  - (2) deny the application for a certificate;
  - (3) grant the application for a new certificate with the condition that a probated suspension be placed on the newly granted certificate;
  - (4) refuse to renew a certificate;
  - (5) suspend, revoke or probate the suspension or revocation of an existing certificate; or
  - (6) limit the terms or practice of a certificate holder to areas prescribed by the commission.

**§403.5. Access to Criminal History Record Information.**

- (a) Criminal history record. The commission is entitled to obtain criminal history record information maintained by the Department of Public Safety, or another law enforcement agency to investigate the eligibility of a person applying to the commission for or holding a certificate.
- (b) Confidentiality of information. All information received under this section is confidential and may not be released to any person outside the agency except in the following instances:
  - (1) a court order;
  - (2) with written consent of the person being investigated;
  - (3) in a criminal proceeding; or
  - (4) in a hearing conducted under the authority of the commission.
- (c) Early review. A fire department that employs a person regulated by the commission, a person seeking to apply for a beginning position with a regulated entity, a volunteer fire department, or an individual participating in the commission certification program may seek the early review under this chapter of the person's present fitness to be certified. Prior to completing the requirements for certification, the individual may request such a review in writing by following the required procedure. A decision by the commission based on an early review does not bind the commission if there is a change in circumstances. The following pertains to early reviews:
  - (1) The commission will complete its review and notify the requestor in writing concerning potential eligibility or ineligibility within 90 days following receipt of all required and necessary information for the review.

- (2) A notification by the commission regarding the results of an early review is not a guarantee of certification, admission to any training program, or employment with a local government.
- (3) A fee assessed by the commission for conducting an early review will be in an amount sufficient to cover the cost to conduct the review process, as provided in §437.19 of this title (relating to Early Review Fees).
- (4) An early review request will be considered incomplete until the requestor submits all required and necessary information. Early review requests that remain incomplete for 90 days following receipt of the initial request will expire. If the request expires and an early review is still desired, a new request and fee must be submitted.

#### **§403.7. Criminal Convictions Guidelines.**

- (a) The following crimes are considered to relate directly to the ability, capacity, and fitness required to perform the duties and discharge the responsibilities of persons certified by the commission:
  - (1) offenses under the Government Code, Chapter 419, relating to the Texas Commission on Fire Protection;
  - (2) offenses under the Texas Transportation Code Title 6 Roadways, which are punishable by fines greater than \$200, or imprisonment, or both fine and imprisonment;
  - (3) offenses under the Health and Safety Code, Chapter 481, concerning controlled substances;
  - (4) offenses under the Health and Safety Code, Chapter 483, concerning dangerous drugs;
  - (5) offenses under the following titles of the Texas Penal Code:
    - (A) Title 5--offenses against the person;
    - (B) Title 6--offenses against the family;
    - (C) Title 7--offenses against property;
    - (D) Title 8--offenses against public administration;
    - (E) Title 9--offenses against public order and decency;
    - (F) Title 10--offenses against public health, safety and morals;
    - (G) Title 11--offenses involving organized crime; and
    - (H) Title 4--inchoate offenses Chapter 15 preparatory offenses to any of the offenses in this section;
  - (6) the offenses listed in this subsection are not inclusive, in that the commission may consider other particular crimes in special cases in order to promote the intent of the statutes administered by the commission.

(b) In all cases the commission shall consider:

- (1) the nature and seriousness of the crime;
- (2) the relationship of the crime to the purposes for requiring the certificate issued by the commission;
- (3) the extent to which the certificate might offer an opportunity to engage in further criminal activity of the same type as that in which the person previously had been involved;
- (4) the relationship of the crime to the ability, capacity, or fitness required to perform the duties and discharge the responsibilities of the certificate holder;
- (5) the level and nature of supervision of the person by others; and
- (6) the level and nature of access to public, commercial, and residential properties, including access after regular business hours and access to areas not open to the general public.

**§403.9. Mitigating Factors.**

(a) In addition to the factors that must be considered under §403.7 of this title (relating to Criminal Convictions Guidelines), in determining the present fitness of a person who has been convicted of a crime, the commission shall consider the following evidence:

- (1) the extent and nature of the person's past criminal activity;
- (2) the age of the person at the time of the commission of the crime;
- (3) the amount of time that has elapsed since the person's last criminal activity;
- (4) the conduct and work activity of the person prior to and following the criminal activity;
- (5) evidence of the person's rehabilitation or rehabilitative effort while incarcerated or following release; and
- (6) other evidence of the person's present fitness, including letters of recommendation from:
  - (A) prosecution, law enforcement, and correctional officers who prosecuted, arrested, or had custodial responsibility for the person;
  - (B) the sheriff or chief of police in the community where the person resides; and
  - (C) any other persons in contact with the convicted person.

(b) It shall be the responsibility of the applicant to the extent possible to secure and provide to the commission as required the recommendations of prosecution, law enforcement, and correctional authorities as required by statute and these rules upon request by the commission staff. The applicant shall upon request also furnish:

- (1) a copy of the indictment, information or complaint;

- (2) a copy of the judgement(s) or order(s) of the court adjudicating guilt, granting probation, community supervision, deferred adjudication, or discharge from probation or community supervision;
- (3) a record of steady employment in the form of a letter from current or former employers;
- (4) a record that the applicant has supported his or her dependents in the form of a letter from a person in the applicant's community with personal knowledge of the circumstances;
- (5) evidence that the applicant has paid all outstanding court costs, supervision fees, fines, and restitution as may have been ordered in all criminal cases in which he or she has been convicted, in the form of copies of official records, documents, or a letter from the person's probation or parole officer where applicable concerning his or her current status; and
- (6) a copy of the police or offense report(s).

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

- (a) If the commission Standards Division (the division) proposes to suspend, revoke, limit, or deny a certificate based on the criteria in this chapter, the division shall notify the individual per Government Code, Chapter 2001. The notice of intended action shall specify the facts or conduct alleged to warrant the intended action.
- (b) If the proposed action is to limit, suspend, revoke, or refuse to renew a current certificate, or deny an application for a new certificate, a written notice of intended action shall comply with the preliminary notice requirements of Government Code §2001.054(c). The individual may request, in writing, an informal conference with the commission staff in order to show compliance with all requirements of law for the retention of the certificate, pursuant to Government Code §2001.054(c). A written request for an informal staff conference must be submitted to the division director no later than 15 days after the date of the notice of intended action. If the informal staff conference does not result in an agreed consent order, a formal hearing shall be conducted in accordance with the Administrative Procedure Act, Government Code, Chapter 2001.
- (c) If the individual does not request an informal staff conference or a formal hearing in writing within the time specified in this section, the individual is deemed to have waived the opportunity for a hearing, and the proposed action will be taken.
- (d) If the commission limits, suspends, revokes, or denies a certificate under this chapter, **a written notice shall be provided to the person that includes:**~~[the executive director shall give the person written notice]~~
  - (1) ~~[of]~~ the reasons for the decision;
  - (2) that the person may appeal the decision ~~[of the executive director]~~ to the commission in accordance with §401.63 of this title (relating to Appeals to the Commission) within 30 days from the date the decision~~[ of the executive director]~~ is final and appealable;
  - (3) that the person, after exhausting administrative appeals, may file an action in a district court of Travis County, Texas, for judicial review of the evidence presented to the commission and

its decision; and that such petition must be filed with the court no later than 30 days after the commission action is final and appealable.

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

- (a) A certificate holder must report to the commission, any conviction, other than a minor traffic offense (Class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, within 14 days of the conviction date.
- (b) A fire department or local government entity shall report to the commission, any conviction of a certificate holder other than a minor traffic offense (class C misdemeanor) under the laws of this state, another state, the United States, or foreign country, that it has knowledge of, within 14 days of the conviction date.
- (c) A certificate holder is subject to suspension, revocation or denial of any or all certifications for violation of the requirements of subsection (a) of this section. Each day may be considered a separate offense.
- (d) A fire department or government entity regulated by the commission violating subsection (b) of this section may be subject to administrative penalties of up to \$500. Each day may be considered a separate offense.
- (e) Notification may be made by mail, e-mail, or in person to the Texas Commission on Fire Protection (TCFP) Austin office. TCFP Form ~~#014~~[#0014] shall be used.

**18. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 421, Standards For Certification.**



## ***Texas Commission on Fire Protection***

### ***Agenda Item Summary***

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #:** 18  
**Agenda Title:** Chapter 421, Standards For Certification  
**Action to be taken:** Propose for Publication  
**Origin of Item:** Staff

#### **1. INTRODUCTION/PURPOSE**

The purpose of the item is to add language addressing the process for military spouses to be appointed to fire protection duties in Texas.

#### **2. DESCRIPTION/ JUSTIFICATION**

Recently passed legislation allows military spouses to be temporarily appointed to fire protection duties without being required to hold commission certification, provided certain requirements are met and approved by commission staff.

#### **3. BUDGET IMPACT**

No budget impact is anticipated.

#### **4. TIMELINE CONSIDERATIONS**

The proposal is for publication of the rule change, to be considered for final adoption in the commission's October meeting.

#### **5. RECOMMENDATION**

Recommend publication.

#### **6. REFERENCES**

37 TAC, Chapter 421 Standards For Certification

## 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.

#### **§421.3. Minimum Standards Set by the Commission.**

(a) General statement. It shall be clearly understood that the specified minimum standards described in this section are designated as a minimum program. Employing entities are encouraged to exceed the minimum program wherever possible. Continuous in-service training beyond the minimum standards for fire protection personnel is strongly recommended. Nothing in these regulations shall limit or be construed as limiting the powers of the Civil Service Commission, or the employing entity, to enact rules and regulations which establish a higher standard of training than the minimum specified, or which provides for the termination of the services of unsatisfactory employees during or upon completion of the prescribed probationary period.

(b) Functional position descriptions.

(1) Structural Fire Protection personnel. The following general position description for structural fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on written and performance certification examinations; must be at least 18 years of age; generally, the knowledge and skills required show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, drag, and balance weight equivalent to the average human weight; ability to interpret in English, written and oral instructions; ability to work effectively in high stress situations; ability to work effectively in an environment with loud noises and flashing lights; ability to function through an entire work shift; ability to calculate weight and volume ratios; ability to read and understand English language manuals including chemical, medical and technical terms, and road maps; ability to accurately discern street signs and address numbers; ability to document in English, all relevant information in prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other emergency response personnel. Good manual dexterity with ability to perform all tasks related to the protection of life and property; ability to bend, stoop, and crawl on uneven surfaces; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and ability to work in low or no light, confined spaces, elevated heights and other dangerous environments.

(B) Competency. A basic fire fighter must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 1 of the commission's Certification Curriculum Manual.

(2) Aircraft Rescue Fire Fighting personnel. The following general position description for aircraft rescue fire fighting personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of aircraft rescue fire fighting personnel operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of an airport; ability to use and understand communication equipment, terminology, and procedures utilized by airports; ability and knowledge in the application of fire suppression agents; and ability to effectively perform fire suppression and rescue operations.

(B) Competency. Basic fire fighting and rescue personnel must demonstrate competency handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 2 of the commission's Certification Curriculum Manual.

(3) Marine Fire Protection personnel. The following general position description for marine fire protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the marine fire fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: familiarity with geographic and physical components of a navigable waterway; ability to use and understand communication equipment, terminology, and procedures used by the maritime industry; and knowledge in the operation of fire fighting vessels.

(B) Competency. A marine fire fighter must demonstrate competency in handling emergencies utilizing equipment and skills in accordance with the objectives in Chapter 3 of the commission's Certification Curriculum Manual.

(4) Fire Inspection personnel. The following general position description for fire inspection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire inspector operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; must be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an inspection; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in an environment with potentially loud noises; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, construction and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Demonstrate knowledge of characteristics and behavior of fire, and fire prevention principles. Good manual dexterity with the ability to perform all tasks related to the inspection of structures and property; ability to bend, stoop, and crawl on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold, and moisture; and the ability to work in low light, confined spaces, elevated heights, and other dangerous environments.

(B) Competency. A fire inspector must demonstrate competency in conducting inspections utilizing equipment and skills in accordance with the objectives in Chapter 4 of the commission's Certification Curriculum Manual.

(5) Fire Investigator personnel. The following general position description for fire investigator personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the fire investigator operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. Successfully complete a commission approved course; achieve a passing score on certification examinations; be at least 18 years of age; generally, the knowledge and skills required to show the need for a high school education or equivalent; ability to communicate verbally, via telephone and radio equipment; ability to lift, carry, and balance weight equivalent to weight of common tools and equipment necessary for conducting an investigation; ability to interpret written and oral instructions; ability to work effectively with the public; ability to work effectively in a hazardous environment; ability to function through an entire work shift; ability to calculate area, weight and volume ratios; ability to read and understand English language manuals including chemical, legal and technical terms, building plans and road maps; ability to accurately discern street signs and address numbers; ability to document, in writing, all relevant information in a prescribed format in light of legal ramifications of such; ability to converse in English with coworkers and other personnel. Good manual dexterity with the ability to perform all tasks related to fire investigation; ability to bend, stoop, and walk on uneven surfaces; ability to climb ladders; ability to withstand varied environmental conditions such as extreme heat, cold and moisture; and

the ability to work in low light, confined spaces, elevated heights, and other potentially dangerous environments.

(B) Competency. A fire investigator or arson investigator must demonstrate competency in determining fire cause and origin utilizing equipment and skills in accordance with the objectives in Chapter 5 of the commission's Certification Curriculum Manual.

(6) Hazardous Materials Technician personnel. The following general position description for hazardous materials personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the hazardous materials technician operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: successfully complete a commission approved course; achieving a passing score on the certification examination; the ability to analyze a hazardous materials incident, plan a response, implement the planned response, evaluate the progress of the planned response, and terminate the incident.

(B) Competency. A hazardous materials technician must demonstrate competency handling emergencies resulting from releases or potential releases of hazardous materials, using specialized chemical protective clothing and control equipment in accordance with the objectives in Chapter 6 of the commission's Certification Curriculum Manual.

(7) Hazardous Materials Incident Commander personnel. The following general position description for Hazardous Materials Incident Commander serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Hazardous Materials Incident Commander operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for awareness and operations level personnel, the Hazardous Materials Incident Commander is an individual who has met all the job performance requirements of Hazardous Materials Incident Commander as defined in Chapter 8 of NFPA 472, Competence of Responders to Hazardous Materials Incidents/Weapons of Mass Destruction. The individual should demonstrate knowledge in the policies, plans, and procedures regarding hazardous materials response as adopted by the local jurisdiction; and all components of the incident command system and their proper utilization.

(B) Competency. In addition to the competencies of awareness and operations level personnel, a Hazardous Materials Incident Commander must demonstrate competency in such areas as: analyzing an incident via the collection of information and an estimation of potential outcomes; planning appropriate response operations; implementing a planned response; evaluating the progress of a planned response and revising as necessary; terminating an incident; conducting a post-incident critique; and reporting and documenting an incident in a manner consistent with local, state, and federal requirements.

(8) Driver/Operator-Pumper personnel. The following general position description for driver/operator-pumper personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the driver/operator-pumper of a fire department pumper operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection personnel: ability to perform specified routine test, inspection, and maintenance functions; ability to perform practical driving exercises; ascertain the expected fire flow; ability to position a fire department

pumper to operate at a fire hydrant; ability to produce effective streams; and supply sprinkler and standpipe systems.

(B) Competency. A driver/operator-pumper must demonstrate competency operating a fire department pumper in accordance with the objectives in Chapter 7 of the commission's Certification Curriculum Manual.

(9) Fire Officer I personnel. The following general position description for Fire Officer I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for basic structural fire protection and Fire Instructor I personnel: the ability to supervise personnel, and assign tasks at emergency operations; the ability to direct personnel during training activities; the ability to recommend action for member-related problems; the ability to coordinate assigned tasks and projects, and deal with inquiries and concerns from members of the community; the ability to implement policies; the ability to perform routine administrative functions, perform preliminary fire investigation, secure an incident scene and preserve evidence; the ability to develop pre-incident plans, supervise emergency operations, and develop and implement action plans; the ability to deploy assigned resources to ensure a safe work environment for personnel, conduct initial accident investigation, and document an incident.

(B) Competency. A Fire Officer I must demonstrate competency in handling emergencies and supervising personnel utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(10) Fire Officer II personnel. The following general position description for Fire Officer II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications for Fire Officer I and Fire Instructor I personnel: the ability to motivate members for maximum job performance; the ability to evaluate job performance; the ability to deliver life safety and fire prevention education programs; the ability to prepare budget requests, news releases, and policy changes; the ability to conduct pre-incident planning, fire inspections, and fire investigations; the ability to supervise multi-unit emergency operations, identify unsafe work environments or behaviors, review injury, accident, and exposure reports.

(B) Competency. A Fire Officer II must demonstrate competency in supervising personnel and coordinating multi-unit emergency operations utilizing skills in accordance with the objectives in Chapter 9 of the commission's Certification Curriculum Manual.

(11) Fire Officer III personnel. The following general position description for Fire Officer III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer III is a midlevel supervisor who performs both supervisory and first-line managerial functions. In addition to the qualifications and competency for Fire Officer II, the Fire Officer III is an individual who has met all the job performance requirements of Fire Officer

III as defined in Chapter 6 of 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.

(B) Competency. A Fire Officer III must demonstrate competency doing research; analyzing data and using evaluative techniques; developing proposals; developing, preparing, and implementing various procedures and programs within an organization; managing personnel resources; preparing and managing budgets; utilizing techniques to encourage personnel participation and development; and working in top-level positions within the incident command system.

(12) Fire Officer IV personnel. The following general position description for Fire Officer IV personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Officer IV operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Fire Officer IV is an upper level supervisor who performs both supervisory and managerial functions. In addition to the qualifications and competency for Fire Officer III, the Fire Officer IV is an individual who has met all the job performance requirements of Fire Officer IV as defined in Chapter 7 of 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.

(B) Competency. A Fire Officer IV must demonstrate competency in appraising and evaluating departmental programs to ensure adherence to current laws and best practices; developing medium and long-range plans for organizations; and assuming a top-level leadership role in both the organization and community.

(13) Fire Service Instructor I personnel. The following general position description for Fire Service Instructor I personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor I operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course and achieving a passing score on the certification examination: must have the ability to deliver instructions effectively from a prepared lesson plan; the ability to use instructional aids and evaluation instruments; the ability to adapt to lesson plans to the unique requirements of both student and the jurisdictional authority; the ability to organize the learning environment to its maximum potential; the ability to meet the record-keeping requirements of the jurisdictional authority.

(B) Competency. A Fire Service Instructor I must demonstrate competency in delivering instruction in an environment organized for efficient learning while meeting the record-keeping needs of the authority having jurisdiction, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(14) Fire Service Instructor II personnel. The following general position description for Fire Service Instructor II personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor II operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor I: the ability to develop individual lesson plans for a specific topic, including learning objectives, instructional aids, and evaluation instruments; the ability to schedule training sessions based on the overall training plan of the jurisdictional authority; the ability to supervise and coordinate the activities of other instructors.

(B) Competency. A Fire Service Instructor II must demonstrate competency in developing individual lesson plans; scheduling training sessions; and supervising other instructors, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(15) Fire Service Instructor III personnel. The following general position description for Fire Service Instructor III personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Fire Service Instructor III operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to successfully completing a commission approved course, achieving a passing score on the certification examination, and meeting the qualifications for Fire Service Instructor II: the ability to develop comprehensive training curricula and programs for use by single or multiple organizations; the ability to conduct organizational needs analysis; and the ability to develop training goals and implementation strategies.

(B) Competency. A Fire Service Instructor III must demonstrate competency in developing comprehensive training curricula and programs; conducting organizational needs analysis; and developing training goals and implementation strategies, utilizing skills in accordance with the objectives in Chapter 8 of the commission's Certification Curriculum Manual.

(16) Incident Safety Officer personnel. The following general position description for Incident Safety Officer personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Incident Safety Officer operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. An Incident Safety Officer is an individual who has met the requirements of Fire Officer Level I specified in NFPA 1021, Standard for Fire Officer Professional Qualifications and Chapter 6 of NFPA 1521, Standard for Fire Department Safety Officer and has the knowledge, skill, and abilities to manage incident scene safety. Typical Incident Safety Officer duties include risk and resource evaluation; hazard identification and communication; action plan reviews; safety briefings; accident investigation; post incident analysis; and participation in safety committee activities.

(B) Competency. An Incident Safety Officer must demonstrate competency in management of incident scene safety through a working knowledge of the various emergency operations as prescribed by the local jurisdiction; an understanding of building construction; fire science and fire behavior; managing an organization's personnel accountability system; and incident scene rehabilitation methodology.

(17) Basic Wildland Fire Protection personnel. The following general position description for Basic Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Basic Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. A Basic Wildland Fire Fighter is an individual who has met the requirements of Chapter 5 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: wildland fire behavior; fireline safety and use; limitations of personal protective equipment; fire shelter use; fire suppression tactics and techniques in wildland settings; and have an understanding of the fire fighter's role within the local incident management system.

(B) Competency. A Basic Wildland Fire Fighter must demonstrate competency in such areas as: maintaining personal protective equipment and assigned fire suppression tools and equipment; the ability to quickly prepare for a response when notified; recognizing hazards and unsafe situations in a wildland fire; securing a fire line; mopping up a fire area; and patrolling a fire area so as to ensure fire control.

(18) Intermediate Wildland Fire Protection personnel. The following general position description for Intermediate Wildland Fire Protection personnel serves as a guide for anyone interested in understanding the qualifications, competencies, and tasks required of the Intermediate Wildland Fire Fighter operating in the State of Texas. It is ultimately the responsibility of an employer to define specific job descriptions within each jurisdiction.

(A) Qualifications. In addition to the qualifications and competency for the Basic Wildland Fire Fighter, the Intermediate Wildland Fire Fighter is an individual who has met the requirements of Chapter 6 of NFPA 1051, Standard for Wildland Fire Fighter Professional qualifications, and should demonstrate knowledge in: basic map reading; use of a locating device such as a compass; radio procedures as adopted by the local jurisdiction; and record keeping.

(B) Competency. An Intermediate Wildland Fire Fighter must demonstrate competency in such areas as: the ability to lead a team of fire fighters in the performance of assigned tasks while maintaining the safety of personnel; implementing appropriate fireline construction methods and other techniques for protection of exposed property; operation of water delivery equipment; securing an area of suspected fire origin and associated evidence; and serving as a lookout in a wildland fire.

#### **§421.5. Definitions.**

The following words and terms, when used in the Standards Manual, shall have the following meanings, unless the context clearly indicates otherwise.

(1) Admission to employment--An entry level full-time employee of a local government entity in one of the categories of fire protection personnel.

(2) Appointment--The designation or assignment of a person to a discipline regulated by the commission. The types of appointments are:

(A) permanent appointment--the designation or assignment of certified fire protection personnel or certified part time fire protection employees to a particular discipline (See Texas Government Code, Chapter 419, §419.032); and

(B) probationary or temporary appointment--the designation or assignment of an individual to a particular discipline, except for head of a fire department, for which the individual has passed the

commission's certification and has met the medical requirement of §423.1(c) of this title (relating to Minimum Standards for Structure Fire Protection Personnel), if applicable, but has not yet been certified. (See Texas Government Code, Chapter, §419.032.)

(3) Approved training--Any training used for a higher level of certification must be approved by the commission and assigned to either the A-List or the B-List. The training submission must be in a manner specified by the commission and contain all information requested by the commission. The commission will not grant credit twice for the same subject content or course. Inclusion on the A-List or B-List does not preclude the course approval process as stated elsewhere in the Standards Manual.

(4) Assigned/work--A fire protection personnel or a part-time fire protection employee shall be considered "assigned/working" in a position, any time the individual is receiving compensation and performing the duties that are regulated by the commission and has been permanently appointed, as defined in this section, to the particular discipline.

(5) Assistant fire chief--The officer occupying the first position subordinate to the head of a fire department.

(6) Auxiliary fire fighter--A volunteer fire fighter.

(7) Benefits--Benefits shall include, but are not limited to, inclusion in group insurance plans (such as health, life, and disability) or pension plans, stipends, free water usage, and reimbursed travel expenses (such as meals, mileage, and lodging).

(8) Chief Training Officer--The individual, by whatever title he or she may be called, who coordinates the activities of a certified training facility.

(9) Class hour--Defined as not less than 50 minutes of instruction, also defined as a contact hour; a standard for certification of fire protection personnel.

(10) Code--The official legislation creating the commission.

(11) College credits--Credits earned for studies satisfactorily completed at an institution of higher education accredited by an agency recognized by the U.S. Secretary of Education and including National Fire Academy (NFA) open learning program colleges, or courses recommended for college credit by the American Council on Education (ACE) or delivered through the National Emergency Training Center (both EMI and NFA) programs. A course of study satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide that is primarily related to Fire Service, Emergency Medicine, Emergency Management, or Public Administration is defined as applicable for Fire Science college credit, and is acceptable for higher levels of certification. A criminal justice course related to fire and or arson investigation that is satisfactorily completed and identified on an official transcript from a college or in the ACE National Guide may be used to qualify for Master Arson Investigator certification.

(12) Commission--Texas Commission on Fire Protection.

(13) Commission-recognized training--A curriculum or training program which carries written approval from the commission, or credit hours that appear on an official transcript from an accredited college or university, or any fire service training received from a nationally recognized source, i.e., the National Fire Academy.

(14) Compensation--Compensation is to include wages, salaries, and "per call" payments (for attending drills, meetings or answering emergencies).

- (15) Expired--Any certification that has not been renewed on or before the end of the certification period.
- (16) Federal fire fighter--A person as defined in Texas Government Code, Chapter 419, §419.084(h).
- (17) Fire chief--The head of a fire department.
- (18) Fire department--A department of a local government that is staffed by one or more fire protection personnel or part-time fire protection employees.
- (19) Fire protection personnel--Any person who is a permanent full-time employee of a fire department or governmental entity and who is appointed duties in one of the following categories/disciplines: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others employed in related positions necessarily or customarily appertaining thereto.
- (20) Fire Code Inspection—Also called Fire Safety Inspection as referenced in Texas Government Code, Chapter 419, §419.909. An inspection performed for the purpose of determining and enforcing compliance with an adopted fire code.
- (21) Fire suppression duties--Engaging in the controlling or extinguishment of a fire of any type or performing activities which are required for and directly related to the control and extinguishment of fires or standing by on the employer's premises or apparatus or nearby in a state of readiness to perform these duties.
- (22) Full-time--An officer or employee is considered full-time if the employee works an average of 40 hours a week or averages 40 hours per week or more during a work cycle in a calendar year. For the purposes of this definition paid leave will be considered time worked.
- (23) Government entity--The local authority having jurisdiction as employer of full-time fire protection personnel in a state agency, incorporated city, village, town or county, education institution or political subdivision.
- (24) High school--A school accredited as a high school by the Texas Education Agency or equivalent accreditation agency from another jurisdiction.
- (25) Immediately dangerous to life or health (IDLH)--An atmosphere that poses an immediate threat to life, would cause irreversible adverse health effects, or would impair an individual's ability to escape from a dangerous atmosphere.
- (26) Incipient stage fire--A fire which is in the initial or beginning stage and which can be controlled or extinguished by portable fire extinguishers, Class II standpipe or small hose systems without the need for protective clothing or breathing apparatus.
- (27) Instructor:
- (A) Lead Instructor--Oversees the presentation of an entire course and assures that course objectives are met in accordance with the applicable curriculum or course material. The lead instructor should have sufficient experience in presenting all units of the course so as to be capable of last-minute substitution for other instructors.
  - (B) Instructor (also Unit Instructor for wildland courses)--Responsible for the successful presentation of one or more areas of instruction within a course, and should be experienced in the lesson content they are presenting.

(C) Guest Instructor--An individual who may or may not hold Instructor certification but whose special knowledge, skill, and expertise in a particular subject area may enhance the effectiveness of the training in a course. Guest instructors shall teach under the endorsement of the lead instructor.

(28) Interior structural fire fighting--The physical activity of fire suppression, rescue or both, inside of buildings or enclosed structures which are involved in a fire situation beyond the incipient stage. (See 29 CFR §1910.155.)

(29) Military active duty (or active duty)--Current full-time military service in the armed forces of the United States, or full-time military service as a member of the Texas military forces or a similar service of another state.

(30) Military service member--A person who is on active duty.

(31) Military spouse--A person who is married to a military service member.

(32) Military veteran--A person who has served on active duty and who was discharged or released from active duty.

(33) Municipality--Any incorporated city, village, or town of this state and any county or political subdivision or district in this state. Municipal pertains to a municipality as defined in this section.

(34) National Fire Academy semester credit hours--The number of hours credited for attendance of National Fire Academy courses is determined as recommended in the most recent edition of the "National Guide to Educational Credit for Training Programs," American Council on Education (ACE).

(35) National Fire Protection Association (NFPA)--An organization established to provide and advocate consensus codes and standards, research, training, and education for fire protection.

(36) National Wildfire Coordinating Group (NWCG)--An operational group designed to establish, implement, maintain, and communicate policy, standards, guidelines, and qualifications for wildland fire program management among participating agencies.

(37) Non-self-serving affidavit--A sworn document executed by someone other than the individual seeking certification.

(38) Participating volunteer fire fighter--An individual who voluntarily seeks certification and regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(39) Participating volunteer fire service organization--A fire department that voluntarily seeks regulation by the commission under the Texas Government Code, Chapter 419, Subchapter D.

(40) Part-time fire protection employee--An individual who is appointed as a part-time fire protection employee and who receives compensation, including benefits and reimbursement for expenses. A part-time fire protection employee is not full-time as defined in this section.

(41) Personal alert safety system (PASS)--Devices that are certified as being compliant with NFPA 1982 and that automatically activates an alarm signal (which can also be manually activated) to alert and assist others in locating a fire fighter or emergency services person who is in danger.

(42) Political subdivision--A political subdivision of the State of Texas that includes, but is not limited to the following:

- (A) city;
- (B) county;
- (C) school district;
- (D) junior college district;
- (E) levee improvement district;
- (F) drainage district;
- (G) irrigation district;
- (H) water improvement district;
- (I) water control and improvement district;
- (J) water control and preservation district;
- (K) freshwater supply district;
- (L) navigation district;
- (M) conservation and reclamation district;
- (N) soil conservation district;
- (O) communication district;
- (P) public health district;
- (Q) river authority;
- (R) municipal utility district;
- (S) transit authority;
- (T) hospital district;
- (U) emergency services district;
- (V) rural fire prevention district; and
- (W) any other governmental entity that:

- (i) embraces a geographical area with a defined boundary;
- (ii) exists for the purpose of discharging functions of the government; and
- (iii) possesses authority for subordinate self-government through officers selected by it.

(43) Pre-fire Planning—Also called a Pre-fire Survey. A walk-through performed by fire fighters for the purpose of gaining familiarity with a building, its contents, and its occupancy.

(44) Reciprocity for IFSAC seals and TEEEX Pro Board certificates--Valid documentation of accreditation from the International Fire Service Accreditation Congress and the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service used for commission certification may only be used for obtaining an initial certification.

(45) Recognition of training--A document issued by the commission stating that an individual has completed the training requirements of a specific phase level of the Basic Fire Suppression Curriculum.

(46) School--Any school, college, university, academy, or local training program which offers fire service training and included within its meaning the combination of course curriculum, instructors, and facilities.

(47) Structural fire protection personnel--Any person who is a permanent full-time employee of a government entity who engages in fire fighting activities involving structures and may perform other emergency activities typically associated with fire fighting activities such as rescue, emergency medical response, confined space rescue, hazardous materials response, and wildland fire fighting.

(48) Trainee--An individual who is participating in a commission approved training program.

(49) Volunteer fire protection personnel--Any person who has met the requirements for membership in a volunteer fire service organization, who is assigned duties in one of the following categories: fire suppression, fire inspection, fire and arson investigation, marine fire fighting, aircraft rescue fire fighting, fire training, fire education, fire administration and others in related positions necessarily or customarily appertaining thereto.

(50) Volunteer fire service organization--A volunteer fire department or organization not under mandatory regulation by the commission.

(51) Years of experience--For purposes of higher levels of certification or fire service instructor certification:

(A) Except as provided in subparagraph (B) of this paragraph, years of experience is defined as full years of full-time, part-time or volunteer fire service while holding:

(i) a commission certification as a full-time, or part-time employee of a government entity, a member in a volunteer fire service organization, and/or an employee of a regulated non-governmental fire department; or

(ii) a State Firemen's and Fire Marshals' Association advanced fire fighter certification and have successfully completed, as a minimum, the requirements for an Emergency Care Attendant (ECA) as

specified by the Department of State Health Services (DSHS), or its successor agency, or its equivalent; or

(iii) an equivalent certification as a full-time fire protection personnel of a governmental entity from another jurisdiction, including the military, or while a member in a volunteer fire service organization from another jurisdiction, and have, as a minimum, the requirements for an ECA as specified by the DSHS, or its successor agency, or its equivalent; or

(iv) for fire service instructor eligibility only, a State Firemen's and Fire Marshals' Association Level II Instructor Certification, received prior to June 1, 2008 or Instructor I received on or after June 1, 2008 or an equivalent instructor certification from the DSHS or the Texas Commission on Law Enforcement. Documentation of at least three years of experience as a volunteer in the fire service shall be in the form of a non self-serving sworn affidavit.

(B) For fire service personnel certified as required in subparagraph (A) of this paragraph on or before October 31, 1998, years of experience includes the time from the date of employment or membership to date of certification not to exceed one year.

#### **§421.9. Designation of Fire Protection Duties.**

(a) An individual who performs one or more fire protection duties, listed in the Texas Government Code, §419.021(3)(C), for a fire department of local government entity shall be designated to only one of the following categories:

- (1) fire protection personnel;
- (2) a part-time fire protection employee; or
- (3) a volunteer fire fighter or other auxiliary fire fighter.

(b) A fire department regulated by the Commission may not designate the same person under more than one category under this section. The designation shall be made on the records of the department and the designation shall be made available for inspection by the Commission or sent to the Commission on request.

(c) A fire department regulated by the Commission shall report the appointment of fire protection personnel to a regulated discipline via the Commission's online management program, or the appropriate form if available. Fire protection personnel who are assigned to a regulated discipline as part of their regularly assigned duties shall be appointed to that discipline with the Commission. No individual may be appointed to a discipline without approval by the Commission. The Commission shall not approve an initial appointment to a regulated discipline until it has reviewed and approved a person's fingerprint-based criminal history record. Termination of fire protection personnel or part-time fire protection employees shall be reported to the Commission via the Commission's online management program, or the appropriate form if available within 14 calendar days of the action. In the case of termination, the employing entity shall report an individual's last known home address to the Commission. A Removal from Appointment form may be submitted without the employee's signature.

(d) A fire department may not in a calendar year compensate, reimburse, or provide benefits to a person the department has designated as a volunteer or other auxiliary fire fighter in an amount that is equal to or more than what a person receives working 2,080 hours at the federal minimum wage.

(e) A person certified as fire protection personnel in one fire department may be employed and designated as a part-time fire protection employee in another fire department without additional certification as a part-time fire protection employee.

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

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

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

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

**(1) notification to the commission of intent to perform regulated fire protection duties; and**

**(2) documentation of equivalent certification from another jurisdiction; and**

**(3) a fingerprint-based criminal history record using the commission approved system; and**

**(4) proof of residency in Texas; and**

**(5) a copy of the individual's military identification card.**

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

**§421.13. Individual Certificate Holders.**

(a) Employment is not mandatory for certification. An individual may hold or renew any certificate issued by the commission for which they maintain their qualifications.

(b) An individual certificate holder must notify the commission of a change of his or her home address within 14 calendar days of a change of address.

**§421.15. Extension of Training Period.**

A fire department may apply to the commission for an extension of the one-year training period, identified in §419.032(c) of the Government Code, for a time period not exceeding two years from the date of original appointment as follows:

- (1) the request for extension shall be placed on the Fire Fighter Advisory Committee's (FFAC's) agenda to be heard at its next regular or special called meeting after submission of the request;
- (2) after review by the FFAC, the application along with the FFAC's recommendations will be sent to the commission to be heard at its next regular meeting. If the request for extension is approved by the commission, the extension shall become effective immediately; and
- (3) the one-year extension of training time, if granted, shall run from the date of forfeiture and removal or, at the latest, from one year after the original date training began, whichever occurs first.

**§421.17. Requirement to Maintain Certification.**

- (a) All full-time or part-time employees of a fire department or local government assigned duties identified as fire protection personnel duties must maintain certification by the commission in the discipline(s) to which they are assigned for the duration of their assignment.
- (b) In order to maintain the certification required by this section, the certificate(s) of the employees must be renewed annually by complying with §437.5 of this title (relating to Renewal Fees) and Chapter 441 of this title (relating to Continuing Education) of the commission standards manual.
- (c) Except for subsection (d) of this section, an individual whose certificate has been expired for one year or longer may not renew the certificate previously held. To obtain a new certification, an individual must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification).
- (d) A military service member whose certificate has been expired for three years or longer may not renew the certificate previously held. To obtain a new certification, the person must meet the requirements in Chapter 439 of this title (relating to Examinations for Certification). In order to qualify for this provision, the individual must have been a military service member at the time the certificate expired and continued in that status for the duration of the three year period.
- (e) The commission will provide proof of current certification to individuals whose certification has been renewed.
- (f) All certificate holders are subject to the requirements of §57.491 of the Texas Education Code regarding license renewal and default on student loans.

**19. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 427, Training Facility Certification.**



## ***Texas Commission on Fire Protection***

### ***Agenda Item Summary***

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #:** 19  
**Agenda Title:** Chapter 427, Training Facility Certification  
**Action to be taken:** Propose for Publication  
**Origin of Item:** Commission Board

#### **1. INTRODUCTION/PURPOSE**

The purpose of the item is for discussion and possible action regarding current requirements for instructors of commission approved training courses.

#### **2. DESCRIPTION/ JUSTIFICATION**

Section 427.307 of current commission rules describes requirements for instructors of commission approved training courses, such as required level of certification. The agenda item allows for discussion and possible action regarding the addition of any other requirements for those instructors.

#### **3. BUDGET IMPACT**

No budget impact is anticipated.

#### **4. TIMELINE CONSIDERATIONS**

Any changes would be for publication, to be considered for final adoption in the commission's October meeting.

#### **5. RECOMMENDATION**

N/A

#### **6. REFERENCES**

Title 37, Chapter 427, Training Facility Certification

## CHAPTER 427

### TRAINING FACILITY CERTIFICATION

#### SUBCHAPTER C

##### TRAINING PROGRAMS FOR ON-SITE AND DISTANCE TRAINING PROVIDERS

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

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

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

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

(a) When seeking training approvals, a training provider, shall certify that it has provided the resources described in §427.1 of this title (relating to Minimum Standards for Certified Training Facilities for Fire Protection Personnel).

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

(c) Approved courses are subject to audit by commission staff at any time. Any deviation from the information submitted in an original course approval must be reported to the commission at least one day prior to the change taking place, unless the training provider is unable to do so because of unforeseen circumstances. All deviations must be approved by the commission.

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

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

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

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

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

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

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

- (a) The chief training officer of a training facility, as a minimum, must possess Fire Service Instructor III certification.
- (b) All training instructors (except guest instructors) must possess fire instructor certification. The instructor(s) must be certified in the applicable discipline or be approved by the commission to instruct in the applicable subject.
- (c) The lead instructor, as a minimum, shall possess a Fire Service Instructor II certification and must be certified by the commission in the applicable discipline, except as stated in subsections (h)(2) and (i)(2) of this section.
- (d) Guest instructors are not required to be certified as instructors.
- (e) In order to teach fire officer certification courses, an individual who does not meet the requirements of subsection (a) or (c) of this section, shall possess a minimum of a bachelor's degree in management or its equivalent.
- (f) In order to teach an instructor certification training course for Fire Service Instructor I, an individual must hold one of the following three qualifications:
- (1) A Fire Service Instructor II certification or higher; or
  - (2) A Bachelor's degree with the following:
    - (A) as a minimum, a minor in education; and
    - (B) three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
  - (3) An associate degree with the following:
    - (A) twelve semester hours of education instructional courses; and
    - (B) five years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 400 class hours.
- (g) In order to teach an instructor certification training course for Fire Service Instructor II or III, an individual must hold one of the following three qualifications:
- (1) A Fire Service Instructor III certification; or
  - (2) A Bachelor's degree with the following:
    - (A) as a minimum, a minor in education; and
    - (B) three years of teaching experience in a fire department, department of a state agency, educational institution, or political subdivision of the state, during which time the individual taught a minimum of 200 class hours; or
  - (3) An associate degree with the following:
    - (A) twelve semester hours of education instructional courses; and

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

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

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

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

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

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

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

(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.

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

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

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

(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.

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

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

(B) instructor credentials as required by the current NWCG Field Manager's Course Guide (901-1) or current TIFMAS guidelines for this level of course.

**20. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 433, Driver Operator.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**  
**DATE: 07/18/2019**

**Agenda Item #:** 20

**Agenda Title:** Chapter 433, Driver Operator

**Action to be taken:** Propose for Publication

**Origin of Item:** Staff

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to remove the IFSAC “grandfathering” provision from rule language for Driver/Operator – Aerial.

### 2. DESCRIPTION/ JUSTIFICATION

The proposal removes obsolete language that allows persons holding a Driver/Operator – Aerial certification issued before a certain date to apply for the applicable IFSAC seal for a limited time.

### 3. BUDGET IMPACT

No budget impact is anticipated.

### 4. TIMELINE CONSIDERATIONS

Proposal is for publication, to be considered for final adoption in the commission’s October meeting.

### 5. RECOMMENDATION

Recommend publication

### 6. REFERENCES

37 TAC, Chapter 433, Driver Operator

**CHAPTER 433****DRIVER/OEPRATOR****SUBCHAPTER B****MINIMUM STANDARDS FOR DRIVER/OPERATOR-AERIAL APPARATUS****§433.201. Driver/Operator-Aerial Apparatus Certification.**

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

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

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

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

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

(A) the International Fire Service Accreditation Congress; or

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

(3) complete a commission approved Driver/Operator-Aerial Apparatus training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved driver/operator-aerial apparatus training program must consist of one of the following:

(A) completion of an in-state driver/Operator-Aerial Apparatus program meeting the requirements of the applicable NFPA standard and conducted by a commission certified training provider, that was submitted and approved through the commission's training prior approval system; or

(B) completion of an out-of-state training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard; or

(C) completion of a military training program that has been submitted to the commission for evaluation and found to meet the requirements of the applicable NFPA standard.

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

**§433.205. Examination Requirements.**

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

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

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

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

**21. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 437, Fees.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #: 21**

**Agenda Title: Chapter 437 Fees**

**Action to be taken: Propose for Publication**

**Origin of Item: Staff**

### 1. INTRODUCTION/PURPOSE

The purpose of the item is for discussion and possible action regarding revision of fee amounts charged by the commission.

### 2. DESCRIPTION/ JUSTIFICATION

The proposal provides for discussion and possible action regarding commission fee amounts with consideration being given to adjusting one or more fees in light of current and projected revenue collected by the agency.

### 3. BUDGET IMPACT

The commission's fee structure must continue to meet the revenue requirements established by the General Appropriations Act for the 2020-2021 biennium.

### 4. TIMELINE CONSIDERATIONS

Any proposals would be for publication, to be considered for final adoption in the commission's October meeting.

### 5. RECOMMENDATION

N/A

### 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](http://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 \$55 shall be charged for each examination.

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

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

A non-refundable \$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.

**22. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 445, Administrative Inspections and Penalties.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #: 22**

**Agenda Title: Chapter 445 Administrative Inspections and Penalties**

**Action to be taken: Propose for Publication**

**Origin of Item: Staff**

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to provide additional information regarding rule violations and administrative penalties which may be issued by the commission.

### 2. DESCRIPTION/ JUSTIFICATION

The proposal adds language that provides more information regarding rule violations, administrative penalty types and the amounts which may be assessed pursuant to violations of commission rules. The proposal seeks to more closely comply with a previous Sunset Commission recommendation regarding development of a penalty "matrix".

### 3. BUDGET IMPACT

No budget impact is anticipated.

### 4. TIMELINE CONSIDERATIONS

Proposal is for publication, to be considered for final adoption in the commission's October meeting.

### 5. RECOMMENDATION

Recommend publication

### 6. REFERENCES

37 TAC, Chapter 445 Administrative Inspections and Penalties

## CHAPTER 445

### ADMINISTRATIVE INSPECTIONS AND PENALTIES

#### **§445.1. Entity Inspections.**

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

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

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

#### **§445.3. Right of Access.**

(a) A duly authorized representative of the commission may enter the premises of any entity regulated by the commission at any time during normal working hours and in such manner as to minimize interference with the operations of the entity to determine whether or not the entity is in compliance with the Code and the rules of the commission.

(b) No person shall refuse to permit~~[ ]~~ or interfere with an inspection authorized by the Code or commission rules.

(c) Interference with, or refusal to permit an inspection under the Code or commission rules is grounds for discipline.

(d) The commission's right of access will be enforced through either administrative or judicial procedures as is necessary or required.

#### **§445.5. Duty To Comply; Enforcement.**

(a) An entity regulated by the commission shall have the duty to implement and maintain compliance with the rules and the Code.

(b) Every regulated entity under the Code shall be given an inspection covering the categories established by the commission. An entity found to be in noncompliance with the Code or rules of the commission shall be subject to warnings, administrative penalties, and other discipline as appropriate.

#### **§445.7. Procedures.**

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

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

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

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

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

**Figure: 37 TAC §435.7(c)**

REFERENCE	MINOR VIOLATIONS	PENALTY
	<b>GENERAL</b>	\$250 to \$500
419.046/435.15	Failure to provide compliant SOP for operating at emergency incidents.	\$250 to \$500
435.17	Failure to provide compliant SOP for 2-In/2-Out.	\$250 to \$500
435.21	Failure to provide compliant SOP for Wellness/Fitness	
449	Failure to apply for Head of Department certification.	\$250 to \$500
421.9(c)	Failure to provide a list of all personnel.	\$250 to \$500
421.9(c)	Failure to provide accurate duty appointments for current job positions in FIDO.	\$250 to \$500
435.23	Failure of organization utilizing FIDO to report Firefighter Injuries.	\$250 to \$500
435.29	Failure to complete Federal Highway Administration Traffic Incident Management Course by the close of business December 31, 2020.	\$250 to \$500
435.25	Failure to complete “Courage to Be Safe” training within 1 year of appointment.	\$250 to \$500
<b>419.040/435.1/NFPA 1851</b>	<b>PROTECTIVE CLOTHING</b>	
4.2.3	Failure to provide a letter of approval, from PPE manufacturer, for non-compliant aftermarket accessories.	\$250 to \$500
	<b>Records</b>	
4.3.1	Failure to compile and maintain applicable records of maintenance and use of PPE.	\$250 to \$500
4.3.2	Failure to compile and maintain applicable records of maintenance and use of rental PPE.	\$250 to \$500
4.3.3	Failure to provide a record tracking system for each PPE ensemble element as listed below:	\$250 to \$500
4.3.3(1)	Failure to provide a record of person to whom element is issued.	\$250 to \$500
4.3.3(2)	Failure to provide a record of date and condition when issued.	\$250 to \$500
4.3.3(3)	Failure to provide a record of manufacturer and model name or design.	\$250 to \$500
4.3.3(4)	Failure to provide a record of manufacturer’s identification number, lot number, serial number, or unique identifier.	\$250 to \$500
4.3.3(5)	Failure to provide a record of month and year of manufacture.	\$250 to \$500
4.3.3(6)	Failure to provide a record of dates and results of advanced inspections.	\$250 to \$500
4.3.3(7)	Failure to provide a record of dates and results of advanced cleaning or decontamination	\$250 to \$500
4.3.3(8)	Failure to provide a record of the reason for advanced cleaning or decontamination and who performed cleaning or decontamination	\$250 to \$500
4.3.3(9)	Failure to provide a record of the dates of repairs, who performed repairs, and brief description of repairs.	\$250 to \$500

4.3.3(10)	Failure to provide a record of the date of retirement.	\$250 to \$500
4.3.3(11)	Failure to provide a record of the date and method of disposal.	\$250 to \$500
4.3.4	Failure to provide a record of the CBRN records, if applicable.	\$250 to \$500
4.4.1	Failure to provide personnel with manufacturer's instructions regarding the care, use, and maintenance of the protective ensembles.	\$250 to \$500
4.4.2	Failure to follow manufacturer's instructions for care, use and maintenance of PPE.	\$250 to \$500
4.4.3	Failure to provide organization and maintain and make available a copy of manufacturer instructions accessible to all personnel.	\$250 to \$500
	<b>Protecting the Public and Personnel from Contamination</b>	
4.2.4.3/11.1.1.4	Failure to provide a record of the verification certificate, from the Independent Service Provider, that performs all inspections, cleanings and repairs.	\$250 to \$500
4.2.4.6	Failure to provide a record of the certificates for training, within organization, for members of the organization that perform inspections, cleanings and repairs.	\$250 to \$500
4.5.1	Failure to provide written standard operating guidelines minimize the public's and the fire department personnel's exposure to soiled or contaminated PPE	\$250 to \$500
4.6	Failure to report PPE health and safety concerns and/or failures, to manufacturer.	\$250 to \$500
	<b>Selection</b>	
5.1.1/435.1	Failure to provide a written PPE Risk Assessment.	\$250 to \$500
5.1.2	Failure to perform a Risk Assessment that includes:	\$250 to \$500
5.1.2(1)	Failure to identify type of duties performed.	\$250 to \$500
5.1.2(2)	Failure to identify frequency of use of ensemble elements.	\$250 to \$500
5.1.2(3)	Failure to identify organization's experiences.	\$250 to \$500
5.1.2(4)	Failure to identify incident operations.	\$250 to \$500
5.1.2(5)	Failure to identify geographic location and climate.	\$250 to \$500
5.1.2(6)	Failure to identify specific physical area of operation.	\$250 to \$500
5.1.2(7)	Failure to identify likelihood of or response to CBRN terrorism incident.	\$250 to \$500
5.1.4	Failure to provide PPE that is compliant to current edition of NFPA 1971.	\$250 to \$500
	<b>Inspection</b>	
6.1.1	Failure to follow universal precautions, as appropriate.	\$250 to \$500
6.1.2	Failure to clean soiled or contaminated PPE before inspection.	\$250 to \$500
6.1.3	Failure to follow established guidelines to determine when PPE is soiled, if cleaning required and level of cleaning required.	\$250 to \$500
6.1.4	Failure to follow guidelines established when PPE requires cleaning, decontamination or repair.	\$250 to \$500
6.2.1	Failure of member of organization to conduct routine inspection of PPE, upon issue or after each use.	\$250 to \$500
6.2.2	Failure to follow routine inspection criteria, according to organization's guidelines, for each ensemble element.	\$250 to \$500
6.3.3.1	Failure to properly store PPE that has received an Advanced Inspection.	\$250 to \$500
6.3.4	Failure to document results of Advance Inspection.	\$250 to \$500
6.3.5	Failure to follow Advanced Inspection criteria, according to organizations guidelines.	\$250 to \$500
6.4.3	Failure to provide complete liner inspections after 3 years in service, then annually.	\$250 to \$500
6.4.3.1	Failure to provide complete liner inspections, every 2 years and annually, after moisture barrier replacement.	\$250 to \$500
6.4.4	Failure to document results of liner inspections.	\$250 to \$500
	<b>Cleaning and Decontamination</b>	
7.1.6	Failure to provide written procedures for decontamination and/or cleaning of PPE contaminated with body fluids.	\$250 to \$500
7.2	Failure to provide written Routine Cleaning instructions for each listed ensemble element.	\$250 to \$500
7.3	Failure to provide written Advanced Cleaning and decontamination instructions for each listed ensemble element.	\$250 to \$500

7.3.2	Failure to provide Advanced Cleaning for soiled PPE.	\$250 to \$500
7.3.5	Failure to provide Advanced Cleaning, in accordance with manufacturer instructions.	\$250 to \$500
7.3.15	Failure to provide optional CBRN cleaning requirements.	\$250 to \$500
	<b>Retirement, Disposition, and Special Incident Procedures</b>	
10.1.1	Failure to develop specific criteria for removal/retirement of PPE from service.	\$250 to \$500
10.3.2	Failure to provide procedures that shall include minimum:	\$250 to \$500
10.3.2 (1)	Failure to provide guidelines the immediate removal from service and preservation of all PPE utilized by the injured or deceased fire fighter.	\$250 to \$500
10.3.2 (2)	Failure to maintain custody of PPE ensembles and ensemble elements, at a secure location with controlled, documented access.	\$250 to \$500
10.3.2 (3)	Failure to nondestructively tag and store PPE in paper or cardboard containers.	\$250 to \$500
10.3.2 (4)	Failure to provide examination of PPE by qualified members of the organization or by outside experts.	\$250 to \$500
10.3.3	Failure of the organization to determine a specific period of time for retaining custody of PPE.	\$250 to \$500
<b>419.041/435.3/ NFPA 1852</b>	<b>SELF CONTAINED BREATHING APPARATUS</b>	
435.3(2)	Failure of SCBA to comply with the most current edition of NFPA 1981, at the time of contract for purchase.	\$250 to \$500
	<b>Adverse Conditions</b>	
4.2.1	Failure to provide an SOG for SCBA failure, near-failure or degradation, from normal use	\$250 to \$500
4.2.2	Failure to include at minimum:	\$250 to \$500
4.2.2 (1)	Failure to remove SCBA from service including mask, cylinder or frame assembly.	\$250 to \$500
4.2.2 (2)	Failure to secure SCBA with restricted access	\$250 to \$500
4.2.2 (3)	Failure to provide documentation of chain of custody	\$250 to \$500
4.2.3	Failure to provide a letter of approval, from SCBA manufacturer, for non-compliant aftermarket accessories.	\$250 to \$500
4.2.3.1	Failure to provide manufacture with data log, video, photo of condition failure	\$250 to \$500
4.2.3.2	Failure to provide written procedure for notifying manufacture in SOP	\$250 to \$500
4.2.4	Failure to provide a copy of notification to SCBA testing approval organizations.	\$250 to \$500
	<b>Selection, Care and Maintenance</b>	
4.3.1	Failure to provide written guidelines that includes roles, responsibilities of the organization. and organizations members.	\$250 to \$500
4.3.2.1	Failure to provide written guidelines that define criteria for SCBA that is contaminated beyond ability to clean/disinfect.	\$250 to \$500
4.3.2.2	Failure to provide guidelines for proper disposal of contaminated SCBA	\$250 to \$500
4.3.2.3	Failure to place SCBA out of service that is known to be contaminated.	\$250 to \$500
4.3.5.1	Failure to provide written SCBA testing procedures if performed by the agency:	\$250 to \$500
4.3.5.2	Failure to provide written SCBA administrative testing procedures.	\$250 to \$500
4.3.5.2 (1)	Failure to provide written SCBA testing protocol.	\$250 to \$500
4.3.5.2 (2)	Failure to provide written procedures for training in use of testing machines.	\$250 to \$500
4.3.5.2 (3)	Failure to provide written procedure for calibration of testing machine.	\$250 to \$500
4.3.5.2 (4)	Failure to provide written procedure for authorization for technicians to conduct tests.	\$250 to \$500
4.3.5.2 (5)	Failure to provide written procedure for record keeping.	\$250 to \$500
4.3.5.2 (6)	Failure to provide written procedure for testing schedule.	\$250 to \$500
4.3.5.2 (7)	Failure to provide written procedure for evaluation of effectiveness of the program.	\$250 to \$500
4.3.5.3	Failure to provide procedure that indicates frequency of technician's inspection and testing	\$250 to \$500
4.3.6	Failure to provide written procedure that prevents a member of an organization	\$250 to \$500

	from altering the form, fit or function of any of the organization's SCBA.	
	<b>Manufactures Instructions</b>	N/A
4.6.1	Failure of the organization to provide users with manufacturer's instructions, when issuing new SCBAs.	\$250 to \$500
	<b>Quality Assurance</b>	
4.8.1	Failure to establish and maintain a written quality assurance plan.	\$250 to \$500
	<b>Technical Authorization</b>	
4.9.2	Failure to provide a written procedure for selection and qualification of personnel training and authorization.	\$250 to \$500
4.9.3	Failure to provide training credentials of technicians by Manufacturer.	\$250 to \$500
	<b>Selection</b>	
5.1.1.1	Failure to provide a written Risk Assessment as required.	\$250 to \$500
5.1.1.2	Failure to identify expected hazards for the types of duties performed	\$250 to \$500
5.1.1.2	Failure to identify frequency of use.	\$250 to \$500
5.1.1.2	Failure to identify an organization's experience.	\$250 to \$500
5.1.1.2	Failure to identify geographic location and climate.	\$250 to \$500
	<b>Acceptance</b>	
5.2.3	Provide a written procedure for returning unsatisfactory products, to the manufacturer.	\$250 to \$500
	<b>Storage</b>	
6.3.7.3	Failure to purge SCBA cylinders with stored air for greater than 12 months.	\$250 to \$500
7.3.6	Failure to provide current records of the DOT Requalification permit letter for the ISP performing hydro testing of SCBA cylinders.	\$250 to \$500
	<b>Testing</b>	
7.5.1	Failure to provide SCBA Annual Full-Function Test Records.	\$250 to \$500
7.5.4	Failure to have testing equipment calibrated by manufacturer.	\$250 to \$500
7.5.4.1	Failure to provide annual calibration of testing equipment.	\$250 to \$500
7.5.4.2	Failure to exhibit current calibration label on machine. Failure to exhibit date on calibration label. Failure to exhibit date of next scheduled calibration.	\$250 to \$500
7.5.4.3	Failure to maintain calibration test records kept on site.	\$250 to \$500
5.7.3	Failure to post signage, for current air quality test reports, within six feet of machine.	\$250 to \$500
	<b>Compressed Breathing Air Systems</b>	
7.1.3	Failure to post signage that indicates the location of fresh air intake.	\$250 to \$500
<b>419.042/435.9 / NFPA 1982</b>	<b>PERSONAL ALERT SAFETY SYSTEM</b>	
435.9(2)	Failure to select a PASS device that complies with NFPA 1982	\$250 to \$500
435.9(4)	Failure to properly maintain PASS device.	\$250 to \$500
<b>419.044/435.11 / NFPA 1561</b>	<b>INCIDENT MANAGEMENT SYSTEM</b>	
435.11(a)	Failure to develop and maintain an IMS	\$250 to \$500
435.11(b)	Failure in the IMS procedure to include:	\$250 to \$500
435.11(b)(3)	Failure to provide written requirements for operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries	\$250 to \$500
435.11(b)(5)	Failure to provide written requirements that the IMS be applied to all drills, exercises and all other situations that involve hazards similar to those encountered at an actual emergency.	\$250 to \$500
435.11(c)	Failure to provide written requirements that meet applicable sections of NFPA 1561.	\$250 to \$500
4.4.3	Failure to provide written requirements that IMS be defined and documented in writing.	\$250 to \$500

4.4.4	Failure to provide written requirements includes implementation and describes options according to needs	\$250 to \$500
4.4.5	Failure to provide written requirements for addressing requirements for anticipated incidents	\$250 to \$500
4.4.6	Failure to provide written requirements that addresses both routine and unusual incidents, standard procedures, supervisory assignments	\$250 to \$500
4.4.9	Failure to provide written requirements that require that the IMS be applied to all drills, exercises and all other situations that involve hazards similar to those encountered at an actual emergency.	\$250 to \$500
4.4.10	Failure to provide written requirements for operations to be conducted in a manner that recognizes hazards and assists in the prevention of accidents and injuries.	\$250 to \$500
4.5.12	Failure to provide written requirements for evacuation of responders if imminent hazard condition exists.	\$250 to \$500
4.5.13	Failure to provide written requirements to indicate method used to notify all responders of evacuation.	\$250 to \$500
4.6	Failure to provide written requirements for procedures for incident scene rehabilitation	\$250 to \$500
5.1.11	Failure to provide written requirements for the scope of authority for each supervisor outlined in the procedure.	\$250 to \$500
5.3.4	Failure to provide written requirements that provide for one individual to be the Incident Commander from beginning of operations.	\$250 to \$500
5.3.5	Failure to provide written requirements that provide for transfer of command.	\$250 to \$500
5.3.6	Failure to provide written requirements that outline the transfer of command.	\$250 to \$500
5.9.2	Failure to provide written requirements defining roles & responsibilities	\$250 to \$500
5.9.6.2	Failure to provide written requirements defining criteria for appointment of safety officer	\$250 to \$500
6.2.1	Failure to provide written requirements for radio communications	\$250 to \$500
6.2.2/6.3.3	Failure to provide written requirements for clear text and plain language to be used.	\$250 to \$500
6.3.3	Failure to provide written requirements for emergency traffic and Mayday distress calls.	\$250 to \$500
6.4.1	Failure to provide written requirements for telecommunicator support	\$250 to \$500
7.3.2	Failure to provide written requirements for call in roster	\$250 to \$500
<b>419.045/435.13 / NFPA 1561</b>	<b>SECTION 6.1 ~ Personnel Accountability System</b>	
435.13(d)	Failure to provide written requirements that meet applicable sections of NFPA 1561.	\$250 to \$500
4.5.3	Failure to provide written requirements and procedures for establishing the system, components, and means to ID and keep track of responders.	\$250 to \$500
435.13(b)(3),4.5.9	Failure to provide written requirements that all fire protection personnel at emergency incidents actively participate.	\$250 to \$500
4.5.12 – 4.5.13	Failure to provide written requirements emergency evacuation and method of rapid accounting.	\$250 to \$500
4.5.14	Failure to provide written requirements for rapid accounting.	\$250 to \$500
435.13(b)(4) 5.3.10	Failure to provide written requirements that Incident Commander is responsible for accountability.	\$250 to \$500
<b>435.17</b>	<b>Interior Structural Fire Fighting (2-In/2-Out Rule)</b>	
435.17(a)	Failure to provide written requirements and procedure complying with OSHA 29 CFR 1910.134(g)(4)	\$250 to \$500
435.17(1)	Failure to provide written requirements that at least four personnel on scene before interior operations begin.	\$250 to \$500
435.17(8)(b)	Failure to provide written requirements for the exceptions for imminent life threats.	\$250 to \$500

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

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

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

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

**Figure: 37 TAC §437.7(d)**

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

9.1.8	Failure to store Proximity PPE by hanging.	\$500 TO \$1,000
9.1.9	Failure to provide a PPE storage that is clean, dry and well ventilated.	\$500 TO \$1,000
	<b>Retirement, Disposition, and Special Incident Procedures</b>	
10.1.2 & 10.1.3	Failure to retire structural and proximity PPE after ten years from date of manufacture.	\$500 TO \$1,000
10.1.3.1	Failure to retire proximity radiant reflective outer shell after five years.	\$500 TO \$1,000
10.1.4	Failure to retire damaged and/or non-repairable PPE.	\$500 TO \$1,000
10.2.1	Failure to ensure that retired is not used in live fire events.	\$500 TO \$1,000
10.1.8/10.2.2	Use of retired PPE for live fire events.	\$500 TO \$1,000
10.3.1	Failure to provide written procedures for handling and/or custody of PPE where serious injury and/or death has occurred	\$500 TO \$1,000
<b>419.041/435.3/ NFPA 1852</b>	<b>SELF CONTAINED BREATHING APPARATUS</b>	
435.3(5)	Failure to provide written procedures for when SCBA is to be used.	\$500 TO \$1,000
435.3(2)	Failure of SCBA to comply with NFPA Standard 1981, at the time of contract of purchase.	\$500 TO \$1,000
	<b>General</b>	
4.1.1	Failure to provide written procedures for addressing respiratory protection.	\$500 TO \$1,000
	Selection, Care and Maintenance	\$500 TO \$1,000
4.3.2	Failure to minimize exposure to contaminated SCBA.	\$500 TO \$1,000
4.3.2.4	Failure to follow written procedures for minimizing public risk of exposure to contaminated SCBA	\$500 TO \$1,000
	<b>Upgrades and Retirement</b>	
4.4.1	Failure of SCBA that are currently in service to comply with the most current edition of NFPA 1981, Chapter 4.4, "SCBA Compliance – Upgrades and Retirement"	\$500 TO \$1,000
	<b>Records</b>	
4.5.8	Failure of the organization to create, maintain, and disseminate all documents and/or records as required.	\$500 TO \$1,000
	<b>Retirement and Disposal</b>	
4.7.3	Failure to retire defective or obsolete SCBA and/or render incapable of operation.	\$500 TO \$1,000
5.2.1	Failure to conduct Function Tests on SCBA prior to placing the SCBA in service.	\$500 TO \$1,000
	<b>Care</b>	
6.1 – 6.2	Failure to follow written procedures for care, cleaning, disinfecting and decontamination of SCBA.	\$500 TO \$1,000
	<b>Storage</b>	
6.3.7	Failure to store SCBA cylinders fully charged.	\$500 TO \$1,000
	<b>Maintenance</b>	
7.1.1.1	Failure of assigned SCBA user to conduct inspection at beginning of duty period.	\$500 TO \$1,000
7.1.1.2	Failure to inspect unassigned SCBA once per duty period.	\$500 TO \$1,000
7.1.1.3	Failure to inspect unassigned SCBA weekly	\$500 TO \$1,000
7.1.1.4	Failure to conduct weekly interval inspections for unassigned SCBAs.	\$500 TO \$1,000
7.1.2.1	Failure to inspect all the points of the duty period inspection as required.	\$500 TO \$1,000
	<b>Technical Maintenance</b>	
7.2.1.3	Failure to conduct function tests at least annually or according to manufactures instruction.	\$500 TO \$1,000
7.2.1.5	Failure to conduct function tests, by purchasing organization, prior to placing in service.	\$500 TO \$1,000

7.2.3.1	Failure to conduct service and/or repairs by individuals authorized by manufacturer.	\$500 TO \$1,000
7.2.3.7	Failure to provide documentation of full function flow test after repair according to manufacture instructions	\$500 TO \$1,000
	<b>Breathing Air Cylinder Filling</b>	
7.3.1	Failure to conduct cylinder pre-fill inspection as required.	\$500 TO \$1,000
	<b>Breathing Air Cylinder Requalification</b>	
7.4.1	Failure to provide current DOT Permit Letter from hydrotest service vendor.	\$500 TO \$1,000
<b>435.3(3) / NFPA 1989</b>	<b>Breathing Air</b>	
4.1.1	Failure to conduct quarterly air quality testing	\$500 TO \$1,000
	Air Quality Requirements	\$500 TO \$1,000
5.1.1	Failure to conduct quarterly (90 days) air sample tests no more $\pm 5$ days of each other	\$500 TO \$1,000
5.1.2	Failure to take air samples if contamination is suspected.	\$500 TO \$1,000
5.1.4	Failure to maintain quarterly air quality test reports for five years.	\$500 TO \$1,000
	<b>Special Testing and Procedures for Maintenance Conditions</b>	
5.2.1	Failure to provide air sample records after maintenance, alterations, repairs and/or relocation of unit.	\$500 TO \$1,000
5.2.1	Failure to place air compressor out of service when breathing air test samples fail test.	\$500 TO \$1,000
5.2.1.1	Failure to provide air sample test results before and after filter changes, within one week of each test.	\$500 TO \$1,000
5.2.1.1.1	Failure to place compressor out of service when pre-filter air tests did not occur.	\$500 TO \$1,000
5.2.3/5.4.5	Failure to maintain air quality test results and records for five years.	\$500 TO \$1,000
	<b>Special Testing and Procedures for Contaminated Compressed Breathing Air</b>	
5.4.1	Failure to place breathing air system out of service when air sample test fails.	\$500 TO \$1,000
5.4.1.1	Failure to replace stored breathing air filled from failed unit.	\$500 TO \$1,000
5.4.2	Failure to pass air sample before putting back in service	\$500 TO \$1,000
5.5.2.2	Failure to collect air sample for test at correct location.	\$500 TO \$1,000
	<b>Compressed Breathing Air Systems</b>	
7.1.2	Failure to locate air intake to minimize contamination	\$500 TO \$1,000
	<b>Maintenance</b>	
7.5.3	Failure to empty and refill compressed air in steel cylinders annually.	\$500 TO \$1,000
	<b>Records</b>	
7.6.1	Failure to provide test records has name of testing lab.	\$500 TO \$1,000
7.6.2	Failure to provide records required for installation, maintenance, purification component changes, operation, trouble reports, corrective actions taken	\$500 TO \$1,000
7.6.3	Failure to provide air quality records on any air source	\$500 TO \$1,000
7.6.4	Failure to provide records of refills for all SCBA cylinders and storage cylinders	\$500 TO \$1,000
7.6.4.1	Failure to provide date of fill, person filling, cylinder serial #, air source, final cylinder pressure, hydro date on refill records.	\$500 TO \$1,000
7.6.4.2	Failure to maintain SCBA cylinder fill records for five years.	\$500 TO \$1,000
<b>435.9 / NFPA 1982</b>	<b>PERSONAL ALERT SAFETY SYSTEM</b>	
435.9(3)	Failure to describe a duty period inspection	\$500 TO \$1,000
435.9(4)	Failure to provide procedure of when to be used.	\$500 TO \$1,000

<b>435.11 / NFPA 1561</b>	<b>INCIDENT MANAGEMENT SYSTEM</b>	
435.11(b)(1)	Failure to provide a written SOP	\$500 TO \$1,000
435.11(b)(2)	Failure to require IMS be used at all emergency incidents	\$500 TO \$1,000
435.11(b)(4)	Failure to require that all fire protection personnel be trained in the use of the IMS	\$500 TO \$1,000
4.4.1	Failure to adopt NIMS as required.	\$500 TO \$1,000
4.4.7	Failure to require IMS be used at all emergency incidents	\$500 TO \$1,000
4.4.8	Failure to require that all fire protection personnel be trained in the use of the IMS	\$500 TO \$1,000
<b>435.13 / NFPA 1561</b>	<b>Personnel Accountability System</b>	
435.13, 4.5.1	Failure to develop, maintain, apply accountability system	\$500 TO \$1,000
435.13(b) (1-4)	Failure to provide an accountability system as required.	\$500 TO \$1,000
435.17	<b>Interior Structural Fire Fighting (2 In/2 Out Rule)</b>	
435.17	Failure to follow interior structural firefighting procedures as required.	\$500 TO \$1,000
<b>435.27 / NFPA 1403</b>	<b>Live Fire Training</b>	
435.27(8)(A), 4.9.6	Failure to provide a PASS device for all participating in live fire training as required.	\$500 TO \$1,000
435.27 (8)(B), 4.7.10	Failure to provide a Personnel Accountability System as required.	\$500 TO \$1,000
435.27(8)(C)	Failure to utilize an Incident Management System as required.	\$500 TO \$1,000
435.27(8)(D), 4.7.9, 4.9.1, 4.9.2, 4.9.7	Failure to use personal protective clothing and self-contained breathing apparatus as required.	\$500 TO \$1,000
435.27(8)(E), 4.10.2	Failure to establish an evacuation signal and procedure.	\$500 TO \$1,000
435.27(8)(F)	Failure to provide pre-burn, burn and post-burn procedures.	\$500 TO \$1,000
	<b>Continuing Education Records</b>	
441.5, 7, 9, 11, 13, 15, 17, 19, 21, 23	Failure to obtain CE for appointed positions as required.	\$500 TO \$1,000
<b>NFPA 1561 4.8.1, 4.8.2</b>	Failure to provide IMS training and qualification for initial and/or annual refresher	\$500 TO \$1,000

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

**(f) A cease and desist order may be issued to a regulated entity if the commission determines the violation creates an imminent danger to life and safety.**

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

#### **§445.9. Procedure for Violations.**

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

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

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

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

- (A) allow extra time to come into compliance;
- (B) assess administrative penalties which may be prorated;
- (C) suspend or revoke licenses or certificates; and
- (D) require proof of compliance.

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

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

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

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

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

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

(1) compliance **and violation** history;

(2) **the** seriousness of the violation; **including but not limited to the nature, circumstances, extent and gravity of the prohibited act;**

(3) the safety threat to the public or fire **protection** personnel;

**(4) the economic damage to property or the public's interests or confidence caused by the violation;**

**(5) any economic benefit gained through the violation;**

**(6) actions deemed necessary to deter future violations;**

**(7) any demonstrated good faith of the alleged violator, including efforts taken by the person or entity to correct the violation;**

**(8)**~~(4)~~ any mitigating factors;~~and~~

**(9)**~~(5)~~ any other factors the commission considers appropriate~~;~~ **and**

**(10) any other matters that justice may require.**

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

#### **§445.11. Training Facilities.**

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

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

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

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

#### **§445.17. Liability for Violations.**

The issuance of violation notices, administrative penalties, orders, and the permitting of a regulated entity to correct deficiencies in no way relieves the entity from the duty to, at all times, remain in

complete compliance with the Code or commission rules or from the liability it could incur from failing to fulfill its statutory and regulatory duties.

**§445.19. Inspection Forms.**

The executive director, or his designee, shall develop forms for the inspection of records, equipment, clothing, and facilities which shall be on file at the commission office and available for public inspections.

**23. Discussion and possible action regarding proposed amendments to 37 TAC Chapter 453, Hazardous Materials.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #:** 23

**Agenda Title:** Chapter 453 Hazardous Materials

**Action to be taken:** Propose for Publication

**Origin of Item:** Staff

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to remove the IFSAC “Grandfathering” provision from rule language for Hazardous Materials – Incident Commander.

### 2. DESCRIPTION/ JUSTIFICATION

The proposal removes obsolete language that allows persons holding a Hazardous Materials – Incident Commander certification issued before a certain date to apply for the applicable IFSAC seal for a limited time.

### 3. BUDGET IMPACT

No budget impact is anticipated.

### 4. TIMELINE CONSIDERATIONS

Proposal is for publication, to be considered for final adoption in the commission’s October meeting.

### 5. RECOMMENDATION

Recommend for publication.

### 6. REFERENCES

37 TAC, Chapter 453 Hazardous Materials

## CHAPTER 453

### HAZARDOUS MATERIALS

#### SUBCHAPTER B

##### MINIMUM STANDARDS FOR HAZARDOUS MATERIALS INCIDENT COMMANDER

###### **§453.201. Hazardous Materials Incident Commander Certification.**

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

###### **§453.203. Minimum Standards for Hazardous Materials Incident Commander.**

In order to be certified as Hazardous Materials Incident Commander an individual must:

- (1) hold certification as Structural Fire Protection Personnel, Aircraft Rescue Fire Fighting Personnel, or Marine Fire Protection Personnel; and
- (2) possess valid documentation as a Hazardous Materials Incident Commander from either:
  - (A) the International Fire Service Accreditation Congress; or
  - (B) the National Board on Fire Service Professional Qualifications issued by the Texas A&M Engineering Extension Service using the 2008 or later edition of the NFPA standard applicable to this discipline and meeting the requirements as specified in §439.1(a)(2) of this title (relating to Requirements—General); or
- (3) complete a commission approved Hazardous Materials Incident Commander training program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Hazardous Materials Incident Commander program must consist of one of the following:
  - (A) completion of an in-state Hazardous Materials Incident Commander training program that meets the requirements of the applicable NFPA standard, is conducted by a commission certified training provider and approved through the commission's training prior approval system; or
  - (B) completion of an out-of-state and/or military training program that has been submitted to the commission for evaluation and found to meet or exceed the NFPA standard for Hazardous Materials Incident Commander.

###### **§453.205. Examination Requirements.**

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive a Hazardous Materials Incident Commander certification.

- (b) Individuals will be permitted to take the commission examination for Hazardous Materials Incident Commander by documenting completion of NFPA 472 Awareness and Operations level training and completing a commission approved Hazardous Materials Incident Commander training program.

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

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

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

- (1) Hazardous Materials Awareness Level Personnel; and
- (2) Hazardous Materials Operations Level Responders, including the Mission-Specific Competencies for Personal Protective Equipment and Product Control under the current edition; or
- (3) NFPA 472 Hazardous Materials Operations prior to the 2008 edition; and
- (4) upon passing the applicable state examination, may be granted an IFSAC seal for Hazardous Materials Incident Commander by making application to the commission for the IFSAC seal and paying applicable fees. Individuals must submit the application and fee for the seal prior to the expiration of the examination in order to qualify for the IFSAC seal.

**24. Discussion and possible action regarding proposed amendments to 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**



## Texas Commission on Fire Protection Agenda Item Summary

**MEETING: Commission**

**DATE: 07/18/2019**

**Agenda Item #:** 24

**Agenda Title:** Chapter 457 Minimum Standards for Incident Safety Officer Certification

**Action to be taken:** Propose for Publication

**Origin of Item:** Staff

### 1. INTRODUCTION/PURPOSE

The purpose of the item is to remove the IFSAC “grandfathering” provision from rule language for Incident Safety Officer.

### 2. DESCRIPTION/ JUSTIFICATION

The proposal removes obsolete language that allows persons holding an Incident Safety Officer certification issued for a certain date to apply for the applicable IFSAC seal for a limited time.

### 3. BUDGET IMPACT

No budget impact is anticipated.

### 4. TIMELINE CONSIDERATIONS

Proposal is for publication, to be considered for final adoption in the commission’s October meeting.

### 5. RECOMMENDATION

Recommend for publication

### 6. REFERENCES

37 TAC, Chapter 457 Minimum Standards for Incident Safety Officer Certification

## CHAPTER 457

### MINIMUM STANDARDS FOR INCIDENT SAFETY OFFICER CERTIFICATION

#### §457.1. Incident Safety Officer Certification.

- (a) An Incident Safety Officer is defined as a member of the command staff responsible for monitoring and assessing safety hazards or unsafe situations and for developing measures for ensuring personnel safety at an incident.
- (b) All individuals holding an Incident Safety Officer certification shall be required to comply with the continuing education requirements in Chapter 441 of this title (relating to Continuing Education).
- (c) All Safety Officer certifications issued by the commission and referenced in this chapter are voluntary.

#### §457.3. Minimum Standards for Incident Safety Officer Certification.

In order to be certified as an Incident Safety Officer an individual must:

- (1) hold commission certification as Fire Officer I and;
- (2) possess valid documentation of accreditation from the International Fire Service Accreditation Congress as an Incident Safety Officer; or
- (3) complete a commission approved Incident Safety Officer program and successfully pass the commission examination as specified in Chapter 439 of this title (relating to Examinations for Certification). An approved Incident Safety Officer program must consist of one of the following:
  - (A) completion of an in-state Incident Safety Officer 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.

#### §457.5. Examination Requirements.

- (a) Examination requirements of Chapter 439 of this title (relating to Examinations for Certification) must be met in order to receive an Incident Safety Officer certification, unless otherwise specified in this chapter.
- (b) Individuals will be permitted to take the commission examination for Incident Safety Officer certification by documenting Fire Officer I certification through the commission or the equivalent IFSAC seal, and completing a commission approved Incident Safety Officer training program.

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

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

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

**25. 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**

<b>A List Course:</b>	<b>Course #</b>	<b>Provider</b>	<b>Length Hours</b>
Organizational Leadership in the Wildland Fire Service	L-480	NWCG	40
Incident Leadership	L-381	NWCG	40
Advanced Leadership for Command and General Staff	L-481	NWCG	40
Advanced Incident Management	S-520	NWCG	60
Fire Program Management, Leading Complex Fire Programs	M-582	NWCG	50-60
Wildland Fire Investigation: Case Development	FI-310	NWCG	51

<b>B List Course:</b>	<b>Course #</b>	<b>Provider</b>	<b>Length-Hours</b>
Best Practices in Community Risk Reduction	NFA114	NFA	14
Fire Investigation – First Responder	NFA102/103	NFA	21
Leadership in Supervision: Creating Environments for Professional Growth	NFA107	NFA	14
Followership to Leadership	L-280	NWCG	12
Interagency Incident Business Management	S-260	NWCG	16
Fire Program Management	M-581	NWCG	32-36
Area Command	S-620	NWCG	36
Planning Section Chief	S-440	NWCG	21
Wildland Fire Observations and	FI-110	NWCG	6

## Origin Scene Protection for First Responders

Wildland Fire Origin and Cause Determination	FI-210	NWCG	38
Firefighter Type 1	S-131	NWCG	12
Initial Attack Incident Commander Introduction to Incident Information	S-200 S-203	NWCG NWCG	19 33
Portable Pumps and Water Use	S-211	NWCG	16-20
Wildland Fire Chain Saws	S-212	NWCG	25-37
Fire Operations in the Wildland Urban Interface	S-215	NWCG	16-24
Firing Operations	S-219	NWCG	18-24
Crew Boss (Single Resource)	S-230	NWCG	26
Engine Boss	S-231	NWCG	16

**26. Discussion of the 2018 data collected on fire fighter injuries, and possible action on developing recommendations to be submitted to the commission for approval and submission to the State Fire Marshal's Office.**

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# TEXAS COMMISSION ON FIRE PROTECTION INJURY REPORT

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January 1, 2018 to December 31, 2018



TEXAS COMMISSION ON FIRE PROTECTION

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## Executive Summary

This report includes the abstract, mission, reports, information and data collected by the Texas Commission on Fire Protection's injury reporting program. The report includes fire fighter injuries reported to the Texas Commission on Fire Protection in 2018, with charts and graphs depicting the collected information. The report also compares Texas fire fighter injury statistics with statistics gathered by the National Fire Protection Association (NFPA) in 2017.

Under Texas Government Code §419.048, the Texas Commission on Fire Protection is charged with developing and establishing criteria to receive and analyze injury information pertaining to Texas fire fighters. The commission reviews this information to develop recommendations to help reduce fire protection personnel injuries. The commission provides this information to the State Fire Marshal's Office (SFMO) by September 1 of each year for inclusion in the SFMO's annual Firefighter Fatality Investigations Report. The commission has enacted rules about reporting injuries in the Texas Administrative Code (TAC) Title 37, Chapter 435, and has established the criteria and policies for reporting and analyzing the information.

The commission originally built the data systems necessary to gather this information in 2010. In 2017 the data systems were then migrated from a Microsoft Access database structure to a new system which was developed in-house and designed specifically to meet the information resource needs of the Texas Commission on Fire Protection. Fine-tuning of this new system is ongoing as we receive feedback from stakeholders. The reporting process is accomplished online. Fire departments regulated by the commission have been notified of the requirement to report. Several volunteer departments, which are not regulated by the commission, are also participating voluntarily.

This report concludes with recommendations from the commission to help reduce the number of fire fighter injuries in Texas and to improve the injury reporting program.

## Abstract

This report contains data submitted by regulated and non-regulated entities. The data collected in 2018 was the eighth full year of reporting.

### **Grand Totals - 2018**

Total number of incidents (injury reports) submitted: 3,519

Total number of individuals who sustained an injury or exposure: 3,881\*

Total number of injuries reported: 3,078

Total number of exposures reported: 884

*\*Note that an individual could have more than one injury or could have an injury and an exposure. This explains why the total number of individuals who sustained an injury is less than the total number of injuries + total number of exposures. (3,881 < 3,078 + 884)*

Because the injury reporting system was reconfigured in 2018, the information collected by the TCFP has evolved. It's important to note that one incident report can have multiple individuals involved, and **each** of those individuals can have **one or more** injuries. For example:

- Joe and Bob were burned in a fire while on duty. This resulted in:
  - One incident (one injury report), with
  - Two individuals who...
  - Sustained three injuries
    - Joe was burned on the hand and arm (two injuries)
    - Bob was burned on the leg (one injury)

Texas fire departments reported 3,078 injuries to the Texas Commission on Fire Protection in calendar year 2018. Of these, 799 occurred during fire suppression activities, representing 26 percent of the total reported injuries (see Table 1).

Injuries from emergency medical services (EMS) activities surpassed injuries from fire suppression activities in 2018. EMS activities accounted for 1027 of the 3,078 total reported injuries, or 33 percent of the total injuries.

After EMS and fire suppression, the next highest number of injuries reported in 2018 occurred in the performance of station duties, with 639, or 21 percent, of the total reported injuries.

Wellness/fitness and skills training again rounded out the top five activities: 417 wellness/fitness injuries (14 percent of the total) and 400 skills training injuries (13 percent of the total).

The total number of injuries reported in station duties, wellness/fitness activities, and skills training (which are all non-emergency activities) represented nearly half (47 percent) of the total injuries reported in 2018.

### **NOTE: Exposures**

In addition to the 3,078 injuries reported by Texas fire departments, TCFP also received reports of 884 exposures. Exposures, in the new injury reporting application, are not counted as injuries; rather, they are now their own (separate) category.

## Mission

The commission shall gather and evaluate data on fire protection personnel injuries and develop recommendations for reducing injuries.

### Why we are collecting injury data

Under Texas Government Code §419.048, the Texas Legislature charged the commission with gathering and evaluating data on injuries. The rules requiring regulated entities to report injuries to the commission are in Texas Administrative Code §435.23. The commission encourages volunteer entities to report injuries so that it can gain as accurate a picture as possible concerning injury trends in the Texas fire service. The injury reporting program began in March 2010.

### Information the commission collects

- Minor, serious, critical and fatal injuries
- Activities where fire personnel are injured
- Types of injuries (burns, strain-sprains, wounds, etc.)
- Body parts being injured
- Tasks performed at the time of injury
- Missed time
- Work assignment after injury
- Malfunctions/failures of personal protective equipment (PPE), self-contained breathing apparatus (SCBA), personal alert safety systems (PASS devices) and standard operating procedures (SOPs)

### How this will help the fire service

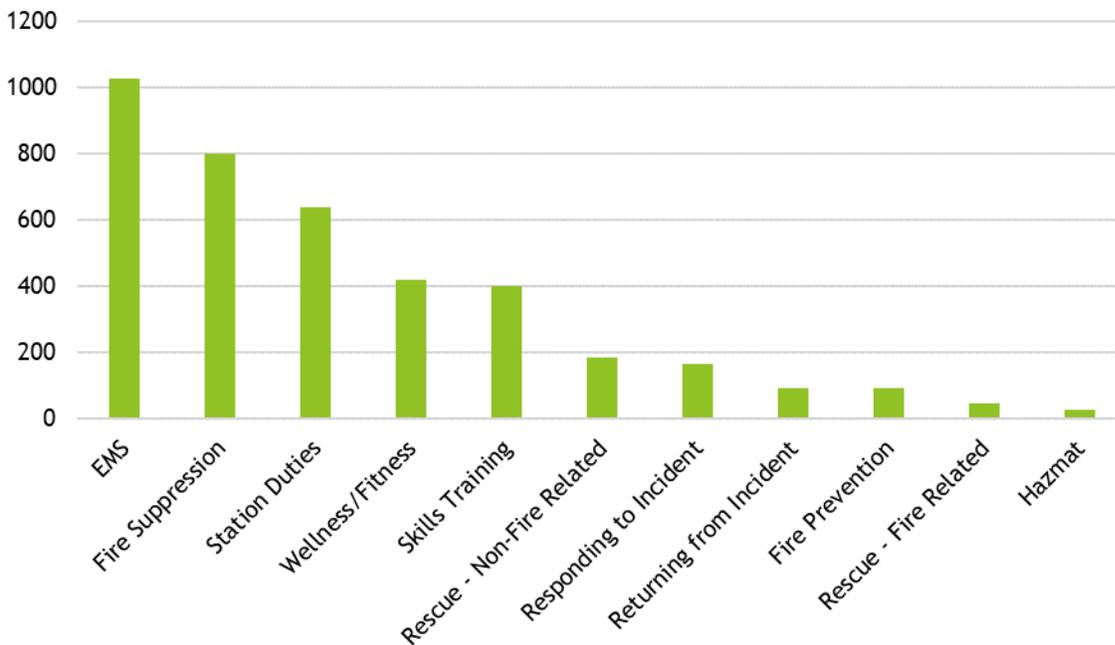
- Identify common injuries
- Identify trends in injuries
- Identify needed training
- Evaluate and find improvements in procedures
- Track lost time injuries (requested by user community)

## Fire Protection Personnel Injuries

**Table 1: Total Injured or Exposed Individuals by Activity and Severity, 2018**

Activity	Minor	Serious	Fatal	Total
EMS	843	184	0	1027
Fire Suppression	607	191	1	799
Station Duties	437	201	1	639
Wellness/Fitness	286	131	0	417
Skills Training	277	123	0	400
Rescue - Non-Fire Related	157	26	0	183
Responding to Incident	99	64	0	163
Returning from Incident	57	34	0	91
Fire Prevention	69	21	0	90
Rescue - Fire Related	39	5	0	44
Hazmat	27	1	0	28
<b>Total</b>	<b>2898</b>	<b>981</b>	<b>2</b>	<b>3881</b>

**Figure 1: Total Injured or Exposed Individuals by Activity, 2018**



## Injuries by Activity

EMS activities resulted in the highest number of minor injuries for 2018 (see Table 2). The total number of serious fire suppression injuries is down significantly, compared to previous years. (See Table 3. The commission defines a serious injury as one which results in the employee missing one or more full duty shifts.)

### **Definitions**

**Minor** = Injury that does not result in the employee missing a full duty period.

**Serious** = Injury that results in the employee missing one or more full duty periods.

**Fatal** = The injured individual did not survive.

**Table 2: Minor Injury Activities, 2014 - 2018**

Activity	2014		2015		2016		2017		2018	
	Count	Percent								
EMS	900	28.03%	792	28.24%	882	27.89%	929	28.99%	843	29.09%
Fire Suppression	808	25.16%	618	22.03%	866	27.39%	662	20.66%	607	20.95%
Station Duties	465	14.48%	396	14.12%	434	13.73%	481	15.01%	437	15.08%
Skills Training	365	11.37%	288	10.27%	311	9.84%	291	9.08%	277	9.56%
Wellness/Fitness	254	7.91%	278	9.91%	252	7.97%	254	7.93%	286	9.87%
Rescue - Non-Fire	206	6.42%	204	7.27%	161	5.09%	206	6.43%	157	5.42%
Responding to Incident	105	3.27%	122	4.35%	117	3.70%	156	4.87%	99	3.42%
Rescue - Fire Related	11	0.34%	22	0.78%	20	0.63%	113	3.53%	39	1.35%
Fire Prevention	43	1.34%	41	1.46%	47	1.49%	50	1.56%	69	2.38%
Returning from Incident	42	1.31%	33	1.18%	37	1.17%	42	1.31%	57	1.97%
Hazmat	12	0.37%	11	0.39%	35	1.11%	21	0.66%	27	0.93%
<b>Total</b>	<b>3211</b>	<b>100.00%</b>	<b>2805</b>	<b>100.00%</b>	<b>3162</b>	<b>100.00%</b>	<b>3205</b>	<b>100.00%</b>	<b>2898</b>	<b>100.00%</b>

**Table 3: Serious Injury Activities, 2014 - 2018**

Activity	2014		2015		2016		2017		2018	
	Count	Percent								
Station Duties	160	19.42%	174	19.31%	172	18.76%	185	21.29%	201	20.49%
Fire Suppression	177	21.48%	160	17.76%	179	19.52%	157	18.07%	191	19.47%
EMS	164	19.90%	185	20.53%	158	17.23%	147	16.92%	184	18.76%
Wellness/Fitness	127	15.41%	125	13.87%	146	15.92%	129	14.84%	131	13.35%
Skills Training	104	12.62%	126	13.98%	141	15.38%	120	13.81%	123	12.54%
Responding to Incident	16	1.94%	44	4.88%	36	3.93%	53	6.10%	64	6.52%
Returning from Incident	19	2.31%	13	1.44%	18	1.96%	28	3.22%	34	3.47%
Rescue - Non-Fire	38	4.61%	46	5.11%	52	5.67%	27	3.11%	26	2.65%
Fire Prevention	11	1.33%	12	1.33%	11	1.20%	15	1.73%	21	2.14%
Rescue - Fire Related	3	0.36%	12	1.33%	3	0.33%	7	0.81%	5	0.51%
Hazmat	5	0.61%	4	0.44%	1	0.11%	1	0.12%	1	0.10%
<b>Total</b>	<b>824</b>	<b>100.00%</b>	<b>901</b>	<b>100.00%</b>	<b>917</b>	<b>100.00%</b>	<b>869</b>	<b>100.00%</b>	<b>981</b>	<b>100.00%</b>

**Table 4: Number of Individuals Who Sustained Fatal Injuries, 2018**

Activity	Count	Percent
Fire Suppression	1	50.00%
Station Duties	1	50.00%
<b>Total</b>	<b>2</b>	<b>100.00%</b>

## Emergency vs. Non-Emergency Injuries

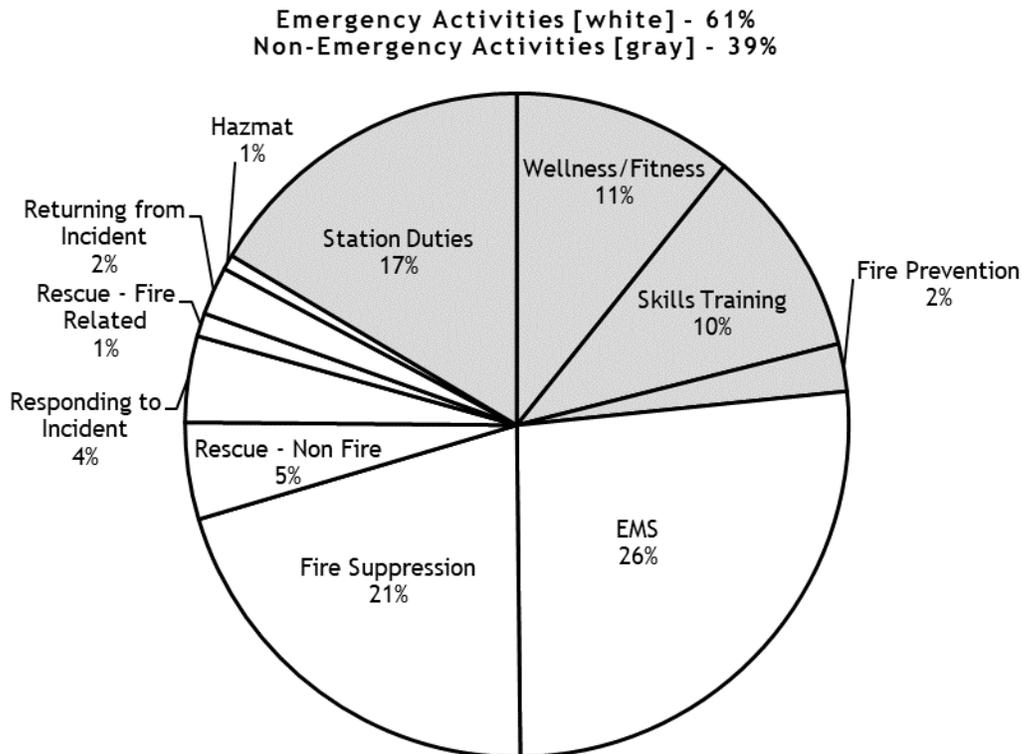
**Table 5: Number of Injured Individuals by Emergency Activity and Severity, 2018**

Activity	Minor	Serious	Fatal	Total
EMS	843	184	0	1027
Fire Suppression	607	191	1	799
Rescue - Non-Fire	157	26	0	183
Responding to Incident	99	64	0	163
Rescue - Fire Related	39	5	0	44
Returning from Incident	57	34	0	91
Hazmat	27	1	0	28
<b>Total</b>	<b>1829</b>	<b>505</b>	<b>1</b>	<b>2335</b>

**Table 6: Number of Injured Individuals by Non-Emergency Activity and Severity, 2018**

Activity	Minor	Serious	Fatal	Total
Station Duties	437	201	1	639
Skills Training	277	123	0	400
Wellness/Fitness	286	131	0	417
Fire Prevention	69	21	0	90
<b>Total</b>	<b>1069</b>	<b>476</b>	<b>1</b>	<b>1546</b>

**Figure 2: Percent of Injured Individuals in Emergency and Non-Emergency Activities, 2018**

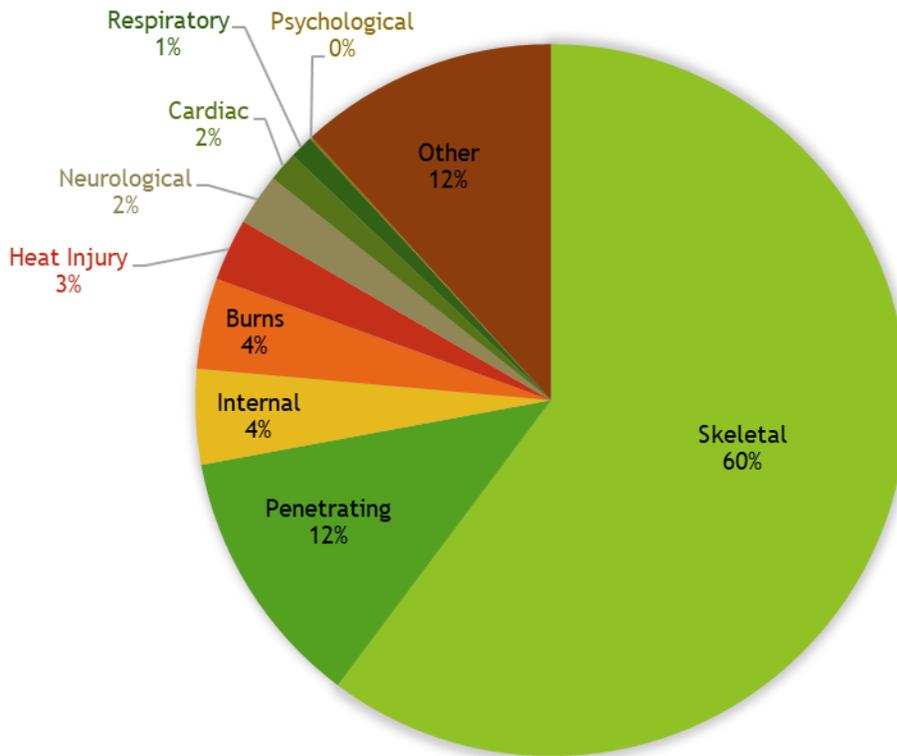


# Types of Injuries

**Table 7: Types of Injury, 2018**

Type of Injury	2018	
	Count	Percent
Skeletal	1854	60.23%
Penetrating	365	11.86%
Internal	133	4.32%
Burns	127	4.13%
Heat Injury	87	2.83%
Neurological	72	2.34%
Cardiac	42	1.36%
Respiratory	33	1.07%
Psychological	3	0.10%
Other	362	11.76%
<b>Total</b>	<b>3078</b>	<b>100.00%</b>

**Figure 3: Types of Injuries, 2018**

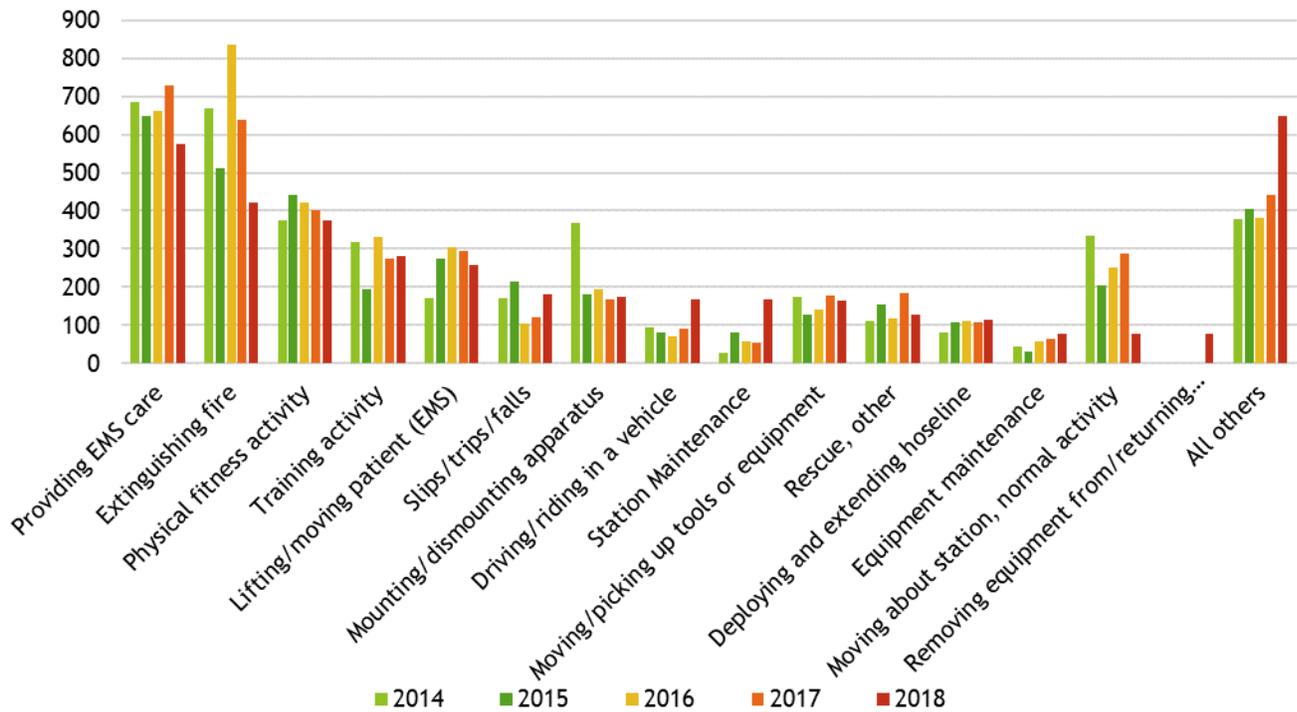


# Task at Time of Injury

**Table 8: Top 15 Tasks at Time of Injury, 2014 - 2018 (ordered by 2018, descending)**

Task	2014	2015	2016	2017	2018
Providing EMS care	686	649	661	728	575
Extinguishing fire	669	513	837	638	423
Physical fitness activity	376	442	420	401	376
Training activity	317	193	331	273	281
Lifting/moving patient (EMS)	171	275	306	294	259
Slips/trips/falls	171	215	105	122	181
Mounting/dismounting apparatus	367	180	193	166	173
Driving/riding in a vehicle	94	82	70	92	166
Station Maintenance	26	81	59	55	166
Moving/picking up tools or equipment	173	128	142	179	163
Rescue, other	110	155	118	183	126
Deploying and extending hose line	82	108	111	106	113
Equipment maintenance	43	29	57	65	77
Moving about station, normal activity	335	206	252	289	77
Removing equipment from/returning equipment to storage	n/a	n/a	n/a	n/a	76
All others	379	406	380	440	649
<b>Total</b>	<b>5</b>	<b>1</b>	<b>7</b>	<b>0</b>	<b>1</b>

**Figure 4: Top 15 Tasks at Time of Injury, 2014 - 2018**



## Injuries by Body Part

**Table 9: Injuries by Body Part, 2014 - 2017 (ordered by 2017, descending)**

<b>Body Part</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Multiple body parts, whole body	901	659	1007	1064
Hand and fingers	345	328	359	365
Knee	367	369	376	315
Hip, lower back, or buttocks	244	316	283	292
Back, except spine	372	207	244	248
Shoulder	230	241	238	221
Ankle	177	202	192	179
Multiple Parts	160	180	124	151
Face	118	140	116	127
Arm, lower, not including elbow or wrist	94	84	109	121
Leg, lower	86	117	132	113
Foot and toes	79	71	85	87
Head	73	69	82	78
Ear	52	60	74	76
Chest	64	40	82	76
Eye	98	75	70	73
Multiple body parts, upper body	27	52	61	73
Elbow	66	51	47	72
Wrist	68	48	74	56
Other body parts injured	265	500	342	303
<b>Total</b>	<b>3886</b>	<b>3809</b>	<b>4097</b>	<b>4090</b>

Because TCFP migrated to a new data management system in 2017, the data collected in 2018 was categorized differently than it had been in the past. This is why Table 9 only goes through 2017, and we now have new tables (10 & 11) for 2018 data.

**Table 10: Injuries by Body Part Type, 2018**

<b>Body Part by Type</b>	<b>2018</b>
Upper Extremities	864
Lower Extremities	810
Back	490
Multiple Parts	318
Head	300
Internal	105
Chest	104
Neck	64
Hip	23
<b>Total</b>	<b>3078</b>

**Table 11: Injuries by Body Part Sub-Type, 2018**

<b>Body Part by Sub-Type</b>	<b>2018</b>
Back: Back	198
Back: Buttocks	1
Back: Lower Back	282
Back: Neck	4
Back: Spine	5
Chest: Abdomen	5
Chest: Abdominal Area	10
Chest: Chest	89
Head: Cheek	5
Head: Chin	7
Head: Ear	77
Head: Eye	64
Head: Face	111
Head: Jaw	1
Head: Mouth	15
Head: Nose	20
Hip: Groin	9
Hip: Hip	13
Hip: Pelvis	1
Internal: Genito-urinary	4
Internal: Heart	5
Internal: Internal	66
Internal: Intestinal tract	5
Internal: Lungs	9
Internal: Stomach	15
Internal: Trachea	1
Lower Extremities: Ankle	206
Lower Extremities: Foot	93
Lower Extremities: Knee	347
Lower Extremities: Lower leg	111
Lower Extremities: Toes	15
Lower Extremities: Upper Leg	38
Multiple Parts: Lower Body	26
Multiple Parts: Unknown	26
Multiple Parts: Upper Body	74
Multiple Parts: Whole Body	192
Neck: Neck	59
Neck: Throat	5
Upper Extremities: Elbow	68
Upper Extremities: Hands	361
Upper Extremities: Lower Arm	10
Upper Extremities: Shoulder	234
Upper Extremities: Upper Arm	112
Upper Extremities: Wrist	79
<b>Total</b>	<b>3078</b>

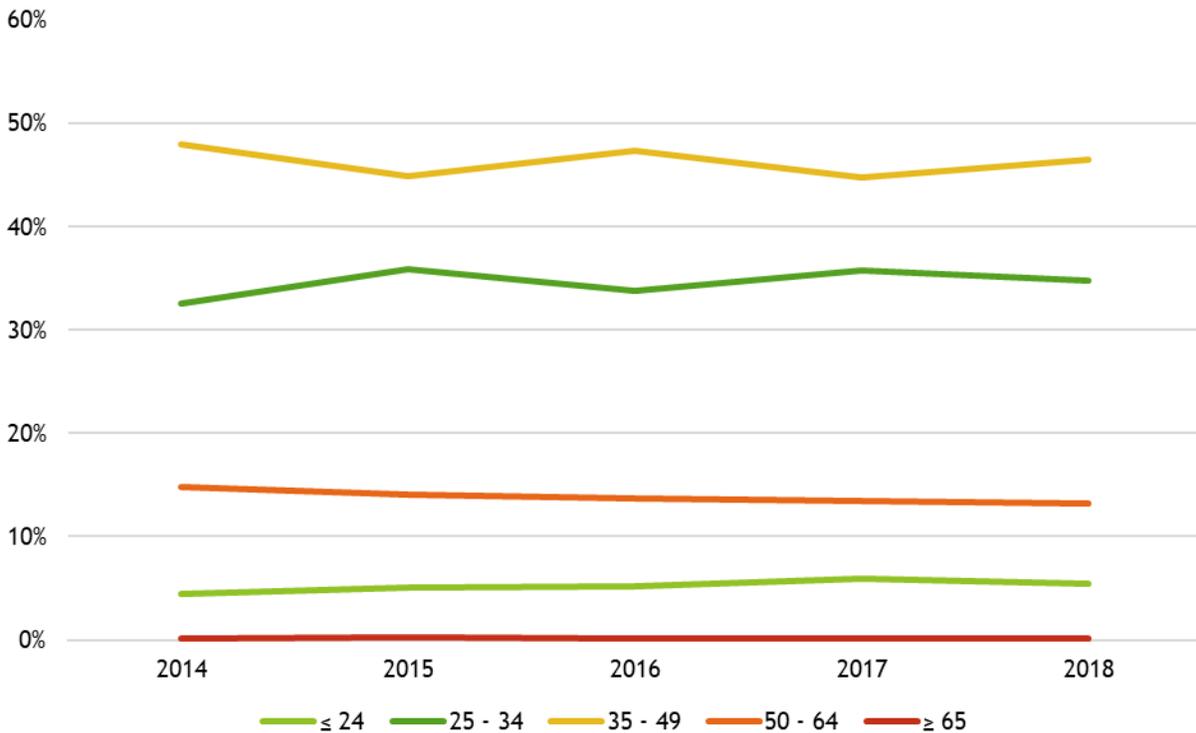
## Individuals by Age Group

**Table 12: Individuals by Age Group\*, 2014 - 2018**

Age Group	2014		2015		2016		2017		2018	
	Count	Percent								
≤ 24	179	4.41%	187	5.03%	213	5.20%	242	5.92%	210	5.41%
25 - 34	1322	32.60%	1334	35.85%	1382	33.73%	1460	35.70%	1348	34.73%
35 - 49	1945	47.97%	1669	44.85%	1939	47.33%	1832	44.79%	1806	46.53%
50 - 64	602	14.85%	524	14.08%	559	13.64%	550	13.45%	511	13.17%
≥ 65	7	0.17%	7	0.19%	4	0.10%	6	0.15%	6	0.15%
<b>Totals</b>	<b>4055</b>	<b>100.00%</b>	<b>3721</b>	<b>100.00%</b>	<b>4097</b>	<b>100.00%</b>	<b>4090</b>	<b>100.00%</b>	<b>3881</b>	<b>100.00%</b>

\*Includes injured individuals and individuals with exposures.

**Figure 5: Individuals by Age Group, percentages, 2014 - 2018**



## Injury Activities Resulting in Lost Time

**Table 13: Activities Individuals Were Doing that Resulted in Lost Time, Totals, 2018**

Activity	Count	Days Missed	
		Average	Sum
EMS	118	39	4687
Fire Suppression	116	33	3878
Station Duties	118	28	3345
Wellness/Fitness	80	32	2621
Skills Training	73	34	2545
Returning from Incident	24	53	1284
Responding to Incident	37	33	1242
Rescue - Non-Fire	16	32	525
Fire Prevention	15	30	455
Rescue - Fire Related	3	8	24
Hazmat	1	13	13
<b>Total</b>	<b>601</b>	<b>30</b>	<b>20619</b>

**Table 14: Activities Individuals Were Doing that Resulted in Lost Time, 2018, between 1 and 30 days**

Activity	Count	Days Missed	
		Average	Sum
Fire Suppression	87	11	1042
Station Duties	88	10	949
EMS	70	11	771
Wellness/Fitness	56	12	685
Skills Training	49	10	519
Responding to Incident	23	7	183
Returning from Incident	13	14	182
Fire Prevention	10	12	125
Rescue - Non-Fire	11	8	96
Rescue - Fire Related	3	8	24
Hazmat	1	13	13
<b>Total</b>	<b>411</b>	<b>11</b>	<b>4589</b>

**Table 15: Activities Individuals Were Doing that Resulted in Lost Time, 2018, between 31 and 90 days**

Activity	Count	Days Missed	
		Average	Sum
EMS	34	52	1779
Skills Training	17	61	1046
Station Duties	20	51	1024
Fire Suppression	16	57	920
Responding to Incident	12	70	841
Wellness/Fitness	17	47	812
Returning from Incident	6	61	368
Fire Prevention	4	56	225
Rescue - Non-Fire	3	60	180
<b>Total</b>	<b>129</b>	<b>57</b>	<b>7195</b>

**Table 16: Activities Individuals Were Doing that Resulted in Lost Time, 2018, 91+ days**

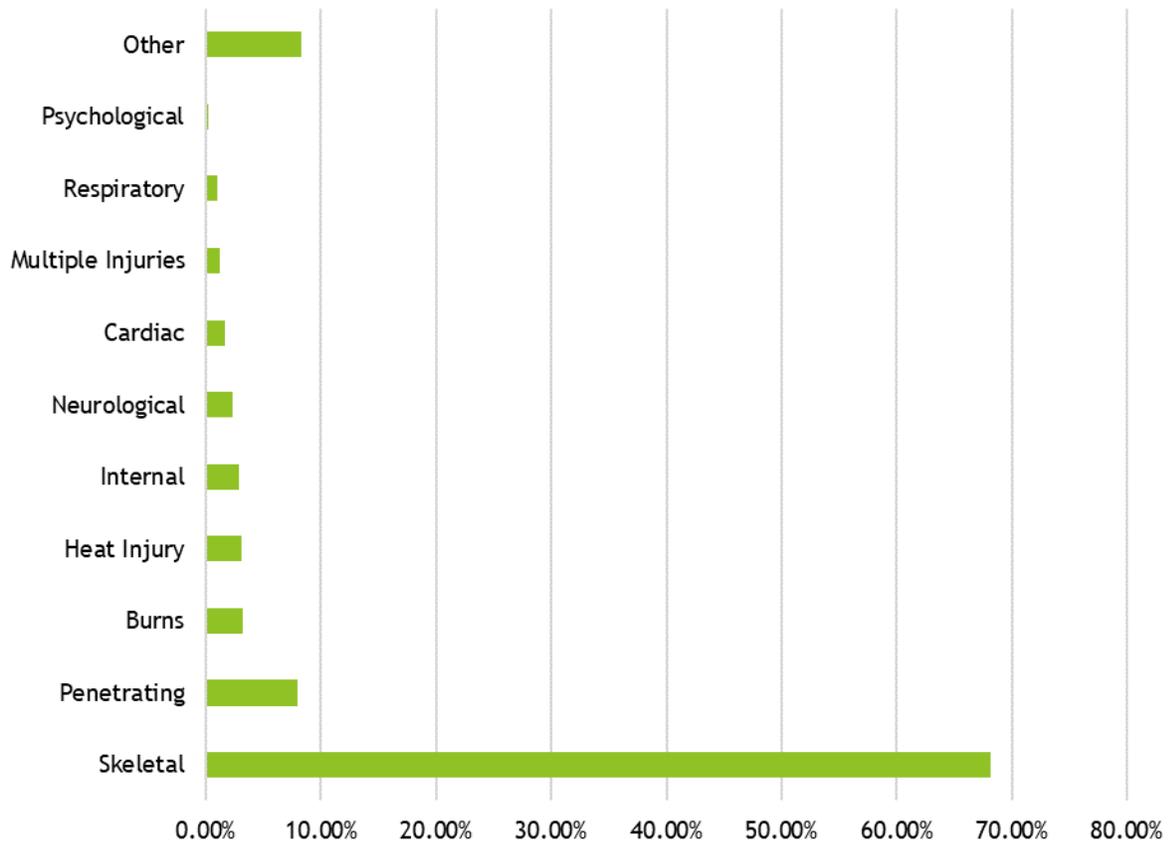
Activity	Count	Days Missed	
		Average	Sum
EMS	14	152	2137
Fire Suppression	13	147	1916
Station Duties	10	137	1372
Wellness/Fitness	7	160	1124
Skills Training	7	140	980
Returning from Incident	5	146	734
Rescue - Non-Fire	2	124	249
Responding to Incident	2	109	218
Fire Prevention	1	105	105
<b>Total</b>	<b>47</b>	<b>136</b>	<b>8835</b>

## Types of Injuries with Lost Time

*Table 17: Types of Injuries Resulting in Lost Time, 2018*

Type of Injury	Count
Skeletal	403
Penetrating	47
Burns	19
Heat Injury	18
Internal	17
Neurological	14
Cardiac	10
Multiple Injuries	7
Respiratory	6
Psychological	1
Other	49
<b>Totals</b>	<b>591</b>

*Figure 6: Types of Injuries Resulting in Lost Time, 2018*



## Burn Injuries

**Table 18: All Burns, 2014 - 2018**

All Burns - Types	2014	2015	2016	2017	2018
Thermal (Heat/Fire)	76	85	92	96	108
Scald or Steam	33	10	9	13	12
Chemical	2	0	3	4	6
Electrical	2	0	2	0	1
<b>Totals</b>	<b>113</b>	<b>95</b>	<b>106</b>	<b>113</b>	<b>127</b>

**Table 19: Burns by Body Part Sub-Type, 2018**

Body Part Sub-Type	Count
Back: Back	1
Back: Buttocks	0
Back: Lower Back	0
Back: Neck	0
Back: Spine	0
Chest: Abdomen	0
Chest: Abdominal Area	0
Chest: Chest	2
Head: Cheek	2
Head: Chin	2
Head: Ear	17
Head: Eye	4
Head: Face	9
Head: Jaw	0
Head: Mouth	0
Head: Nose	1
Hip: Groin	0
Hip: Hip	0
Hip: Pelvis	0
Internal: Genito-urinary	0
Internal: Heart	0
Internal: Internal	0
Internal: Intestinal tract	0
Internal: Lungs	0
Internal: Stomach	0
Internal: Trachea	0
Lower Extremities: Ankle	0
Lower Extremities: Foot	6
Lower Extremities: Knee	0
Lower Extremities: Lower leg	8
Lower Extremities: Toes	0
Lower Extremities: Upper Leg	0
Multiple Parts: Lower Body	0
Multiple Parts: Unknown	0
Multiple Parts: Upper Body	10

Multiple Parts: Whole Body	5
Neck: Neck	2
Neck: Throat	0
Upper Extremities: Elbow	0
Upper Extremities: Hands	30
Upper Extremities: Lower Back	0
Upper Extremities: Shoulder	9
Upper Extremities: Upper Arm	11
Upper Extremities: Wrist	8
<b>Total</b>	<b>127</b>

**Table 20: Burns by Body Part, 2014 - 2017, Historical data**

<b>Body Part</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>
Hand and fingers	18	14	27	22	30
Ear	13	22	14	16	17
Face	13	12	16	9	14
Arm, upper, not including elbow or shoulder	2	2	1	2	11
Multiple body parts, upper body	4	5	8	4	10
Shoulder	5	5	3	6	9
Lower extremities	2	1	2	0	8
Wrist	5	4	9	7	8
Foot and toes	2	1	3	1	6
Multiple parts	16	8	4	12	5
Eye	1	0	0	0	4
Chest	0	0	1	1	2
Neck	9	6	4	7	2
Back, except spine	2	0	0	2	1
Elbow	0	0	0	1	0
Hip, lower back, or buttocks	1	0	1	0	0
Knee	0	0	1	2	0
Pelvis or groin	0	0	0	2	0
Throat	0	0	0	0	0
Arm, lower, not including elbow or wrist	9	3	2	12	n/a
Leg, lower	1	6	3	3	n/a
Head	3	4	2	1	n/a
Upper extremities	6	2	2	0	n/a
Neck and shoulders	1	0	0	1	n/a
Undetermined	0	0	3	2	n/a
<b>Total</b>	<b>113</b>	<b>95</b>	<b>106</b>	<b>113</b>	<b>127</b>

For Table 20 above, the 2018 column (shaded in gray) was pieced together from the data in Table 19 in order to view trends and patterns.

## Exposures

Due to the change in our information management system, the exposure data collected in 2018 is less specific than the exposure data collected in previous years. This is why we currently have “historical data” in separate charts and figures than that for 2018.

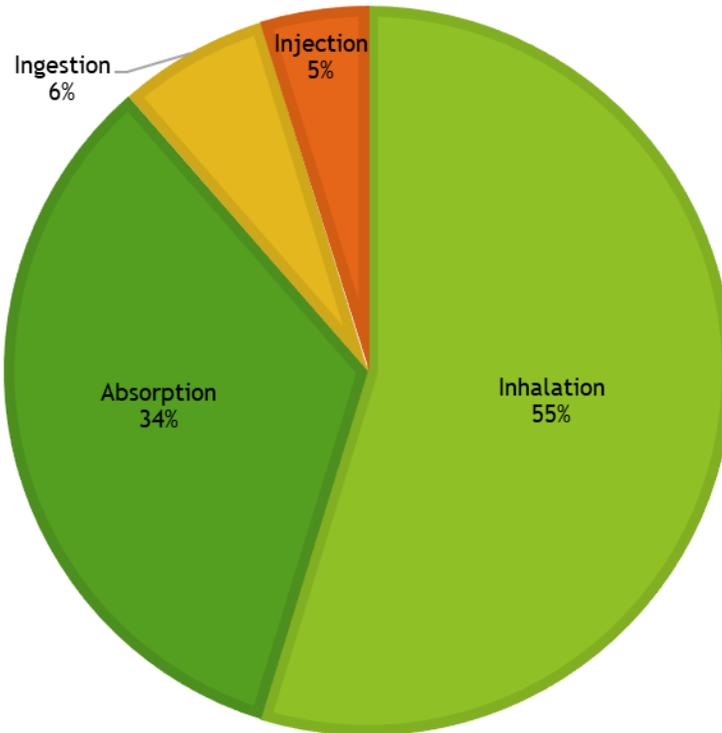
*Table 21: Exposure by Sub-Type, 2018*

<b>Exposure + Sub-Type</b>	<b>Count</b>
Chemical: Ammonia	1
Chemical: Benzene	2
Chemical: Bleach	1
Chemical: Not listed	151
Chemical: Unidentified	73
Physical: Animal venom	6
Physical: Meningitis	38
Physical: Not listed	138
Physical: Plant toxin	27
Physical: Unidentified	87
Respiratory: Blood	69
Respiratory: Influenza	4
Respiratory: Not listed	108
Respiratory: Saliva	24
Respiratory: Tuberculosis	98
Respiratory: Unidentified	50
Respiratory: Vomit	7
<b>Total</b>	<b>884</b>

***Table 22: Exposure by Route, 2018***

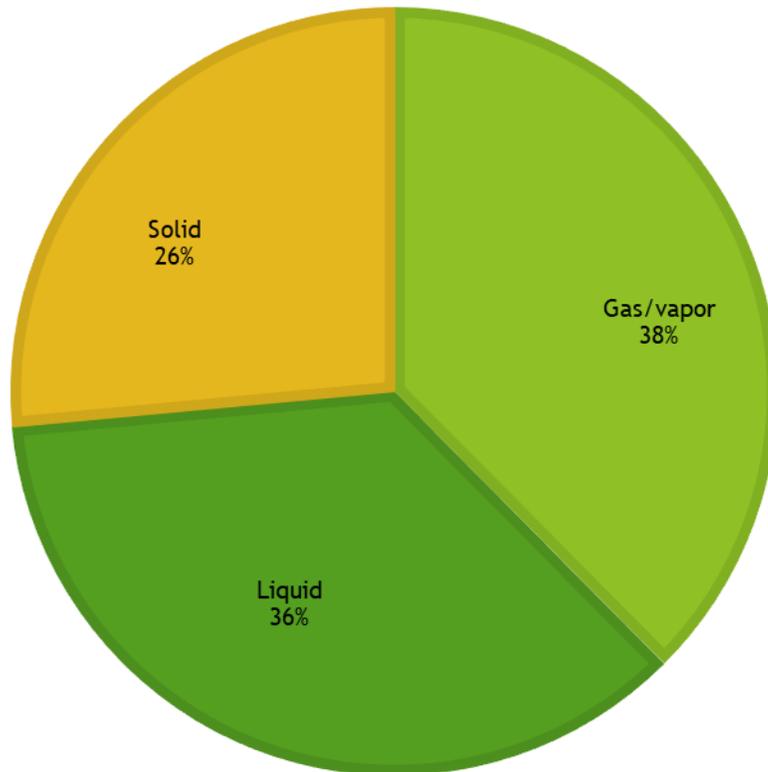
<b>Route</b>	<b>Count</b>
Absorption	299
Ingestion	59
Inhalation	484
Injection/Puncture	42
<b>Total</b>	<b>884</b>

***Figure 7: Exposure by Route, 2018, percentages***



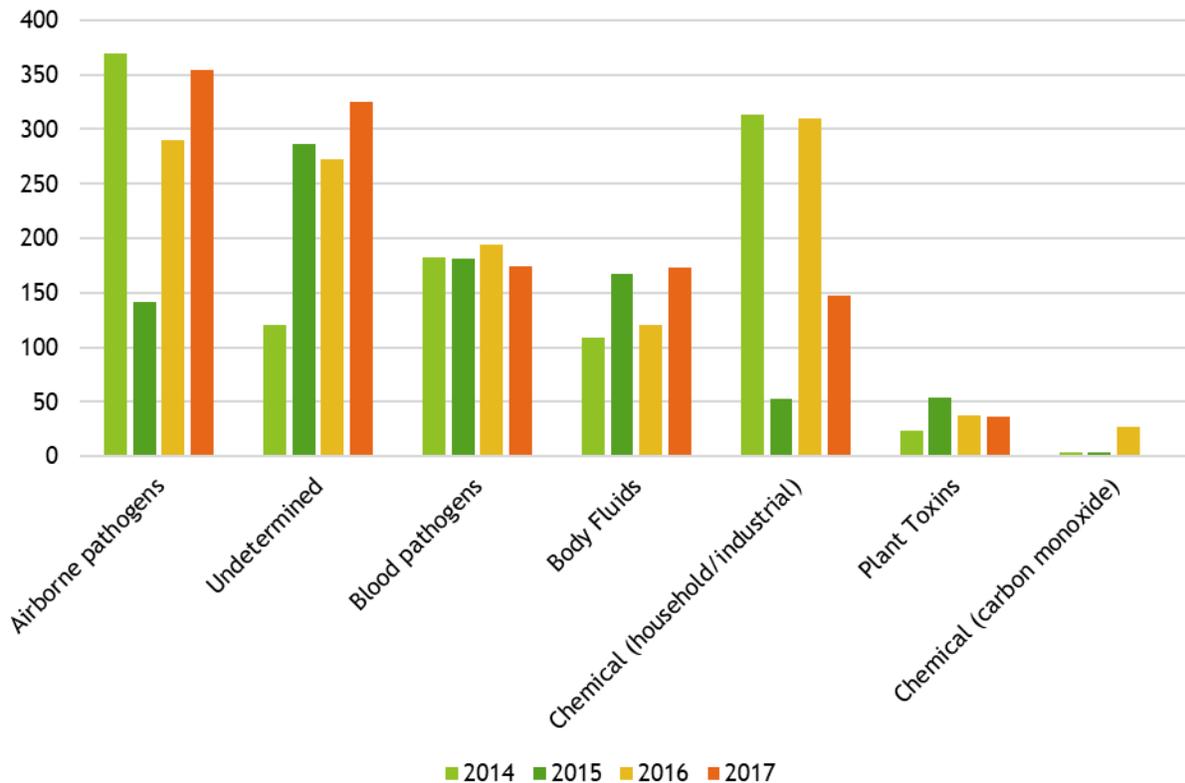
**Table 23: Exposure by Substance, 2018**

<b>Substance</b>	<b>Count</b>
Gas/vapor	332
Liquid	318
Solid	234
<b>Total</b>	<b>884</b>

**Figure 8: Exposure by Substance, 2018, percentages**

**Table 24: Routes of Exposure, 2014 - 2017, Historical data (ordered by 2017, descending)**

Exposure Routes	2014	2015	2016	2017
Airborne pathogens	369	141	290	354
Undetermined	120	287	273	325
Blood pathogens	183	181	194	174
Body Fluids	109	167	121	173
Chemical (household/industrial)	313	53	310	147
Plant Toxins	24	54	37	36
Chemical (carbon monoxide)	3	3	27	1
<b>Total</b>	<b>1121</b>	<b>886</b>	<b>1252</b>	<b>1210</b>

**Figure 9: Routes of Exposure, 2014 - 2017, Historical data**

**Table 25: Exposure description, 2014 - 2017, Historical data (ordered by 2017, descending)**

<b>Exposure description</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
Unknown	103	256	148	290
Blood	177	167	161	153
Chemicals/household/industrial	89	36	310	122
Asbestos	384	51	51	112
Tuberculosis	93	73	128	109
Body fluids	109	92	91	101
Meningitis	65	91	62	104
Animals or wildlife	63	75	90	58
Sickness, other	60	21	24	49
Poison plants	24	61	37	37
Vomit	16	19	14	17
Chlorine	0	4	1	14
Mold	0	4	26	10
Airborne, other	15	7	40	7
Staph	0	3	0	7
Carbon monoxide	6	8	26	5
HIV	0	11	4	4
Scabies	9	4	21	4
Hepatitis C	6	10	14	3
MRSA	4	0	14	3
Bacterial pneumonia	0	1	0	1
Explosive residue	0	0	0	0
Influenza	8	0	0	0
Lice	0	0	0	0
Strep	0	0	1	0
<b>Total</b>	<b>1231</b>	<b>994</b>	<b>1263</b>	<b>1210</b>

# Cancer

The commission received only nine reports of cancer diagnoses from fire departments in 2018:

**Thyroid - 3**  
(Males, 36, 45, 53)

**Skin - 2**  
(Males, 43, 45)

**Testicular - 2**  
(Males, 37, 47)

**Lymphoma - 1**  
(Male, 65)

**Unidentified - 1**  
(Male, 45)

## A Reminder for Fire Departments

ALL injuries to fire protection personnel, **including cancer diagnoses**, that are reported to the Texas Worker's Compensation Commission must be reported to the Texas Commission on Fire Protection.

The commission strongly encourages fire departments to report cancer diagnoses; the commission recognizes that the number of job-related cancers reported during this time-period represents only a small fraction of the cases that Texas fire departments are currently managing. There is a growing awareness of the impact that cancer is having on fire protection personnel nationwide, and the commission urges departments to use this reporting tool to help contribute to the education and awareness of the issue in Texas.

In June of 2019, the Governor of Texas signed Senate Bill 2551 (SB 2551) which expanded the scope of the law in which firefighters and EMTs who suffer from cancer are presumed to have developed the condition during the course and scope of their employment. The types of cancer this law addresses include:

- cancers that originate at the stomach, colon, rectum, skin, prostate, testis or brain
- non-Hodgkin's lymphoma
- multiple myeloma
- malignant melanoma
- renal cell carcinoma

## SOP Issues

In 2018 there were 30 injuries attributed to failures of fire protection personnel to follow their departments' standard operating procedures (SOPs). All but a few were instances where the individuals were not wearing their provided PPE/SCBA gear in an environment or situation in which they should have been.

In its compliance inspections, the Texas Commission on Fire Protection verifies that fire departments have written SOPs that cover the appropriate subject matter.

***Table 26: Injuries Attributed to SOP Issues, 2018***

<b>Activity</b>	<b>Minor</b>	<b>Serious</b>	<b>Total</b>
Fire Suppression	10	9	19
EMS	7	2	9
Skills Training	2	0	2
Responding to Incident	0	1	1
Station Duties	0	1	1
<b>Totals</b>	<b>19</b>	<b>13</b>	<b>32</b>

***Table 27: Injuries Attributed to PPE & PASS Failures***

<b>Activity</b>	<b>Minor</b>	<b>Serious</b>	<b>Total</b>
Fire Suppression	7	1	8
Rescue - Non-Fire	2	0	2
Skills Training	2	0	2
EMS	1	0	1
Rescue - Fire Related	1	0	1
<b>Totals</b>	<b>13</b>	<b>1</b>	<b>14</b>

## Fatalities

The commission's 2018 injury report includes two fatalities. Fatalities listed in this report include only those reported to the Texas Commission on Fire Protection (TCFP) by the entities it regulates.

The State Fire Marshal's Office conducted nine Texas fire fighter fatality incident investigations between September 1, 2017 and August 31, 2018. Comprehensive information about the investigations may be found on their website at the following web address: <https://www.tdi.texas.gov/fire/fmloddannuuals.html>

## State of Texas vs. NFPA

### Comparison between the State of Texas (2018) and National Fire Protection Association (NFPA), U.S. Firefighter Injuries - 2017

For the purposes of comparison, the commission has mapped its categories to the NFPA categories as follows:

- “Fireground” includes the commission’s Fire Suppression and Rescue - Fire Related categories.
- “Non-Fire” includes Rescue Non-Fire, EMS and Hazmat.
- “Other On-Duty” includes Fire Prevention, Station Duties and Wellness/Fitness.

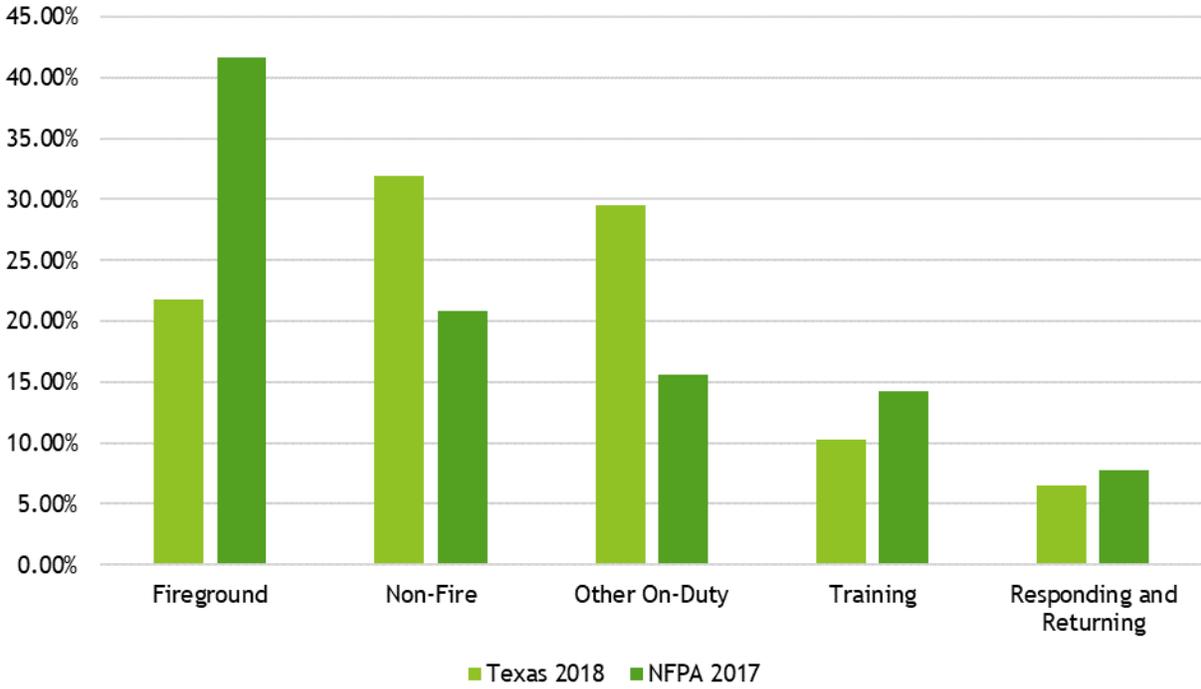
The NFPA’s “Responding and Returning” and “Training” categories appear to correspond closely to the commission’s categories. (The NFPA numbers include Texas statistics, although the reporting populations may not be the same.)

***Table 28: Comparison of Texas 2018 and NFPA 2017***

Category	Texas 2018		NFPA 2017	
	Count	Percent	Count	Percent
Fireground	843	21.72%	24495	41.63%
Non-Fire	1238	31.90%	12240	20.80%
Other On-Duty	1146	29.53%	9165	15.58%
Training	400	10.31%	8380	14.24%
Responding and Returning	254	6.54%	4555	7.74%
<b>Total</b>	<b>3881</b>	<b>100.00%</b>	<b>58835</b>	<b>100.00%</b>

*\*NFPA data is from U.S. Firefighter Injuries in 2017, copyright ©2018 National Fire Protection Association, Quincy, MA.*

**Figure 10: Injuries by Activity Percentages - Comparing Texas 2018 and NFPA 2017**



## Recommendations

The commission would like to thank Texas fire departments for their ongoing participation in reporting fire protection personnel injuries. This report would not be possible without their efforts.

Based on their review of the data contained within this report, the commission offers the following recommendations to the Texas fire service:

◇ **Insert the commission's recommendations here:**

◇ Recommendation

◇ Recommendation

◇ Recommendation

## Commission-adopted standards

The commission has adopted several NFPA and other nationally recognized standards to help keep Texas fire protection personnel safe. This list summarizes the relationships between some of the Texas laws and national standards and is not intended to be all-inclusive:

### Texas Government Code

§419.040, Protective Clothing

§419.041, Self-Contained Breathing Apparatus

§419.042, Personal Alert Safety Systems

§419.043, Applicable National Fire Protection Association Standard

§419.044, Incident Management System

§419.045, Personnel Accountability System

§419.046, Fire Protection Personnel Operating at Emergency Incidents

§419.047, Commission Enforcement

### Texas Administrative Code

CHAPTER 425 FIRE SERVICE INSTRUCTORS

§443.9 National Fire Protection Association Standard

CHAPTER 435 FIRE FIGHTER SAFETY

§435.21 Fire Service Joint Labor Management Wellness-Fitness Initiative

§435.23 Fire Fighter Injuries

§435.25 Courage to be Safe So Everyone Goes Home Program

§435.27 Live Fire Training Structure Evolutions

CHAPTER 451 FIRE OFFICER

CHAPTER 457 INCIDENT SAFETY OFFICER CERTIFICATION

See also the commission's web page: [NFPA Standards adopted by the commission.](#)

**27. Discussion and possible action on matters from the Executive Director.**

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

**26. Discussion and possible action on matters from the Executive Director.**

**B. Status regarding division functions:**

**a. Training Approval & Testing – test administered, training approvals, record reviews and online training audits**

**b. Certification & Professional Development – training applications, IFSAC seals issued, certifications issued, training facilities, curriculum development, library resource requests**

**c. Compliance – biennial inspections, compliance officers training, issues involving regulated entities**

**d. Information Technology – public website design, FARM and FIDO improvements, CAPPS (Central Accounting Payroll/Personnel System), IT security policy, service requests**

## Commission Report, 3<sup>rd</sup> Quarter FY2019

### Overview and Summary

All sections of the agency continued to experience brisk activity for the third quarter of FY2019.

The data management system continued to receive additional refinements, expansions, and overall improvements. Work focused on interfaces and functionality for customers and staff. Work also continued on development of a comprehensive IT security plan, based upon the results of a third-party assessment of its IT infrastructure and functions.

Testing volume remained high, with 3,578 exams conducted during the quarter. Online testing volume continued to increase month over month from its initial launch in May of 2018. For the quarter, 1,260 exams were conducted via the online platform, which represents 35% of the total. Only the Structural exam and two of its sections (FFI & FFII) remain to be developed in the online format; all others are available in both onsite and online formats. TCFP now partners with thirty-three facilities around the state to deliver online testing. The overall pass rate for exams continues to be impacted because of the rules adopted in January 2017, calling for examinees to pass all sections of the Structural FP and Fire Inspector exams to qualify for state certification.

Certification and IFSAC issuance also continue at a high volume. The ability for individuals and entities to submit applications for certification via the FIDO online interface has significantly reduced the number of hard copy applications received by the agency and has drastically reduced the time required for an individual to receive their certification. Individuals can also apply for IFSAC seals via the online interface, which also affords the same benefits.

The Compliance Section continued with its inspection program, and participation with conducting exams around the state. The issue of care and maintenance of personal protective equipment for department personnel continues to be a front-burner issue, and compliance officers are working closely with fire departments to ensure both an understanding of the requirements, and compliance with TCFP rules. Compliance personnel are also working closely with training providers as part of the agency's audit program.

#### Other executive office activities:

- Completed, and submitted Small Agency Risk Assessment for 2019 on March 22<sup>nd</sup>.
- Attended retirement ceremony for former commissioner Pat Ekiss on March 29<sup>th</sup>.
- Conducted new commissioner orientation on April 24<sup>th</sup>.
- Coordinated staff activities with newly-formed Health and Wellness Committee.
- Supported legislative efforts as needed during quarter.

## **Commission Quarterly Report Training Approval and Testing Section**

### ***Test Administration, Training Approvals, Record Reviews, and Training Audits Statistics – 3rd Quarter, FY 2019***

- Test Administration – 3578 (1278 were online) exams were administrated during this quarter with a pass rate of 79.57%.
- Training Approvals – Total of 661 training approvals were submitted with start dates during this quarter in the commission’s Training Facility Management System.
- Record Reviews – One hundred-fourteen (114) record reviews for equivalency were conducted (of those, 38 SFFMA/29 out of state/26 BWFF). One hundred seventy-nine (179) Qual #s was issued in the Training Facility Management System.
- Training and Skill Testing Audits – Five (5) online training audits were conducted during the 3rd quarter. Only issue found was expired passwords which prevented TCFP access to courses. All were resolved.

### ***Activities for the Next Quarter***

- Continue to work with IT staff resolve any remaining issues encountered with test scheduling procedures, payment processes, and web-based testing and also make improvements to the current TPA/Skills applications. The batch application and payment process now available for departments. All disciplines, except Structure Fire Fighter, Firefighter I, Firefighter II, Intermediate Wildland Firefighter and Fire and Life Safety Educator II, are available online.
- Continue working to establish online testing centers in areas where availability is lacking or limited.

## Certification, Renewal and Curriculum 3rd Quarter Report, FY 2019

### Certification/Renewal

- **4,655** Professional Development Training Applications
- **2,089** IFSAC Seals Issued
- **4,855** Certifications Issued
  - Criminal History: **538**
  - Medical documents: **950**
  - TEEEX Pro Board Registered: **517**
  - IFSAC Registered: **401**
  - Confirmation of Commissions (Peace Officer): **63**
  - Service time applications reviewed: **94**
  - Total number of Certified Training Facilities: **294**
- **11** Department Renewals
- **70** Individual Renewals

### **Curriculum Development**

March 2019 – May 2019

#### Meetings

March 21: Fire Fighter Advisory Committee

March 25-26: Hazmat Ad Hoc Committee Meeting

March 27-29: Curriculum and Testing Committee

April 25: Commission Meeting

#### Meetings: Detail

- **Fire Fighter Advisory Committee**
  - Approved reference list updates for the following curricula:
    1. Hazardous Materials Awareness
    2. Hazardous Materials Incident Commander
    3. Hazardous Materials Operations – Mission Specific Competencies
- **Commission Meeting**
  - Discussed revisions to the Texas Administrative Code (TAC) regarding:
    1. On-site lead instructors at TCFP-approved training programs
    2. Minimum standards for Plan Examiner
  - Approved reference list updates for the following curricula:
    1. Hazardous Materials Awareness
    2. Hazardous Materials Incident Commander
    3. Hazardous Materials Operations – Mission Specific Competencies

- **Hazmat Ad Hoc Committee**
  - Continued drafting process for curriculum outline documents based on new and NFPA Hazardous Materials standards for these disciplines:
    1. Hazardous Materials Awareness
    2. Hazardous Materials Operations
  
- **Curriculum and Testing Committee**
  - Discussed:
    1. NFPA and curriculum updates for:
      1. Instructor
      2. Marine Fire Fighter
    2. Discipline-specific exams for Hazardous Materials Awareness and Hazardous Materials Operations
    3. Separation of Hazardous Materials-related questions from Basic Fire Suppression exam
    4. Voluntary certifications for:
      1. Hazardous Materials Operations – Mission Specific Competencies
      2. Hazardous Materials Technician
      3. Hazardous Materials Incident Commander
    5. Candidate to replace outgoing Inspector Ad Hoc Committee member

#### Test Development and Test Bank Maintenance

- Made changes to the following test banks:
  1. Hazardous Materials Technician
  2. Hazardous Materials Awareness
  3. Hazardous Materials Operations
  4. Driver Operator-Pumper
  5. Inspector I
  6. Inspector II
  7. Instructor I
  8. Instructor II
  9. Instructor III
- Researched examinee comments on test questions

**Library**

	Q1	Q2	Q3	Q4
<b>Items loaned</b>				
A/V items	16*	7*	2*	-
Print items	3	6	7	-
New borrowers	1	2	6	-
Responses to borrower follow-up surveys	0	0	0	-
<b>Items cataloged</b>				
A/V items	38	33	2	-
Print items	27	4	6	-
Desk copies	3	2	8	-
<b>Research and reference requests</b>				
Internal requests (count)	9	7	26	-
External requests (count)	3	11	9	-
Hours (total)	11.5	18	17	-
<b>Other duties</b>				
Job postings	177	149	189	-

\* The online A/V catalog where requests could be made was offline during this quarter.

## Compliance Report for Third Quarter FY19

- Compliance Officers, Rick Wallace and Brian Meroney attended the May 2019 FIANT (Fire Instructors Association of North America) meeting. They provided information and updates on the revised TCFP Form 066, Compliance Inspection Guide. They introduced themselves as the new compliance officers for TCFP Regions 3 and 4 to the association members. They provided other compliance program updates and answered questions related to TCFP issues and concerns.
- Compliance Officers, Brain Meroney and Joe Don James attended the June Texas Fire Chiefs Association Northeast Regional meeting in Hallsville. They provided information and updates on the revised TCFP Form 066, Compliance Inspection Guide. They introduced themselves as the new compliance officers for TCFP Regions 4 and 5 to the association members. They provided other compliance program updates and answered questions related to TCFP issues and concerns.
- Compliance Manager, Paul Maldonado and Compliance Officer, Tim Gardner attended the March TFCA CENTEX Regional meeting. They provided information and updates on the revised TCFP Form 066, Compliance Inspection Guide. They provided other compliance program updates and answered questions related to TCFP issues and concerns.
- Compliance manager reviewed the inspection data in FARM with the Executive Director for the FFAC discussion related to possibly having an annual compliance inspection report.
- Compliance manager worked with IT and the compliance officers to ensure the FARM system accurately counts and reports performance measures related to the number of inspections completed.
- Compliance Officer, Tim Gardner lead investigator was assisted by Compliance Officer Rick Wallace in conducting an on-site investigation of a report of an injury to TCFP injury reporting system by the Harlingen Fire Department. This investigation determined no violations of TCFP rules and regulations occurred and the injuries sustained were not caused by non-compliance with TCFP rules and regulations.
- Compliance Officer, Joe Don James worked with the administrative support staff and the finance manager to secure a new phone device and new phone service plan provider that enables better phone and data capability for Region 5 compliance areas. The other compliance officers also worked with the finance manager to address problems with phone service. Some received new and updated phone devices but remained on the same service plan.
- Region 2 Compliance Officer, Tim Gothard successfully planned, coordinated and executed a large department biennial inspection. The Compliance Inspector team from all regions helped to complete the on-site El Paso Fire Department biennial inspection.
- Compliance Team members participated in monthly and weekly meetings to train on and to discuss issues effecting the compliance program and to review other general TCFP related updates.
- All compliance program area staff completed the required cyber security awareness training.
- Compliance Officer, Tim Gardner attended the Curriculum and Testing Committee (C&T) meeting to help the compliance team coordinate training program audits with the C&T committee perspective, input and information.
- Compliance Manager completed annual performance reviews for the compliance program staff.
- Compliance program area updated and posted the Revised TCFP – 066 Compliance Inspection Guide to TCFP website.

- Compliance Officer, Rick Wallace was able to use an I.D. badge printer for a short period of time to get new I.D. badges that enhance the professionalism of the compliance officers when presenting their badges.
- The Compliance Manager introduced Harlingen Fire Chief Roy Rubio to the TCFP Health and Wellness Committee members and Chairperson, Commissioner Mala Sharma. Chief Rubio's department experienced fire fighter injuries related to chemical burns associated with the fire fighter's personal protective clothing. The issues and concerns involving these injuries has the potential to be of interest to all fire departments and fire fighters who use PPE. The compliance program hopes that Chief Rubio and the Health and Wellness committee collaborate to help other fire departments who might benefit from the lessons learned with the Harlingen firefighter injuries.
- Region 5 Compliance Officer, Joe Don James secured a new testing location for TCFP testing in his region. The new location is the Crocket area Chamber of Commerce Civic Center. This new TCFP testing location in Region 5 meets all testing needs and requirements and is centrally located within the region and readily accessible to all.

## Information Technology Section

### 3<sup>rd</sup> Quarterly Report FY 2019

- TCFP Websites and Web Applications Uptime 98%
- Migrated all databases to SQL server 2016 and streamlined database backup routines
- Launched Beta version of Public website (for demo)
  - Using MVC technology
  - UI/UX Principles
  - Accessibility standards
  - Improve SEO rankings
  - Integrated it with FionaClient calls
- Tested feasibility of microservices infrastructure.
  - Used certification service as a test case
- FARM and FIDO updated with feature improvements
  - Improved application bundle
  - Streamlined FionaClient calls for faster development
- Created Public Website Management module in docs.
  - Manage job posting
  - Manage alerts
  - Manage announcements
  - Manage meetings
- Developed necessary test files for Finance CAPPs implementation
  - EDI files
- Tested and staged EPAY in Production to implement new AOBJ and updates to existing Codeblocks.
- Developing new IT security policy
- Addressed 182 Service Request (Tickets)

**28. 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**

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

**30. Adjourn meeting.**