

TEXAS COMMISSION ON FIRE PROTECTION
October 24, 2019, 10:00 a.m.
1701 N. Congress Ave., William B. Travis Building, Room 1-104, Austin, Texas

The Texas Commission on Fire Protection will convene in open session, deliberate, and possibly take action on any of the following items:

1. Call to order with invocation, presentation of colors, and pledge of allegiance.
2. Introduction of new commissioners.
3. Roll call – 10:00 a.m. (including consideration of whether to excuse absences).
4. Election of Assistant Presiding Officer and Secretary.
5. Commission meeting minutes of July 18, 2019.
6. The Budget and Strategic Plan Subcommittee may meet on October 24, 2019 during the commission meeting and provide a report relating to any recommendations developed by the subcommittee relating to modifications to the agency operating budget and strategic plan.
7. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from 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.
8. Report by the commission representative to the Texas Fire School Advisory Board or by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).
9. Appointment of a commission representative to the Homeland Security Council.
10. Report from the Health and Wellness Ad Hoc committee.
11. Subjects for future commission meeting agendas.
12. Future meeting dates.
13. Matters referred from the Fire Fighter Advisory Committee (FFAC):
 - A. Discussion and possible final adoption of proposed amendments and new sections as follows:
 1. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 403, Criminal Convictions and Eligibility for Certification.
 2. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 421, Standards For Certification.
 3. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 433, Driver Operator.

4. **Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 437, Fees.**
 5. **Proposed new section §445.11, and amendments to 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.**
 6. **Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 453, Hazardous Materials.**
 7. **Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 457, Minimum Standards for Incident Safety Officer Certification.**
- B. Report from the Curriculum and Testing Committee regarding recommended changes to the Certification Curriculum Manual as follows:**
- a. **Revised Head of Department Curriculum and reference lists**
 - b. **Revised Driver Operator Curriculum, overview sheets, course instructor information, outlines and reference lists**
14. **Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 427, Training Facility Certification.**
 15. **Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 435, Fire Fighter Safety.**
 16. **Matters from the Acting Executive Director.**
 - A. **Decisions of Acting 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**
 17. **Hiring process for the Executive Director, including the possible appointment of a committee of Commission members.**
 18. **Executive Session pursuant to Texas Government Code, Section 551.074 for the discussion of personnel matters regarding the appointment, employment, compensation, evaluation, reassignment and duties of the Executive Director, and for personnel acting on an interim basis in this position.**
 19. **Open session for further discussion and possible action regarding preceding agenda item.**
 20. **Adjourn meeting.**

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

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.

- 1. Call to order with invocation, presentation of colors and pledge of allegiance.**

2. Introduction of new commissioners.

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

4. Election of Assistant Presiding Officer and Secretary.

5. Commission meeting minutes of July 18, 2019.

TEXAS COMMISSION ON FIRE PROTECTION

Presiding Officer, Robert Moore, at 9:00 a.m. called the July 18, 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

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 John Weda Chris Barron Michael Thomson Daniel Baum Evan Mann Ray Isom	John Overstreet Tom Dolan Daniel DeYear Mike Wisko Ryan Sullivan Roy Rubio Dave Williams	Greg Stockton Doug Boeker Burt Heddles Sean Fay Bob Sullivan Eduardo Alvarez	Cary Roccaforte Shehzad Ali Dan Bodin Mike Richardson Tim Gardner Lee Sulecki	Juan Gloria J. Pete Laney Pat McAuliff Leonard Chan Glenn DeShields Randy McGregor
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1. Invocation
Presentation of
Colors and
Pledge of
Allegiance The invocation was given by Jeff English and the Pledge of Allegiance was given by Assistant Presiding Officer Joseph Gonzalez. There was no presentation of colors.

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

3. Adoption of
Minutes A motion to approve the minutes of the April 25, 2019 commission meeting was made by Steve Tull and seconded by J.P. Steelman. The motion carried.

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

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

6. Report from
Tx. Fire School
Advisory
Board & TEEEX Commission Representative Juan Gloria gave a brief update on activities to date.

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| 7. Report from Homeland Security Representative | Commission representative, Joseph Gonzalez gave a brief update on topics of last meeting. |
| 8. Report from Health & Wellness Ad Hoc Committee | <p>Committee members gave a presentation on their review of Injury Report data..</p> <p>A motion was made by Mala Sharma and seconded by Steve Tull to adopt the report and post on the agency's website. The motion carried.</p> |
| 9. New matters | Nothing identified |
| 10. Future meeting dates | The next scheduled meeting date already set for October 24, 2019 beginning at 10:00 a.m. |
| 11. Matters from Fire Fighter Advisory Committee | <p>A. 1. A motion to approve for final adoption 37 TAC, Chapter 429, §429.201 with changes as recommended by the fighter advisory committee was made by Steve Tull and seconded by Leonardo Perez. The motion carried.</p> <p>2. A motion to approve for final adoption 37 TAC, Chapter 439, §439.19 as discussed was made by Steve Tull and seconded by Joseph Gonzalez. The motion carried.</p> <p>3. A motion to approve for final adoption 37 TAC, Chapter 459, §459.1, §459.7 and §459.207 as discussed was made by J. P. Steelman and seconded by Steve Tull. The motion carried.</p> <p>B. A motion to approve an immediate effective date for the updated reference lists for Hazardous Materials Awareness Curriculum was made by Leonardo Perez and seconded by Bob Morgan. The motion carried.</p> <p>A motion to approve an immediate effective date for the updated reference lists for Hazardous Materials Incident Commander Curriculum, and Hazardous Materials Operation – Mission Specific Competencies Curriculum was made by Leonardo Perez and seconded by Bob Morgan. The motion carried.</p> |
| 12. Report from Curriculum & Testing Committee | <p>Chairman, Pat McAuliff gave a brief report on the committee's review and evaluation of the International Code Council Inspector Certification Program.</p> <p>A motion was made by Steve Tull and seconded by Bob Morgan to accept the report from the Curriculum and Testing Committee on their evaluation and not accept the International Code Council Inspector Certification Program proposal. The motion carried.</p> |
| 13. Request from Dan Bodin, P, M & R Specialists of Texas, LLC | After presentation and discussion, the commission directed that the company work with the commission's Health & Wellness Ad-Hoc Committee on the request. |
| 14. Request from Danny Kistner | After presentation and discussion, the commission directed staff to bring forth proposed rule amendments at its October 2019 commission meeting to incorporate the request regarding Life Safety Initiative Number Nine. |

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| 15. Report from Chief Roy Rubio | After discussion, the commission was informed that the new NFPA Standard 1851 coming out will have changes that may assist the Chief on his issue. |
| 16. Acceptance of Gifts | A motion was made by Leonardo Perez and seconded by Mike Jones to accept the gifts donated to the agency by the family of former State Fire Marshal Ernest A. Emerson. The motion carried. |
| 17. 37 TAC, Chapter 403, Criminal Convictions and Eligibility For Certification | A motion to approve for publication amendments to 37 TAC, Chapter 403, §403.3, §403.11, and §403.15 as discussed was made by Steve Tull and seconded by Kelly Doster. The motion carried. |
| 18. 37 TAC, Chapter 421, Standards For Certification | A motion to approve for publication amendments to 37 TAC, Chapter 421, §421.11 as discussed was made by Steve Tull and seconded by Bob Morgan. The motion carried. |
| 19. 37 TAC, Chapter 427, Training Facility Certification | A motion was made by Steve Tull and seconded by Tommy Anderson to return item to the Curriculum & Testing committee, Chapter 427, Subchapter C, for review with guidance from staff to look at language regarding lead instructor availability, guest instructor oversight, and on-line instruction regarding lead instructor. The motion carried. |
| 20. 37 TAC, Chapter 433, Driver/ Operator | A motion to approve for publication amendments to 37 TAC, Chapter 433, §433.207 as discussed was made by J. P. Steelman and seconded by Kelly Doster. The motion carried. |
| 21. 37 TAC, Chapter 437, Fees | A motion to approve for publication amendments to 37 TAC, Chapter 437, §437.3 to adjust the certification application processing fee from \$85 to \$55 as discussed was made by Tommy Anderson and seconded by Joseph Gonzalez. The motion carried. |
| 22. 37 TAC, Chapter 445, Administrative Inspections and Penalties | A motion to approve for publication amendments to 37 TAC, Chapter 445, §445.1, §445.7 §445.9 and new §445.11 as discussed was made by Steve Tull and seconded by Leonardo Perez. The motion carried. |
| 23. 37 TAC, Chapter 453, Hazardous Materials | A motion to approve for publication amendments to 37 TAC, Chapter 453, §453.207 as discussed was made by J. P. Steelman and seconded by Joseph Gonzalez. The motion carried. |
| 24. 37 TAC, Chapter 457, Minimum Standards for Incident Safety Officer Certification | A motion to approve for publication amendments to 37 TAC, Chapter 457, §457.7 as discussed was made by Mike Jones and seconded by J. P. Steelman. The motion carried. |

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25. Addition of A & B List classes/courses for higher levels A motion to approve the additional classes/courses as discussed was made by Steve Tull and seconded by Mike Jones. The motion carried.
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26. 2018 Injury Report A motion was made to approve the 2018 injury report and the recommendations of the Health & Wellness Committee to send to the State Fire Marshal's Office for inclusion in its annual Line of Duty Death report was made by Joseph Gonzalez and seconded by Leonardo Perez. The motion carried.
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27. 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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28. Executive Session 551.074(1) Presiding Officer, Robert Moore called for Executive Session at 11:55 a.m.
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29. Open Session Presiding Officer, Robert Moore called the commission back to order in open session at 12:27 p.m.
 A motion was made by Leonardo Perez and seconded by Kelly Doster to increase the Executive Director's annual salary by 5% effective September 1, 2019. The motion carried.
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30. Adjournment A motion to adjourn was made by Kelly Doster and seconded by Bob Morgan. The motion carried.

Robert Moore, Presiding Officer

- 6. The Budget and Strategic Plan subcommittee may meet on October 24, 2019 during the commission meeting and provide a report relating to any recommendations developed by the subcommittee related to modifications to the agency operating budget and strategic plan.**

Texas Commission on Fire Protection
Fiscal Year 2019 - Operating Budget
Fiscal Year-End 2019

Summary

Goals:	FY19	FY19	Balance	Remaining
	Budget	Expended		
Education, Information and Assistance	112,008.00	112,008.00	0.00	
Fire Department Standards	942,952.56	939,316.85	3,635.71	
Indirect Administration	628,938.00	609,021.33	19,916.67	
1001 - Salaries & Wages:	1,683,898.56	1,660,346.18	23,552.38	1%
Education, Information and Assistance	5,980.00	6,200.00	(220.00)	
Fire Department Standards	75,332.00	74,372.79	959.21	
Indirect Administration	41,360.00	40,981.25	378.75	
1002 - Other Personnel Costs	122,672.00	121,554.04	1,117.96	1%
Education, Information and Assistance	100.00	85.07	14.93	
Fire Department Standards	1,000.00	752.88	247.12	
Indirect Administration	2,800.00	565.50	2,234.50	
2001 - Professional Fees and Services:	3,900.00	1,403.45	2,496.55	64%
Education, Information and Assistance	495.00	277.32	217.68	
Fire Department Standards	4,000.00	6,240.21	(2,240.21)	
Indirect Administration	3,000.00	1,156.73	1,843.27	
2003 - Consumable Supplies:	7,495.00	7,674.26	(179.26)	-2%
Education, Information and Assistance	10.00	0.00	10.00	
Fire Department Standards	3,260.00	2,267.22	992.78	
Indirect Administration	40.00	0.00	40.00	
2004 - Utilities:	3,310.00	2,267.22	1,042.78	32%
Education, Information and Assistance	4,425.00	115.30	4,309.70	
Fire Department Standards	70,204.33	92,804.47	(22,600.14)	
Indirect Administration	13,630.10	13,373.81	256.29	
2005 - Travel:	88,259.43	106,293.58	(18,034.15)	-20%
Education, Information and Assistance	10.00	12.80	(2.80)	
Fire Department Standards	90.00	120.22	(30.22)	
Indirect Administration	325.00	299.22	25.78	
2006 - Rent - Building (storage):	425.00	432.24	(7.24)	-2%
Education, Information and Assistance	290.32	278.66	11.66	
Fire Department Standards	2,903.23	2,778.25	124.98	
Indirect Administration	1,306.45	1,351.71	(45.26)	
2007 - Rent - Machine and Other:	4,500.00	4,408.62	91.38	2%
Education, Information and Assistance	5,972.09	7,414.01	(1,441.92)	
Fire Department Standards	53,812.86	59,341.77	(5,528.91)	
Indirect Administration	31,443.35	30,303.77	1,139.58	
2009 - Other Operating Expense:	91,228.30	97,059.55	(5,831.25)	-6%
Education, Information and Assistance	0.00	0.00	0.00	
Fire Department Standards	31,780.22	31,780.22	0.00	
Indirect Administration	0.00	0.00	0.00	
4000 - Grants:	31,780.22	31,780.22	0.00	0%
TOTAL - ALL EXPENDITURES		2,033,219.36		
APPROVED APPROPRIATION	2,037,468.51		4,249.17	0%

Fiscal Year 2019 - Operating Budget 13008
Fiscal Year-End 2019

Appr. 3008

PCA

4001

Goal A: Education, Info and Assistance

	Library	Total	%
Salaries and Wages:			
7002- Salaries	112,008.00	112,008.00	
	Budget:	112,008.00	
	Expended:	112,008.00	
1001 - Balance Salaries & Wages:	0.00	0.00	0%
Other Personnel Costs:			
7017- One-Time Merit	4,300.00	4,300.00	
7022- Longevity Pay	1,900.00	1,900.00	
	Budget:	5,980.00	
	Expended:	6,200.00	
1002 - Balance Other Personnel Costs	(220.00)	(220.00)	-4%
Professional Fees and Services:			
7253- Other Professional Fees (EAP)	85.07	85.07	
	Budget:	100.00	
	Expended:	85.07	
2001 - Balance Professional Fees and Services:	14.93	14.93	15%
Consumables:			
7300- Consumables	277.32	277.32	
	Budget:	495.00	
	Expended:	277.32	
2003 - Balance Consumable Supplies:	217.68	217.68	44%
Utilities:			
	Budget:	10.00	
	Expended:	0.00	
2004 - Balance Utilities:	10.00	10.00	100%
Travel:			
7101- Travel I/S - Public Transportation Fares	49.28	49.28	
7102- Mileage	18.79	18.79	
7105- Travel I/S - Incidental Expenses	15.14	15.14	
7107- Travel I/S - Non-Overnight Travel (Meals)	32.09	32.09	
	Budget:	4,425.00	
	Expended:	115.30	
2005 - Balance Travel:	4,309.70	4,309.70	97%
Rent:			
7470- Rent Space - storage	12.80	12.80	
	Budget:	10.00	
	Expended:	12.80	
2006 - Balance Rent - Building (storage):	(2.80)	(2.80)	-28%
Rent - Machine and Other:			
7406- Rental - Furnishings & Equipment (copier)	278.66	278.66	
	Budget:	290.32	
	Expended:	278.66	
2007 - Balance Rent - Machine and Other:	11.66	11.66	4%

**Fiscal Year 2019 - Operating Budget 13008
Fiscal Year-End 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	560.04	560.04	
7042- ERS Insurance Payment	1,120.08	1,120.08	
7203- Tuition - Employee Training	125.00	125.00	
7204- Insurance Premiums and Deductibles	20.58	20.58	
7211- Awards	7.24	7.24	
7262- Maint & Repair - Computer Software	218.02	218.02	
7267- Maint & Repair - Computer Equipment	65.10	65.10	
7273- Reproduction & Printing	3.47	3.47	
7286- Freight & Delivery Services	319.00	319.00	
7291- Postage & Postal Services	124.28	124.28	
7299- Purchased Contracted Services	81.66	81.66	
7312- Medical Supplies	4.44	4.44	
7334- Furnishings & Equipment -Expensed	347.16	347.16	
7335- Parts -Computer Equipment - Expensed	226.70	226.70	
7377- Computer Equipment - Expensed	1,115.36	1,115.36	
7380- Computer Software - Expensed	243.53	243.53	
7382- Books - Expensed	1,773.57	1,773.57	
7806- Interest on Delayed Payment	0.18	0.18	
7947- Workers Compensation Transfer (SORM)	90.49	90.49	
7961- STS Transfers-Telecommunications (TexAn)	498.22	498.22	
7962- Capitol Complex (CCTS)	469.89	469.89	
Budget:	5,972.09	5,972.09	
Expended:	7,414.01	7,414.01	
2009 - Balance Other Operating Expense:	(1,441.92)	(1,441.92)	-24%
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Budget:	129,290.41	129,290.41	
Expended:	126,391.16	126,391.16	
TOTAL BALANCE - 3008	2,899.25	2,899.25	2%
% Remaining	2%	2%	

Fiscal Year 2019 - Operating Budget - 13014

Fiscal Year-End 2019

Appr. 3014	PCA	4004	4005	4006	4007	4008		
Goal B: Fire Department Standards								
		Mgmt	Complnc	Cert	Testing	Curr Dev	Total	% Remaining
Salaries and Wages:								
7001- Salaries								
7002- Salaries		0.00	378,309.96	169,615.80	343,391.09	48,000.00	939,316.85	
	Budget:	0.00	380,641.32	214,615.80	299,695.44	48,000.00	942,952.56	
	Expended:	0.00	378,309.96	169,615.80	343,391.09	48,000.00	939,316.85	
1001 - Balance Salaries & Wages:		0.00	2,331.36	45,000.00	(43,695.65)	0.00	3,635.71	0%
Other Personnel Costs:								
7017- One-Time Merit		0.00	13,800.00	6,600.00	13,400.00	3,600.00	37,400.00	
7022- Longevity Pay		0.00	5,240.00	3,240.00	5,340.00	0.00	13,820.00	
7023- Lump Sum Termination		0.00	16,540.79	0.00	0.00	0.00	16,540.79	
7033- Employee Retirement - Other expenses		0.00	0.00	6,612.00	0.00	0.00	6,612.00	
	Budget:	0.00	37,440.00	16,092.00	18,200.00	3,600.00	75,332.00	
	Expended:	0.00	35,580.79	16,452.00	18,740.00	3,600.00	74,372.79	
1002 - Balance Other Personnel Costs		0.00	1,859.21	(360.00)	(540.00)	0.00	959.21	1%
Professional Fees and Services:								
7253- Other Professional Fees (EAP)		0.00	291.48	121.45	291.48	48.47	752.88	
	Budget:		388.89	222.22	333.33	55.56	1,000.00	
	Expended:	0.00	291.48	121.45	291.48	48.47	752.88	
2001 - Balance Professional Fees and Services:		0.00	97.41	100.77	41.85	7.09	247.12	25%
Consumables:								
7300- Consumables		432.71	2,836.03	262.88	2,613.71	94.88	6,240.21	
	Budget:	432.71	1,387.28	792.73	1,189.10	198.18	4,000.00	
	Expended:	432.71	2,836.03	262.88	2,613.71	94.88	6,240.21	
2003 - Balance Consumable Supplies:		0.00	(1,448.75)	529.85	(1,424.61)	103.30	(2,240.21)	-56%
Utilities:								
7516- Telecom-Other (reg voice/internet)		0.00	2,267.22	0.00	0.00	0.00	2,267.22	
	Budget:		3,260.00	0.00	0.00	0.00	3,260.00	
	Expended:	0.00	2,267.22	0.00	0.00	0.00	2,267.22	
2004 - Balance Utilities:		0.00	992.78	0.00	0.00	0.00	992.78	30%
Travel:								
7101- Travel I/S - Public Transportation Fares		0.00	12,806.01	0.00	3,362.78	0.00	16,168.79	
7102- Mileage		0.00	21,565.76	0.00	235.93	0.00	21,801.69	
7105- Travel I/S - Incidental Expenses		0.00	8,732.94	0.00	1,568.69	0.00	10,301.63	
7106- Travel I/S - Meals & Lodging		0.00	39,824.89	118.65	2,582.94	0.00	42,526.48	
7107- Travel I/S - Non-Overnight Travel (Meals)		0.00	93.40	0.00	409.20	0.00	502.60	
7111- Travel OOS - Public Transportation Fares		0.00	0.00	0.00	45.24	0.00	45.24	
7115- Travel OOS - Incidental Expenses		0.00	0.00	0.00	188.64	0.00	188.64	
7116- Travel OOS - Meals, Lodging Allowable		0.00	0.00	0.00	1,136.05	0.00	1,136.05	
7135- Travel I/S - State Occupancy Tax		0.00	133.35	0.00	0.00	0.00	133.35	
	Budget:	0.00	59,673.68	3,510.22	7,020.43	0.00	70,204.33	
	Expended:	0.00	83,156.35	118.65	9,529.47	0.00	92,804.47	
2005 - Balance Travel:		0.00	(23,482.67)	3,391.57	(2,509.04)	0.00	(22,600.14)	-32%
Rent:								
7470- Rent Space - storage		20.82	38.60	16.00	38.40	6.40	120.22	
	Budget:	20.82	26.90	15.37	23.06	3.84	90.00	
	Expended:	20.82	38.60	16.00	38.40	6.40	120.22	
2006 - Balance Rent - Building :		0.00	(11.70)	(0.63)	(15.34)	(2.56)	(30.22)	-34%
Rent - Machine and Other:								
7406- Rental - Furnishings & Equipment (copier)		973.39	698.69	291.13	698.65	116.39	2,778.25	
	Budget:	973.39	750.49	428.85	643.28	107.21	2,903.23	
	Expended:	973.39	698.69	291.13	698.65	116.39	2,778.25	
2007 - Balance Rent - Machine and Other:		0.00	51.80	137.72	(55.37)	(9.18)	124.98	4%

Fiscal Year 2019- Operating Budget - 13800
Fiscal Year-End 2019

Appr. 3800	PCA	4801	4802	4803		%
Goal C: Indirect Administration						
	Exec Office	Fin Svcs	Commis	Total	Remaining	
Salaries and Wages:						
7001- Salaries & Wages - Exempt	107,634.00	0.00	0.00	107,634.00		
7002- Salaries & Wages - Non-Exempt	346,437.33	154,950.00	0.00	501,387.33		
	Budget:	462,738.00	166,200.00	0.00	628,938.00	
	Expended:	454,071.33	154,950.00	0.00	609,021.33	
1001 - Balance Salaries & Wages:	8,666.67	11,250.00	0.00	19,916.67		3%
Other Personnel Costs:						
7017- One-Time Merit	10,300.00	6,600.00	0.00	16,900.00		
7022- Longevity Pay	4,180.00	1,620.00	0.00	5,800.00		
7023- Lump Sum Termination	18,281.25	0.00	0.00	18,281.25		
	Budget:	33,320.00	8,040.00	0.00	41,360.00	
	Expended:	32,761.25	8,220.00	0.00	40,981.25	
1002 - Balance Other Personnel Costs	558.75	(180.00)	0.00	378.75		1%
Professional Fees and Services:						
7243- Educational/Training Services	0.00	188.95	0.00	188.95		
7253- Other Professional Fees (EAP)	255.10	121.45	0.00	376.55		
	Budget:	1,866.67	933.33	0.00	2,800.00	
	Expended:	255.10	310.40	0.00	565.50	
2001 - Balance Professional Fees and Services:	1,611.57	622.93	0.00	2,234.50		80%
Consumables:						
7300- Consumables	667.22	489.51	0.00	1,156.73		
	Budget:	2,000.00	1,000.00	0.00	3,000.00	
	Expended:	667.22	489.51	0.00	1,156.73	
2003 - Balance Consumable Supplies:	1,332.78	510.49	0.00	1,843.27		61%
Utilities:						
	Budget:	26.67	13.33	0.00	40.00	
	Expended:	0.00	0.00	0.00	0.00	
2004 - Balance Utilities:	26.67	13.33	0.00	40.00		100%
Travel:						
7101- Travel I/S - Public Transportation Fares	312.00	0.00	1,892.70	2,204.70		
7102- Mileage	563.55	0.00	2,720.97	3,284.52		
7104- Travel I/S - Actual Expense Overnight	207.15	0.00	0.00	207.15		
7105- Travel I/S - Incidental Expenses	339.89	0.00	825.35	1,165.24		
7106- Travel I/S - Meals & Lodging	1,028.84	0.00	0.00	1,028.84		
7110- Travel I/S - Board Member Meals & Lodging	0.00	0.00	5,483.36	5,483.36		
	Budget:	1,363.01	0.00	12,267.09	13,630.10	
	Expended:	2,451.43	0.00	10,922.38	13,373.81	
2005 - Balance Travel:	(1,088.42)	0.00	1,344.71	256.29		2%
Rent:						
7470- Rent Space - storage	273.60	25.62	0.00	299.22		
	Budget:	216.67	108.33	0.00	325.00	
	Expended:	273.60	25.62	0.00	299.22	
2006 - Balance Rent - Building (storage):	(56.93)	82.71	0.00	25.78		8%
Rent - Machine and Other:						
7406- Rental - Furnishings & Equipment (copier)	611.33	740.38	0.00	1,351.71		
	Budget:	870.97	435.48	0.00	1,306.45	
	Expended:	611.33	740.38	0.00	1,351.71	
2007 - Balance Rent - Machine and Other:	259.64	(304.90)	0.00	(45.26)		-3%

Fiscal Year 2019- Operating Budget - 13800
Fiscal Year-End 2019

Appr. 3800

PCA

4801

4802

4803

Goal C: Indirect Administration

%

	<u>Exec Office</u>	<u>Fin Svcs</u>	<u>Commis</u>	<u>Total</u>	<u>Remaining</u>
Other Operating Expense:					
7040- ERS Retirement Contribution	1,935.83	774.75	0.00	2,710.58	
7042- ERS Insurance Payment	4,497.44	1,549.50	0.00	6,046.94	
7201- Membership Dues	264.00	75.00	0.00	339.00	
7203- Registration Fees-Employee Training	1,844.00	325.00	50.00	2,219.00	
7204- Insurance Premiums and Deductibles	61.73	29.40	0.00	91.13	
7210- Fees and Other Charges	11.00	66.00	0.00	77.00	
7211- Awards	21.71	10.34	0.00	32.05	
7262- Maint & Repair - Computer Software	538.09	256.24	0.00	794.33	
7273- Reproduction & Printing	109.62	104.16	0.00	213.78	
7286- Freight & Delivery Services	0.00	319.00	0.00	319.00	
7291- Postage & Postal Services	147.84	520.40	0.00	668.24	
7299- Purchased Contracted Services	161.28	244.20	0.00	405.48	
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	1,172.73	323.52	0.00	1,496.25	
7335- Parts -Computer Equipment - Expensed	191.01	30.15	0.00	221.16	
7377- Computer Equipment - Expensed	450.07	1,154.52	0.00	1,604.59	
7380- Computer Software - Expensed	7,934.33	177.95	0.00	8,112.28	
7806- Interest on Delayed Payment	0.52	0.25	0.00	0.77	
7947- Workers Compensation Transfer (SORM)	27.05	501.69	0.00	528.74	
7961- STS Transfers-Telecommunications (TexAn)	1,175.30	1,003.20	0.00	2,178.50	
7962- STS transfer to GR (CCTS)	1,233.77	939.48	0.00	2,173.25	
Budget:	20,962.23	10,481.12	0.00	31,443.35	
Expended:	21,842.68	8,411.09	50.00	30,303.77	
2009 - Balance Other Operating Expense:	(880.45)	2,070.03	(50.00)	1,139.58	4%
Budget:	523,364.21	187,211.60	12,267.09	722,842.90	
Expended:	512,933.94	173,147.00	10,972.38	697,053.32	
TOTAL - BALANCE Remaining 3800	10,430.27	14,064.60	1,294.71	25,789.58	4%

Revenue Comparison by Month 2018/2019
Fiscal Year-End 2019
YTD Comparisons

FY18 Revenue					FY19 Revenue				
Appr 99906 - General		Appr 13014 Fund 0001-			Appr 99906 - General		Appr 13014 Fund 0001		
Revenue		IFSAC			Revenue		- IFSAC		
Sep-17	\$ 227,470.00	5.0%	\$ 5,684.20	6.0%	Sep-18	\$ 328,639.34	7.1%	\$ 7,920.00	6.5%
Oct-17	\$ 1,999,213.00	44.1%	\$ 4,370.00	4.6%	Oct-18	\$ 1,931,970.00	41.6%	\$ 8,640.00	7.1%
Nov-17	\$ 538,455.00	11.9%	\$ 5,595.00	5.9%	Nov-18	\$ 696,102.50	15.0%	\$ 9,435.00	7.8%
Dec-17	\$ 154,038.06	3.4%	\$ 3,825.00	4.0%	Dec-18	\$ 185,283.87	4.0%	\$ 9,660.00	8.0%
Jan-18	\$ 194,105.00	4.3%	\$ 7,515.00	7.9%	Jan-19	\$ 190,420.33	4.1%	\$ 11,055.00	9.1%
Feb-18	\$ 172,481.75	3.8%	\$ 6,795.00	7.2%	Feb-19	\$ 191,067.50	4.1%	\$ 9,750.00	8.0%
Mar-18	\$ 212,896.94	4.7%	\$ 9,360.00	9.9%	Mar-19	\$ 181,455.66	3.9%	\$ 8,175.00	6.7%
Apr-18	\$ 240,410.00	5.3%	\$ 9,090.00	9.6%	Apr-19	\$ 205,552.83	4.4%	\$ 9,615.00	7.9%
May-18	\$ 254,281.00	5.6%	\$ 10,515.00	11.1%	May-19	\$ 212,805.00	4.6%	\$ 13,394.41	11.0%
Jun-18	\$ 207,235.07	4.6%	\$ 12,785.00	13.5%	Jun-19	\$ 185,815.00	4.0%	\$ 11,760.00	9.7%
Jul-18	\$ 167,795.00	3.7%	\$ 10,260.00	10.8%	Jul-19	\$ 174,742.50	3.8%	\$ 10,095.00	8.3%
Aug-18	\$ 163,843.26	3.6%	\$ 8,925.00	9.4%	Aug-19	\$ 158,205.89	3.4%	\$ 11,760.00	9.7%
Totals	\$ 4,532,224.08	100.0%	\$ 94,719.20	100.0%	\$ 4,642,060.42	100.0%	\$ 121,259.41	100.0%	

FY18 Revenue Collected **\$ 4,626,943** **122.83%** **FY19 Revenue Collected** **\$ 4,763,320** **126.83%**

Revenue for Biennium:

	FY18	FY19
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
Total Req'd	\$ 3,766,811	\$ 3,755,651

Amount Over or (Under) Required Revenue **\$ 860,132** **\$ 1,007,669**

	FY18	FY19	
Collected	122.83%	126.83%	Percentage of Revenue Collected
As of Date	9/1/2018	9/1/2019	

Performance Measures

Texas Commission on Fire Protection Key Performance Measures. Verification Report as of 9/20/2019 10:07 AM for Fiscal Year 2019. Run by Deborah Cowan.

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						
Number of inspections of regulated entities (Cumulative): 1050						
	Q1	Q2	Q3	Q4	FY YTD	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. 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. 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. 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. 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. 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.
Inspection	207	255	209	238	908	
Investigation	0	0	1	0	1	
Training Audits	15	13	13	19	60	
Inspection Related	41	12	27	1	81	
*Total Inspections	263	280	250	258	1050	
Number of examinations administered (Cumulative): 12597						
	Q1	Q2	Q3	Q4	FY YTD	
*Exams Administered	3020	3318	3578	2681	12597	
Exam pass rate (Non-Cumulative): 82.42%						
	Q1	Q2	Q3	Q4	FY YTD	
# Examined	5193	5873	6882	4597	22545	
# Passed	4323	4900	5476	3883	18582	
Pass Rate	83.25%	83.43%	79.57%	84.47%	82.42%	
Number of individuals certified (Non-cumulative):						
	Q1	Q2	Q3	Q4		
# Individuals	32420	33151	33725	34317		
Number of Training Providers Certified (Non-cumulative):						
	Q1	Q2	Q3	Q4		
# Providers	296	303	311	319		
Average cost per inspection of regulated Facilities: \$361.15						
	Q1	Q2	Q3	Q4	FY YTD	
Cost entered	\$96,752.32	\$88,184.84	\$93,439.44	\$100,829.00	\$379,205.60	
*Total Inspections	263	280	250	258	1050	
*Avg cost per	\$367.88	\$314.95	\$373.76	\$390.81	\$361.15	

Report was run on 9/20/2019 10:07 AM

- 7. Reports from fire service interest groups and agencies on matters relating to their specific organizational purposes, functions, activities, and objectives, including reports from 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.**

- 8. Report by the commission representative to the Texas Fire School Advisory Board or by representatives of the Texas Engineering Extension Service (TEEX) regarding fire protection training provided by TEEX through its Emergency Services Training Institute (ESTI).**

9. Appointment of a commission representative to the Homeland Security Council.

10. Report from the Health and Wellness Ad Hoc committee.

11. Subjects for future commission meeting agendas.

12. Future meeting dates.

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

1. Proposed amendments to Tex. Administrative Code, Part 13, Chapter 403, Criminal Convictions and Eligibility For Certification.



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission
DATE: 10/24/2019

Agenda Item #: 13 (A-1)

Agenda Title: Chapter 403, Criminal Convictions and Eligibility 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 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 proposed language 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

Propose final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

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

CHAPTER 403

CRIMINAL CONVICTIONS AND ELIGIBILITY FOR CERTIFICATION

§403.3. Scope.

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

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

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

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

(2) deny the application for a certificate;

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

(4) refuse to renew a certificate;

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

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

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

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

(2) deny the application for a certificate;

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

(4) refuse to renew a certificate;

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

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

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

(a) If the commission [~~Standards Division (the division)~~] proposes to suspend, revoke, limit, or deny a certificate based on the criteria in this chapter, the division shall notify the individual per Government Code, Chapter 2001. The notice of intended action shall specify the facts or conduct alleged to warrant the intended action.

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

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

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

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

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

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

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

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

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

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

2. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 421, Standards For Certification.



Texas Commission on Fire Protection

Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-2)
Agenda Title: Chapter 421, Standards 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 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

Propose final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 421 Standards For Certification

CHAPTER 421

STANDARDS FOR CERTIFICATION

§421.11. Requirement To Be Certified Within One Year.

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

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

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

- A. Discussion and possible final adoption of proposed amendments and new sections as follows:**
 - 3. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 433, Driver Operator.**



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-3)

Agenda Title: Chapter 433, Driver Operator

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 IFSAC “grandfathering” provision from rule language for Driver/Operator – Aerial.

2. DESCRIPTION/ JUSTIFICATION

The proposed changes remove 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

Propose final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 433, Driver Operator

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

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



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-4)

Agenda Title: Chapter 437 Fees

Action to be taken: Discussion and possible final adoption

Origin of Item: Staff

1. INTRODUCTION/PURPOSE

The purpose of the item is to revise fee amounts charged by the commission on all initial certifications.

2. DESCRIPTION/ JUSTIFICATION

The proposed language is regarding commission fee amounts with consideration being given to adjusting the initial certification charged 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

Propose for final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 437 Fees

CHAPTER 437

FEES

§437.3. Certification Application Processing Fees.

- (a) A non-refundable application processing fee of **\$55** [~~\$85~~] is required for each certificate issued by the commission. If a certificate is issued within the time provided in §401.125 of this title (relating to Processing Periods), the fee will be applied to the certification. If the certificate is denied, the applicant must pay a new certification application processing fee to file a new application.
- (b) The regulated employing entity shall be responsible for all certification application processing fees required as a condition of appointment.
- (c) Nothing in this section shall prohibit an individual from paying a certification application processing fee for any certificate which he or she is qualified to hold, providing the certificate is not required as a condition of appointment (see subsection (b) of this section concerning certification fees).
- (d) A facility that provides training for any discipline for which the commission has established a curriculum must be certified by the commission. The training facility will be charged a separate certification application processing fee for each discipline or level of discipline for which application is made.
- (e) The certification application processing fee is waived for a military service member or military veteran whose military service, training, or education substantially meets the requirements for commission certification, and is applying for the first time for a certification required by commission rules for appointment to duties.
- (f) The certification application processing fee is waived for a military service member, military veteran, or military spouse who holds a current license or certification issued by another jurisdiction that has requirements substantially equivalent to the requirements for commission certification[,] and is applying for the first time for a certification required by commission rules for appointment to duties.

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

- 5. Proposed new section §445.11, and amendments to 37 Tex. Administrative Code, Part 13, Chapter 445, Administrative Inspections and Penalties.**



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-5)

Agenda Title: Chapter 445 Administrative Inspections and Penalties

Action to be taken: Discussion and possible final adoption

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 proposed language provides more information regarding rule violations, administrative penalty types and the amounts which may be assessed pursuant to violations of commission rules. The proposed language also 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

Propose for final adoption

5. RECOMMENDATION

Recommend final adoption

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 [~~risk based~~] inspections of entities the **commission** [~~Commission~~] determines to be at risk.

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

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

§445.7. Procedures.

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

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

(c) Penalty amounts for uncorrected minor violations.

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

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

Figure: 37 TAC §445.7(c)

REFERENCE	MINOR VIOLATIONS	PENALTY
	GENERAL	\$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

419.040/435.1 /NFPA 1851	PROTECTIVE CLOTHING	
4.2.3	Failure to provide a letter of approval, from PPE manufacturer, for non-compliant aftermarket accessories.	\$250 to \$500
	Records	
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
	Protecting the Public and Personnel from Contamination	
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
	Selection	
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
	Inspection	
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,	\$250 to \$500

	decontamination or repair.	
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
	Cleaning and Decontamination	
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
	Retirement, Disposition, and Special Incident Procedures	
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
419.041/435.3/ NFPA 1852	SELF CONTAINED BREATHING APPARATUS	
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
	Adverse Conditions	
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
	Selection, Care and Maintenance	
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	\$250 to \$500

	contaminated beyond ability to clean/disinfect.	
4.3.2.2	Failure to provide guidelines for proper disposal of contaminated SCBA	\$250 to \$500
4.3.2.3	Failure to place SCBA out of service that is known to be contaminated.	\$250 to \$500
4.3.5.1	Failure to provide written SCBA testing procedures if performed by the agency:	\$250 to \$500
4.3.5.2	Failure to provide written SCBA administrative testing procedures.	\$250 to \$500
4.3.5.2 (1)	Failure to provide written SCBA testing protocol.	\$250 to \$500
4.3.5.2 (2)	Failure to provide written procedures for training in use of testing machines.	\$250 to \$500
4.3.5.2 (3)	Failure to provide written procedure for calibration of testing machine.	\$250 to \$500
4.3.5.2 (4)	Failure to provide written procedure for authorization for technicians to conduct tests.	\$250 to \$500
4.3.5.2 (5)	Failure to provide written procedure for record keeping.	\$250 to \$500
4.3.5.2 (6)	Failure to provide written procedure for testing schedule.	\$250 to \$500
4.3.5.2 (7)	Failure to provide written procedure for evaluation of effectiveness of the program.	\$250 to \$500
4.3.5.3	Failure to provide procedure that indicates frequency of technician's inspection and testing	\$250 to \$500
4.3.6	Failure to provide written procedure that prevents a member of an organization from altering the form, fit or function of any of the organization's SCBA.	\$250 to \$500
	Manufactures Instructions	N/A
4.6.1	Failure of the organization to provide users with manufacturer's instructions, when issuing new SCBAs.	\$250 to \$500
	Quality Assurance	
4.8.1	Failure to establish and maintain a written quality assurance plan.	\$250 to \$500
	Technical Authorization	
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
	Selection	
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
	Acceptance	
5.2.3	Provide a written procedure for returning unsatisfactory products, to the manufacturer.	\$250 to \$500
	Storage	
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
	Testing	
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
	Compressed Breathing Air Systems	
7.1.3	Failure to post signage that indicates the location of fresh air intake.	\$250 to \$500
419.042/435.9 / NFPA 1982	PERSONAL ALERT SAFETY SYSTEM	
435.9(2)	Failure to select a PASS device that complies with NFPA 1982	\$250 to \$500
435.9(4)	Failure to properly maintain PASS device.	\$250 to \$500

419.044/435.11 / NFPA 1561	INCIDENT MANAGEMENT SYSTEM	
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
419.045/435.13 / NFPA 1561	SECTION 6.1 ~ Personnel Accountability System	
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	\$250 to \$500

	rapid accounting.	
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
435.17	Interior Structural Fire Fighting (2-In/2-Out Rule)	
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
435.15	Operating at Emergency Incidents	
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
435.27 / NFPA 1403	LIVE FIRE TRAINING	
435.27	Failure to provide written requirements that establishes NFPA 1403 used as a guide.	\$250 to \$500
	TRAINING FACILITY	
427.307	Failure of the Chief Training Officer to hold Instructor III certification	\$250 to \$500
427.9	Failure to provide written documentation that required equipment for each discipline certified to teach is owned by organization.	\$250 to \$500
427.1(f)	Failure to provide written documentation for equipment Is not owned, a provide letter of commitment from the department(s) who own the equipment.	\$250 to \$500
427.13/427.203 (b)	Failure to provide written documentation of records from certification courses delivered in the past 3 years	\$250 to \$500
427.11	Failure to provide written reference material required for each discipline in which the organization holds certification.	\$250 to \$500
427.203(a)(3)	Failure to provide written documents to substantiate test scores to include performance testing.	\$250 to \$500
427.203(c)	Failure to provide written master copies of examinations that are maintained for a minimum of three years.	\$250 to \$500
439.205	Failure to provide letters of assurance are on file, when skills are not evaluated in the immediate presence of a field examiner.	\$250 to \$500

(d) Penalty amounts for uncorrected major violations.

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

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

Figure: 37 TAC §445.7(d)

RULE NUMBERS	GENERAL	PENALTY
419.032	Failure to appoint TCFP certified fire protection personnel to perform fire protection duties.	\$500 TO \$1,000
435.25	Failure to provide Courage to Be Safe training.	\$500 TO \$1,000
435.1 /NFPA 1851	PROTECTIVE CLOTHING	
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
	Records	
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
	Cleaning and Decontamination	
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
	Repair	
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
	Storage	
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
	Retirement, Disposition, and Special Incident Procedures	
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
419.041/435.3/ NFPA 1852	SELF CONTAINED BREATHING APPARATUS	
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
	General	
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
	Upgrades and Retirement	
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
	Records	
4.5.8	Failure of the organization to create, maintain, and disseminate all documents and/or records as required.	\$500 TO \$1,000
	Retirement and Disposal	
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
	Care	
6.1 – 6.2	Failure to follow written procedures for care, cleaning, disinfecting and decontamination of SCBA.	\$500 TO \$1,000
	Storage	
6.3.7	Failure to store SCBA cylinders fully charged.	\$500 TO \$1,000
	Maintenance	
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
	Technical Maintenance	
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
	Breathing Air Cylinder Filling	
7.3.1	Failure to conduct cylinder pre-fill inspection as required.	\$500 TO \$1,000
	Breathing Air Cylinder Requalification	
7.4.1	Failure to provide current DOT Permit Letter from hydrotest service	\$500 TO \$1,000

	vendor.	
435.3(3) / NFPA 1989	Breathing Air	
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
	Special Testing and Procedures for Maintenance Conditions	
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
	Special Testing and Procedures for Contaminated Compressed Breathing Air	
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
	Compressed Breathing Air Systems	
7.1.2	Failure to locate air intake to minimize contamination	\$500 TO \$1,000
	Maintenance	
7.5.3	Failure to empty and refill compressed air in steel cylinders annually.	\$500 TO \$1,000
	Records	
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
435.9 / NFPA 1982	PERSONAL ALERT SAFETY SYSTEM	
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
435.11 / NFPA 1561	INCIDENT MANAGEMENT SYSTEM	
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
435.13 / NFPA 1561	Personnel Accountability System	

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	Interior Structural Fire Fighting (2 In/2 Out Rule)	
435.17	Failure to follow interior structural firefighting procedures as required.	\$500 TO \$1,000
435.27 / NFPA 1403	Live Fire Training	
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
	Continuing Education Records	
441.5, 7, 9, 11, 13, 15, 17, 19, 21, 23	Failure to obtain CE for appointed positions as required.	\$500 TO \$1,000
NFPA 1561 4.8.1, 4.8.2	Failure to provide IMS training and qualification for initial and/or annual refresher	\$500 TO \$1,000

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

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

§445.9. Procedure for Violations.

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

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

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

(3) If the department fails to timely provide an acceptable written schedule of actions for obtaining compliance, the inspector or compliance officer may issue a notice of alleged violation. The notice of alleged violation is a written document that briefly summarizes the alleged violation(s)[,] and requires the person to correct the violation(s). The notice may also prescribe a specific time period to rectify the matter and achieve compliance[,], and assess an administrative penalty. If an administrative penalty is assessed, the notice shall state the amount of the penalty. The notice shall also inform the person of the person's right to an

informal staff conference and that if the person fails to timely correct the alleged violation or fails to request a preliminary staff conference before the 61st 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 61st day after the date it receives a notice of alleged violation, the commission through its executive director may issue a default order.

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

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

(8)~~[(4)]~~ any mitigating factors; and

(9)~~[(5)]~~ any other factors the commission considers appropriate.

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

§445.11. Training Facilities.

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

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

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



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-6)

Agenda Title: Chapter 453 Hazardous Materials

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 IFSAC “Grandfathering” provision from rule language for Hazardous Materials – Incident Commander.

2. DESCRIPTION/ JUSTIFICATION

The proposed language 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

Propose for final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

37 TAC, Chapter 453 Hazardous Materials

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

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

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

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



Texas Commission on Fire Protection Agenda Item Summary

MEETING: Commission

DATE: 10/24/2019

Agenda Item #: 13 (A-7)

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

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 IFSAC “grandfathering” provision from rule language for Incident Safety Officer.

2. DESCRIPTION/ JUSTIFICATION

The proposed amendments remove 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

Propose for final adoption

5. RECOMMENDATION

Recommend final adoption

6. REFERENCES

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

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

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

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

13. Matters referred from the Fire Fighter Advisory Committee (FFAC):

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

**SECTION 1201
HEAD OF A FIRE DEPARTMENT**

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

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

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

1201-1.0 General

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

1201-1.1 Texas Commission on Fire Protection Mission and Goals

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

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

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

1201-1.2 Compact with Texans

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

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

1201-1.3 Agency services and customer service standards

1201-1.3.1 **Providing fire protection resources**

- Fire protection resource library

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

1201-1.3.2 Establishing and enforcing fire protection standards

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

1201-1.4 Contacting the Commission

1201-1.4.1 Contacting agency staff

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



1201-1.4.2 Contacting commissioners and advisory board members

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

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

- Items for future commission or advisory committee meetings should be submitted in writing to the agency at least 30 days before the meeting.
- In no event should items be submitted later than 15 days prior to the meeting.

If the item requested is a petition for new rules, the agency recommends that the submitter review [Chapter 401, §401.19](#).

1201-1.4.4 Open records requests

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

1201-1.4.5 Complaints about entities regulated by the commission

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

1201-1.4.6 Appeals of agency decisions or actions

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

1201-1.4.7 Complaints about the agency

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

1201-1.5 FAQ's

1201-1.5.1 Tuition Assistance for Fire Protection Education

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

1201-1.5.2 Volunteer Fire Fighter Certification

- Volunteer fire fighters and individual fire fighters who are not affiliated with a department can participate voluntarily in the commission's certification programs.
- Volunteers who have achieved a Fire Fighter II certificate or an advanced fire fighter certification with the State Firemen's and Fire Marshals' Association of Texas (SFFMA) may qualify to complete the commission-designated skill evaluation process and take the certification exam (please see [Chapter 423](#) of the Standards Manual).

1201-1.5.3 Establishing a Volunteer Fire Department

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

1201-1.5.4 Funding and Other Resources for Texas Fire Departments

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

1201-1.5.5 Death and Disability Benefits

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

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

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

1201-1.5.7 Building and Fire Codes

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

1201-2.0 **Fire Protection Personnel Certification**

1201-2.1.1 **Certification Program Overview**

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

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

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

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

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

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

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

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

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1201-2.1.5 **Fire Inspector & Plan Examiner**

- The standards for fire inspector certification are in [Chapter 429, Subchapter A](#).

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

1201-2.1.6 Head of a Fire Department

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

1201-2.1.7 Hazardous Materials Technician and Incident Commander

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

1201-2.1.8 Driver/Operator Pumper and Aerial

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

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

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

1201-2.1.10 Basic & Intermediate Wildland Firefighter

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

1201-2.1.11 Safety Officer

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

1201-2.1.12 Fire & Life Safety Educator I & II

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

1201-2.2 Individual Renewals

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

1201-2.3 Basic Fire Suppression Certification

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

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

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

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

Complete a fingerprint-based background check via IdentoGo

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

Individuals may be exempt from the exam requirement if TCFP certification has never been held and they hold an IFSAC seal or TEEEX Proboard certificate

1201-2.4 Transferring to Texas

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

1201-2.5 A-List and B-List Courses

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

1201-2.6 Certification Verification

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

1201-2.7 Courage to be Safe Resources

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

1201-3.0 Training Approval and Testing Program

- The fire service standards and certification division's training approval and testing program approve certification courses and administers examinations for fire service personnel certification.
- The International Fire Service Accreditation Congress (IFSAC) has accredited the commission's fire fighter testing process as meeting the national standards for Fire Fighter I and Fire Fighter II as specified in the National Fire Protection Association's NFPA 1001, *Standard for Fire Fighter Professional Qualifications*, and hazardous materials awareness and operations levels as specified in NFPA 472. The commission's

hazardous materials technician, hazardous materials incident commander, aircraft rescue fire fighter, fire inspector, fire investigator, hazardous materials technician, driver/operator-pumper, driver operator aerial, fire instructor, fire officer, incident safety officer and fire & life safety educator certification programs are also accredited by IFSAC.

1201-3.1 **Regional Testing**

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

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

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

On line exams locations are available here:

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

Exams that are available for On Line Testing:

- Aircraft Rescue Firefighter
- Basic Wildland Firefighter
- Driver Operator-Aerial
- Driver Operator-Pumper
- Hazardous Materials Awareness
- Hazardous Materials Incident Commander
- Hazardous Materials Operations
- Hazardous Materials Technician
- Incident Safety Officer
- Inspector I-II
- Instructor I-III
- Investigator

- Officer I-IV
- Marine Fire Fighter
- Plan Examiner I
- Fire Safety Life Educator 1

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

1201-3.2 Field Examiner Course

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

1201-3.3 IFSAC

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

1201-4.0 Compliance Program Overview

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

1201-4.1 Complying with NFPA Standards

- The commission has adopted the following National Fire Protection Association (NFPA) Standards listed below; regulated departments must comply with these standards.
 - [NFPA 1971, 200718 Edition.](#) *Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.*
 - [NFPA 1851, 200820 Edition.](#) *Selection, Care, and Maintenance of Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting.*

- [NFPA 1981, 200719 Edition](#). *Open-Circuit Self-Contained Breathing Apparatus (SCBA) for Emergency Services.*
- [NFPA 1852, 200819 Edition](#). *Selection, Care, and Maintenance of Open-Circuit Self-Contained Breathing Apparatus (SCBA).*
- [NFPA 1982, 200718 Edition](#). *Personal Alert Safety Systems (PASS).*
- [NFPA 1989, 200819 Edition](#). *Breathing Air Quality for Emergency Services Respiratory Protection.*
- [NFPA 1561, 200814 Edition](#). *Emergency Services Incident Management System.*

1201-4.2 Compliance Guides

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

1201-4.2.1 Compliance Inspection

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

1201-4.2.2 Certified Training Facility Inspection Guide

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

1201-4.2.3 Wellness-Fitness Rule

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

1201-5.0 Injury Reporting

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

1201-5.1 Kinds of Injuries to Report

- A fire department should report all injuries.
- Fire departments must report minor injuries within 30 business days of the injury event. Minor injuries are injuries that do not result in the fire fighter missing more than one full duty period.
- Fire departments must report:
- **Serious or fatal** ~~major~~ injuries (~~serious/critical/fatal~~) within five (5) business days of the injury event. **Serious** ~~Major~~ injuries (~~i.e., serious/critical/fatal~~) are those that require the fire fighter to miss more than one full duty period.

1201-5.2 Inquiries and Investigations

- An inquiry is a non-punitive gathering of additional information on the reported incident for statistical purposes.

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

1201-5.3 Return to Work

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

1201-6.0 Library

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

1201-6.1 Library Mission

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

1201-6.2 Resource Library-Services

- Audio Visual Training Library
- Research Services
- Print Collection

1201-7.0 Manuals

1201-7.1 [Standards Manual for Fire Protection Personnel](#)

The Texas Commission on Fire Protection's *Standards Manual for Fire Protection Personnel* is a compilation of the state laws codified in Title 37, Part 13 of the Texas Administrative Code (TAC). When the commission proposes or adopts "rule changes," these are the laws that the commission is changing.

1201-7.2 [Certification Curriculum Manual](#)

The Texas Commission on Fire Protection's curriculum program staff works with the [committee members](#) to update and distribute the *Certification Curriculum Manual*, which provides the curriculum for the training of

structural fire suppression personnel, aircraft rescue fire protection personnel, and marine fire protection personnel, as well as fire inspectors, fire investigators, hazardous materials technicians, driver/operators-pumper, fire instructors and fire officers.

1201-8.0 [Texas Government Code Chapter 419](#)

GOVERNMENT CODE TITLE 4. EXECUTIVE BRANCH SUBTITLE B. LAW ENFORCEMENT AND PUBLIC PROTECTION CHAPTER 419. TEXAS COMMISSION ON FIRE PROTECTION

1201-9.0 [FIDO](#)

FIDO is a tool which allows commission-regulated entities & individuals to create user accounts. Departments can create "departmental accounts" to allow their personnel to manage commission-required data. Individuals can also create accounts " manage their own personal data.

1201-9.1 FIDO for registered entities

- File injury reports with TCFP.
- Renew certified personnel
- Apply for eligible testing, certificates and IFSAC seals
- Manage department data.
- Manage department employee data.
- Generate reports in real time.

1201-9.2 FIDO for Individuals

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

OVERVIEW **DRIVER/OPERATOR – PUMPER**

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

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

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

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

Performance skills are available in Chapter 7 of the Skills Manual.

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

Definition of a Driver/Operator

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

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

COURSE INSTRUCTOR INFORMATION

Instructor Qualifications

Driver/Operator courses must be taught by a person meeting the requirements described in Chapter 427§307 of the TCFP Standards Manual.

Supplemental Information

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

Certification Testing

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

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

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

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

TCFP Standards Manual

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

Chapter 421, *Standards for Certification*

Chapter 427, *Training Facility Certification*

Chapter 435, *Fire Fighter Safety*

Chapter 437, *Fees*

Chapter 433, *Standards for Driver/Operator*

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

Descriptions of Certification Levels

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

CHAPTER SEVEN
DRIVER/OPERATOR-PUMPER
CURRICULUM OUTLINE

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

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

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

REFERENCE LIST FOR THE DRIVER/OPERATOR-PUMPER CURRICULUM

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

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

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

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

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

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

OVERVIEW

DRIVER/OPERATOR – AERIAL

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

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

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

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

Performance skills are available in Chapter 7 of the Skills Manual.

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

Definition of a Driver/Operator

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

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

COURSE INSTRUCTOR INFORMATION

Instructor Qualifications

Driver/Operator courses must be taught by a person meeting the requirements described in Chapter 427§307 of the TCFP Standards Manual.

Supplemental Information

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

Certification Testing

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

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

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

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

TCFP Standards Manual

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

Chapter 421, *Standards for Certification*

Chapter 427, *Training Facility Certification*

Chapter 435, *Fire Fighter Safety*

Chapter 437, *Fees*

Chapter 433, *Standards for Driver/Operator*

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

Descriptions of Certification Levels

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

CHAPTER SEVEN
DRIVER/OPERATOR-AERIAL
CURRICULUM OUTLINE

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

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

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

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

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

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

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

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

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

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

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



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

**MEETING: Commission
DATE: 10/24/2019**

Agenda Item #: 14
Agenda Title: Chapter 427, Training Facility Certification
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 requirements for skills testing.

2. DESCRIPTION/ JUSTIFICATION

The agenda item allows for discussion and possible action regarding documentation of instructional skills as well as testing skills.

3. BUDGET IMPACT

No budget impact is anticipated

4. TIMELINE CONSIDERATIONS

This proposal is for publication, to be considered for final adoption at the commission's January 2020 meeting.

5. RECOMMENDATION

Propose for publication

6. REFERENCES

37 TAC, Chapter 427, Training Facility Certification

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

§427.13. Records.

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

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

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

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

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

CHAPTER 427
TRAINING FACILITY CERTIFICATION
SUBCHAPTER B
DISTANCE TRAINING PROVIDER

§427.203. Records.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**15. Proposed amendments to 37 Tex. Administrative Code, Part 13, Chapter 435, Fire
Fighter Safety.**



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

**MEETING: Commission
DATE: 10/24/2019**

Agenda Item #: 15
Agenda Title: Chapter 435, Fire Fighter Safety
Action to be taken: Propose for Publication
Origin of Item: Staff

1. INTRODUCTION/PURPOSE

The purpose of the item is to add language addressing After-Action Reviews (AAR) as requested by Chief Danny Kistner.

2. DESCRIPTION/ JUSTIFICATION

The proposed change adds new language regarding standard operating procedures which requires an After-Action Review (AAR) be conducted following any incident which a mayday was declared, or a serious injury occurred.

3. BUDGET IMPACT

No budget impact is anticipated

4. TIMELINE CONSIDERATIONS

The proposal is for publication of a rule change, to be considered for final adoption at the commission's January 2020 meeting.

5. RECOMMENDATION

Recommend for publication

6. REFERENCES

37 TAC, Chapter 435, Fire Fighter Safety

CHAPTER 435

FIRE FIGHTER SAFETY

§435.31. After Action Reviews.

(a) The fire department shall develop, maintain, use and provide upon request by the commission a standard operating procedure for conducting an after-action review (AAR).

(b) The standard operating procedure shall:

(1) require that an AAR be conducted following any incident in which a mayday was declared, or a serious injury occurred;

(2) specify who within the department is authorized to facilitate an AAR;

(3) require that the AAR be documented; and

(4) specify that, as a minimum, the following information be documented in each AAR conducted:

(A) the type of incident and the goal of the response;

(B) the date of the incident and date the AAR was conducted;

(C) aspects of the operation that had a positive outcome;

(D) aspects of the operation that had a negative outcome;

(E) things that could have been done differently to affect the outcome; and

(F) the personnel involved in the AAR

(c) The fire department shall maintain and provide upon request by the commission a documented AAR for a period of no less than three (3) years from the date the AAR is conducted.

16. Matters from the Acting Executive Director.

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

16. 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 Quarterly Report

Training Approval and Testing Section

- **Test Administration, Training Approvals, Record Reviews, and Training Audits Statistics – 4th Quarter, FY 2019**
 - Test Administration – 4597 (1129 were online) exams were administrated during this quarter with a pass rate of 84.47%.
 - Training Approvals – Total of 722 training approvals were submitted with start dates during this quarter in the commission’s Training Facility Management System.
 - Record Reviews – Ninety-three (93) record reviews for equivalency were conducted (of those, 26 SFFMA/28 out of state/12 BWFF). One hundred seventy-six (176) Qual#s were issued in the Training Facility Management System.
 - Training and Skill Testing Audits – Ten (10) online and one (1) onsite training audits were conducted during the 4th quarter. Five (5) of the online audits had issues with expired passwords which prevented TCFP access to courses. All were resolved within a day. One (1) onsite violation for improper testing techniques that was corrected within the 30-day violation time frame.
 - Three (3) additional online testing centers were added during this quarter.
- **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 make improvements to the current TPA/Skills applications. A feature has been added to the TPA details which will identify high school training programs.
 - Continue working to establish online testing centers in areas where availability is lacking or limited.

Certification, Renewal and Curriculum
4th Quarter Report, FY 2019

	Q1	Q2	Q3	Q4
<u>Certification/Renewal</u>				
Professional Development Training Applications	2,599	3841	4,655	3133
Issued: IFSAC Seals	1,731	2053	2,089	2238
Certifications	3,895	3976	4,855	3398
Criminal History	5820	570	538	615
Medical documents:	706	954	950	994
Confirmation of Commissions (Peace Officer)	42	30	63	47
Service time applications	55	97	94	149
Department Renewals	29,253	35	11	5
Individual Renewals	2,482	142	70	57
Registered Seals: IFSAC	309	237	401	456
TEEX Proboard	311	418	517	495
Total number of Training Facilities	296	284	294	304

Curriculum Development

June 2019 – August 2019

Meetings

June 25-26: Inspector Ad Hoc Committee Meeting

June 27: Fire Fighter Advisory Committee

July 18: Commission Meeting

August 13-14: Curriculum and Testing Committee

August 15-16: Hazmat Ad Hoc Committee Meeting

Meetings: Detail

- **Inspector Ad Hoc Committee**
 - Discussed proposed curricula for new Inspector III and Plan Examiner II disciplines
- **Fire Fighter Advisory Committee**
 - Approved reference list updates without changes for the following curricula:
 - Hazardous Materials Awareness
 - Hazardous Materials Incident Commander
 - Hazardous Materials Operations – Mission Specific Competencies
 - Discussed revisions to Texas Administrative Code (TAC) regarding:
 - Grandfathering options for Plan Examiner applicants
- **Commission Meeting**

- Discussed revisions to Texas Administrative Code (TAC) regarding:
 - On-site lead, guest and online instructors at TCFP-approved training programs
- Gave FINAL approval for reference list updates to the following curricula:
 - Hazardous Materials Awareness
 - Hazardous Materials Incident Commander
 - Hazardous Materials Operations – Mission Specific Competencies
- **Hazmat Ad Hoc Committee**
 - Completed drafting process for curriculum outline documents based on new NFPA Hazardous Materials standards for these disciplines:
 - Hazardous Materials Operations
 - Hazardous Materials, Mission Specific Competencies
- **Curriculum and Testing Committee**
 - Discussed:
 - NFPA and curriculum updates for:
 - Instructor
 - Driver-Operator/Pumper
 - Driver-Operator/Aerial
 - Separation of Hazardous Materials-related questions from Basic Fire Suppression exam
 - Creating language for 37 TAC, Chapter 427, regarding on-site, guest and online lead instructor availability/oversight
 - Certification for:
 - Hazardous Materials Incident Commander
 - Candidates to replace outgoing Aircraft Rescue Firefighter Committee members

Test Development and Test Bank Maintenance

- Made changes to the following test banks:
 - ARFF
 - Firefighter I
 - Inspector I
 - Instructor I
 - Instructor II
 - Instructor III
 - Investigator
 - Officer II
 - Plan Examiner
- Researched examinee comments on test questions

Emerson Library

	Q1	Q2	Q3	Q4
<i>Items loaned</i>				
A/V items	16*	7*	2*	6
Print items	3	6	7	7
New borrowers	1	2	6	5
Responses to borrower follow-up surveys	0	0	0	0
<i>Items cataloged</i>				
A/V items	38	33	2	10
Print items	27	4	6	21
Desk copies	3	2	8	3
<i>Research and reference requests</i>				
Internal requests (count)	9	7	26	18
External requests (count)	3	11	9	24
Hours (total)	11.5	18	17	34.25
<i>Other duties</i>				
Job postings	177	149	189	159

**Compliance Report
Fourth Quarter FY 18-FY19
June – August 2019**

- Compliance Officers Joe Don James and Brian Meroney attended the North East Regional, Texas Fire Chiefs Association meeting in Longview in June. 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.
- The Compliance Manager, the Injury Reporting Program Specialist, and the Executive Director met to ensure the agency is properly handling the authority in TGC 419.048 Fire Protection Injury Data: Recommendations to Reduce Injuries. (d) **The commission shall establish criteria for evaluating fire protection personnel injury information to determine the nature of injuries that the commission should investigate.** Based on these investigations, the commission shall identify fire departments in need of assistance in reducing injuries and may provide assistance to those fire departments. The process includes reviewing reported injuries with SOP violations to determine if the SOP involved is one of the TCFP required SOPs. If a required SOP is involved with the reported injury, then a more thorough injury investigation is initiated to determine if TCFP rules were violated and if so then it is handled as a compliance violation.
- Compliance Team members participated in periodic Skype meetings to train on and to discuss issues affecting the compliance program and to review other general TCFP updates.
- Following an unannounced audit of a TCFP Certified Fire Training school program, a notice of alleged violations letter was transmitted to the fire training school. The letter provided notice of failure to comply with TCFP rules (Texas Administrative Code) and notice of probationary status for one year for this training school for all TCFP course approvals and certifications. The training school coordinator requested an informal settlement conference. The meeting occurred and concluded with all parties agreeing to the alleged rules violations in the letter of notice and to probationary status as stipulated in the letter. All required corrective actions are in compliance.
- The Compliance Team completed annual training in Austin during July. Agenda for the weeklong training included updates from the Executive Director, updates from each agency program manager and other agency personnel programs in support of the compliance program, including the topics specific to compliance program activities.
- At the direction of the Executive Director the Compliance Manager developed with the help of the compliance officers a penalty matrix for major and minor rules violations related to the biennial compliance inspections and the training programs audits. The purpose of the penalty matrices is to meet the recommendations proposed by the most recent Sunset Commission report. The Executive Director proposed the matrices to the TCFP Commissioners for action.
- At the direction of the Executive Director the Compliance Manager developed with help of the compliance officers proposed rule language (proposed Chapter 435.31 After Action Reviews) to address the proposed recommendation to require regulated fire departments to conduct After Action Reviews also known as Post Incident Analysis or Reviews following
- declared Maydays. The Interim Executive Director will present the proposed rule language at the October 2019 Commission meeting.
- Compliance Officer Tim Gardner attended the Alamo Area Fire Chiefs meeting to provide compliance program updates, including questions and answers.

- The Compliance Manager and Compliance Officer Rick Wallace met with staff from Lexipol, a business that provides fire department services in form of standard operating procedures. Lexipol's Dave Lincoln requested to discuss the methods TCFP uses to review department SOPs to ensure the SOPs comply with TCFP rules. The request was particular to the requirements in NFPA 1851 and PPE requirements. Mr. Lincoln reported our meeting was useful and he expressed his appreciation.

Information Technology Section 4th Quarterly Report FY 2019

- TCFP Websites and Web Applications Uptime 97%
 - Dip occurred because of DNS server failure resulting outage of all apps
- Launched new Public website
 - Using MVC technology
 - UI/UX Principles
 - Accessibility standards
 - Improve SEO rankings
 - Integrated it with fionaclient calls
- Expanded hard drive space on DNS server; and restored files and apps from Backup
- Restored all databases and lost routines on SQL server 2016
- Developing TCFP travel system using microservices infrastructure.
- FARM and FIDO updated with feature improvements
 - Improved renewal and invoicing
 - Added TPA high school changes
 - Updated A & B course lists
 - Performed bug fixes
 - Updated IFSAC seal series in DB
 - Added IFSAC bundle
- Added features to Public Website Management module in docs.
 - Added search feature to job posting, Alerts, Announcements, and Meetings
 - Added manage library users
 - Added manage calendar events
 - Added manage testing and training sites
- Implemented back end routine for generating CAPPS files
- Implemented new finance codeblocks in Production EPAY.
- Addressed 249 Service Request (Tickets)
 - Addressing access issues: forgot username; email changed etc
 - Merging records
 - Feature requests

17. Hiring process for the Executive Director, including the possible appointment of a committee of Commission members.

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

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

20. Adjourn meeting.