

PUBLIC SAFETY DEPARTMENT (661)
Adopted and Filed

Pursuant to the authority of Iowa Code section 100B.10, the Department of Public Safety hereby amends Chapter 251, "Fire Fighter Training and Certification," Iowa Administrative Code.

The Fire Service and Emergency Response Council is charged in Iowa Code section 100B.2, subsection 4, to "develop and submit to the state fire marshal for adoption rules establishing minimum training standards for fire service training that will be applicable statewide, periodically review these standards, and offer rules as deemed appropriate." The Council has been considering the development of minimum training standards for Iowa fire fighters since its inception in 2000. The Council approved a proposal for these rules at its meeting on February 5, 2004. The recommendation of the Council was adopted by the Fire Marshal, and the proposed rules were published in a Notice of Intended Action which appeared in the *Iowa Administrative Bulletin* on July 7, 2004 as ARC 3482B.

The proposed rules published in the Notice of Intended Action provided for the establishment of a minimum training standard for fire fighters in Iowa. The proposed standard would apply to fire fighters involved in fighting "structural" fires which create the greatest risks in fire fighting. Training requirements for fire fighters other than those engaged in structural fire fighting were also provided, as were requirements for continuing training for fire fighters. Also proposed was a definition "structural fire fighting," which was the basis for the core training requirement proposed.

Two public hearings on the proposed rules were announced in the Notice of Intended Action. The first hearing was held on August 5, 2004 in Ames, Iowa 50011-3100. The second hearing was held on August 9, 2004. It originated from Ankeny, with access available from 20 sites around the state. Participants attended and spoke from 19 of the 20 sites.

At the August, 2004, meeting of the Administrative Rules Review Committee, the Committee instructed the Department to complete a regulatory analysis of the proposed rules pursuant to Iowa Code section 17A.4A. The regulatory analysis was completed and published by the Department in February, 2005. The complete text of the regulatory analysis may be obtained from the Department of Public Safety Web site at www.dps.state.ia.us.

An amended Notice of Intended Action was published in the *Iowa Administrative Bulletin* on September 29, 2004, as ARC 3710B, announcing that the period for accepting public comment on the proposed rules was extended indefinitely, pending completion and publication of the regulatory analysis. A second Amended Notice of Intended Action was published in the *Iowa Administrative Bulletin* on January 5, 2005, as ARC 3906B, announcing two additional public hearings, which were held on January 25, 2005 in Des Moines and on February 3, 2005 in Ames. A notice announcing the completion and publication of the regulatory analysis of the proposed rules and a public hearing on the regulatory analysis, and announcing that the deadline for accepting public comment was published in the *Iowa Administrative Bulletin* on March 16, 2005. The public hearing on the regulatory analysis was held in Ames on April 7, 2005.

The Department has appeared before the Administrative Rules Review Committee regarding the proposed rules at its meeting in August, 2004, to discuss the Notice of Intended Action, at which time the Committee instructed the Department to complete the regulatory analysis, and its meetings in April, 2005 to discuss the completed regulatory analysis and May, 2005 for a special review of the proposed rules.

All told, the Department received more than 50 separate comments on the proposed rules, with many of those commenting expressing support for the proposed rules and many expressing concerns about or opposition to the proposed rules.

Those supporting the proposed rules, which included representatives of the Iowa Firemen's Association, the Iowa Firefighter Group, the Iowa Fire Chiefs Association, and the Iowa Association of Professional Fire Chiefs, most often cited enhanced safety of fire fighters and those affected by fires as a reason for support, based on an expectation that required training would lead to enhancement of skills and awareness of and compliance with safety measures by fire fighters.

Those who expressed opposition to the proposed rules most often cited the burden placed on small, volunteer departments and expressed concerns that some departments would be unable to comply, with the possible consequence that some departments may cease to operate. There were also expressions of opposition to the idea of the state mandating standards for a volunteer activity.

Major concerns expressed and the responses to them include the following:

CONCERN: The state should not mandate standards for volunteers.

RESPONSE: It is not unusual for mandatory requirements to be placed on volunteer activities which affect public safety. For example, reserve peace officers are required to complete training requirements established in Iowa Code Chapter 80B, while volunteer emergency medical technicians are required to meet training requirements established in Iowa Code Chapter 147A. The skills exercised by fire fighters, whether career or volunteer directly affect the safety of each individual fire fighter, other fire fighters involved in responding to an incident, and the public. In addition, volunteer fire fighters differ from other volunteers in that they are covered by the state's worker compensation statute, and those volunteer fire fighters who are paid on a "per call" basis are employees of their departments whose employment is subject to regulation by the Iowa Division of Labor under occupational safety and health regulations.

CONCERN: The definition of "structural fire fighting" is so broad that it would effectively apply the training standard for structural fire fighters to all members of fire departments who respond to any emergency incident in any capacity.

RESPONSE: The definition of "structural fire fighting" in the Notice of Intended Action may have caused confusion. It read as follows:

"Structural fire fighting" means fire fighting in a hazardous environment, for which a fire fighter needs personal protective equipment and self-contained breathing apparatus.

It is true that personal protective equipment is required to be worn in a wide variety of situations beyond those intended to be covered by the definition, including while riding in a fire department vehicle while responding to an emergency incident and while engage in any activity on the fire ground. However, the self-contained breathing apparatus is required only while in a hazardous

environment, which is what is intended to be covered by the definition. To clarify the meaning, the definition of “structural fire fighting” in the adopted rules has been modified to read as follows:

“Structural fire fighting” means fire fighting in a hazardous environment, requiring the use of self-contained breathing apparatus.

CONCERN: Requiring documentation by the “vendor” of training appears to imply that training needed to meet the requirements contained in the proposed rules would need to be provided by someone external to the department, presumably a professional “vendor” of training.

RESPONSE: The intent was not to require provision of any of the required training by outside vendors. All training may be provided by local fire departments as well as the Fire Service Training Bureau, community colleges, or regional fire training facilities. To clarify this, the word “vendor” has been removed from the adopted rules and each of the rules specifying a training requirement has had added to it a note stating that “Training to meet this requirement may also be provided by the fire service training bureau, a community college, a regional fire training facility, a local fire department, or any combination thereof.”

CONCERN: The cost of meeting the standards is beyond the means of some departments, especially small all-volunteer departments.

RESPONSE: The regulatory analysis estimated the maximum total cost of course tuition for all fire fighters to meet the requirements for structural fire fighters at \$1.44 million. This assumed that 9000 fire fighters would take the complete course of training required through the Fire Service Training Bureau, community colleges, or regional fire training facilities. State funds have been made available each year since 1998 to offset these costs, through the Fire Fighter Training and Equipment Fund. Two changes have been made to minimize the potential impact

of tuition costs for required training on fire fighters and their departments, at least for volunteer fire fighters. The deadline for meeting the minimum training standard for structural fire fighting, set in the proposed rules at July 1, 2006, has been extended in the adopted rules to July 1, 2010. So, fire fighters will have nearly 5 years from the effective date of these rules to comply with the standard for structural fire fighting. Based on annual amounts appropriated by the Iowa General Assembly to the Fire Fighter Training and Equipment Fund in recent years, money would be available from the fund to pay all tuition costs associated with compliance with the standard by volunteer fire fighters. To further ensure that fire fighters and departments are not saddled with these costs, a provision has been added which will allow a department to apply for an extension to the deadline for one year at a time if the department has requested training paid for with funds from the Fire Fighter Training and Equipment Fund and funds have not been provided to offset the cost of the requested training required to meet the standard for structural fire fighting. In addition, as explained earlier, any of the training required in these rules may be provided by a local fire department.

Local departments may also provide training to meet other requirements contained in these rules in-house, in which case there would be no tuition costs. Materials needed to conduct the training locally can be obtained on loan from the Fire Service Training Bureau at no cost to the department conducting the training. If training is obtained from the Fire Service Training Bureau, a community college, or a regional fire training facility, state funds from the Fire Fighter Training and Equipment Fund are available to offset these tuition costs, also.

CONCERN: Both the initial training requirement for structural fire fighting and the continuing training requirement impose excessive time demands on volunteer fire fighters.

RESPONSE: The time needed to complete the initial training requirement for structural fire fighting is approximately 60 hours if the training is delivered to a class of 20 fire fighters. The time needed to deliver the training is somewhat less when fewer fire fighters are being trained at

once. Sixty hours would amount to an average of 15 hours annually, if the training were not begun until July 1, 2006. At that point, the trainees would have 4 full years to comply. The continuing training requirement will be 24 hours annually. In many departments, in-house training exceeds this number of hours annually. If a fire fighter is unable to meet this requirement solely based on training offered by the fire fighter's own department, many departments will allow fire fighters from neighboring departments to participate in their training sessions. In addition, training to reach the number of hours required can be obtained from the Fire Service Training Bureau, a community college, or a regional fire training facility, with a likelihood that state funds from the Fire Fighter Training and Equipment fund can be obtained to offset any tuition costs.

CONCERN: Training provided by the Fire Service Training Bureau involves attendance at several sessions to complete a module and no documentation is provided unless the trainee attends every session.

RESPONSE: A "certificate of completion" is not provided to a trainee who fails to attend the required number of sessions of a training module. However, there are often opportunities to make up missed sessions at alternate locations. The Fire Service Training Bureau will provide assistance to any trainee in locating such opportunities. In addition, the Fire Service Training Bureau will provide documentation of the actual number of training hours and subject matter completed by any trainee on request.

In summary, the following changes have been made in the adopted rules from those proposed in the Notice of Intended Action:

- The adopted rules are included in Chapter 251, rather than Chapter 54, as originally proposed; the Chapter had been renumbered in other rulemaking which has occurred since the Notice of Intended Action was published.

- A definition of “emergency incident” has been added.
- The definition of “structural fire fighting” has been modified to clarify that only situations in which the use of self contained breathing apparatus is required are included in the definition.
- NFPA, the acronym for the National Fire Protection Association was defined in the proposed rules. This definition was incorporated in Chapter 251 in prior rulemaking and is no longer needed in this rulemaking.
- All requirements in the adopted rules have an effective date of July 1, 2010.
- A clarifying note has been added to each training requirement, indicating that the training may be obtained from a variety of sources, including, in each case, a local fire department.
- An exception has been provided to the training requirement for structural fire fighting, allowing a local department to apply for extensions on a year-to-year basis of the deadline for meeting this standard, provided that the department making application for an extension has applied for funds from the state Fire Fighter Training and Equipment Fund and has not received funds sufficient to defray the tuition costs of the required training.
- A reference to documentation of training records including identification of the “vendor” providing the training has been changed to require identification of the “person or persons” providing the training.

These rules will become effective August 1, 2005.

These rules are intended to implement Iowa Code Chapter 100B.

The following amendments are adopted:

Item 1. Amend rule 661—251.1(100B) by adding the following definitions:

“Emergency incident” means any incident to which personnel of a fire department respond involving a fire or other hazardous situation.

“Structural fire fighting” means fire fighting in a hazardous environment, requiring the use of self-contained breathing apparatus.

Item 2. Adopt the following new rules:

MINIMUM TRAINING STANDARDS

661—251.101(100B) Minimum training standard. On or after July 1, 2010, any member of a fire department shall have completed the training requirements identified in the job performance requirements for the Fire Fighter I classification in NFPA 1001, Standard for Fire Fighter Professional Qualifications, 2002 edition, chapter 5, prior to engaging in structural fire fighting. Each fire department shall identify its members who are or will be engaged in structural fire fighting and shall ensure that any member engaged in structural fire fighting on or after July 1, 2010 shall have completed the training requirements specified in this rule prior to engaging in structural fire fighting.

NOTE: Fire fighter certification is not required to meet this requirement. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

Exception 1: A fire fighter who received training which complied with the job performance requirements for the fire fighter I classification contained in an earlier edition of NFPA 1001 shall be deemed to have met this requirement, provided that records documenting the training are maintained in accordance with rule 661—251.104(100B).

Exception 2: The chief or the training officer of any fire department may apply to the fire marshal by June 1 of any year for an extension of the deadline for meeting the training requirement for members of the department engaged in structural fire fighting. Any such extension shall be for one year and may be renewed annually. An extension shall be granted only if the department has requested training required under this rule, with training costs to be offset through funding from the fire fighting training and equipment fund, pursuant to 661 Iowa Administrative Code chapter 255, and funds to offset the cost of the training have not been available or have been inadequate to fully offset the cost of the training. The extension may be for all or some of the fire fighters in the department. The application shall be in a form specified by the fire marshal and shall list by name each fire fighter for whom an extension is requested. The extension, if granted, shall list by name the fire fighters to whom the extension applies and shall apply only to those listed.

661—251.102(100B) Other training. Any member of a fire department, who serves in a capacity other than structural fire fighting at an emergency incident on or after July 1, 2010, shall have received training based on the duties the member might perform at an emergency incident. Training to meet this requirement may be provided by the fire service training bureau, a community college, a regional fire training facility, or a local fire department, or any combination thereof.

661-251.103(100B) Continuing training: After July 1, 2010, fire department members shall participate in at least 24 hours of continuing training annually, selected from the following subject areas.

- Personal Protective Equipment and respiratory protection
- Structural firefighting techniques including Standard Operating Policies or Standard Operating Guidelines
- Ground ladders
- Hose and hose appliances
- Ventilation
- Forcible entry
- Search and rescue techniques
- Firefighter safety
- Incident Management System or Incident Command Systems
- Emergency vehicle driver-operator
- Hazardous materials first responder – operations level
- Emergency Medical Service (EMS) training
- Additional training based on standard operating procedures or standard operating guidelines
- Other OSHA related training, such as blood borne pathogen protection
- Specialty training such as confined space entry, vehicle extrication, rescue techniques, wildland or agricultural firefighting techniques
- Emergency Response to Terrorism
- Any other training designed to meet local training needs

NOTE: Training to meet this requirement may also be provided by the fire service training bureau, a community college, a regional fire training facility, a local fire department, or any combination thereof.

661-251.104(100B) Recordkeeping. Each fire department shall maintain training records for each individual member of the department who participates in emergency incidents. These training records shall identify, for all training completed by the individual fire fighter, the person or persons who provided the training, the dates during which the training was completed, the location or locations where the training was delivered, and a description of the contents of the training.

These rules are intended to implement Iowa Code Chapter 100B.

Date

James F. Kenkel
Fire Marshal

Kevin W. Techau
Commissioner