

**Fire Policy Committee
Minutes
September 19, 2008**

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting at 9:00 a.m. on September 19, 2008 at the Oregon Public Safety Academy in Salem, Oregon. Chair Jim Whelan called the meeting to order at 9:00 a.m.

Attendees

Committee Members:

James Whelan, Oregon Volunteer Firefighters' Association, Chair
Kelly Bach, Oregon State Fire Fighters Council, Vice Chair
Larry Goff, Oregon Fire District Directors' Association
Kevin Gray, Non-Management Firefighter
John Klum, Portland Fire & Rescue
William Lafferty, Oregon Department of Forestry
Nancy Orr, Oregon State Fire Marshal
Mark Prince, Oregon Fire Chiefs' Association

Committee Members Absent:

William Klein, Community College Fire Programs
Rod Smith, Oregon Fire Instructors Association

DPSST Staff:

Eriks Gabliks, Deputy Director
Mark Ayers, Assistant Training Division Director
Julie Olsen-Fink, Senior Fire Certification Coordinator
Tina Diehl, Fire Certification Specialist
Marilyn Lorance, Standards & Certification Program Supervisor
Theresa King, Professional Standards Coordinator
Bonnie Salle-Narvaez, Certification Coordinator
Allison Sebern, Fire Certification Support Specialist
Anita DeVilliers, Fire Certification Coordinator
Thelma Denney, Fire Training Support Specialist

Guests:

Cheryl Pelligrini, Oregon Department of Justice
Ron Haverkost, OR-OSHA
Deborah McDermott, Oregon State Fire Marshal's Association (for Charles Chaffin)
Don Willis, Sunriver Fire District

1. Minutes from May 16, 2008 and August 26, 2008 meetings

Kelly Bach moved to approve the minutes from the May 16, 2008 and August 26, 2008 Fire Policy Committee meetings. Mark Prince seconded the motion. The motion carried in a unanimous vote.

2. Revocation/Denial Case Review for Theodore Ross DPSST #20774

Jim Whelan reported that the revocation/denial case review for Theodore Ross has been dropped. Mr. Ross signed a stipulation order giving up his fire certifications.

Marilyn Lorange explained the general background of the criminal disqualifiers for standards and certification.

Guest, Cheryl Pelligrini with the Oregon Department of Justice, Criminal Division, spoke to the committee on what the process would be on a revocation/denial case review. It follows the Oregon Administrative Procedures Act. DPSST is required to investigate the allegations that have been reported. The result of the investigation is put into a report and it comes before the Fire Policy Committee (FPC).

The FPC is the first step in the process. The individual is notified that the matter will be heard before the FPC and they are provided at least 30 days to provide any mitigating circumstances on their behalf for the policy committee's consideration. The FPC determines if the allegations constitute a violation of the standards as they are presented. If there is enough evidence to initiate an administrative process, taking into account whatever the person says might mitigate the allegations, the FPC is required to take a vote whether or not to recommend that the Board go forward with a revocation procedure. Articulate the allegations that you think form a basis for revocation, how they relate to the rules or how they comprise a violation of the rules, whether they are aggravating or mitigating circumstances and in view of that, the FPC must decide if the conduct rises to the level where revocation is recommended. A third option would be that the FPC could ask the investigators to go back and gather additional information if they felt it was necessary. It is recommended that the report that is produced by DPSST be formally adopted as part of the FPC's review and record so that the report goes forward. Everything that the FPC looks at, in its entirety, must be presented to the Board. That is the official record.

If the Board adopts the recommendation of the FPC, it directs DPSST to issue a notice of intent to revoke. That starts the administrative due process.

Cheryl Pelligrini offered to come to the FPC's meeting with the first revocation/denial case.

The Ethics Bulletin lists the conduct that led to the revocation/denial (not the name or agency) and will be sent out on list serve thru the Fire Bulletin. FPC members will be added to receive those bulletins.

3. NFPA 1001 Fire Fighter Proposed OAR Language

Julie Olsen-Fink reported that the NFPA Fire Fighter Task Force began on June 25, 2008 and concluded the same day. The task force evaluated the currently adopted NFPA 1001 Standard for Fire Fighter Professional Qualifications, 2003 Edition, and compared it to the revised NFPA 1001, 2008 Edition. The task force recommended that BPSST move to adopt the 2008 Edition.

Proposed Changes:

259-009-0062

The following proposed language contains recommended deletions (~~striketrough text~~) and additions (**bold and underlined text**).

(2) The following standards for fire service personnel are hereby adopted by reference:

(a) The provisions of the NFPA Standard 1001, ~~2002~~ **2008** Edition, entitled "Fire Fighter Professional Qualifications";

(A) "Authority having jurisdiction" ~~shall~~ **means** the Department of Public Safety Standards and Training.

(B) Delete section 1.3.1 (Note: this references NFPA 1500).

(C) Delete section 2.2 (Note: this references NFPA 1500 and 1582).

(D) Entry Level Fire Fighter means an individual trained to the requirements of Section 2-1 Student Prerequisites, NFPA Standard 1403, ~~1997~~ **2007** Edition, entitled "Live Fire Training Evolutions" and the applicable safety requirements adopted by OR-OSHA. An individual trained to this level and verified so by the agency head is qualified to perform live-fire training exercises and to perform on the emergency scene under constant supervision. An Entry Level Fire Fighter should be encouraged to complete Fire Fighter I training within one year.

(E) All applicants for certification must complete either a Task Performance Evaluation or a Department approved Task Book for Fire Fighter I and Fire Fighter II, signed off by the Agency Head or Training Officer, before an applicant can qualify for certification.

Action Item I: Determine whether to recommend filing the proposed language for OAR 259-009-0062 with the Secretary of State as proposed rule.

Action Item II: Determine whether to recommend filing the proposed language for OAR 259-009-0062 with the Secretary of State as permanent rule if no comments are received and no hearing is held.

Action Item III: Pursuant to HB 3238, determine whether there is a significant fiscal impact on small businesses. (See House Bill 3238) ***This action item was agreed to by unanimous vote.***

Nancy Orr moved to recommend to the Board to file the proposed language for OAR 259-009-0062 with the Secretary of State as proposed rule and as permanent rule if no comments are received and no hearing is held. Kevin Gray seconded the motion. The motion carried in a unanimous vote.

4. NFPA 472 Hazardous Material and Weapons of Mass Destruction

Julie Olsen-Fink gave an overview that this task force was created at the recommendation of the FPC. The NFPA 472 Hazardous Material and Weapons of Mass Destruction Task Force originally met on July 25, 2008 and have since met a second time with a third meeting to be scheduled.

The task force will be recommending to the Fire Policy Committee (FPC) once their work is complete – to adopt the NFPA 472, (2008 Edition) with provisions. Thus far, the task force has determined the following:

First Responder: This level of certification currently known as “**First Responder**” would now be called “**Operations Level Responder.**” The **Operations Level Responder** correlates directly with NFPA 472 and will require successful completion of skills sheets or task performance evaluations (TPE) in order to apply for certification and validate their knowledge skills and abilities.

Hazardous Materials Technician: This certification has primarily remained unchanged as compared to the Oregon Standard. Applicants will be required to be certified as an Operations Level Responder and complete the task book in order to successfully apply for certification.

Specialty Levels of Certification: The Specialty areas have been reformatted and have new classification titles:

- Tank Car Specialty
- Cargo Tank Specialty
- Intermodal Tank Specialty
- Marine Tank Vessel Specialty

The former require the applicant to be certified as a Haz Mat Technician and successfully complete the appropriate training and TPE. Though the standard does not require completion of a TPE, the task force expressed the necessity in maintaining high standards to ensure quality training is provided and expected.

Incident Commander: The certification for “**On Scene Incident Commander**” will now be titled “**Incident Commander**” as specified in NFPA 472. In order to apply for certification, the candidate must be certified as an “Operations Level Responder.”

Hazardous Materials Safety Officer: This will be a NEW level of certification for candidates to apply for. This standard includes course work in:

- Analyzing the Incident
- Planning the Response
- Implementing Planned Response
- Evaluating the Progress

To achieve this level of certification, the candidate must be certified as a Haz Mat Technician and complete the specified task book.

The task force discussed NFPA 472 in general terms and recommends the Fire Policy Committee adopted this standard with exceptions:

- The task force voted to **NOT** adopt Chapter 9 Competencies for Specialist Employees
- The task force voted to **NOT** adopt Chapter 10 Competencies for Hazardous Materials Officers

The task force has since broken into small sub-groups to develop the required TPE's and the task books for the specific sections. They are putting together a FAQ to put on the website about the new standard – the top five issues that need to be known right away about NFPA 472.

At this time, the task force plans to meet again in October to complete their work. This report serves as an update on their progress.

Nancy Orr commented that adding Hazardous Material Incident Commander and Hazardous Material Safety Officer is a huge step forward for fire fighter safety.

5. Discuss Line-of-Duty Death Criteria for additions to the Oregon Fallen Fire Fighters Memorial

Eriks Gabliks distributed the criteria for the Oregon Fallen Fire Fighter's Memorial. The criteria for the Oregon Memorial are identical to the National Fallen Fire Fighter Memorial in order to alleviate having different standards. A person may be honored on the National Memorial and on the Oregon Memorial. He reported that the discussion FPC had last month sparked some good discussion with the National Fallen Fire Fighter Foundation in Maryland which oversees the National Memorial. National has never been asked the question and is looking into an answer as to whether the bus driver transporting firefighters or the helicopter pilot transporting firefighters should be honored on the National Memorial. Both have been recognized by both the Oregon and National Memorials in the past.

The committee discussed what meets the criteria and guidelines. Each case will need to be reviewed on an individual basis. In the revised criteria, there will be a closing date for each submission to allow time for a discussion without rushing to a decision. The FPC will need to make a decision by June 1st in order for the name to be included in that year's service. Otherwise, consideration will be made for the following year.

6. Good of the Order

Eriks Gabliks updated the group with an agency report.

The Certification Section is working on a number of task forces that are coming up in the next few months. These include Fire Officer, Fire Inspector – Fire Marshal – Fire Investigator (which will be done as one group because they are very allied in that block), Incident Management Team Standards, and Apparatus Operator.

DPSST is hosting more and more fire programs at the academy. In our 2009 budget request we've requested, in partnership with the Oregon State Fire Marshal, an additional classroom to be constructed next to the fire station on site which we're calling a "dirty" classroom. People will be able to come in from the fire training venue and have a place for their turnout gear. This will also give storage space for the Incident Management Team vehicles that are on site. DPSST is glad to support that program. DPSST is also requesting that Incident Management Team training have dedicated funding through the Fire Insurance Premium Tax and will work in partnership with the Fire Marshal's Office to offer these classes on an ongoing basis.

DPSST is moving forward on the E-forms process. Funding was received in the last budget process to move forward with putting our forms online for certification. This will be done by June 2009.

The Mobile Fire Training Unit has been across the state once already to do live fire training locally. The skid truck is on order to allow local Code 3 driver training.

DPSST partnerships are very beneficial.

- We continue to host the number of classes that the Fire Marshal's Office would like offered here.
- We have worked with the Department of Forestry by training 300 National Guard members, which they reimbursed us for, to get them ready for wildfire season.
- Union Pacific Railroad has donated three rail cars in the training venue.
- We are working with Urban Search and Rescue Task Force so they can develop some props and do training here on site.
- Last week we hosted the North American Fire Training Directors (NAFTD) for their annual meeting which brought in 55 people from 30 states and providences from North America. They were very complimentary of our program but were more impressed with the partnerships that we have with the Fire Policy Committee, the Board, and how we work with the different organizations and together in state fire training and certification.

Wildland Interface Fire Fighter is another standard that needs to be updated because the National Wildfire Coordinating Group (NWCG) has made changes. This one will move forward this fall by having a work group look at the standard to see if the NWCG changes impact us. The State Fire Marshal's Office will be a member of that group because of the mobilization standards.

The annual Fallen Fire Fighter Memorial was held yesterday. There was a very good turnout. Staff did a great job working with the Oregon Fire Service Honor Guard. There were approximately three dozen family members present and about 400 attendees. Larry Goff thanked staff for all the hard work that was put into a successful memorial service.

John Klum from Portland Fire & Rescue is the new Fire Policy Committee Member who has taken the place of Chief Dave Sprando.

Ron Haverkost from Oregon OSHA reported that OSHA is revising Safety Committee and Safety Meeting Rules. Firefighters in small companies will be able to have simple safety meetings rather than committees effective 1/1/09. Because it has been on the website for several months, they are still in compliance if they are doing it now. OSHA is still working with the confined space proposal to eliminate some of the redundant language.

The next FPC meeting is scheduled for 11/21/08.

Meeting adjourned at 10:42 a.m.