

Fire Policy Committee Minutes

August 28, 2019 (Draft)

The Fire Policy Committee of the Board on Public Safety Standards and Training held a regular meeting on, August 28, 2019 at 9:00 a.m. in the Boardroom at the Oregon Public Safety Academy located at 4190 Aumsville Hwy SE, Salem, Oregon. The meeting was called to order at 9:05 a.m.

Committee Members:

James Oeder, Chair, Oregon Vol. Fire Fighters Association
Jim Walker, Vice Chair, Oregon State Fire Marshal
Mark Kreutzer, Oregon Fire Dist. Directors Association
Paula Simone, Community College Fire Programs (Phone)
Richard Cearns, Oregon Fire Instructors Association (Phone)
Kevin Larson, Oregon State Fire Fighters Council
John Rinier, Oregon Fire Marshals Association
Bruce Riley, Public Member

Absent Members:

Ron Graham, Forest Protection Agencies
Kevin Larson, Oregon State Fire Fighters Council
Darren Bucich, Oregon Fire Chiefs Association

DPSST Staff:

Eriks Gabliks, Director
Julie Olsen, Fire Program Manager
Jennifer Howald, Rules Coordinator
Kayla Ballrot, Fire Program Compliance Specialist
Brooke Bell-Urbe, Fire Program Certification Specialist



1. Introductions

Introductions of members and staff were presented.

2. *Minutes

Approve May 22, 2019 meeting minutes.

- *Jim Walker moved that the committee approve the minutes of the May 22, 2019 Fire Policy Committee (FPC) meeting. Mark Kreutzer seconded the motion. The motion passes unanimously.*

3. *Proposed Rule Changes for OAR 259-009-0005 and 259-009-0062: NFPA Airport Fire Fighter
Presented by Kayla Ballrot

On the morning of May 15th, 2019 the NFPA Airport Fire Fighter Task Force convened at the Department of Public Safety Standards and Training at the direction of the Fire Policy Committee (FPC) to review and discuss the National Fire Protection Association (NFPA) 1003 Standard for Airport Fire Fighter Professional Qualifications 2019 Edition. It was the intent of the Task Force to evaluate the currently adopted standard (2015 Edition) and compare it against the 2019 Edition of NFPA 1003. After thoughtful discussion and evaluation the Task Force made the determination to adopt the 2019 Edition of NFPA 1003 into OAR. This update would include several semantical updates and small changes within the body of the standard to include the following:

- Trimmed down definitions found in Chapter 3
- Small revisions in Chapter 4.
- The Annex now includes a summary of the Chapter 4 Job Performance Requirements (JPR) on one page for ease of use. The “16 Fire & Life Safety Initiatives” have also been added to the annex.

The Task Force proposed that the application for certification be updated to reflect renumbered chapters from chapter 5 to chapter 4. The Task Force also made the determination to continue to only accept Task Books without the option of a Task Performance Evaluation due to the specific nature of Airport Fire Fighting training and requirements. This is also reflected in the application.

The Task Force stressed the importance of the Training Officer’s duty to evaluate the signers of the Task Books and believe this can be better evaluated with a signing page at the beginning of the Task Book. This page is designed for the fire service agency only and should be kept on file without having to submit to DPSST. This page has been included in the draft proposed Task Books. In addition, the Task Force made the determination to require one JPR sign off box, to be used only if the task is performed satisfactorily.

DPSST Staff offered to create a “Suggested Course Guide” to assist understanding and provide further explanation of the Task Force’s decision. The Task Force indicated that the previous course guide is adequate but should be updated to reflect the most recent information.

- *Jim Walker recommended to the Board to adopt the recommendation of the NFPA Airport Fire Fighter Task Force to adopt the NFPA 1003 Standard for Airport Fire Fighter Professional Qualifications, 2019 Edition. Bruce Riley seconded the motion. The motion passes unanimously.*
- *Mark Kreutzer recommended to the Board to approve the proposed rule changes to OAR 259-009-0005 and 259-009-0062 with the Secretary of State as a permanent rule if no comments are received. John Rinier seconded the motion. The motion passes unanimously.*
- *By consensus the FPC approved the fiscal impact statements prepared by staff.*

4. ***Steward, Mary M. DPSST # F38085 – NFPA Fire Apparatus Driver/Operator (Driver) Central Oregon Coast Fire & Rescue**

Presented by Kayla Ballrot

Issue: Whether Mary Steward’s conduct surrounding her arrest and convictions of two counts of Driving Under the Influence of Drugs, California Vehicle Code (VC) 23152(e) and Occupant Carry Concealed Firearm in Vehicle, California Penal Code (PC) 25400 (a) (3), should result in the denial of her NFPA Fire Fighter Apparatus Driver/Operator (Driver) certification for failure to meet the minimum standards for a Fire Service Professional.

Vote/Consensus	Second	Vote	Outcome
Jim Walker moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Bruce Riley	7 ayes, 0 nays	Motion passes unanimously
Consensus reached that Steward’s conduct violates the core value of Integrity based on convictions of both charges of Driving Under the Influence of Drugs and carrying an illegally concealed firearm. The FPC also found the inconsistencies in her letter in comparison to the police report to show a lack of trustworthiness and accountability. Jim Walker moved that this misconduct, when considered alone, does rise to the level to warrant the denial of Steward’s application for certification.	Bruce Riley	7 ayes, 0 nays	Motion passes unanimously
Consensus reached that Steward’s conduct violates the core value of Professionalism based on convictions of both charges of Driving Under the Influence of Drugs and carrying an illegally concealed firearm. In addition, the FPC found that in her letter she does not acknowledge any wrongdoing which shows a lack of professionalism. Mark Kreutzer moved that this misconduct, when considered alone, does rise to the level to warrant the denial of Steward’s application for certification.	Bruce Riley	7 ayes, 0 nays	Motion passes unanimously

The FPC found as aggravating circumstances that Steward’s letter contradicts what the Police Report states. Also, that in Steward’s letter she does not take ownership or responsibility of her actions.			
The FPC found as mitigating circumstances the five letters of support provided as mitigation.			
After considering the totality of the case, Bruce Riley moved to recommend to the Board that Steward’s application be denied .	Jim Walker	7 ayes, 0 nays	Motion passes unanimously
Consensus reached by the FPC who determined the specific behavior precludes this fire service professional from being certified as a fire service professional in Oregon because of Steward’s two convictions in the state of California and the inconsistencies found in her letter when compared to the police report. Her convictions and lack of accountability violate the standards of Professionalism and Integrity. Her conduct impacts her ability to serve as a fire service professional because it demonstrates a lack of core values deemed integral to the fire service profession.			
John Rinier moved to recommend to the Board a minimum period of ineligibility to reapply for certifications of 3 years.	Mark Kreutzer	4 ayes, 3 nays (Oeder, Simone, Riley)	Motion passes

5. ***Evans, Joshua J. DPSST #F33221: NFPA Apparatus Equipped with Fire Pump, NFPA Fire Apparatus Driver/Operator, NFPA Fire Fighter I, NFPA Fire Fighter II, NFPA Rope Rescue Operations Level**

Presented by Kayla Ballrot

Issue: Whether Joshua Evans’ conduct surrounding his arrest and conviction of Driving Under the Influence of Intoxicants, Oregon Revised Statutes (ORS) 813.010, should result in the revocation of his NFPA Apparatus Equipped with Fire Pump, NFPA Fire Apparatus Driver/Operator, NFPA Fire Fighter I, NFPA Fire Fighter II, NFPA Rope Rescue Operations Level certifications for failure to meet the minimum standards for a Fire Service Professional.

Vote/Consensus	Second	Vote	Outcome
Bruce Riley moved that the FPC adopt the staff report as the record upon which its recommendations are based.	Mark Kreutzer	6 ayes, 0 nays, 1 abstain (Oeder)	Motion passes unanimously
Consensus reached that Evans’ conduct violates the core value of Integrity based on his conviction of Driving Under the Influence of Intoxicants as well the fact that he still owes money to the courts. Mark Kreutzer moved that this	Bruce Riley	6 ayes, 0 nays, 1 abstain (Oeder)	Motion passes

misconduct, when considered alone, does rise to the level to warrant the revocation of Evans' certification.			
<p>Consensus reached that Evans' conduct violates the core value of Professionalism because his decision to drive after drinking and the money still owed to the court shows he did not exercise the judgement or behavior expected of a fire service professional.</p> <p>John Rinier moved that this misconduct, when considered alone, does rise to the level to warrant the revocation of Evans' certification.</p>	Bruce Riley	6 ayes, 0 nays, 1 abstain (Oeder)	Motion passes
The FPC found as aggravating circumstances the fact that Evans' still owes money to the court, the conviction for Driving Under the Influence, and that in his letter he doesn't take responsibility for his actions.			
The FPC found as mitigating circumstances the letter written by Evans on his behalf.			
After considering the totality of the case, John Rinier moved to recommend to the Board that Evans' certification be denied & revoked.	Richard Cearns	6 ayes, 0 nays, 1 abstain (Oeder)	Motion Passes
Consensus reached by the FPC who determined the specific behavior precludes this fire service professional from being certified fire service professional in Oregon because of Evans' choice to drive under the influence of alcohol, which in doing so he put other people's lives at risk. In addition the FPC found that the fact he still owes money to the court and did not take responsibility of his actions as behavior that does not represent the standards of Professionalism and Integrity expected of a fire service professional.			
John Rinier moved to recommend to the Board a minimum period of ineligibility period of 5 years.	Mark Kreutzer	5 ayes, 1 nays, 1 abstain (Oeder)	Motion passes

6. Department Update

Program Manager Julie Olsen and Director Eriks Gabliks presented

- Kayla Ballrot will again be announcing the Marine Land based Fire Fighter NFPA Task Force as the first round was unsuccessful. If the call for the task force is unsuccessful a second time then it will come to the FPC to determine if it is a level of certification that is being utilized enough to warrant keeping active.

- The Board approved the sunset of the Fire Ground Leader Certification for 2022.
- The Fire Fighter and Instructor levels of certification are now in permanent rule.
- DPSST sent out Fire Instructor kits to each department in Oregon.
- Julie presented a copy of the monthly Fire Program Update to the FPC and noted some of the highlights of the August Edition.
 - The Fallen Fire Fighter Memorial is on September 19th, 2019 at 1:00pm.
 - There is going to be a discussion group about a statewide Fire Fighter Academy, Julie will be putting a call out to create a committee to discuss this academy.
 - Skid Truck classes on campus kicking off the 29th of September, sign up is available online. Staff is also looking for places to practice SKID truck in other regions throughout the state.
 - The MFTU is in Tillamook County and then will travel to the Klamath Falls region where it will remain for a few months.
 - Winter Fire School is coming up in February and classes are filling up.
 - Fire Officer classes are being offered on campus and are filling up.
- A staffing plan is being developed to strategically fill current gaps in the regional fire training program and to determine what model we should use going forward to be most effective.
- Portland Fire has done research into and submitted 28 potential Line of Duty Deaths for review. These fire fighters retired with a medical disability and then passed away due to illness but it will be for the FPC to determine if these deaths appropriately meet the standards set by the National Fallen Fire Fighters Foundation. If any of these are deemed as Line of Duty Deaths they will be added to the memorial wall in the future.
- The Fire Academy work group is looking at creating a Fire Academy and the benefits to doing so at DPSST, the group is still determining how the associated costs would be allocated.
- FEMA should begin to release grants (Assistance to Firefighters, Staffing, Fire Prevention, Safety, and Research) this Friday. The grants were scored earlier this year but there have been delays on distribution because of the federal government shutdown. FEMA believes it will begin the FY19 application process in the fall with scoring projected for February 2020.
- At its recent meeting, the Board's Private Security/Private Investigator Committee approved a new online class for individuals who engage in providing crowd management services in Oregon such as at athletic venues, fairs, concerts, etc. The new program encompasses many aspects including emergencies such as a fire. This project took more than two years to complete and included representatives from the Office of State Fire Marshal and Oregon Liquor Control Commission.

- The 2019 legislative session did not have any impact on work done by DPSST's fire training and certification programs.
- Senate Bill 528 was approved and will allow for roads signs to be placed on state highways to honor fallen firefighters similar to how fallen law enforcement officers and military personnel are in Oregon. The addition of signs will require legislative action in the form of a resolution for each person being honored. DPSST coordinates a non-profit organization which manages funds received from the sale of fallen public safety officer license plates. The proceeds help sustain both the fallen officer and firefighter memorials at the academy and the annual ceremony held by each. The board has indicated it will have the ability to help support the addition of two fallen firefighter signs each year based on current revenues.
- House Bill 2450 was introduced by Representative Findley and would have directed Oregon OSHA to create a training program for fire personnel in very small communities who do not enter buildings to conduct fire suppression. DPSST and Oregon OSHA staff met with the Representative to discuss the bill and understand his intentions. The focus of the legislation was for firefighters from small organizations that lack basic equipment to enter a burning building such as self-contained breathing apparatus (air packs) and contemporary turnout gear, and utilize aging fire trucks, because of funding and staffing limitations. Based on the discussion, Oregon OSHA agreed to form a work group to study the issue and plan a course of action. The work group includes the Oregon Fire Chiefs, Oregon Fire District Director's, Oregon Volunteer Firefighters, Oregon State Firefighters, Special Districts, and DPSST. The group has had three meetings with good results. The results and proposed rules to create a specific program, not tied to the standard for interior firefighters, for what is being called Exterior Only Firefighters was shared with the Oregon OSHA Fire Service Advisory Committee a few weeks ago with good feedback. This work continues to move forward with DPSST providing staff support. The changes will have no impact on DPSST fire certification standards. Staff will keep the Fire Policy Committee posted on this group's work.
- DPSST staff is working to support a multi-discipline (law enforcement, fire, 9-1-1, public safety chaplains, etc.) group working specifically on peer support. The peer support group is building a webpage that will capture information on agency programs, resources, clinicians, etc. This group is also working with Responder Life which is hosting the Northwest Peer Support conference in the Portland area after the first of the year.
- There have been changes on the Board due to legislative time limits. Board Chair Jason Myers completed his third year, of his second term, at the end of June. Citizen-member Patricia Patrick-Joling was selected to serve as the new Board Chair and Sheriff Brian Wolfe as Vice Chair as of July 1, 2019.
- DPSST staff is working with Portland Fire and Rescue to complete the documentation needed for their new Chief, Sara Boone, to join the Board and the Fire Policy Committee.

- On the Fire Policy Committee, Tricia Connolly, has accepted a promotion to Battalion Chief with the Bend Fire Department. While we are excited for Tricia's promotion, it takes her out of a represented position which means she can no longer serve as the representative of the Oregon State Firefighters Council. Tricia has submitted her resignation to Governor Brown. DPSST is working with the Council on a replacement that will require by Governor and Senate confirmation.

The meeting adjourned at 10:15 a.m.

7. Next Scheduled FPC meeting –November 27, 2019 , at 9:00 a.m.

** All documents reviewed and discussed in this meeting are subject to Oregon Public Records Law (ORS 192.410 to ORS 192.505). These documents can be requested by contacting DPSST at dpsst.records@state.or.us.*