



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 259
DEPARTMENT OF PUBLIC SAFETY STANDARDS AND TRAINING

FILED
08/26/2020 12:27 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Establishes extension process for fire service agency accreditation agreements. Replaces COVID temporary rule.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2020 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S):

This rule change is needed to codify the intent of the temporary rule that was filed effective March 31, 2020, through September 27, 2020. The temporary rule allowed the Department to approve extensions to accreditation agreements that would need to be renewed during the 2020 calendar year if COVID-19 restrictions prevented completion of the review process and an extension is requested in writing. This rule change replaces the temporary rule and will continue to provide an opportunity to extend an accreditation agreement for good cause.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

The Fire Policy Committee (FPC), the Executive Committee and the Board on Public Safety Standards and Training (Board) meeting minutes are available on the Department of Public Safety Standards and Training website, www.oregon.gov/dpsst. The DPSST staff memos prepared for each entity are available by submitting a records request to DPSST.

FISCAL AND ECONOMIC IMPACT:

There are no fiscal impacts identified for this rule amendment. The rule change provides the Department the ability to exercise discretion to extend an accreditation agreement for up to one additional year, essentially postponing the required review when there is a good cause. The need to be able to exercise such discretion was originally addressed through a temporary rule adopted to deal with the impacts of COVID-19.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost

of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There were no state agencies, members of the public, or units of local government, including fire service agencies, that were identified as likely to be economically affected by the rule changes.

The Department estimates that there are five or fewer Oregon fire service agencies that are private safety agencies that are subject to this rule and potentially considered small businesses. There were no changes or costs for compliance with the proposed rule identified for small businesses with regard to reporting, recordkeeping, professional services, equipment, supplies, labor or increased administration activities.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Potentially affected entities were involved through their representation on the Fire Policy Committee and the Board on Public Safety Standards and Training. Small businesses, as well as state agencies, units of local government and the public are invited to submit written comments to the agency rules coordinator during the public comment period on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact on business.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 259-009-0087

RULE SUMMARY: OAR 259-009-0087 establishes the requirements for accreditation of fire service agency training programs. These accreditation programs are reviewed for renewal in person by Department staff, a designee or a District Liaison Officer (DLO) every three years. This proposed rule changes allows DPSST to extend an accreditation agreement for good cause. The need to be able to exercise such discretion was originally addressed through a temporary rule adopted to deal with the impacts of COVID-19. This proposed rule change is intended to replace the temporary rule that will expire on September 27, 2020.

CHANGES TO RULE:

259-009-0087

Accreditation of Fire Service Agency Training Programs ¶¶

(1) The Department may accredit fire service agency training programs which meet the following requirements:¶¶

(a) The training program is under the direction of a designated training officer;¶¶

(b) The fire service agency has at least one currently certified NFPA Fire Instructor I to instruct the accredited training programs;¶¶

(c) The fire service agency has met the maintenance re-certification requirements as defined in OAR 259-009-0065;¶¶

(d) The training officer has validated successful completion of training with a task performance evaluation or a task book at the conclusion of the training program or as a part of the accredited training in accordance with standards and procedures adopted by the Department;¶¶

(e) Fire service personnel training records for accredited fire service agency training programs must be maintained by the employing fire service agency for at least five years;¶¶

(f) The fire service agency must possess at least one triple combination pumper that conforms to the minimum standards for automotive fire apparatus as outlined in the National Fire Protection Association (NFPA) Pamphlet #1901; and¶¶

(g) A written accreditation agreement must be prepared by the Department, defining the specific requirements of accreditation, including the specific training the fire service agency is accredited to deliver. The agreement must

be signed by the Department's designee and the training officer or the fire service agency designee.¶¶

(2) The accreditation agreement must be reviewed every three years.¶¶

(a) The fire service agency accreditation review must be conducted by the District Liaison Officer or Department designee. This review consists of:¶¶

(A) Evaluating course outlines and subject content;¶¶

(B) Validation of curriculum;¶¶

(C) Verification of training records;¶¶

(D) Identification of certifications approved to be instructed by the fire service agency; and¶¶

(E) Verification of instructor qualifications.¶¶

(b) Changes to an agency accreditation agreement may result in an additional fire service agency accreditation agreement review.¶¶

(c) The Department, upon finding good cause, may extend an accreditation agreement for up to one additional year if the fire service agency or the District Liaison Officer submits a written request for an extension that identifies why the required review cannot be completed in accordance with this rule.¶¶

(3) The accreditation agreement allows the Department access to the fire service agency's personnel training records to verify training received by fire service agency personnel and to monitor testing processes.¶¶

(4) The Department may terminate a fire service agency accreditation agreement for cause.¶¶

(5) The agency head, on behalf of the fire service agency, will have the right to appeal the termination of an accreditation agreement. The appeal must be in writing and addressed to the Department.¶¶

(6) The Department may work with the fire service agency to correct any violation and continue the accreditation agreement upon a finding of good cause.

Statutory/Other Authority: ORS 181A.410, 181A.590

Statutes/Other Implemented: ORS 181A.410, 181A.590